

2021 ANU Gender Identity + Sexuality Law Moot

COMPETITION RULES

1. COMPETITION NAME

- 1.1. This competition will be referred to as the ANU Gender Identity + Sexuality Moot ('the Competition').

2. DEFINITIONS

- 2.1. Competition Convenor: The person(s) appointed to organise the Competition.
- 2.2. Competitor: A student participating in this Competition.
- 2.3. Final Rounds: The Semi-Finals and Grand Final.
- 2.4. Rules: This document.
- 2.5. Senior Counsel: The first speaker on a team.
- 2.6. Junior Counsel: The second speaker on a team.
- 2.7. Instructing Solicitor: The non-speaking member on a team.

3. CODE OF CONDUCT

- 3.1. It is the responsibility of all speakers and judges to conduct themselves in a way that is respectful of other participants, LGBTQIA+ people, and the broader community.
- 3.2. Failure to comply with 3.1 may lead to disqualification from the competition.

4. REGISTRATION

4.1. Team member eligibility

- 4.1.1. Any student may register as a competitor if they are enrolled as a full-time or part-time undergraduate or postgraduate student in a Bachelor of Laws degree (LLB), Juris Doctor (JD) or Masters of Laws (LLM) or equivalent.

4.2. Team eligibility

- 4.2.1. Teams may be submitted by any Australian or New Zealand law school.
- 4.2.2. Each member of a team must attend the law school which submits their entry.
- 4.2.3. Each campus is guaranteed entry for one team.
- 4.2.4. Additional teams may be admitted at the Competition Convenor's discretion depending on the final number of teams registered.

4.3. Team composition

- 4.3.1. Each team must consist of at least two Competitors and may have a maximum of three Competitors.
 - 4.3.2. Teams may rotate positions between Senior Counsel, Junior Counsel, and Instructing Solicitor throughout the duration of the Competition.
 - 4.3.3. Team composition must remain the same throughout the duration of the Competition unless there are exceptional circumstances and permission is granted in writing from the Competition Convenor.
 - 4.4. Registration
 - 4.4.1. Participating universities must register all teams in the manner specified by the registration date set by the Competition Convenor unless otherwise approved by the Competition Convenor.
 - 4.4.2. Upon registering, Competitors agree to be bound by the Rules.
5. COMPETITION STRUCTURE
 - 5.1. The Competition is structured as follows: Preliminary Rounds, Semi Finals and a Grand Final.
6. PRELIMINARY ROUNDS
 - 6.1. The Preliminary Rounds will consist of between two to four moots held over the period of between one week and a fortnight depending on final team numbers.
 - 6.2. The format of the Competition will be decided at the discretion of the Competition Convenor prior to the Commencement of the Competition.
 - 6.3. All teams must compete in each Preliminary Round unless granted a bye by the Competition Convenor.
 - 6.4. Teams will be allocated sides by the Competition Convenor, where possible teams will have an even number of moots where they are representing the Appellant and the Respondent.
 - 6.5. In the case of an uneven number of teams entering the Competition, one team each round (the 'odd team') will receive a bye. In the event of a forfeit, a bye will also be awarded to the non-forfeiting team.
 - 6.5.1. A bye will count as a win for the odd team, with the score taken being the average of the team's scores in the other Preliminary Rounds.
 - 6.5.2. No team shall be allocated more than one bye, except in case of the opposing team forfeiting, where the decision to award a bye or reschedule shall be at the discretion of the Competition Convenor.

7. FINAL ROUNDS

- 7.1. The top four teams with the highest win/loss ratio in the Preliminary Rounds will progress to the Semi Finals.
- 7.2. The Semi Final will be structured as:
 - 7.2.1. 1st vs 4th
 - 7.2.2. 2nd vs 3rd
- 7.3. Tie-break rules:
 - 7.3.1. In the event that teams are tied on win/loss ratio, teams will be ranked by the Total Score achieved across their moots.
 - 7.3.2. In the event that teams are still tied, teams will be ranked by their total Point Margin.
 - 7.3.2.1. The Point Margin shall be calculated by subtracting the team's aggregate *points against* from the team's aggregate *points for*.
 - 7.3.2.2. *Points against* means the number of points scored by the team's opponents across the Preliminary Rounds.
 - 7.3.2.3. *Points for* means the number of points scored by the team across the Preliminary Rounds.
- 7.4. Teams will be allocated sides by random draw in all Final Rounds.
- 7.5. The winners of the Semi Finals will proceed to the Grand Final.

8. RELEASE OF FACT SCENARIOS AND DRAW

- 8.1. The Fact Scenario will be released to Competitors via email approximately four weeks before Commencement of the Competition.
- 8.2. The draw for the Preliminary Rounds will be released to Competitors a reasonable amount of time before Commencement of the Competition.

9. PRE-HEARING PROCEDURES

- 9.1. Research and Preparation
 - 9.1.1. All research and preparation for the Competition must be conducted by the Competitors without any external assistance.
 - 9.1.2. Teams may elect to have two Coaches. Coaches may assist with oral advocacy skills only, and are prohibited from assisting in any other capacity.
 - 9.1.2.1. For clarity, this includes convening practice moots, where feedback is focused on oral style and presentation but not the substantive content of the moot problem.

- 9.1.3. No other person may assist a team.
- 9.1.4. Where a university enters more than one team, each team must have separate coaches.

9.2. Written Submissions

- 9.2.1. Each team must prepare and submit their written submissions by the date specified by the Competition Convenor.
- 9.2.2. Written submissions must be contained within a single PDF file. Times New Roman 12-point font must be used in the body of the submissions and size 10 font in footnotes. Margins must be no less than 2.5 centimetres.
- 9.2.3. Any citations should follow the *Australian Guide to Legal Citation 4th Edition* ('the AGLC').
 - 9.2.3.1. *Teams may, at their discretion not apply rule 1.14 of the AGLC and may include short titles only in footnotes.*
- 9.2.4. Teams from countries other than Australia may use a different style guide if they obtain written permission from the Competition Convenor to do so.
- 9.2.5. Written submissions must not exceed 3 pages in length.
- 9.2.6. The written submissions should outline the structure of the team's arguments and allocations of speaking time.
- 9.2.7. Teams may only refer to themselves by their team number in their submissions, and may give no indication of their university affiliation.
- 9.2.8. Teams *may* attach a cover page to their submissions. These are not included in the 3 page limit.
- 9.2.9. Teams *must* attach a list of authorities to their written submissions. The list is not to exceed one page in length. These are not included in the 3 page limit.
- 9.2.10. Teams may not refer to authorities not contained within the two sets of submissions unless the authority is put to them by the bench.
- 9.2.11. Teams must not provide a copy of other teams' written submissions to any Competitor not on their own team.
- 9.2.12. Teams that do not comply with Rules 9.2.10 and 9.2.11 may be subject to a penalty at the discretion of the Convenor.

10. HEARING PROCEDURES

- 10.1. Hearings will be conducted over Zoom. Teams will be provided with the relevant Zoom links prior to the Commencement of the Competition.
- 10.2. Teams must be sure to remain anonymous during the hearing. For clarity, the bench may know Competitors' names but not the university they are affiliated with.
- 10.3. Teams should be muted when not speaking.
- 10.4. Competitors should enter the Zoom meeting 10 minutes prior to the scheduled start of their rounds in order to address any technical/connection issues.
- 10.5. Upon or prior to entering the Zoom meeting, Competitors are invited to edit their screen names to include their preferred pronouns.
- 10.6. Teams have 40 minutes to present their submissions (including any time allowed for rebuttal or surrebuttal), this may be divided as they wish but each speaker must speak for at least 15 minutes.
 - 10.6.1. In rebuttal teams may only respond to the opposing team's arguments, and not raise any new arguments.
 - 10.6.2. In surrebuttal teams may only respond to the points raised in rebuttal.
- 10.7. In the event of technical difficulties, the speaker's time will be paused.
- 10.8. It is the responsibility of each team to ensure that they have access to a stable internet connection and the IT capacity to join and participate in the Zoom hearing without causing disruption.
- 10.9. If repeated technical difficulties occur, meaning that the hearing cannot be continued, then at the discretion of the Convenor the moot may be rescheduled.
- 10.10. Teams are permitted to be present in the same room and use the same device throughout the duration of the hearing. Teams may also choose to "dial in" from multiple locations. However, this is subject to each state/territory's social distancing regulations. Competitors are required to comply with the relevant regulations of their state/territory.

11. JUDGING

- 11.1. The preliminary rounds will be heard by one judge.
- 11.2. Each oralist will be scored out of 100 points, with a maximum team score of 200 available for each round (minus any point deductions).
- 11.3. Scores will be made available to teams at the conclusion of the Competition.
- 11.4. The Semi-Finals and Grand Final may be heard by up to three judges.

12. COMPLAINTS AND APPEALS

- 12.1. Any complaints regarding a hearing must be submitted to the Competition Convenor within 1 hour of the conclusion of the hearing.
- 12.2. Complaints should be restricted to complaints regarding judge or participant behaviour, or external assistance being offered to a team.

13. FORFEITURE

- 13.1. A forfeit will be regarded as a loss and a score of 0 (zero) will be assigned to the forfeiting team for that round.
- 13.2. Any failure to give notice of forfeiture at least 48 hours in advance may lead to disqualification from the Competition.