



2019 NEGOTIATION COMPETITION RULES

The following rules apply to the 2019 Administrative Appeals Tribunal *Negotiating Outcomes On Time* (Noot) Competition.

1. ADMINISTRATION

- 1.1. The Director ADR manages the Noot Competition (the competition).

2. COPYRIGHT

- 2.1. All materials developed by the Administrative Appeals Tribunal (AAT) for the competition including the rules, the fact scenarios and any supplementary material are protected by copyright.
- 2.2. You may download, display, print and reproduce this material in unaltered form only (retaining this notice) for your personal, non-commercial use or use within your organisation.
- 2.3. Apart from any use as permitted under the *Copyright Act 1968* all other rights are reserved.
- 2.4. Requests for further authorisation should be made online at AAT [general enquiries](#).¹

3. STRUCTURE OF THE COMPETITION

- 3.1. The Director ADR will invite a maximum of twelve teams from Queensland law schools, ten teams from Western Australian law schools and six teams from South Australian law schools to participate in the competition. Each team will have two members. It is recommended that teams also nominate a reserve member. The competition consists of three rounds and a finals day.
- 3.2. Each team will receive a score for each round they participate in. In each round, each team will negotiate with another team based on a hypothetical scenario. The negotiations will be conciliated by a Conference Registrar or Member of the AAT.

¹ <http://www.aat.gov.au/contact-us/general-enquiries>

- 3.3. Scenario one will be used for both round 1 and round 2 with the teams swapping the party they represent between rounds. Scenario two will be used for round 3 and the finals.
- 3.4. All teams will participate in the first two rounds. Progress to round 3 will be based on the teams' cumulative score in rounds 1 and 2. The highest scoring twelve teams at the end of round 2 will progress to round 3. The remaining teams will be eliminated.
- 3.5. The four teams with the highest combined scores from rounds 1 to 3 will progress to the finals. Scoring will continue to be cumulative at the final, with each team's final ranking being determined by their score in the final being added to their score from the previous three rounds. Each team's final ranking will determine if they receive the first, second or third place prize.
- 3.6. One team member from the top four teams will be awarded 'best communicator'. The best communicator will be selected by the President of the AAT, or his or her nominated representative.
- 3.7. Negotiation sessions in rounds 1 to 3 will be conducted in private. Where available, arrangements will be made for coaches sit in on their team's negotiation sessions. The finals day will be open to the public and may be recorded by video for future training and promotion purposes.
- 3.8. The Director ADR will determine the competition draw. Where possible, the draw will ensure that teams from the same university are not allocated to the same negotiation session especially in the early rounds.

4. INTERPRETATION AND MODIFICATION OF THE RULES

- 4.1. The Director ADR is the final arbiter of the implementation and interpretation of the rules. The Director ADR may amend the rules at any time.
- 4.2. Where an issue arises that is not covered by the rules, a team may email their query to the competition's email address (noot@aat.gov.au). The email should be addressed to the Director ADR.

5. REGISTRATION

5.1. Team eligibility

- i All Queensland, Western Australian and South Australian law schools are eligible to participate in the competition.
- ii Each law school may register a maximum of two teams. More than two teams can be registered if required by rule 5.4(ii) below.

5.2. Team member eligibility

- i A person may only be a member of a team if, at the time of registration, he or she is enrolled as a full-time or part-time student in a Bachelor of Laws degree (LLB) (or the equivalent of an LLB) at an undergraduate, graduate or postgraduate level at the university that he or she is representing.
- ii No employee of the AAT may compete in the competition.

5.3. *Team composition*

- i One member of the team will play the role of the legal representative. The other member will play the role of the client.
- ii The team members will swap roles for each new competition round. Both members of the team are expected to actively participate in the negotiations regardless of their role.
- iii It is recommended that teams nominate a replacement team member on its registration form. The team may use the replacement member with the prior approval of the Director ADR.

5.4. *Registration*

- i To be considered for participation in the competition, a team must submit a completed registration form by 5:00 pm (AEST) on the closing date. The AAT will not accept any late applications.
- ii In the event that an odd number of teams are nominated, Universities will be invited to register an additional team. If more than one University nominates an additional team, the University with the least number of registered teams will be entered. If Universities have the same number of teams already, the team to be entered will be selected at random.
- iii If the competition remains with an odd number of teams, the first two rounds of the competition round will include a bye. If this is the case, the team with the bye will be chosen at random. For the purposes of scoring, the team with the bye will be allocated a score for the round equal to the average of the other teams in that round, or their score for the round they participate in, whichever is the higher.
- iv If more than the maximum number of teams are nominated, the Director ADR will select which teams that will be registered. Priority will be given to ensure that each university will be able to register one team. Teams that have not nominated a reserve may be asked to fill a reserve slot from a team from their university who has not been registered.

6. SCORING

- 6.1. Each negotiation will be scored by the Conciliator and an Observer. The Observer will also be a Conference Registrar or Member of the AAT.

Scores will be recorded by both the Conciliator and the Observer for each team in a negotiation. The final score for the team will be calculated by adding the Conciliator's score and the Observer's score and dividing the result by two.

- 6.2. Scoring will be out of 100 based on the allocated areas set out below. All of the criteria apply to both team roles and each team will be allocated a combined score based on their joint performance:

Area	Score
Quality of the written preparations.	10
Succinct opening statements that focus on underlying interests rather than legal argument.	20
Use of appropriate oral communication skills, including use of active listening skills, to promote mutual understanding.	20
Demonstrating teamwork between the negotiating team members and a respectful working relationship with the other negotiating team.	20
Conducting negotiations in good faith and co-operation with the process provided by the Conciliator.	20
Development of proposals that support agreement on one or more issues.	10
Total	100

- 6.3. Co-operative rather than competitive negotiation is encouraged and it is possible for both teams in one negotiation to be awarded the same score.
- 6.4. In the event of teams having equal scores such that one or more teams cannot be eliminated after round 2 or 3, an ethical question will be posed to the tied teams. Each team will have fifteen minutes to consider their response before presenting their response to a panel consisting of the Director ADR, a Conciliator and an Observer, without the other team(s) present. The panel will determine the team(s) to progress to the next round based on the response of each team.
- 6.5. Universities will not be identified on any documents provided to Conciliators and Observers. Conciliators and Observers will not attempt to ascertain which University a team is representing.

- 6.6. To assist with diversity of feedback and moderation of scores, where possible, Conciliators and Observers will rotate roles during competition rounds.

7. PREPARATION

- 7.1. Fact scenarios reflecting the jurisdiction of the AAT will be released according to the timetable published on the AAT website.
- 7.2. Teams are required to prepare for both the Applicant and Respondent party for each fact scenario. Teams will alternate which party they are representing between rounds. For example, scenario 1 is used for both rounds 1 and 2. If team A is the applicant and team B is the respondent in round 1, then for round 2, team A will be the respondent and team B will be the applicant.
- 7.3. Where possible, selection of which party the teams will represent in Round 3 and the finals will also alternate. If more than one team has already represented the same party for a scenario, the party to be represented will be selected by coin toss.
- 7.4. The AAT will not provide any additional information. Teams are not to introduce new facts to the scenarios but may draw logical inferences in the case of insufficient detail.
- 7.5. Teams are encouraged to consult relevant AAT decisions, practice directions and guides to assist their preparation. Many agencies also publish relevant policies including dispute management plans which teams should consider where applicable.
- 7.6. While teams should prepare to discuss the legal issues, preparation for negotiation should also focus on the underlying interests of both parties and the development of options for resolution that satisfy these underlying interests.
- 7.7. The AAT will provide teams with a Negotiation Preparation Sheet which will need to be completed and submitted on or before 12:00pm AEST on the Thursday immediately prior to the competition round. The Negotiation Preparation Sheet must be the team's own work. University coaches and mentors may assist in reviewing the Negotiation Preparation Sheet prior to submission. Team responses in the Negotiation Preparation Sheet must be no more than 200 words per question.

8. NEGOTIATION PROCEDURES

- 8.1. The negotiation will be based on the AAT Conciliation process model. The negotiations are necessarily abridged versions of Tribunal conciliations and usually only one or two issues will be able to be discussed in detail.
- 8.2. Each team will be given the opportunity to have a private session with the Conciliator during the negotiation session. The observer will remain present for this session. During this time the other team has an opportunity to discuss their negotiation strategy without conferring with any other person.
- 8.3. Negotiation sessions are scheduled to take 90 minutes with additional time for feedback. The Conciliator will assist the parties in managing their time. The Observer will also assist by advising when 50 minutes and 70 minutes have passed.
- 8.4. The indicative outline and duration of each negotiation session will be as follows:
 - i Introductory remarks by the Conciliator (3 minutes);
 - ii Opening summary by the applicant's representative (3 minutes);
 - iii Additional comments by the applicant (2 minutes);
 - iv Opening summary by the respondent's representative (3 minutes);
 - v Additional comments by the respondent (2 minutes);
 - vi Summary and agenda setting by the Conciliator (2 minutes);
 - vii Exploration of the issues (35 minutes);
 - viii Each team to meet with Conciliator in private (10 minutes each);
 - ix Discussion of options and agreement making (20 minutes).
- 8.5. If a team fails to appear for a negotiation, or is more than 20 minutes late, it is deemed to have forfeited and the team that has appeared will be declared the winner. Allocation of points will be as for a bye in Rule 5.4(iii) above.

9. SELF-REFLECTION AND FEEDBACK

- 9.1. At the end of the negotiation session the teams will have 10 minutes to reflect on their conduct of the negotiation. Each team will then have 10 minutes to debrief with the Conciliator and Observer. The Conciliator and Observer will provide feedback to the team.
- 9.2. Feedback is conducted without the other team present. Coaches may participate in their team's feedback. Team scores will not be provided but the teams will be advised which team's overall performance was stronger or whether the performances were equally strong.

10. COMPLIANCE

- 10.1. If a team considers the rules have not been complied with, it should email its complaint to the competition's email address (noot@aat.gov.au). The email should be addressed to the Director ADR.
- 10.2. A penalty may be deducted from a team's score if a team is found to have breached these rules. The deduction will be based on the significance of the breach and may result in the team's elimination.