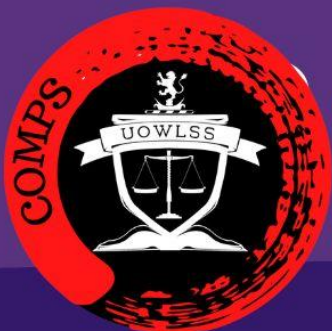




MORRISONS  
CRIMINAL AND TRAFFIC LAW SPECIALISTS

# Criminal Advocacy Competition

## Rulebook 2022



# 1 DEFINITIONS

(1) **Appeals Policy**

The UOWLSS Competitions Appeals Policy.

(2) **Appeals Process**

The process of appeal outlined in r 13 herein and as governed by the Appeals Policy.

(3) **Competition**

The definition provided for in r 2(1)(a) and subject to r 2(2).

(4) **Competitor(s)**

Any person/s who have registered for the Competition and have done so in accordance with these Rules.

(5) **Judge(s) / Justice(s)**

Persons internal and / or external to UOW that have been engaged to adjudicate the Competition.

(6) **Morrison's**

Morrison's Law Group (sponsor).

(7) **Officer(s)**

UOWLSS Competitions Officers.

(8) **President**

UOWLSS President.

(9) **Rules**

These rules as set out herein and in relation to the Competition.

(10) **Team(s)**

Any team(s) of one (1) Competitors.

(11) **UOW / University**

University of Wollongong.

(12) **UOWLSS**

University of Wollongong Law Students' Society.

(13) **VP (Comps)**

UOWLSS Vice President (Internal Competitions).

## **2 COMPETITION TITLE**

(1) Subject to r 2(2), all references to and advertisements of the Competition should be as follows:

(a) 2021 Morrisons Criminal Advocacy Competition.

(2) All references to and advertisements of the Competition may be modified where proper and necessary.

## **3 REGISTRATION**

(1) Subject to the conditions in r 3(2), all students currently enrolled in an undergraduate or postgraduate law degree at UOW may register for and compete in the Competition.

(2) The following conditions apply to all students referenced in r 3(1) above:

(a) Must be enrolled in or have passed Criminal Law and Process B.

(b) Must be an academic member of the UOWLSS.

(i) At the discretion of the UOWLSS, a social member may register for and compete in the Competition.

(c) Must not have previously won the Competition.

(d) Must not have previously completed a law degree in any jurisdiction internal and external to Australia.

(e) Must have no outstanding financial obligations to the UOWLSS.

(f) Must register as, or in expectation of competing as, a Competitor.

(g) Must register by the registration date as set by the VP Comps.

(i) Late registrations may be accepted subject to the discretion of the VP Comps.

(3) The VP Comps will assign each team a random and unique letter henceforth known and referred to as their 'Competitor Identifier'.

**(4) Those registering for the Competition must register in teams of 2.**

## **4 DISCLAIMER**

(1) By registering for the Competition, all Competitors give their consent to be bound by these Rules, as well as the Appeals Policy and UOWLSS Constitution.

(2) By registering for the Competition, all Competitors give their consent to the UOWLSS and Morrisons to, inter alia, photograph, film, record and publish content of the Competitors.

(a) Content may be published to, among other things, the following: (i)

UOWLSS and Morrisons social media platforms.

(ii) UOWLSS sponsorship materials.

(iii) UOWLSS and Morrisons website.

(b) Content of and relating to Competitors and the Competition may be captured by the UOWLSS and Morrisons and / or an entity / person engaged by the UOWLSS and Morrisons to do so.

(i) An entity / person may include, but not be limited to, a professional photography business / a professional photographer.

## **5 STRUCTURE**

(1) The Competition will occur over the course of two (2) consecutive days.

(a) As a result, Competitors will cycle between representing either the Prosecution or the Defendant.

(2) The Competition should consist of the following rounds:

(a) Preliminary.

(b) Quarter Final.

(c) Semi Final.

(d) Grand Final.

(3) At a minimum, the Competition must include Preliminary Rounds as well as one (1) Grand Final.

(4) The structure of the Competition will depend on the number of Competitors

(a) In the event that there are less than eight (8) Competitors, a round-robin structure will be adopted in which each Competitor will compete in two (2) Preliminary Rounds.

(i) After completion of the two (2) Preliminary Rounds, the Competition will proceed to the Grand Final.

(ii) Competitor progression to the Grand Final will be determined preferentially by the following:

(1) Win / loss ratio; then

(2) Average score; and then

(3) Points margin.

(b) In the event that there are between eight (8) and eleven (11) Competitors, each Competitor will compete in one (1) Preliminary Round.

(i) After completion of one (1) Preliminary Round, the Competition will proceed to the Semi Final Rounds.

(ii) Competitor progression to the Semi Final Rounds will be determined preferentially by the following:

(1) Highest score; and then

(2) Points margin.

(iii) The winners of each Semi Final Round will progress to the Grand Final.

(c) In the event that there are twelve (12) or more Competitors, each Competitor will compete in one (1) Preliminary Round.

(i) After completion of one (1) Preliminary Round, the Competition will proceed to the Quarter Final Rounds.

- (ii) Competitor progression to the Quarter Final Rounds will be determined preferentially by the following:
  - (1) Highest score; and then
  - (2) Points margin.
- (iii) The winners of each Quarter Final Round will progress to the Semi Final Rounds.
- (iv) The winners of each Semi Final Round will progress to the Grand Final.
- (5) The delivery and structure of any and all rounds may be altered at the discretion of the VP Comps to ensure the effective and efficient operation and execution of the Competition.

## **6 PROBLEM SCENARIO**

- (1) The same problem scenario will be used for the duration of the Competition.
- (2) The problem scenario may be sourced from any of the following: (a)
  - Problem bank.
  - (b) Legal professional.
  - (c) UOW School of Law.
- (3) The problem scenario will be based on the following:
  - (a) Criminal Law.
- (4) The problem scenario will be released to the Competitors by way of email on **11 September 2022**.

## **7 RESEARCH AND PREPARATION**

- (1) All research and preparation for all rounds of the Competition must be conducted solely by each Competitor.
- (2) Competitors may receive general advice and assistance with respect to the skills relevant to the Competition as well as feedback on practices prior to the release of the problem scenario.

(3) Competitors may use electronic devices at any time prior to the commencement of their respective round but not during said round subject to r 10(2) herein.

(a) This does not apply to electronic devices required for the following reasons:

(i) Medical and / or equitable purposes.

(ii) Online execution of the Competition.

## **8 WRITTEN SUBMISSIONS**

(1) All Competitors are required to submit written submissions for **both Prosecution and Defence** in a Microsoft Word document by way of email to the VP Comps at [internalmoots@uowlss.net.au](mailto:internalmoots@uowlss.net.au) and the designated Competitions Coordinator ([compscoordinator3@uowlss.net](mailto:compscoordinator3@uowlss.net)) by **5:00 PM of Thursday, 8 September 2022**.

(a) The VP Comps must email Competitors a PDF copy of the relevant written submissions of their opposition that same evening.

(2) Competitors that have progressed to rounds occurring on the second (2<sup>nd</sup>) day of the Competition – such as the Semi Finals and the Grand Final – may amend their written submissions for the Prosecution and Defendant but in doing so they must resubmit their amended written submissions in a Microsoft Word document by way of email to the VP Comps at [internalmoots@uowlss.net.au](mailto:internalmoots@uowlss.net.au) by **6:00 PM of Friday, 16th September**.

(a) The VP Comps must email Competitors a PDF copy of the relevant written submissions of their opposition that same evening.

(3) When drafting and submitting their written submissions, Competitors must ensure that their written submissions adhere to the following formatting requirements:

(a) Requirements relating to font and style:

(i) Arial.

(ii) Size 12.

(iii) 1.15 spacing.

(iv) 2.0cm margins on all sides.

(b) Requirements relating to structure and content:

(i) Strict two (2) page limit.

(ii) Pages must be numbered.

(iii) Outline of the structure of submissions must be included.

(iv) Major arguments must be included.

(v) List of authorities must be included and in alphabetical order.

(vi) Cover page must be included and it must state: (1) the Competition Title; (2) the Competitor Identifier; and (3) the initials of the Competitor.

**Note:** cover page and list of authorities are not included in the page count.

(c) Requirements relating to submission:

(i) Written submissions must be submitted in the format of a Microsoft Word document.

(ii) Competitors should name the file of their written submissions to include the following:

(1) Competitor Identifier.

(2) PROSECUTION / DEFENDANT (as applicable).

(3) Day 1 / Day 2 (as applicable).

(iii) Example of accurate file naming is as follows:

(1) Competitor A – PROSECUTION – Day 1.

(4) Competitors must **not** include the following in their written submissions: (a)

Full name, including any part thereof as well as a nickname. (b)

Contact number.

(c) Student number.



- (d) Email address.
- (e) Residential and / or postal address.
- (f) Degree and year of study.
- (g) Employment details.

(5) Competitors are recommended to model their written submissions per any templates provided to them by the VP Comps.

- (a) Competitors are to bear all responsibility for their reliance on any templates provided to them by the VP Comps.

## **9 ORAL SUBMISSIONS**

(1) Prior to the delivery of oral submissions, Competitors must: (a)

Give appearances as requested; and

- (b) Disclose time allocation for themselves as Senior Counsel.

(2) Each Competitor is provided 40 minutes to present their oral submissions. Remember, there is only one (1) Competitor per Team.

- (a) This excludes time taken to give appearances and disclose time allocation.

- (b) Competitors must speak for a minimum of 15 minutes.

(3) Competitors may deliver rebuttals and surrebuttals subject to the following:

- (a) The Prosecution may reserve up to five (5) minutes of their allocated 40 minutes for rebuttal.

- (b) The Defendant may reserve up to five (5) minutes of their allocated 40 minutes for surrebuttal.

(4) Competitors will not receive any time warnings for rebuttals and surrebuttals.

(5) Competitors may receive time warnings as provided for by the following:

- (a) There will be a two (2) minute time warning before the end of a Competitors' allocated time.

(6) Competitors must not speak for a duration of time in excess of that which has been allocated to them.

(a) Competitors may request an extension of time in the maximum amount of two (2) minutes subject to the following:

(i) That the request is made to the Presiding Judge; and

(ii) That the Presiding Judge approves the time extension request.

(7) A Competitor must stop talking / delivering their oral submissions if requested to do so by the Presiding Judge.

## **10 TIME-KEEPING AND SPECTATING**

(1) Responsibility for timekeeping and adherence to time allocations rests with timekeepers.

(a) Timekeepers must email to the VP Comps at [internalmoots@uowlss.net.au](mailto:internalmoots@uowlss.net.au) within one (1) hour after the conclusion of the relevant round the times elapsed by Competitors during their oral submissions.

(2) Competitors may use an electronic device for timekeeping purposes during their respective round within the Competition.

(a) Electronic devices include but are not limited to:

(i) Laptops.

(ii) Mobile phones.

(iii) Tablet computers.

(iv) Smart Watches.

(3) Decisions as to elapsed times are final and non-reviewable except here the error is plain and substantial.

(a) Minor errors are therefore non-reviewable.

(4) Spectating of the Competition is encouraged.

(a) However, disruption must be minimised wherever practicable in the following situations:

(i) In-person

(1) Spectators should abstain from entering and leaving the room during any rounds of the Competition.

(2) Spectators and participants are not permitted to consume food during any rounds of the Competition.

(ii) Online

(1) For the duration of any rounds of the Competition, Competitors must mute their microphones when they are not speaking.

(2) For the duration of any rounds of the Competition, timekeepers must mute their microphones and turn off their cameras when they are not speaking.

(3) For the duration of any rounds of the Competition, spectators should always have their microphone and camera off unless they have been invited to speak.

(b) However, Judges may request that spectators leave the in person or online room while they confer.

## **11 JUDGING AND SCORING**

(1) All Judges must qualify to adjudicate the Competition.

(a) Subject to the discretion of the VP Comps, Judges must be one (1) or more of the following in order to qualify to adjudicate the Competition:

(i) Experienced Competitor.

(ii) Legal professional.

(iii) Legal academic.

(iv) Magistrate.

(v) Justice.

(vi) Judge.

- (2) Prior to the commencement of each round of the Competition, Judges must receive a copy of each of the following:
- (a) Problem scenario.
  - (b) Judgment guide (if available).
  - (c) Score sheet.
  - (d) Rules.
- (3) Each Judge will, during each round of the Competition that they preside, rank the Competitors on their individual oral submissions, speaking ability and advocacy skills from first (1<sup>st</sup>) to second (2<sup>nd</sup>).
- (a) The purpose of r 11(3) is to facilitate the issue of the Best Advocate Award as set out herein at Part 13.
  - (b) For the purpose of r 11(3), a ranking of first (1<sup>st</sup>) denotes that a Competitor was the top performer in a round relative to the other three (3) Competitors also involved in that round.
  - (c) All Competitors involved in the same round must be issued different rankings.
  - (d) Ranking of an individual Competitor in satisfaction of r 11(3) will be made independent of any performance by said Competitors' Competitor member. For instance, the performance of the Senior Counsel for the Prosecution and any influences arising therefrom will not be taken into account when ranking the performance of the Junior Counsel for the Prosecution.
- (4) Each Judge will award each Competitor a score out of 100.
- (a) Each Judge will satisfy this by completing the score sheet supplied to them by the VP Comps.
    - (i) All score sheets must be returned to the VP Comps after completion.
    - (ii) Judges must not supply to Competitors their completed score sheets.
    - (iii) Judges must not inform Competitors of the scores they have awarded nor the outcome of the round unless done so in the context of the Grand Final.

- (b) Each Judge will award the scores but not complete the total score on the score sheet supplied to them unless the scores awarded are done so in the context of the Grand Final.
    - (i) Subject to the operation of r 11(4)(a), the VP Comps will input the total score having regard for any penalties.
  - (c) Each Judge should award each Competitor a different score to avoid the event of a tie.
  - (d) Judges may request both Competitors to leave the in-person or online room while they confer.
- (5) Where there is one (1) Judge:
- (a) The Judge need only complete the score sheet supplied to them and do so in compliance with r 11(4) herein.
- (6) Where there are two (2) Judges:
- (a) The Judges need to reach a unanimous decision in addition to compliance with r 11(4) herein.
- (7) Where there are three (3) Judges:
- (a) The Judges need to reach a majority verdict in addition to compliance with r 11(4) herein.
- (8) Reasonable efforts must be made by the President, the VP Comps and the Officers, as well as any other organiser of the Competition, to ensure that the Judges of the Competition are unaware of the identity of the Competitors prior to the commencement of a round in the Competition.
- (9) Competitors must not contact a Judge before or after their round(s) in the Competition unless specifically invited to do so by the Judge and consented to by the VP Comps.

## **12 RELEASE OF RESULTS AND SCORE SHEETS**

- (1) The results and score sheets of respective rounds will be promptly released to their respective Competitors by way of email and / or in person.
  - (a) The promptness of any emails and / or in-person activities for the purpose of r 12(1) will be determined in accordance with the following:

- (i) Response times of Judges.
  - (ii) Response times of timekeepers.
  - (iii) The requirement for the results of a respective round and the score sheets of the respective Competitors involved therein to be released before the commencement of the next round to which one (1) or more of the aforesaid Competitors is involved.
- (2) Completed score sheets will be released to Competitors at or about the same time as they receive their result, but Competitors will have access to pre-completed copies and the criteria therein prior to any submissions made for the purpose of Part 8 herein.
- (3) Competitors must contact the VP Comps ([internalmoots@uowlss.net](mailto:internalmoots@uowlss.net)) by way of email or otherwise to receive their ranking in the Competition.

## **13 AWARDS AND CERTIFICATES**

- (1) The Best Advocate Award must be issued to the Competitor who received the highest average ranking throughout the course of the Competition as provided for by r 11(3) herein.
- (a) In the event that two (2) or more Competitors have tied, then multiple Best Advocate Awards will be issued and any prize money will be distributed equally.
- (2) The Competitor entitled to receive the Best Advocate Award must have competed in all rounds of the Competition.
- (3) Certificates of participation and achievement must be promptly issued to all Competitors, except those that have withdrawn or forfeited from the Competition, within a reasonable time after the conclusion of their participation in the Competition but only after all relevant results, score sheets and appeal-based-Judgments have been issued.

## **14 PENALTIES**

- (1) Contravention of the following Rules may result in the following respective penalties:
- (a) Rule 3(2):
    - (i) Disqualification.

(b) Rule 7(1):

(i) Disqualification.

(c) Rule 7(2):

(i) One (1) point penalty; and / or

(ii) Disqualification.

(d) Rule 8(1):

(i) Two (2) point penalty for every 30 minutes, or part thereof, in which a Competitor / Competitor does not submit their written submissions; and / or

(ii) Involuntary forfeiture per r 15(2)(c).

(e) Rule 8(2):

(i) Two (2) point penalty for the submission of amended written submissions beyond every 30 minutes, or part thereof, of the deadline prescribed.

(ii) Involuntary forfeiture per r 15(2)(d).

(f) Rule 8(3)(a):

(i) Written submissions will be reformatted to adhere with the requirements in r 8(3)(a) and any content that exceeds the three (3) page limit imposed by r 8(3)(b)(i) will be subject to r 14(1)(g) below.

(g) Rule 8(3)(b)(i):

(i) All content that exceeds the two (2) page limit imposed by r 8(3)(b)(i) will be deleted and the Judge(s) will be notified of such by way of a notice on the cover page of the written submissions that would read as follows:

(1) **NOTICE: Some content originally contained within this document has been deleted by the Vice President (Internal Competitions) of the UOWLSS pursuant to r 14(1)(g) of the Rules for this Competition.**

(h) Rule 8(3)(c)(i):

(i) Warning and request for reissue; or

(ii) One (1) point penalty and request for reissue.

(i) Rule 8(3)(c)(ii):

(i) Warning; or

(ii) One (1) point penalty.

(j) Rule 8(4)

(i) Warning; or

(ii) One (1) point penalty for every prohibited detail included (any and all of which would be removed prior to dissemination to any Competitors and Judges).

(k) Rule 9(6)

(i) No penalty for the first 30 seconds spoken in excess of allocated time for the purpose of r 9(6); however

(ii) Four (4) point penalty for every 30 seconds or part thereof occurring thereafter.

(l) Rule 9(7)

(i) No penalty for the first disobedience; however

(ii) Two (2) point penalty for the second disobedience; and in addition

(iii) Five (5) point penalty for the third disobedience; and ultimately

(iv) Disqualification for the fourth disobedience.

(2) Should a Competitor or experience any technical difficulties or otherwise that has seriously affected their capacity to submit their written submissions at the required date and time, in order to avoid the imposition of a penalty per r 14(1)(d)-(e) the Competitor should do the following:

(a) Email the VP Comps at [internalmoots@uowlss.net](mailto:internalmoots@uowlss.net) before the submission deadlines per r 8(1)-(2), explaining the technical difficulties or otherwise that they are experiencing / have experienced.



- (i) The VP Comps would look favourably upon any captures (i.e. by way of snipping tool) of the technical difficulty (i.e. error message) as well as the time and date on which the capture was taken.
- (3) Judges should not be notified of the application of any penalties by the VP Comps.
- (4) If a Judge becomes aware that one (1) or more penalties have been or will be applied, they must disclose this to the VP Comps so that said Judge can receive instructions from the VP Comps to **not** take the penalties into consideration when judging the respective Competitor.
- (5) All penalties will be calculated and applied by the VP Comps.

## FORFEITS

- (1) Voluntary forfeiture will occur where a Competitor:
  - (a) Expressly forfeits from the Competition after the problem scenario has been released to the Competitor.
    - (i) If the problem scenario has not yet been released to the Competitor but they wish to remove themselves from the Competition, they are to be considered to have withdrawn rather than forfeited.
  - (b) Despite remaining in communication with the VP Comps, does not appear for their respective round within 20 minutes of its commencement.
    - (i) This is subject to the discretion of the VP Comps.
- (2) Involuntary forfeiture will occur where a Competitor:
  - (a) Ceases communication with the VP Comps after reasonable attempts to contact the Competitor have been made.
    - (i) The VP Comps must issue to such a Competitor by way of email a notice of intention to impose involuntary forfeiture from the Competition.
    - (ii) If a Competitor does not immediately respond to the notice per r 15(2)(a)(i) within one (1) hour after issue, the VP Comps will impose involuntary forfeiture on the Competitor.

- (b) Ceases communication with the VP Comps and their respective round has commenced.
  - (c) While in the context of any rounds but the Grand Final, fails to submit their written submissions at a point in time occurring at least seven (7) hours after the deadline set by the VP Comps per r 8(1) herein.
  - (d) While in the context of the Grand Final, fails to submit their written submissions at a point in time occurring at least 30 minutes after the deadline set by the VP Comps per r 8(2) herein.
- (3) Reasonable attempts at communicating with a Competitor, for the purpose of r 15(2)(a), include the following minimum requirements:
- (a) Four (4) calls; or
    - (i) Calls may be made by way of: (1) telephone; and (2) videoconferencing software / application.
    - (ii) Each call should occur within a reasonable period of time from the last (i.e. if you place the first call at 5:00pm, a second call made at 5:02pm will not be considered to have awarded a reasonable period of time between calls).
      - (1) In the context of this same example, a call made at 5:15 PM (15 minutes after the initial call) is considered to have awarded a reasonable period of time between calls).
  - (b) Three (3) messages; or
    - (i) Messages may include those occurring by way of: (1) text; (2) voicemail; (3) video; and (4) social media.
  - (c) Two (2) emails; or
    - (i) A 24-hour response window should be awarded to a Competitor after the sending of each email to ensure that they receive ample time to respond.
    - (ii) Any second email intended to be sent after the first email, of which is effectively the same as said first email, should not be sent to a Competitor unless the 24-hour response window has lapsed.
  - (d) One (1) in-person conversation.

## **16 APPEALS**

- (1) Where a Competitor believes that these Rules have been incorrectly applied, an appeal should be lodged with the VP Comps in accordance with the Appeals Process.
- (2) Where those involved in the Appeals Process have discretion to penalise a Competitor in accordance with these Rules, in determining the penalty, they shall consider, inter alia, the following:
  - (a) Any mitigating circumstances that would explain the contravention.
  - (b) Any aggravating circumstances connected with the contravention.
- (3) Those involved in the Appeals Process reserve the right to waive a penalty where they believe that the circumstances merit such a decision.
- (4) Those involved in the Appeals Process, in consultation with the VP Comps, will have full discretion as to the application of all penalties unless they are found to have or are suspected of having a substantial conflict of interest.
- (5) Those involved in the Appeals Process will also have the discretion to disqualify, as well as apply penalties to, Competitors who behave in a manner that is contrary to the principles on which the Competition is based, as well as the interests and efficacy of the Competition.
  - (a) This is subject to those persons not being found to have or being suspected of having a substantial conflict of interest.

## **17 DELEGATIONS**

- (1) The VP Comps may delegate their discretion, powers, duties and responsibilities arising from these Rules to any Officer(s) and / or any other member of the UOWLSS, including the President.

## **18 INCONSISTENCIES**

- (1) In the event that two (2) or more provisions in these Rules and / or the Appeals Policy contravene one another, it is at the discretion of the VP Comps and the President to select the rule that is to take primacy.

## **19 APPLICATION AND AMENDMENT**

(1) The VP Comps and the President may amend these Rules where appropriate and necessary to fulfil the general efficacy of the Competition.

(a) Any amended copies of these Rules are required to be provided to Competitors as soon as practicable [i.e. within two (2) hours of the making and approving of the final amendments].

(2) The VP Comps and the President may create informally recognised rules to supplement these Rules.

(a) This may occur where these Rules have not accounted for a matter and that matter has since arisen and is currently of scenario or concern.

(b) These informal rules will manifest in ways likened to common law.