



**THE UNIVERSITY OF SOUTHERN
QUEENSLAND LAW SOCIETY
JUNIOR MOOT RULES**

Contents

1. COMPETITION NAME	3
2. COMPETITORS	3
3. COMPETITION STRUCTURE	3
4. PROCEDURE	3
5. PROBLEM QUESTIONS	4
6. PREPARATION AND RESEARCH	5
8. ORAL ARGUMENT	7
9. JUDGING	8
10. JUNIOR MOOT EXECUTIVE	9
11. FORFEITURE	9
12. PRIZES	9
13. APPENDICES	10

1. COMPETITION NAME

- 1.1** This Competition will be officially known as the University of Southern Queensland Law Society (USQLS) Junior Moot Competition ('the Junior Moot Competition').
- 1.1.1** The Junior Moot Executive may publicize the Competition under another appropriate title at their discretion.

2. COMPETITORS

- 2.1** By entering this Competition, all competitors agree to be bound by the Competition Rules outlined in this document and any relevant provisions of the USQLS Constitution.
- 2.2** Each competitor must be either a financial member of the USQLS, or pay a specified fee (to be determined by the Junior Moot Executive) to be eligible to enter the Junior Moot Executive.
- 2.3** Each competitor must be currently enrolled and studying at the University of Southern Queensland.
- 2.4** Each competitor will compete as an individual.
- 2.5** Each competitor, competing as counsel, must not have completed more than a maximum of twelve (12) law courses and must not have competed in the USQLS Championship moot courses at University.
- 2.5.1** Rule 2.5 may be subject to change at the discretion of the Junior Moot Executive.
- 2.6** Competitors must register by the registration date as set by the Junior Moot Executive.

3. COMPETITION STRUCTURE

- 3.1** The Junior Moot will be comprised of at least three (3) Rounds; a two Preliminary rounds, and a Grand Final.
- 3.1.1** Each moot will consist of at least two (2) sides (e.g. one (1) Appellant and one (1) Respondent, or any such title as specified within the relevant question).
- 3.1.2** The Junior Moot Executive may determine that additional rounds such as a semi-final will be held as required.
- 3.2** The number of Rounds comprising the Junior Moot will be determined at the discretion of the Junior Moot Executive. This decision is to be made having regard to:
- 3.2.1** The resources available to the Junior Moot Executive and the USQLS;
- 3.2.2** The number of competitors expected;
- 3.2.3** Relevant logistical challenges;
- 3.2.4** The general circumstances of the Junior Moot Executive and the USQLS.

4. PROCEDURE

- 4.1** The draw of competitors (the Draw) will be conducted by the Junior Moot Executive following close of nominations.
- 4.1.1** The allocation of competitors within the Draw will be made at random according to the requirements of each Tournament.
- 4.1.1.1** The Junior Moot Executive reserves the right to create a draw allowing Moot Court Bench students to compete against each other in the preliminary rounds.
- 4.1.2** The requirements of each Junior Moot Round will be determined by the USQLS in consultation with the Junior Moot Executive.
- 4.1.3** All competitors will compete in the Preliminary round(s) of the Tournament.
- 4.1.4** Competitors may not observe proceedings of a round until they have finished competing in that round.
- 4.1.5** Competitors will be randomly allocated to sides in each round.
- 4.2** Progression of competitors to subsequent rounds
- 4.2.1** The winning competitor of each match will be the competitor with the greater number of points.
- 4.2.2** The four (4) competitors with the highest cumulative points for the Preliminary round(s) will progress to the Semi Final round.
- 4.2.5** The winning competitor of each competition, in the Semi-Final round will progress to the Grand Final.
- 4.3** In the case of an uneven number of Competitors, a three (3) way moot will be held in the Preliminary round(s).
- 4.3.1** Three (3) Competitors will be randomly allocated to moot one after the other.
- 4.3.2** There may be two (2) Appellants and one (1) Respondent, or two (2) Respondents and one (1) Appellant.
- 4.3.3** Where there are two Competitors representing the same side, neither competitor may give their oral presentation in front of the other competitor.
- 4.3.4** In a three (3) way moot, only one (1) competitor can be declared the winner, and this will be seen as winning against both other Competitors.
- 4.4** In the event that one (1) or more Competitors withdraw from the competition, resulting in an uneven number of Competitors, randomly allocated Competitors will be matched in a three (3) way moot as outlined in Rule 4.3

5. PROBLEM QUESTIONS

- 5.1** Release date of questions may be altered as deemed appropriate by the Junior Moot Executive.
- 5.2** The Junior Moot Executive has the discretion to use the same problem question for the entirety of the Tournament.

- 5.3** The Junior Moot Officer reserves the right to alter the problem question after any round.
- 5.3.1** The alteration of the question must be approved by the Junior Moot Executive.
- 5.3.2** The Junior Moot Executive must release the altered question a minimum of seven (7) days prior to a moot.
- 5.4** The Question for the Preliminary round(s) will be released not less than twenty-eight (28) days prior to the first moots in the Preliminary round(s) being held.
- 5.5** The Question for the Semi-Final round (if altered or different) will be released following the completion of the Preliminary round, but not less than fourteen (14) days prior to the first moots in the Semi-Final round being held.
- 5.6** The Question for the Grand Final (if altered or different) will be released following the completion of the Semi-Final round.
- 5.8** Questions may only be on the following areas of law:
- 5.8.1** Contract Law
- 5.8.2** Tort Law
- 5.8.3** Criminal Law
- 5.9** Unless otherwise stated, all moots will be heard as if before the Court of Appeal of Queensland. The jurisdiction to hear the case will be assumed.
- 5.10** Every reasonable effort will be made to ensure that problems are constructed in a way that does not significantly disadvantage participants of any cohort.
- 5.10.1** All problems will be constructed with a competitive view in mind.
- 5.10.2** No right of appeal exists against the construction of any problem question within the tournament.

6. PREPARATION AND RESEARCH

- 6.1** All research and preparation for the moots must be conducted solely by competitors.
- 6.1.1** Competitors may receive assistance from an approved mooting coach at the discretion of the Junior Moot Executive.
- 6.1.2** All competitors are eligible to attend approved moot coaching sessions arranged for the Competition.
- 6.1.3** All assistance must be limited to the following:
- 6.1.4.1** general instruction on the basic principles of relevant law;
- 6.1.4.2** general advice on research sources and methods;
- 6.1.4.3** general advice on memorandum writing techniques;
- 6.1.4.4** general advice on oral advocacy techniques;
- 6.1.4.5** general advice on the organization and structure of arguments in the Competitors' written and oral pleadings;
- 6.1.4.6** general commentary on the quality of the competitors' legal and factual arguments.

6.2 Any contravention of rule 6.1 may result in disqualification or a deduction of points at the discretion of the Junior Moot Executive.

6.3 Procedural submissions must not be made during the moot.

6.3.1 Objections from the Bar table will not be accepted and may be penalised.

6.4 Research depth is the responsibility of each competitor – a material lists will not be distributed.

6.4.1 However, where issues to be argued include legislation, this will specifically be referred to in the moot problem.

6.4.2 Otherwise, arguments are to be limited to the common law.

7. WRITTEN SUBMISSIONS

7.1 Competitors will be required to submit an Outline of Argument for each round of the Tournament.

7.2 Outlines of Argument are to be drafted in accordance with Practice Direction Number 6 of 2004. The template in appendix one is to be followed. Each Outline of argument must include a competitor number, whether it is the respondent's or appellant's argument and must be signed at the bottom.

7.3 Competitors must send an electronic copy of their Outline of Argument to the Junior Moot Executive via email to juniormoot.usqls@gmail.com **48 Hours** prior to the beginning of each round

7.4 Penalties may apply if Outlines of Argument are submitted late.

7.5 The Outline of Argument must not exceed four (4) pages.

7.6 Penalties may apply if the Outline of Argument exceeds four (4) pages.

7.7 Competitors must prepare a Bundle of Authorities as specified by the Rules and the Junior Moot Executive.

7.7.1 The Bundle of Authorities is to be handed up to the judge at the beginning of senior counsels' submissions.

7.7.2 The Bundle of Authorities must contain a copy of the decision being appealed and the grounds of appeal; the competitor's Outline of Argument and copies of all cases relied upon and extracts of any statutes relied upon.

7.7.3 The Bundle of Authorities must be bound and include an index and all pages must be numbered.

7.7.4 For students appearing via Zoom, the Bundle of Authorities must be emailed with their Outline of Arguments in accordance with rule 7.3.

7.7.5 Rule 7.7.2 is subject to change at the discretion of the Junior Moot Executive.

7.8 Penalties may apply if Bundles of Authority are not submitted in accordance with the rules.

7.9. The requirements of written submissions and materials to be relied upon may be altered at the discretion of the Junior Moot Executive

8. ORAL ARGUMENT

8.1 Each competitor will have twelve (12) minutes to present their case (excluding time taken to give appearances).

8.1.1 Each speaker will be allocated approximately twelve (12) minutes to present their oral arguments.

8.1.2 The time allocated to each speaker excludes time taken to give appearances however is inclusive of time taken to respond to questions from the Bench.

8.1.3 Oral Arguments will be extended to fifteen minutes (15) for each competitor during the Grand Final (excluding time taken to give appearances).

8.2 Judges may grant an extension of time of up to five (5) minutes per competitor.

8.3 There will be no right of reply and penalties may apply if a competitor exceeds their allocated or extended time.

8.3.1 A competitor must stop speaking when asked to do so by the Bench.

8.4 Competitors may appear and present their Oral Arguments via the video application Zoom.

8.4.1 The onus of connection will be on the competitor 'Zooming' in.

8.4.1.1 Any competitor approved to use Zoom must wear full court attire, follow all ordinary court procedures including; standing to speak, and must be in a quiet room and ensure they will be uninterrupted.

8.4.2 Use of Zoom must be approved for each competitor by the Junior Moot officer no less than 3 days from the date of the competitor's allocated moot.

8.4.3 In extraordinary circumstances the Junior Moot Officer may allow Zoom with less than the required notice.

8.4.4 In extraordinary circumstances Zoom can be requested to be used for the Junior Moot Grand Final. The use of Zoom in the Grand Final is discouraged and will be at the discretion of the Junior Moot executive and subject to the availability of the required technology

8.4.5 Competitors must request to participate via Zoom by emailing juniormoot.usqls@gmail.com

8.5 Responsibility for timekeeping and adherence to allocated time periods and breaks rests with the judges.

8.6 If resources and volunteers are available, Bailiffs and timekeeping devices may be provided and, in such cases, will be solely responsible for all timekeeping.

8.7 Decisions by judges as to elapsed times are final and non-reviewable.

8.8 While observation of the Junior Moot is encouraged, the potential for disruption must be minimized. Therefore, observers should not enter or leave the room whilst a competitor is speaking.

9. JUDGING

9.1 All judges must have suitable legal qualifications, or extensive relevant professional experience. Judges will be Judges, magistrates, legal practitioners, legal academics or others with demonstrated experience in judging mooted competitions.

9.2 Judges will be provided with:

9.2.1 The question for that round;

9.2.2 The score sheet (see Appendix 2);

9.2.3 The Outlines of Argument submitted by all Competitors;

9.2.4 A copy of the Junior Moot Rules.

9.2.5 A Marking guide

9.3 Judges will award each individual a mark out of one hundred (100). These marks will be allocated as follows:

Organisation of presentation	10 Marks
Development of argument	25 Marks
Questions from the Bench	20 Marks
Manner and expression	30 Marks
Written submissions	15 Marks
TOTAL	100 Marks

9.4 Using the score sheet for each competitor will result in them receiving a mark out of one hundred (100).

9.5 In the event of Competitors being awarded the same score, judges are to award the round to the competitor with the best speaker; no draws are possible.

9.6 Where there is more than one judge, judges will be asked to produce one (1) score sheet between them.

9.7 Completed score sheets will be emailed to Competitors at the conclusion of each round by the Junior Moot Officer.

10. JUNIOR MOOT EXECUTIVE

- 10.1** This section establishes the Junior Moot Executive as the body responsible for the administration of the Junior Moot and interpretation of the Junior Moot Rules.
- 10.2** The Junior Moot Executive shall not be affiliated with nor assist any competitor registered to take part in the Tournament.
- 10.3** The Junior Moot Executive shall consist of three (3) members, who are to work in cooperation.
- 10.3.1** The composition of the Junior Moot Executive shall be as follows:
- 10.3.1.1** The USQLS Vice President Competitions;
 - 10.3.1.2** The USQLS Junior Moot Officer; and
 - 10.3.1.3** The Competitions Convener for the Junior Moot
- 10.4** The Competition Convener for the Championship will be a financial USQLS member chosen at the discretion of the Vice President Competitions.
- 10.5** The Junior Moot Executive will make decisions in accordance with its responsibilities and powers as outlined in the Rules.
- 10.6** The decisions of the Junior Moot Executive regarding the interpretation of the Rules will be final.

11. FORFEITURE

- 11.1** Any competitor that forfeits will be deemed to have lost that moot. The competitor forfeiting the round will be deemed to have a mark of zero for that round.
- 11.2** Any competitor whose opponent forfeits a round will be deemed to have won that moot. The Competitors' margin will be the average of their margins from other rounds.
- 11.3** Any competitor which forfeits will be excluded from progressing to the final rounds.
- 11.4** A forfeit will be considered to have occurred where a competitor withdraws after the deadline for written submissions in Rule 7.3 has passed. Any withdrawal before that time will trigger a three (3) way moot in accordance with Rule 4.3.

12. PRIZES

- 12.1** There will be three (3) prizes awarded in the Grand Final of the Competition.
- 12.2** The Junior Moot Champion Prize will be awarded to the winning competitor in the Grand Final (being the competitor awarded the most points according to the score sheet in Appendix 2).
- 12.2.1** The Junior Moot Champion Prize will be the sum of \$200.00.

12.3 The Junior Moot Runner-up Prize will be awarded to the losing competitor in the Grand Final (being the competitor awarded the least points according to the score sheet in Appendix 2).

12.3.1 The Junior Moot Runner-up Prize will be the sum of \$100.00

12.4 The Jack Elvers Best Advocate Award will be awarded to the individual competitor in the Grand Final

with the highest cumulative score for all rounds of the competition under the following headings from the score sheet in Appendix 2: Development of Argument; Questions from the Bench; and Manner and Expression.

12.4.1 The Jack Elvers Best Advocate Award will be the sum of \$100.00.

12.4.2 In the event of a tied score between Competitors the Competitors will share the prize equally.

13. APPENDICES

APPENDIX 1: Outline of Argument Guide

PRACTICE DIRECTION NUMBER 6 OF 2004 SUPREME COURT OF QUEENSLAND

Outline of Argument

1. Practitioners are to provide written outlines of argument in all contested and ex parte hearings before a Judge or Registrar (including, where practicable, bail applications) in the applications jurisdiction.
2. An outline should:
 - (a) provide a concise summary of the argument, in point form;
 - (b) identify relevant authorities and legislative provisions;
 - (c) usually not exceed four pages; and
 - (d) attach a chronology where appropriate.
3. For the purposes of this competition the outline must:
 - (a) contain the competitor number;
 - (b) state whether it is the appellant or respondent's argument;
 - (c) Be signed by the competition – electronic signature is acceptable.
 - (d) Be sent as a pdf file named like this: **Competitor 1 Respondent Submission.pdf**

EXAMPLE OUTLINE OF ARGUMENT:

SUPREME COURT OF QUEENSLAND

REGISTRY: USQ Law Society

COMPETITOR NUMBER: 1

Plaintiff/Respondent:	PAUL SMITH
	AND
Defendant/Appellant:	ALAN JONES

RESPONDENT'S OUTLINE OF ARGUMENT

1. New cause of action does not relate to 'real issues in the civil proceedings' (# Speaker)

- 1.1 The Respondent acknowledges that Rule 5 of the *Uniform Civil Procedure Rules 1999* (Qld) ('UCPR') outlines the purpose of the Rules to be 'to facilitate the just and expeditious resolution of the real issues in civil proceedings'.
- 1.2 The Respondent submits that leave to file the amendments pursuant to Rule 380 of the UCPR should not be granted as the amendments for which the Applicant seeks leave do not facilitate the purpose of the rules as they do not relate to the 'real issues'.
- 1.3 In order for the amendments to relate to the real issues in the proceeding, they must be determinative of the matter in dispute, as stated by the High Court in *Aon Risk Services Australia Limited v Australian National University* (2009) 239 CLR 175 at paragraphs [71] – [72] (hereinafter referred to as '*Aon v ANU*').
- 1.4 In *Draney v Barry* [2002] 1 Qd R 145, the Queensland Court of Appeal held that the facts which establish a new cause of action must be substantially the same facts as those in contention when the Court is asked to add a new cause of action pursuant to its general power to amend under Rule 375 of the UCPR.
- 1.5 The Respondent submits that the facts supporting the Applicant's amended pleadings are not substantially the same as those in the original proceeding and amount to the addition of new issues not previously agitated between the parties, and as such leave should be refused as stated by the High Court in *Aon v ANU* at paragraph [72].

- 1.6 The Respondent submits that the distinction between the original proceeding and the amended pleadings, as stated in *Hartnett v Hynes* [2009] QSC 225 at paragraph [24] (citing McMurdo J in *Borsato v Campbell* [2006] QSC 191 at paragraph [8]), should be applied in this instance.
- 1.7 The Respondent acknowledges the decision in *Hartnett v Hynes* [2010] QCA 65, but submits that a distinction should be drawn on its determination of the proceedings below in *Hartnett v Hynes* [2009] QSC 225.
- 1.8 The Respondent submits that leave to amend should not be granted to allow arguable issues to be tried when granting leave would force vacation of the trial date: *Sagacious Legal Pty Ltd v Wesfarmers General Insurance Ltd (No 2)* [2010] FCA 275. Leave to amend should not be granted to allow arguable issues where amendment would substantially increase the length, cost, and complexity of proceedings, especially due to the late introduction of substantial new issues: *Pacific Exchange Corporation Pty Ltd v Federal Commissioner for Taxation* (2009) 180 FCR 300.
- 1.9 The Respondent submits that cases where leave has been granted further illustrate that the Courts have not been inclined to allow significant additions, but merely corrections and clarifications: *Gerard Cassegrain & Co Pty Ltd v Cassegrain* [2010] NSWSC 91; *Scantech Ltd v Asbury* [2009] FCA 1480.

2. Insufficient explanation for delay in amending pleadings (# Speaker)

- 2.1 A sufficient explanation must be given where a party has had sufficient opportunity to plead their case and a late amendment of the case has been made, as stated by the joint judgment of the High Court in *Aon v ANU* at paragraphs [101] – [106].
- 2.2 The Respondent submits that the Applicant has failed to provide a sufficient explanation of their delay of some months between discovering the breach of contract alleged and the making the relevant amendment of pleadings.
- 2.3 Unexplained delay at this late stage may amount to a breach of the implied undertaking in Rule 5(3) of the UCPR, as stated by Applegarth J in *Hartnett v Hynes* [2009] QSC 225.

3. Prejudice that granting leave to amend would cause the Respondent (# Speaker)

- 3.1 The Respondent submits that granting leave to amend the pleadings would be prejudicial to the Respondent as the amendments are so substantial that they would require the Respondent to defend again, in effect, as stated by the High Court in *Aon v ANU* at paragraph [104].

- 3.2 The Respondent submits that in circumstances apposite to those in the present matter allowing the late introduction of substantial new issues would tend to prejudice the Respondent, as stated in *Ginger Roger Pty Ltd v Parrella Enterprises Pty Ltd (No 2)* [2010] FCA 128.
- 3.3 As a personal litigant, the Respondent would be more significantly impacted by the prejudice of the delay to his claim as stated in *Aon v ANU* at paragraph [101] (citing *Ketteman v Hansel Properties Ltd* [1987] AC 189).
4. The application for leave to amend the Notice of Intention to Defend and Defence should be refused.

Signed: _____

Counsel for the Respondent

Appendix 2: Score Sheet



USQ Law Society Junior Moot

Sample Competitor Score Sheet

Judge	Jones DCJ
Case	<i>Stark Industries</i> V <i>Steve Rogers T/A S.H.I.E.L.D.Inc.</i>
Date	12/09/2019
Location	Toowoomba
Competitor Name	Billy Bob
Counsel for Appellant or Respondent	Appellant
Organisation of Presentation	7 / 10
Development of Argument	19 / 25
Questions from the Bench	15 / 20
Manner and Expression	21 / 30
Written Submissions	11 / 15
Speaker Total	73 / 100

<p>Organisation of Presentation</p> <p>Factors: logical organisation and structure; concise overview of submissions and conclusion; appropriate attention and weight given to some arguments over others; flexibility despite being taken off-topic</p>	<p>/ 10</p>

<p>Development of Argument</p> <p>Factors: Understanding of the law and issues; logical; persuasive, arguments; pinpoint citation of authorities; appropriate use of policy arguments</p>	<p>/ 25</p>

<p>Questions from the Bench</p> <p>Factors: Prepared for questions that can be anticipated; clear, concise, and direct responses; engagement with the court's views; composure and courtesy despite challenges to arguments; effective integration of responses with arguments; adept treatment of irrelevant questions; ability to deal with difficult and obscure questions.</p>	<p>/ 20</p>

<p>Manner and Expression</p> <p>Factors: Engages with the court; projects voice; articulates submissions with eloquence; use of clear and simple language; displays confidence without arrogance; eye-contact with members of the bench; courteous and formal; correct citation of cases; appropriate use of courtroom formalities; consistent style and manner.</p>	<p>/ 30</p>

<p>Written Submissions</p> <p>Factors: Coverage of all issues raised in the case; well-structured; clear, concise, and reasoned expression; supported by authorities with pinpoint citations; free from grammatical, spelling, or punctuation errors; consistent with oral submissions</p>	<p>/ 15</p>

