



Administrative  
Appeals Tribunal

**2019**

**Negotiating  
Outcomes on Time  
(NOOT)**

**Competition**

**INFORMATION PACKAGE**

## INTRODUCTORY COMMENTS

In 2019, the Administrative Appeals Tribunal (AAT) is consolidating the expanded format of the Alternative Dispute Resolution (ADR) competition: *Negotiating Outcomes on Time* (Noot) for Queensland, South Australian and Western Australian Law Schools. The negotiation competition is designed to complement the Tribunal's highly successful National Mooting Competition. Around 80% of matters in the General and Other Divisions of the AAT are resolved without the need for a hearing and the AAT has well developed processes to assist parties in resolving matters. The format for the negotiation competition is based on the Tribunal's conciliation process model. More information on the conciliation process model and other ADR processes offered by the Tribunal is available on the Tribunal's website.<sup>1</sup> The negotiations will involve fact scenarios drawn from a variety of administrative law areas.

## THE ADMINISTRATIVE APPEALS TRIBUNAL

The AAT is an independent body that reviews administrative decisions made by Commonwealth government ministers, departments and agencies. The Tribunal conducts merits review which involves a complete reconsideration of the factual, legal and policy considerations relating to the decision under review. The Tribunal determines what it considers to be the correct or preferable decision on the material before it and may affirm, vary, or set aside the decision under review.

There are over 400 pieces of legislation that confer jurisdiction on the Tribunal. The Tribunal's enabling act and a current list of legislation and instruments that confer jurisdiction on the Tribunal are available on the Tribunal's website. The *Administrative Appeals Tribunal Act 1975* includes specific provisions for the use of ADR to support the Tribunal's overall objective of providing a mechanism for review that is fair, just, economical, informal, quick, proportionate to the matter and promotes public trust and confidence and administrative decision-making. ADR is core business for the Tribunal. The Tribunal is a Recognised Mediator Accreditation Body (RMAB) under the National Mediator Accreditation Scheme (NMAS). Tribunal conciliators are nationally accredited and highly experienced dispute resolution and legal practitioners. Further information regarding the professional standards for nationally accredited mediators is available from the Mediator Standards Board.<sup>2</sup>

## STRUCTURE OF THE COMPETITION

**\*Refer to the 2019 Negotiation Competition Rules for comprehensive information about the competition\***

The competition consists of three rounds and a finals day for the top four teams. All teams will participate in the first two rounds prior to elimination of the lower scoring teams. The first two rounds will be conducted in the home state of the university where possible. Round 3 will include interstate negotiations using video. The finals will be held in Brisbane with interstate finalists to participate by video.

The aim of the competition is to provide a realistic experience for the negotiators and each session will be conciliated by an experienced Tribunal conference registrar or member. To assist with scoring, the Tribunal will also provide an observer for each negotiation.

Teams will receive a score for each round they participate in and progress is based on the team's cumulative score. To support co-operative rather than competitive negotiation the scoring system permits both teams in one negotiation to receive strong scores. A team does not have to 'beat' the other team in the negotiation session in order to progress.

In the unlikely event of equal scores, such that elimination is not possible, the rules provide for a 'tie-breaker' mechanism based on responses to an ethical question. Teams are not required to provide written submissions but will need to complete a Negotiation Preparation Sheet prior to the negotiation rounds.

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<sup>1</sup> <http://www.aat.gov.au/steps-in-a-review/alternative-dispute-resolution>

<sup>2</sup> <http://www.msb.org.au>

At Tribunal conciliations, it is usual for the applicant and their legal representative to take part along with an instructing officer from the decision-making agency and their legal representative. To mirror this practice, each team will have two members, one member of the team playing the role of the legal representative and the other member the role of the client. Both team members are expected to actively participate in all negotiations and the roles will be swapped as the team progresses through the competition rounds. It is also recommended that teams nominate a reserve team member to avoid defaulting from the competition due to a team member not being available.

The winning team will be selected from any on the top four teams participating in the finals day. Final places are awarded based on the teams overall cumulative score included there score on the finals day. The top three teams will be awarded prizes. There will also be a prize for the overall best communicator who will be selected from the top four teams. The finals day will be open to the public and may be recorded for education purposes.

### KEY DATES (Subject to change)

| Event  | Date and Time (AEST)    |
|--|-------------------------|
| Registration opens                               | 15 February 2019        |
| Registration closes                              | 1 March 2019 at 5:00 pm |
| Information session for all teams                | 18 March 2019           |
| Scenarios and preparation sheets published       | 10 April 2019           |
| Round 1 and 2 negotiation preparation sheets due | 2 May 2019 at 12:00 pm  |
| Round 1 Queensland                               | 7 May 2019              |
| Round 1 South Australia                          | 7 May 2019              |
| Round 1 Western Australia                        | 8 May 2019              |
| Round 2 Queensland                               | 8 May 2019              |
| Round 2 South Australia                          | 9 May 2019              |
| Round 2 Western Australia                        | 9 May 2019              |
| Round 3 negotiation preparation sheets due       | 16 May 2019 at 12:00 pm |
| Round 3 qualifying (12) teams                    | 20 and 21 May 2019      |
| Finals and presentations                         | 31 May 2019             |

### LOCATIONS

The AAT will use video-conferencing facilities for interstate negotiations and to support participation of regional universities. Each team will attend the competition in their local Registry:

AAT Perth Registry  
Level 13  
111 St Georges Terrace  
Perth WA 6000

AAT Brisbane Registry  
Level 6  
295 Ann St  
Brisbane QLD 4000

AAT Adelaide Registry  
Level 2  
1 King William St  
Adelaide SA 5000

### ENQUIRIES

Any enquiries regarding the competition are to be sent by email to Justin Toohey, Director ADR, at [noot@aat.gov.au](mailto:noot@aat.gov.au).