



2021 NSW YOUNG LAWYERS **ADMINISTRATIVE LAW MOOT**

ORGANISED BY:
THE LAW SOCIETY OF NEW SOUTH WALES

2021 NSW YOUNG LAWYERS ADMINISTRATIVE LAW MOOT

The Law Society of New South Wales invites eligible law students and early career lawyers (within their first two years of practice) to participate in their Annual Administrative Law Moot.

A team-based advocacy competition, groups will compete in a round-robin style moot and have the opportunity to act as both applicant and respondent.

IMPORTANT DATES

The competition weekend is 6 - 7 November 2021.

The relevant registration and submission dates appear below:

30 September 2021 Registrations Close

4 October 2021 Problem scenario sent to competitors

11 October 2021 Requests for Clarification due

18 October 2021 Written Submissions Due

PRIZE

First place - \$500.00 will be awarded to the winning team

ENTER THE COMPETITION



CONTACT US

NSW Young Lawyers

Phone: 02 9926 0388

Young.lawyers@lawsociety.com.au

Public Law & Government Committee

Chair: Alana Rafter

publiclaw.chair@younglawyers.com.au

TERMS & CONDITIONS

ADMINISTRATIVE LAW MOOT 2021

1. Game of Skill

1.1 The New South Wales Young Lawyers Administrative Law Moot (the Competition) is a game of skill which will be conducted online and commences on 6 November 2021 and concludes on 7 November 2021.

2. The Promoter

2.1 The promoter is The Law Society of New South Wales, 170 Phillip Street, Sydney NSW 2000 ACN 000 000 699, ph. (02) 9926 0333 (the Promoter or We).

3. Deemed Acceptance

3.1 By registering to enter the Competition, you will be deemed to have accepted and agreed to be bound by these terms and conditions.

4. Eligibility

4.1 To be eligible to apply to enter the Competition you must:

- (a) be over eighteen; and
- (b) ordinarily reside within the State of New South Wales; and
- (c) be either:
 - (i) currently enrolled in an Accredited Law Course (i.e. LLB and JD) or in an Accredited Practical Legal Training Course pursuant to section 29 of the Legal Profession Uniform Law (NSW); or
 - (ii) an admitted lawyer of the Supreme Court of New South Wales and within 2 years of your admission.

4.2 Employees of the Promoter and their immediate families are not eligible to apply to enter the Competition.

5. Registration

5.1 You must register your team by 30 September 2021.

5.2 The registration fee for the Competition for members and student associate members is \$10.00 (inclusive of GST) per person. The registration fee for non-members is \$20.00 (inclusive of GST) per person.

5.3 Registration is to be completed at <https://lawsociety.eventsair.com/80825---nsw-young-lawyers-administrative-law-moot/n-m>

5.4 If a team decides to withdraw from the Competition before 30 September 2021, the team's registration fees will be refunded in full. After this date, the registration fees are non-refundable.

5.5 You must complete the registration form including:

- (a) the names and contact details of each team member;
- (b) a person nominated to be the point of contact for the team (the Team Contact Person) (who may be the team coach); and
- (c) payment details to process the registration fee.

5.6 All communications about the Competition will be provided by the Promoter by email to the Team Contact Person.

5.7 The Team Contact Person will:

- (a) be responsible for distributing all relevant material to the team;
- (b) notify the Promoter's moot coordinator (the Moot Coordinator) by email as soon as practicable of any changes in the details provided in the registration form; and
- (c) regularly check the email address provided on the registration form for Competition-related correspondence.

5.8 You consent to your name and photo being published by the Promoter at the Promoter's sole reasonable discretion.

6. The Problem

6.1 The problem scenario will be sent to Team Contact Persons by 5pm on 4 October 2021 (the Problem).

6.2 The facts relevant to the dispute are those given in the Problem. No additional facts may be introduced into the Competition unless they are:

- (a) logical and necessary extension facts;
- (b) publicly available true facts;
- (c) part of any given clarifications; or
- (d) advanced as part of an hypothetical situation.

6.3 Statements of facts alleged by a team that do not qualify under cl 6.2 are not permitted. Any argument advanced on these facts, subject to the discretion of the Moot Coordinator, may receive a reduction of points on the score sheet, including a score of zero.

6.4 Requests for clarification of the Problem may be sent to the Moot Coordinator by email by 5pm on 11 October 2021.

6.5 Requests for clarification of the Problem must be:

- (a) limited to matters which are legally significant in the context of the Problem; and
- (b) accompanied by a short explanation of the expected

significance of the clarification.

- 6.6 A team is limited to 5 requests for clarification. This does not include a clarification request from one team which is made before and substantially similar to a clarification issued by the Moot Coordinator in answer to another team's clarification request.
- 6.7 Any clarifications issued by the Moot Coordinator will become part of the Problem and be circulated by email to all Team Contact Persons of teams registered at the time of the posting of the clarification.

7. Outline of Written Submissions

- 7.1 Each team must submit an outline of written submissions in support of the legal position before 5pm 18 October 2021 via <https://lawsociety.eventsair.com/80825---nsw-young-lawyers-administrative-law-moot/n-m> (the Outline of Written Submissions).
- 7.2 The Promoter will confirm receipt of the Outline of Written Submissions to the Team Contact Person within 48 hours of receipt.
- 7.3 Teams who submit an Outline of Written Submissions up to 48 hours after the date set out in cl 7.1 above will be permitted to participate in the oral rounds. However, such submissions will not be considered for the submission prize or honourable mention.
- 7.4 The Outline of Written Submissions are intended to be of practical use to the judges in deciding the dispute, as opposed to an academic dissertation on the relevant law.
- 7.5 The Outline of Written Submissions must comply with the following requirements. A submission that does not comply with all of the following will not be considered for the submission prize or an honourable mention:
- (a) The submission must be in PDF format;
 - (b) Paragraphs and pages must be numbered;
 - (c) Citations in the submission should be limited to those that advance the argument being made. Citations must be in footnotes and must comply with the Australian Guide to Legal Citation (4th ed., 2019).
 - (d) Submissions must not exceed 10 pages of A4 text, including:
 - (i) Any statement of facts;
 - (ii) Summary of arguments;
 - (iii) Arguments or discussions; and
 - (iv) Any conclusion, butExcluding:
 - (i) Any cover page; and
 - (ii) A table of cases and resources.
 - (e) Text must be a minimum of 12 point Arial with 1.5 line spacing.
 - (f) Submissions must be clearly marked on the first page with the name of the team and whether it is for the applicant or respondent.
 - (g) All components of the submission (including any

cover page and/or contents page) must be part of a single document.

- 7.6 No Submission can be revised after it has been submitted in accordance with the method described in cl 7.1 above. This includes, but is not limited to, circumstances where a team seeks revision due to missing pages, typographical or grammatical errors, or for technology-related issues.
- 7.7 Failure to give proper citation or acknowledgment of others' work constitutes plagiarism. Plagiarism will not be tolerated and will result in disqualification.

8. Scoring

- 8.1 Each Submission will be assessed and scored out of a maximum of 50 points based on the following criteria:
- (a) Quality of legal analysis;
 - (b) Persuasiveness of arguments;
 - (c) Thoroughness of research;
 - (d) Clarity of writing and
 - (e) Adherence to the requirements set out in cl 7.6 above.

Criteria for the judgment of the Outline of Written Submission will be provided to competitors at the same time as the Problem.

- 8.2 The oral rounds of the Competition will consist of 4 preliminary rounds (the Preliminary Rounds), a quarter final round, a semi-final round and a grand final (together, the Final Rounds).
- 8.3 Each oration will be assessed and scored out of a maximum of 50 points. Criteria for the judgment of oral submissions will be provided to competitors at the same time as the Problem.
- 8.4 Score sheets will be made available to team members as soon as possible after the conclusion of each round. Each team may only view their own score sheet.
- 8.5 Teams will progress through the Competition will be as follows:
- (a) All teams will participate in the Preliminary Rounds.
 - (b) Teams will be ranked based on their point score across the Preliminary Rounds.
 - (c) The eight teams with the highest scores will progress to the quarter-finals ranked from 1 - 8 in accordance with cl 8.5(b) above:
 - (i) Team 1 will match up against Team 8.
 - (ii) Team 2 will match up against Team 7.
 - (iii) Team 3 will match up against Team 6.
 - (iv) Team 4 will match up against Team 5.
 - (d) The margin of winning will be the tie-breaker in the event that 2 or more teams have the same point score.
 - (e) If 2 or more teams have the same point score and margin of winning, the tie-breaker will be the cumulative submission score of the applicant and respondent positions.
 - (f) If 2 or more teams have the same point score, margin

of winning and cumulative Submission score, the tie-breaker will be a process of random draw between the teams.

- (g) The 4 teams who win the quarter-finals will proceed to the semi-finals. The highest ranked winning quarter-final team will match up against the lowest ranking quarter-final team.
- (h) The 2 teams who win the semi-finals will proceed to the grand final.

The Moot Coordinator may alter the Competition structure to conform to the number of participating teams by sending an email to the Team Contact Persons.

- 8.6 The winner of the Competition is the winning team of the oral rounds of the grand final.
- 8.7 The winner consents to their name and photo being published by the Promoter at the Promoters sole reasonable discretion.

9. Disqualification

- 9.1 The Promoter reserves the right to disqualify an applicant from participating in the Competition;
 - (a) if, an applicant is in breach of these terms and conditions; and/or;
 - (b) on reasonable grounds as determined in the Promoter's sole discretion and/or;
 - (c) if, the Promoter forms the reasonable opinion that an applicant is putting the integrity of the Competition at risk.

10. Teams

- 10.1 Each team is to be made up of 2 team members.
- 10.2 Teams can consist of students representing a University, or independent competitors.
- 10.3 A maximum of three teams from the same University may be registered.
- 10.4 Each team may be assisted by one coach.
- 10.5 All research and preparation for the Competition must be completed solely by the competing team members. Particularly:
 - (a) The coach must not prepare any aspect of the Outline of Written Submissions.
 - (b) The coach may provide the team members with general advice and assistance with skills relevant to the Competition before the Problem is released.
 - (c) Once the Problem is released, coaches may only provide general commentary on the quality of the team's legal and factual arguments. General commentary is limited to basic characterisations about the merit or otherwise of the team's arguments, and does not include specific advice on how to improve arguments, correcting errors and/or highlighting omissions.

11. Oral Rounds

- 11.1 The oral hearings will be held virtually. Participants will be advised of connection details for the hearings closer to the dates.
- 11.2 The final scheduling of the Preliminary Rounds will be published on the Moot Competition website. Further announcements about each subsequent oral round will be made by email to the Team Contact Person.
- 11.3 The time allocated for the team to make oral arguments is 30 minutes.
- 11.4 Team members should aim to allocate the time available for oral arguments equitably between themselves. No speaker may be allocated more than 20 minutes.
- 11.5 Competitors may request an extension of time for their oral arguments. Time for oral arguments may be extended, subject to the judge's absolute discretion, to a maximum of 45 minutes for each team including the time necessary to answer any questions raised. The judge's decision as to the length of time given to each team to present arguments and answer questions is final in each case.
- 11.6 Generally, the applicant will argue its claims before the respondent is permitted to argue. The judge has the discretion to ask one team to present all of its arguments on a particular issue before the other side is then asked to present on that same issue or for a team to present all of its arguments on all of the issues raised before the other side is then asked to present all of its arguments.
- 11.7 Judges will decide whether rebuttal arguments are allowed. Team members must let the judges know at the beginning of each oral round whether they would like any time set aside for rebuttal arguments.
- 11.8 No exhibits may be used during the oral arguments that do not come directly from the Problem.
- 11.9 Teams will play an equivalent amount of rounds as applicant and respondent in the Preliminary Rounds. All reasonable efforts will be made to make sure that a team is not disadvantaged by the draw and will not meet the same team twice in the Preliminary Rounds.
- 11.10 For the Final Rounds, teams will be allocated sides by random draw.

12. Assistance

- 12.1 Team members may receive coaching to prepare for oral hearings. Team members are expected and encouraged to practice arguments, whether against the other member of their own team or against other teams participating in the Competition. Once the schedule of the Preliminary Rounds has been released, however, team members are not allowed to have practice moots with teams identified as their opposition in the upcoming Preliminary Rounds.
- 12.2 Observers are not permitted to attend oral hearings during the Preliminary Rounds.

13. Awards

13.1 The awards which will be given in the Competition are:

- (a) Award for Winning Team in the Final Round.
- (b) Award for Runner Up Team in the Final Round.
- (c) Award for Best Written Submission.
- (d) Award for Best Oralist in Final Rounds.

13.2 The Winning Team in the Final Round will be given an award in the sum of \$500.00 (\$250.00 per individual to the limit of \$500.00)

14. Interpretation

14.1 Any Competition-related enquiries, including enquiries about the interpretation of these Terms and Conditions, should be directed by email to the Moot Coordinator.

15. Privacy:

15.1 The Promoter respects your privacy and the confidentiality and security of personal information you provide. How we handle your personal information is explained in our Privacy Policy at www.lawsociety.com.au/privacy and our Personal Information Collection Notice at <https://www.lawsociety.com.au/privacy-policy/personal-information-collection-notice>.

16. Compliance

16.1 You will comply with all State and Commonwealth laws and regulations and legal requirements, including but not limited to copyright laws.

17. Force Majeure

17.1 If for any reason this Competition is not capable of running as planned, including by reason of infection by computer virus, bugs, tampering, unauthorised intervention, fraud, technical failures, epidemic, pandemic or any other causes beyond the control of the Promoter which corrupt or affect the administration security, fairness, integrity or proper conduct of this Competition, the Promoter reserves the right in its sole discretion to disqualify any individual who tampers with the entry process, and to cancel, terminate, modify or suspend the Competition. We reserve the right to amend these terms and conditions from time to time.

18. Limitation

18.1 To the extent permitted by law neither the Promoter its employees, agents, contractors or subcontractors will be liable to you for any loss or damage (including any consequential loss) arising out of your participation in the Competition including but not limited to:

- (a) late, lost or misdirected emails or mail;
- (b) inaccurate or incorrect transcription of entry information;
- (c) non-receipt of entries for any reason;
- (d) problems or technical failures of any kind;
- (e) unavailability or inaccessibility of any service or website;

- (f) unauthorised human intervention in any part of the Competition;
- (g) electronic or human error; or
- (h) any damage or loss (direct or indirect) suffered by reason of any act or omission of the Promoter, its employees or contractors in relation to entry into this Competition or supply of a prize.

19. Exclusion

19.1 We exclude any condition or warranty, unless it is expressly set out in these Terms and Conditions or is by law incapable of exclusion, restriction or modification.

20. Indemnity

20.1 You indemnify and holds harmless the Promoter, its employees, agents, contractors and subcontractors from any claim, cost, demand, liability or damage (including legal costs, professional costs and other expenses on a full indemnity basis) incurred by the Promoter, its employees, agents, contractors and sub-contractors arising out of or in connection with (but not limited to):

- (a) any breach of these terms and conditions by you;
- (b) your entry into the Competition;
- (c) any injury or damage sustained due to any act or omission by you; or
- (d) any damage you cause to the Promoter.

21. Governing Law

21.1 These terms and conditions are governed by the laws of New South Wales.