



Mooting Rules for the Championship and Subject- based Mooting Competitions

Macquarie University Law Society Mooting Competition Rules

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Macquarie University Law Society

Mooting Competition Rules

1. Teams

- 1.1. All students undertaking an undergraduate LLB degree at Macquarie University (including those under the graduate structure, as well as those undertaking a Juris Doctorate) are eligible to compete ('eligible individual')
- 1.2. A team must comprise of no less than two eligible individuals and no more than four eligible individuals ('team').
- 1.3. Team members must not have completed a law degree or equivalent qualification for legal practice in any jurisdiction.
- 1.4. The winning MULS Championship Moot team will represent the University at the national Australian Law Students Association (ALSA) Conference and therefore must be enrolled in an undergraduate LLB degree or equivalent graduate LLB degree at Macquarie University at the time of the ALSA Conference in July of that year.
 - 1.4.1. If one (1) or more members of the winning Championship Moot team cannot attend ALSA pursuant to rule 1.4 above, then the remaining members of that team will automatically be selected to represent MULS at ALSA. The remaining ALSA team members shall be chosen according to a selection process conducted by the Competitions Department outlined in s 1.4.2 below.
 - 1.4.2. Where there are vacancies in the ALSA team, selections shall pass to the runners up, having consideration of the MULS Competitions Selection Policy. The Competitions Department shall have discretion and must determine which members of the runner up team shall fill the remaining spots.
 - 1.4.3. Where there are still vacancies in the ALSA team having followed s 1.4.2 above, the Competitions Department shall select the remaining spots for the ALSA team in accordance with the MULS Competitions Selection Policy
 - 1.4.4. If the winning Championship Moot team comprises of four (4) members and therefore does not comply with the ALSA rules that stipulate that eligible teams must comprise of two (2) or three (3) members, there will be a selection process conducted by the Competitions Department. The Competitions Department shall have discretion and must determine which members of the winning team shall represent MULS at ALSA.

- 1.5. There shall be a maximum of twenty-five (25) teams for subject based mooting competitions and the Championship Mooting Competition respectively
- 1.6. Only eligible individuals may compete in subject-based mooting competitions.
- 1.7. Only eligible individuals may compete in the Championship Mooting Competition.
- 1.8. The winning team of the competition in the preceding year is ineligible to compete as a team in the competition in the subsequent year.
- 1.9. A student's year is determined by the number of years that student has been enrolled in LLB programme (or equivalent) at Macquarie University.
- 1.9 During each round, only two (2) team members may undertake the role of counsel. The remaining team members must undertake the role of instructing solicitor if present in the competition venue (**'the roles'**). The roles may be rotated at the discretion of the team members.
- 1.10 Upon registering, teams are not permitted to change members until the cessation of the competition unless permitted by the Director (Competitions) in writing.

2. Competition Structure

- 2.1. The Championship competition shall consist of three (3) preliminary rounds, as well as a Semi Final, and Grand Final round.
- 2.2. The subject-based mooting competitions shall consist of two (2) preliminary rounds, as well as a Semi Final, and Grand Final round.
- 2.3. At the discretion of the Competitions Department, the Finals Rounds may be expanded to include a Quarter Final round. The decision will take into consideration the number of teams that compete. A Quarter Final will be held if at least ten (10) teams remain at the conclusion of the preliminary rounds. Competitors will be made aware of the decision to hold a Quarter Final round within one (1) day.
- 2.4. Preliminary round procedures:
 - 2.4.1. Teams will be allocated their opposing team by random draw.
 - 2.4.2. Teams will be allocated to appellant/applicant or respondent positions by random draw. Where possible, teams will have to

swap from appellant/applicant to respondent positions between preliminary rounds one (1) and two (2) for the subject based moots and rounds one (1) two (2) and three (3) for the Championship moot.

2.4.3. Eight (8) teams will progress to the Quarter Finals (if there is one). Four (4) teams will progress to the Semi Finals. Two (2) teams will progress to the Grand Finals.

2.4.4. Selection for the teams that proceed from the preliminary rounds to the final rounds will be determined by the Evaluation Process outlined below.

2.5. Explaining the Evaluation Process

Tier One of the Evaluation Process

2.5.1. Tier one involves determining the win-loss ratio of every team that has competed. The teams with the highest win to loss ratio progress to the next round.

2.5.2. For example, a team who wins three (3) of the three (3) preliminary rounds will have a one hundred per cent (100%) win-loss ratio. A team who wins two (2) of the three (3) preliminary rounds will have a sixty-six per cent (66%) win-loss ratio. A team who wins one (1) of three (3) preliminary rounds will have a thirty-three per cent (33%) win loss ratio. A team who wins no rounds will have a zero per cent (0%) win-loss ratio. Unless if the circumstances call for otherwise, a team who does not compete in a round will be considered to have lost that round. A team that forfeits a round will be considered to have lost that round, unless in exceptional circumstances.

Tier Two of the Evaluation Process

2.5.3. Tier two involves determining the mean margin score (“MMS”) that each team has accumulated. This is calculated as the average margin of points by which a team won or lost. A team that wins a round will receive a positive score for that round. The losing team of that same round will receive a negative score. At the end of the preliminary rounds, the average margin will be calculated. The teams with the highest MMS will progress to the next round.

2.5.4. For example, if a team wins round one (1) by ten (10) points they will have a marginal score of positive ten (+10). If that team wins the second round by five (5) points, their aggregate marginal score by the end of round two (2) will be positive fifteen (+15). If the same team loses round three (3) by six (6) points, their

aggregate marginal score will be positive nine (+9). That number will be divided by three (3 rounds), creating their MMS. Therefore, their MMS will be three (3). Unless if the circumstances call for otherwise, a team that does not compete, including those who forfeited, in a round will be considered to have a score of triple (3x) the negative of the absolute value of the average marginal score in that round.

2.5.4.1. For example: if Team A has forfeited round one, where the average marginal score was calculated to be +10, then Team A will receive a marginal score of -30 [$3 \times - (+10)$] for Round 1. This is to hinder teams from forfeiting any round without a reasonable cause.

2.6. Applying the Evaluation Process

NB: The following rules are written assuming there is a Quarter Final round. If not, then the same process will apply to select four (4) teams to proceed to the semifinal round.

2.6.1. In the event of there being exactly eight (8) teams with the highest win-loss ratio, according to tier one of the Evaluation Process, these eight (8) teams will proceed to the Quarter Finals automatically.

2.6.2. In the event of there being LESS than exactly eight (8) teams with the highest win-loss ratio, the teams that proceed to the Quarter Finals will be selected according to the following process:

2.6.2.1. The team(s) with the highest (100%) win-loss ratio will automatically proceed through to the Quarter Finals pursuant to tier one of the Evaluation Process.

2.6.2.2. The team(s) with the second highest (67%) win-loss ratio will be ranked according to their MMS (tier 2). The highest-ranking teams will proceed.

2.6.2.3. If, by the end of 2.5.2.2, there has been less than 8 teams qualifying into the quarter-finals, then the team(s) with the third highest (33%) win-loss ratio will be ranked according to their MMS (tier 2). The highest-ranking teams will proceed.

2.6.2.4. If, by the end of 2.5.2.3, there has been less than 8 teams qualifying into the quarter-finals, then the team(s) with the fourth highest (0%) win-loss ratio will be ranked according to their MMS (tier 2). The highest-ranking teams will proceed.

This process will only go on until eight (8) teams qualify for the quarter-finals (if any), or until four (four) teams for the semi-finals.

2.7. Where a team faces an opponent team that has forfeited the moot, or faces no opponent at all, that team will moot ex parte. The score that this team receives in the ex parte moot will be compared to the average score for that round. The team wins if the ex parte score is greater than the average score but loses if vice versa.

2.8. Finals procedures

NB: The following rules are written assuming there is a quarter final round. If not, then the same process will apply but to determine which four (4) teams progress to the semi-final round and beyond. Rules 2.7.3-5 will not apply.

2.8.1. The teams proceeding from the preliminary rounds to the Finals will be announced after the conclusion of the preliminary rounds, and once the proceeding teams have been approved according to the above process by the Competitions Department.

2.8.2. The eligible Final teams will be ranked according to tiers one and two of the scoring system. The draw for the first round of the Finals will be determined by 'folding' the rankings. For example, Team one (1) will verse Team eight (8), Team two (2) will verse Team seven (7) and so on. If there is no quarter final round, Team one (1) will verse Team four (4), Team two (2) will verse team three (3).

2.8.3. The Quarter Finalists will be allocated to appellant/applicant or respondent positions by random draw.

2.8.4. The winning team from each Quarter Final will advance to the Semi Final Round.

2.8.5. The Semi Final teams will be ranked according to their marginal scores in the Quarter Final rounds. The draw for the Semi Finals will be determined by 'folding' the rankings. For example, Team one (1) will verse Team four (4) and Team two (2) will verse Team three (3).

2.8.6. The Semi Finalists will be allocated to appellant/applicant or respondent positions by random draw.

2.8.7. The winning team from each Semi Final will advance to the Grand Final Round.

- 2.8.8. Where the winning teams from each Semi Final were allocated different sides, the teams will swap sides for the Grand Final. For example: if Team A acted for the Appellant in the Semi Final and Team B acted for the Respondent, Team A will represent the Respondent and Team B will represent the Appellant in the Grand Final.
- 2.8.9. Where the winning teams from each Semi Final were allocated the same side, the team with the higher MMS across the Quarter Final and Semi Final rounds shall decide whether that team retains or swaps their Semi Final side.
- 2.8.9.1. Where the winning teams were allocated the same side and have the same MMS across the Quarter Final and Semi Final rounds, the side to swap shall be decided based on a coin toss between the Director (Competitions) and the Executive Officer.

3. Release of questions

- 3.1 There is one (1) question per each preliminary round of the Championship Moot competition. There are separate questions for each round. There is one (1) question used for all final rounds.
- 3.2 There is one (1) question for all competitions rounds of all subject-based moots. This one (1) question will remain unchanged throughout all rounds.
- 3.3 The questions will be based on the following areas of law only:
- 3.3.1 For Contract Law Mooting Competition:
- 3.3.1.1 Contract law
- 3.3.2 For Criminal Law Mooting Competition:
- 3.3.2.1 Criminal law
- 3.3.3 For Tort Law Mooting Competition:
- 3.3.3.1 Tort law
- 3.3.4 For Constitutional Law Mooting Competition:
- 3.3.4.1 Constitutional law
- 3.3.5 For the Championship Moot:

- 3.3.5.1 Administrative law;
- 3.3.5.1 Commercial law;
- 3.3.5.2 Commonwealth Constitutional law;
- 3.3.5.3 Contract law;
- 3.3.5.4 Corporations law;
- 3.3.5.5 Criminal law;
- 3.3.5.6 Equity;
- 3.3.5.7 Property/ land law;
- 3.3.5.8 Tort law; or
- 3.3.5.9 Trade Practices

4. Preparation and Research

- 4.1 All research and preparation for the moots will be conducted solely by the team members of each team.
- 4.2 The Competitions Department may disqualify from the competition any team receiving outside assistance at their sole discretion.
- 4.3 The jurisdiction of the moot will be that specified by the Competitions Department for the given problem.
- 4.4 Lists of materials may be issued with any question and are intended as a guide only.
- 4.5 Where issues of legislation are to be argued, this will be specifically referred to in the moot problem or list of materials. Teams may not refer to legislation beyond the legislation mentioned in the mooting question unless explicitly stated. Arguments are, otherwise, limited to common law.
- 4.6 *The Acts Interpretation Act 1901* (Cth) **must not** be used by competitors in written or oral submissions unless expressly provided for in the official problem question provided.

5. Judging

5.1. Number of judges

5.1.1. The preliminary rounds are heard by one (1) or more judges, depending on availability.

5.1.2. The Quarter Final rounds are heard by one (1) or more judges, depending on availability.

5.1.3. The Semi Final rounds are heard by two (2) or more judges, depending on availability.

5.1.4. The Grand Final round will be heard by three (3) to five (5) judges, depending on availability.

5.2. Judges will be judges, magistrates, legal academics, legal practitioners from the NSW Law Society or Bar Association, selected student judges or others with a demonstrated experience in judging and/or competing in mooting competitions.

5.3. Judges shall be provided with the moot question and submissions of both teams. A marking schedule will also be provided to all judges. Teams are strongly advised to have regard to the marking criteria when preparing for the moots (available from www.muls.org).

5.4. Each team's score will be submitted to the Director (Competitions), the Executive Officer or any other person nominated by the Competitions Department.

5.5. Teams will be notified after the end of each preliminary round whether they won or lost the moot in that round.

5.6. No scores or rankings will be released until such a point in time as the Competitions Department decides.

5.7. If there is more than one (1) judge judging the round they will have to come to a consensus as to the winner.

5.8. If there is more than one judge judging the round, they will have to complete one (1) marking schedule only between them.

6. Written Submissions

- 6.1. In each round, each team must submit a soft copy of their written submissions by email to compsadvocacy@mul.s.org and/or compsadvocacy1@mul.s.org as well as their opposing team, in .doc or .pdf format.
- 6.2. Written submissions for subject-based moot competitions (Contracts, Criminal, Tort and Constitutional moots) are due at 5pm, seven (7) calendar days prior to the commencement of the scheduled moot.
- 6.3. Written submissions for Championship moot competitors are due at 5pm on the day before the scheduled moot. Competitors are encouraged to send it before the due date to allow for technical difficulty.
- 6.4. All submissions received after 5pm will lose five (5) points from the written submissions mark per half hour. The judge(s) for that round will be notified of the requirement to deduct marks from the offending team when allocating marks at the end of the round. There is no discretion to dispense with this rule.
- 6.5. Submissions that are received more than 60 minutes late (past 6:00pm) will not be accepted and that team shall be deemed to have forfeited.
- 6.6. Each team MUST print three (3) hard copies of their submissions and bring them to the moot for the judges and opposing side if necessary.
- 6.7. Length of submissions
 - 6.7.1. Subject-based Moot Competitions (Contracts, Criminal, Tort and Constitutional moots):
 - 6.7.1.1. During the Preliminary rounds, written submissions must not exceed four (4) pages in length
 - 6.7.1.2. For the Final rounds, submissions must not exceed six (6) pages.
 - 6.7.1.3. Submissions must be typed in no less than 11pt using Times New Roman with margins of no less than 2cm.
 - 6.7.2. Championship Moot Competition:
 - 6.7.2.1. During the preliminary rounds, written submissions must not exceed six (6) pages in length.
 - 6.7.2.2. For the Final rounds, submissions must not exceed ten (10) pages in length.

7. Oral Presentation

- 7.1. Only counsel may address the court during the moot.
- 7.2. Counsel shall not interject under any circumstances while a member of the opposing team is speaking.
- 7.3. The role of the solicitor is limited to aiding in research and providing assistance to counsel during the moot. It is at the discretion of the judge whether counsel may consult team members during the moot. If permission is not sought prior to the commencement of the moot, teams are not able to consult during the speaking time of counsel and opposing counsel.
- 7.4. During the preliminary rounds for all three competitions, after a formal introduction, each team will have a maximum of thirty (30) minutes to present their case, with each counsel speaking for not less than ten (10) minutes. Therefore, teams must speak for at least twenty (20) minutes.
- 7.5. In the final rounds of the Championship Moot and subject-based moot competitions, each team will have a maximum of forty (40) minutes to present their case, with each counsel speaking for not less than fifteen (15) minutes. Therefore, teams must speak for at least 30 minutes.
- 7.6. The division of time between counsels must be specified in the written submissions.
- 7.7. Judges may grant an extension of time at their discretion to each speaker.
- 7.8. The applicant may be granted a right of reply for a maximum of three (3) minutes at the discretion of the judging panel.
- 7.9. Penalties may apply if either counsel exceeds their allocated or extended time without the express permission of the judging panel.
- 7.10. Nothing may be handed up to the judges.
- 7.11. If counsel arrives, without reasonable cause, later than fifteen minutes after the time the moot is scheduled to start, that counsel's team shall be deemed to have forfeited.

8. Rooms, times and locations

- 8.1. Rounds will take place at the Macquarie University North Ryde Campus and any other room scheduled from time to time in the Sydney CBD.
- 8.2. The Competitions Department will endeavor to ensure that each team competes at their preferred time and venue.
- 8.3. Competitors must make themselves available to compete at all locations.
- 8.4. Preliminary rounds will occur on weekdays at 5:30pm and 7:30pm.
- 8.5. Locations, dates and times for all rounds will be announced as early as possible.

9. The Competitions Department

- 9.1. The Competitions Department consists of the Director (Competitions), 2 Executive Officers (Advocacy), the 2 Executive Officers (Professional Skills), the External Competitions officer and 2 Executive Officers (Foundations).
- 9.2. The Competitions Department shall determine questions and the draw for each round except where provided otherwise by these rules.
- 9.3. Any serious breaches of these rules may result in a ban from current and future MULS competitions at the discretion of the Competitions Department.
- 9.4. On a matter relating to the conduct and outcome of the Macquarie University Mooting Competition, the decision of the Competitions Department is final.
- 9.5. Competitors are bound by the rules and procedures set out in the MULS Competitions Disqualification policy and Appeals and Forfeiture policy.

10. Breaches of Rules

- 10.1. Teams that believe that a competitor(s) have breached any of these rules should notify the Director (Competitions) and/or the relevant Executive Officer of Competitions.