



Administrative
Appeals Tribunal

2022 NATIONAL MOOTING COMPETITION

INFORMATION PACKAGE

INTRODUCTION

The Administrative Appeals Tribunal (AAT) National Mooting Competition is now in its 18th year. All law students enrolled in Australian universities are invited to register in the competition. Teams must include at least 2 team members who act as Senior Counsel and Junior Counsel and may also include a third team member who can provide assistance but will not be permitted to speak during the moot.

The moots involve fact scenarios drawn from a variety of administrative law areas across the jurisdictions of the Freedom of Information, General, National Disability Insurance Scheme, Small Business Taxation, Taxation & Commercial, and Veterans' Appeals Divisions of the Tribunal.

THE ADMINISTRATIVE APPEALS TRIBUNAL – OVERVIEW

The AAT is an independent body that reviews administrative decisions made by Australian Government ministers, departments and agencies. The Tribunal conducts merits review which involves considering afresh the facts, law and policy 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.

The AAT does not have any inherent review powers. The entirety of the Tribunal's jurisdiction is conferred by Acts and legislative instruments. There are over 400 pieces of legislation that confer jurisdiction on the Tribunal.

You can access the *Administrative Appeals Tribunal Act 1975*, the primary Act that governs how the Tribunal operates, and a list of legislation that confers jurisdiction on the Tribunal at [Legislation and jurisdiction | Administrative Appeals Tribunal \(aat.gov.au\)](https://www.aat.gov.au/legislation-and-jurisdiction).

It is advisable that competitors observe a Tribunal hearing prior to commencement of the competition to better understand the role of advocates in the merits review setting. Lists of the hearings taking place on any day are published online at [Daily listings | Administrative Appeals Tribunal \(aat.gov.au\)](https://www.aat.gov.au/daily-listings). Competitors should seek to attend cases found on the lists under the 'Other Divisions' heading and listed as 'Hearings' or 'Resumed Hearings'.

However, please note that while COVID-19 impacts the AAT's services, many hearings are being conducted by telephone or video, primarily using Microsoft Teams. This helps limit the number of people visiting our registries. If you would like to attend a hearing being conducted by telephone or video, you will need to contact the relevant registry by email before 8:00 am on the day of the hearing telling them your name, contact telephone number, the file number of the case you want to attend, and whether you want to join by telephone or video. Please see our website for further details on who to contact and how: [Members of the public attending AAT hearings | Administrative Appeals Tribunal](https://www.aat.gov.au/members-of-the-public-attending-aat-hearings)

Competitors should avoid hearings where a party is identified by a four-letter pseudonym (e.g. 'BCDF') as these hearings, as well as some others, are generally held in private. You will not be able to observe these hearings.

CONDUCT OF THE MOOT

The moots are abridged versions of Tribunal hearings. Teams will be provided with a fact scenario. For the purpose of the moot, teams can assume that evidence has already been given in relation to the facts set out in the scenario.

Written submissions

Written submissions are due by midday on the Friday before the moots are to be held.

Written submissions should outline the parties' main arguments, citing the law upon which they rely. It is not necessary to include an outline of the facts. For guidance on writing written submissions, the Moot Competition Committee recommends competitors read the following article:

A H Baida, *'Writing a Better Brief: The Civil Appeals Style Manual of the Office of the Maryland Attorney General'*, 3 J App Prac & Process 685 (2001)

For additional requirements in relation to written submissions, please see Rule 6.3.

The moot

The moot will last approximately 1.5 – 2 hours. It will be conducted either:

- by video using Microsoft Teams, or
- in person at one of the AAT's registries.

The hearing attendant will open the hearing room or virtual hearing room approximately 15 minutes prior to the moot. The hearing attendant will assist team members and spectators to be admitted to the room, introduce the Tribunal and act as a timekeeper. Team members should address any procedural questions to the hearing attendant before the moot commences.

The moots will be adjudicated by Members of the AAT. The Member(s) will be introduced at the commencement of each moot by the hearing attendant.

The moot involves each team presenting closing submissions (30 minutes for the Applicant team and 40 minutes for the Respondent team) and the Applicant team then presenting submissions in reply (10 minutes).

For the Applicant's closing submissions, Senior Counsel and Junior Counsel each have 15 minutes. The hearing attendant will sound one bell after 10 minutes of each speaker's submissions, two bells at 14 minutes and continuous rings after 15 minutes.

For the Respondent's closing submissions, Senior Counsel and Junior Counsel each have 20 minutes. The hearing attendant will sound one bell after 15 minutes of each speaker's submissions, two bells at 19 minutes and continuous rings after 20 minutes.

For the Applicant's submissions in reply, Senior Counsel has 10 minutes. The hearing attendant will sound one bell after 7 minutes, two bells at 9 minutes and continuous rings after 10 minutes.

STRUCTURE OF THE COMPETITION

The competition consists of 5 rounds in total.

All teams participate in the first 2 rounds of the competition. These preliminary rounds will be conducted with the Tribunal constituted by one Member of the Tribunal.

Following the outcome of the preliminary rounds, 8 teams will enter the national finals rounds. Eight teams will compete in the quarter-finals, 4 teams in the semi-finals and 2 teams in the Grand Final.

For the quarter-finals and semi-finals, the Tribunal will be constituted by one or 2 Members of the Tribunal. The Grand Final will be adjudicated by the President of the Tribunal and either two other Members of the Tribunal or one other Member of the Tribunal and a guest adjudicator.

The draft timetable for the competition is set out on the next page.

If the Grand Final is to be held in person, the AAT will provide a travel and accommodation allowance where necessary to enable teams to participate in the Grand Final.

The winning team and runner-up team will be awarded prizes. The winners will be inscribed on the AAT National Mooting Competition Shield.

Please refer to the 2022 National Mooting Competition Rules for further information about the competition

If you have any questions, please contact the National Moot Coordinator or State and Territory Coordinator at moot@aat.gov.au.



2022 COMPETITION TIMETABLE – dates subject to change

Registrations open	Monday, 30 May 2022
Registrations close	Friday, 24 June 2022
Information session for competitors	Wednesday, 6 July 2022 at 2:00 pm

Preliminary Round 1 draw and documents released	15 July 2022
Preliminary Round 1 – Submissions Due	22 July 2022
Preliminary Round 1	25 – 28 July 2022
Preliminary Round 2 draw and documents released	5 August 2022
Preliminary Round 2 – Submissions Due	12 August 2022
Preliminary Round 2	15 – 18 August 2022
Quarter-Finals draw and documents released	26 August 2022
Quarter-Finals – Submissions Due	2 September 2022
Quarter-Finals	6 – 8 September 2022
Semi-Finals draw and documents released	16 September 2022
Semi-Finals – Submissions Due	23 September 2022
Semi-Finals	27 and 28 September 2022
Grand Final draw and documents released	30 September 2022
Grand Final – Submissions Due	7 October 2022
Grand Final	14 October 2022