



# Administrative Appeals Tribunal

## 2021 Competition rules

The following rules apply to the 2021 Administrative Appeals Tribunal (AAT) National Mooting Competition.

### 1. Administration

- 1.1. The AAT Moot Competition Committee (**the committee**) is composed of AAT staff, and administers the AAT National Mooting Competition (**the competition**). The National Moot Coordinator chairs the committee.
- 1.2. Each State and Territory has a State or Territory Coordinator. An individual may be the State or Territory Coordinator for more than one State or Territory and the State or Territory Coordinator role may be shared by two individuals. The State and Territory Coordinators, together with the National Moot Coordinator, form the Executive Committee.
- 1.3. The State or Territory Coordinator will act as a contact person for teams invited to participate in the competition from that State or Territory. The National Moot Coordinator will advise the teams of their State or Territory Coordinator after the close of registration.
- 1.4. All materials developed by the AAT for the competition, including the rules, the fact scenarios and any supplementary material, are the sole property of the AAT.

### 2. Interpretation and modification of the rules

- 2.1. The Executive Committee approves and, where required, may amend the rules by a simple majority vote.
- 2.2. The Executive Committee is the final arbiter of the implementation and interpretation of the rules.
- 2.3. Where an issue arises that is not covered by the rules, a team may email their query to the competition's email address, [moot@aat.gov.au](mailto:moot@aat.gov.au). The email should be addressed to the National Moot Coordinator.

### 3. Structure of the competition

- 3.1. The National Moot Coordinator will invite a maximum of 32 teams to participate in the competition.
- 3.2. The competition consists of 5 rounds.
- 3.3. The competition commences with 2 preliminary rounds.
- 3.4. The national finals include the quarter-finals, semi-finals and the grand final.

- i. There will be 8 teams in the quarter-final round.
    - a) The 8 teams with the highest win-loss ratio from the preliminary rounds will progress to this round.
    - b) Where teams have a tied win-loss ratio, the team, or teams with the highest average margin of victory from the preliminary rounds will progress to this round.
    - c) If teams have a tied margin of victory, the average score of the tied teams from both preliminary rounds will be calculated, and the team with the highest average score will be selected.
  - ii. The winning team from each of the quarter-final moots will go through to the semi-final round (making a semi-final round of 4 teams).
  - iii. The winning team from each of the semi-final moots will go through to the grand final round (making a grand-final round of 2 teams).
- 3.5. The National Moot Coordinator, in the presence of an AAT Member or District Registrar (or his or her delegate), will determine the competition draws.

## **4. Registration**

### *4.1. Team eligibility*

- i. All Australian law schools are eligible to participate in the competition.
- ii. Each law school may register a maximum of 3 teams.
- iii. Where the number of teams registered exceeds the maximum number allowable under the rules (i.e. 32 teams), each law school that has registered 3 teams will be required to withdraw one team.

### *4.2. Team member eligibility*

- i. A person may be a member of a team if, for the duration of the competition, he or she is enrolled as a full-time or part-time student in a Bachelor of Laws degree (LLB) (or equivalent) at an undergraduate, graduate or postgraduate level at the university that he or she is representing.
- ii. A person referred to in 4.2.i may also be a member of a team representing another university, if, for the duration of the competition, he or she is enrolled in at least one law subject at an undergraduate, graduate or postgraduate level at the other university. However, a person may not represent 2 universities in the same competition.
- iii. Current employees of the AAT may not compete in the competition.

### *4.3. Team composition*

- i. Each team must have a senior counsel and a junior counsel. If a team chooses to have 3 members, the third member may appear but must not speak during the hearing.
- ii. The team may rotate the roles as it progresses through the competition.

- iii. The following rules apply in relation to replacement team members:
  - a) A team may nominate a replacement team member on its registration form. If a team member is unexpectedly unable to participate in the competition, the replacement team member can replace the absent member.
  - b) A team must advise the National Moot Coordinator of its intended use of the replacement member and may be required to provide documentation justifying the replacement.
  - c) Upon replacement, the absent member ceases being part of the team and cannot take any further part in the competition.
  - d) A request by a team to allow a person who was not nominated as a replacement team member at the time of registration to replace an absent member will be considered on a case by case basis. The request will only be allowed where the National Moot Coordinator is satisfied there are exceptional circumstances. Rule 4.3.iii.c applies if the use of such a replacement team member is allowed.

#### 4.4. *Registration*

- i. To be considered for participation in the competition, a team must submit a completed registration form by the closing date and in the manner specified on the form.
- ii. Each team must nominate a Team Leader on the registration form. The Team Leader will be the single point of contact for communications between the committee and the team. Any change of team leader must be notified to the National Moot Coordinator.
- iii. The committee will not accept any late applications.
- iv. Once a team submits its registration form, the National Moot Coordinator will assign the team a registration number.
- v. The National Moot Coordinator will then formally invite a maximum of 32 teams to participate in the competition.
- vi. If more than 32 teams remain registered after any law schools that have registered 3 teams have withdrawn one team in accordance with 4.1.iii, the National Moot Coordinator will randomly determine, from those universities with more than one team nominated, which university or universities will be required to withdraw a further team.
- vii. If, after the second round of withdrawals, more than 32 teams remain registered, the National Moot Coordinator will randomly determine which teams will be invited to participate in the competition.
- viii. The National Moot Coordinator will advise those teams that are not invited to participate in the competition.

## 5. Adjudication

- 5.1. Each round of the competition (other than the grand final) will be adjudicated by one or two members or former members of the AAT.
- 5.2. The grand final will be adjudicated by 3 adjudicators comprising at least two members of the AAT, one of whom must be the President or a Deputy President.
- 5.3. The state and territory coordinators will provide the adjudicators with each team's written submissions and list of authorities prior to the competition round.
- 5.4. Universities must not be identified on any documents provided to adjudicators.
- 5.5. Adjudicators should not attempt to ascertain which university a team is representing.
- 5.6. *Assessment*

Each adjudicator will award the senior counsel and junior counsel on a team a mark in accordance with the Adjudication Guide. The total mark for the team will be calculated by adding the marks obtained by senior counsel and junior counsel and dividing the result by 2.

### 5.7. *Feedback*

- i. Adjudicators are encouraged to provide direct feedback to team members regarding their performance at the conclusion of a moot.
- ii. Where adjudicators have not provided feedback at the conclusion of a moot, team members are encouraged to request feedback prior to the adjudicator leaving the hearing room as feedback will not be provided after that time.
- iii. Adjudicators will not provide team members with marks from the score sheet.
- iv. The committee will not provide team members with marks from the score sheet.

## 6. Pre-hearing procedures

### 6.1. *Fact scenarios*

- i. The committee will draft fact scenarios based on the jurisdictions of the AAT. The committee will release the fact scenarios for each competition round according to the timetable published by the committee.
- ii. The committee will not provide any additional information in relation to a fact scenario once it has been released to the teams.
- iii. Teams are encouraged to consult AAT decisions in similar cases to assist their preparation.

## 6.2. Lodging written submissions

- i. Each team must prepare and lodge written submissions according to the timetable published by the committee.
- ii. Teams must lodge their submissions no later than 12:00pm (midday) AEST on the Friday immediately prior to the competition round.
- iii. A team that lodges its written submissions after the specified time will incur a 4-point penalty for every hour, or part thereof, that the team's submissions are not provided.
- iv. A team that lodges its written submissions after 5:00pm AEST on the due date will receive zero marks for its written submissions.
- v. Teams must lodge their written submissions by emailing them to the competition's email address, [moot@aat.gov.au](mailto:moot@aat.gov.au).
- vi. Written submissions must be contained in a single file in Microsoft Word compatible format or as a PDF.
- vii. The committee will distribute the written submissions received to the opposing team by 5:00 pm AEST on the day of receipt.
- viii. If a team is unable to lodge its submission electronically, or in the required format, it must notify the National Moot Coordinator as soon as possible (and before the deadline for lodging submissions) so that an alternative arrangement can be negotiated.
- ix. If a team is unable to lodge its submission electronically, or in the required format, and has failed to notify the National Moot Coordinator before the deadline for lodging submissions, that team will be subject to Rules 6.2.iii and 6.2.iv.

## 6.3. Content and format of written submissions

- i. Adjudicators will evaluate the written submissions having regard to structure and adherence to the fact scenario. Submissions should not include facts beyond the fact scenario or distortions of stated facts.
- ii. The written submissions should outline the team's main arguments. Teams are referred to the [Information Package](#) for further guidance about content and form.
- iii. The written submissions must be no more than 10, double-spaced, typed and numbered pages. Written submissions must be in Arial 12 point font. Footnotes may be single-spaced. Margins must be a minimum of 2.5 centimetres. Any citations should follow the *Australian Guide to Legal Citation 4th Edition*.
- iv. Teams may include a cover page which is excluded from the 10-page limit but it must not contain any substantial submissions.
- v. Teams must attach a list of authorities to their written submissions. The list does not count towards the length of the submissions. Teams are not to produce copies of relevant cases to adjudicators; instead teams

should hyperlink the relevant cases in their list to the case on the Australasian Legal Information Institute (AustLII) website.

- vi. The team members must conduct all research and preparation for the competition. However, teams may be guided by coaches.

## **7. Hearing procedures**

- 7.1. Hearings may be conducted either in person or by video, including by using an electronic communication platform such as Microsoft Teams.
- 7.2. Teams should be present at the AAT registry or in the virtual hearing room lobby at least 15 minutes prior to the scheduled start time. The hearing attendant will:
  - i. admit the parties
  - ii. answer any preliminary or procedural questions
  - iii. admit and introduce the Tribunal
  - iv. act as timekeeper.
- 7.3. Spectators are welcome to attend. If a hearing is not being conducted at an AAT registry, teams should notify the State or Territory Coordinator of anyone they have invited to observe the hearing prior to the commencement of the moot. Where a moot is conducted using a virtual hearing room, spectators will be expected to keep their microphone and camera turned off for the duration of the moot. No discussions should take place between the spectators and the teams while in the virtual hearing room.
- 7.4. The moots are necessarily abridged versions of Tribunal hearings. Team members should assume that counsel has addressed all the facts in the fact scenario and all relevant evidence has been presented. The moots only involve closing submissions and submissions in reply.
- 7.5. The order and duration of oral submissions will be as follows unless it is a 3-way moot (see Rule 7.12):
  - i. oral submissions by senior counsel for the applicant (15 minutes)
  - ii. oral submissions by junior counsel for the applicant (15 minutes)
  - iii. oral submissions by senior counsel for the respondent (20 minutes)
  - iv. oral submissions by junior counsel for the respondent (20 minutes)
  - v. applicant's submissions in reply by senior counsel for the applicant (10 minutes).
- 7.6. Adjudicators may, at their sole discretion, extend the duration of oral submissions.
- 7.7. Adjudicators may ask questions of team members during oral submissions. Team members are scored on their ability to answer questions from the bench (see rule 5.6).

- 7.8. The team representing the applicant may waive its right to reply.
- 7.9. If a team fails to appear for a moot, it is deemed to have forfeited and the team that has appeared will be declared the winner of the moot. Adjudicators may, at their discretion, invite the team that has appeared to present oral submissions.
- 7.10. Adjudicators will decide the winner of a moot. That decision is final.
- 7.11. *Announcement of winner*
- i. At the conclusion of the moot, adjudicators may leave the hearing room to deliberate.
  - ii. After their deliberations, adjudicators will hand down their decision in the case, provide feedback, and announce the winning team.
- 7.12 *3-way moot procedure*
- i. In the event of an uneven number of teams in a preliminary round, 3 teams will be randomly selected to participate in a 3-way moot and allocated the following roles: Applicant Team 1 (“A1”), Applicant Team 2 (“A2”) and Respondent Team (“R”). .
  - ii. In a 3-way moot the moot will proceed as follows:
    - a) A1 will present its case for the Applicant (with A2 and R excluded from the room)
    - b) A2 will present its case for the Applicant (with A1 excluded from the room)
    - c) R will present its case for the Respondent (with A1 and A2 admitted into the room)
    - d) A2 will present its address in reply, if any (with A1 excluded from the room)
    - e) A1 will present its address in reply (with A2 and R excluded from the moot room).
  - iii. The adjudicator(s) of a 3-way moot will judge a winner between A2 and R without having regard to the performance of A1.
  - iv. In respect of A1 the adjudicator(s) will judge a winner between A1 and R, such that:
    - a) the results will be reflective of A1’s performance against R; but
    - b) the results will not otherwise have an effect on R.
  - v. A similar procedure as set out above will be adopted in three-way moots where there are two respondent teams.

## **8. Complaints**

- 8.1. If a team considers the rules have not been complied with, it should email its complaint to the competition's email address, [moot@aat.gov.au](mailto:moot@aat.gov.au). The email should be addressed to the National Moot Coordinator.
- 8.2. The committee will not consider complaints made in any way contrary to rule 8.1.
- 8.3. It is a matter for the committee to consider what, if any, measures it takes in respect of a complaint by a team.
- 8.4. A decision of the committee under this rule is final.