

Junior Moot Rules 2021

Eligibility and Teams

[1.1] The Junior Moot is tailored towards students who have never competed in a mooting competition. This may include first year students to final year students. To be eligible, you must be a current Victoria University student, a Dictum Society member and have not competed in a mooting competition prior.

[1.1.1] Students who have competed in the:

[1.1.2] Negotiations Competition; or

[1.1.3] A moot as part of university course work

will still be eligible to compete in this competition.

[1.2] Students who have competed in the following:

[1.2.1] Junior Moot;

[1.2.2] Senior Moot;

[1.2.3] Criminal Law Moot; or any

[1.2.4] External Mooting Competition

will be ineligible to compete in this competition and will be encouraged to compete in the Senior Moot and other competitions held in the year.

[1.3] Students may register as an individual or with a partner.

[1.4] Students cannot receive any form of coaching.

Registration

[2.1] Teams must register online by 11 March 2021. Late registration will not be accepted unless in accordance with Rule 2.2.

[2.2] At the discretion of the Director of Competitions, a late registration may be accepted.

[2.3] Individuals can withdraw from this competition by contacting the Director of Competitions by 18 March 2021. After this date, students must provide the Director of Competitions a reason for their withdrawal.

Legal Research

[3.1] This competition focuses on contract law; however, students are not allowed to use statutory authorities. They may choose to use case authorities but are not required to for this competition. If students elect not to use law to support their arguments, their arguments still should be logically sound.

[3.1.1] NOTE: Teams will not be penalised for electing not to use the law for this competition.

[3.2] If students do wish to use law to strengthen their arguments and develop their legal research skills, refer to the recommended readings. This problem will deal with **the law of contracts, specifically: consideration, sales puff, misleading and deceptive conduct, and unfair terms. Limiting your arguments to these matters will help you succeed.**

[3.2.1] Students can refer to the Competition and Consumer Act 2010 (Cth) and find relevant authorities in contract law textbooks. A good example includes *Principles of Contract Law* by Jeannie Paterson, Andrew Robertson and Arlen Duke. In addition to textbooks, students may find legal databases useful. Links to four free databases can be found below:

- Austlii: <https://www.austlii.edu.au/>
- Jade: <https://jade.io/>
- Casebase: [http://www2.lexisnexis.com.au/en-AU/Products/casebase case-citator-online.page](http://www2.lexisnexis.com.au/en-AU/Products/casebase%20case-citator-online.page)
- Westlaw: <https://signon.thomsonreuters.com/?productid=WLA>

The Moot Problem

[4.1] Teams are constrained to the facts provided in the Moot Problem notably being the;

- Statement of Agreed Facts;
- Corrections;
- Clarifications.

[4.2] Where there are gaps in the problem teams may draw logical inferences from those gaps or refer to matters that are of common knowledge. Teams may not make up exaggerated facts or create and adduce exhibits which are not included in the Moot Problem.

Questions and Clarifications

[5.1] Questions about the Moot Problem can be submitted to the Director of Competitions by **7:30PM on 15 April 2022**. Clarifications and Corrections will be published by **5PM on 18 April 2022**.

Written Memorandum

[6.1] Teams are to produce one memorandum each for the Claimant and the Respondent. A Memorandum outlines the arguments the team wishes to make in the oral rounds.

[6.2] The due date for the Claimant Memorandum is **8PM on 25 April 2022**, and the due date for the Respondent Memorandum is at **8PM on 29 April 2022**.

[6.2.1] Late submissions will be ineligible for Best Memorandum award.
Non-submission of Memorandums may result in disqualification.

[6.3] Memorandums are to be submitted to competitions@dictumsocietyvu.com with the following subject line: [Team No] - [CLAIMANT or RESPONDENT].

[6.3.1] Example: Team 9 - CLAIMANT

[6.4] Memorandums are to be size 12 and in the Arial font and no more than two pages, excluding a cover page.

[6.5] Teams electing to support their arguments with law should cite according to the *Australian Guide to Legal Citation* ['AGLC'].

Exchange of Memorandum

[7.1] The Respondent Team will receive the Claimant Memorandum by **7PM** on **26 April 2022** for the first team they compete against acting as Respondent.

[7.2] The Claimant Team will receive the Respondent Memorandum by **7PM** on **30 March 2022** for the first team they compete against acting as the Claimant.

Oral Rounds

[8.1] Teams in the General Rounds will have to present arguments for the Claimant and the Respondent at least once. This will be arranged to be conducted on-campus starting **2nd of May 2022**.

[8.1.1] For the first round of both the Claimant and the Respondent, teams will be bound to the arguments outlined in their Memoranda. This ensures that the opposing team is not disadvantaged. In later rounds, teams are permitted to depart from their Memoranda and are encouraged to develop their arguments as the competition progresses.

[8.2] Teams will have up to 11 minutes to present arguments for the Claimant and the Respondent. Where there are teams of two, the team may determine the speaking times of each member.

[8.2.1] Rebuttal or sur-rebuttal are included in the 11 minutes. It is recommended that a rebuttal or sur-rebuttal not be longer than 60 Seconds.

[8.2.2] Judges will have the discretion to deduct points for teams who do not

comply with the time requirements.

[8.3] Oral Proceedings are conducted in the following order:

[8.3.1] The Claimant will give appearances;

[8.3.2] The Respondent will give appearances;

[8.3.3] The Claimant will present their oral arguments;

[8.3.4] The Respondent will present their oral arguments;

[8.3.5] If the Claimant elected to provide a rebuttal, the Claimant may present a rebuttal and the Respondent may present a sur-rebuttal.

[8.4] It is recommended that teams arrive in the zoom waiting room 10-15 minutes prior to the start of each round. Teams should not be late to any round.

[8.4.1] Failure to attend or arriving more than 15 minutes late may result in that team receiving 0 (zero) for that round or disqualification from the competition.

[8.4.2] Notwithstanding Rule 8.4.1, if a team member suffers an emergency rendering them unable to attend the oral round, the Director of Competitions is to be notified of the emergency within a reasonable amount of time. Teams will then not be penalised for their failure to attend.

[8.4.3] If a team does not attend the oral round, the Director of Competitions may assign another team to compete against the opposing team or the opposing team will present their arguments alone to the tribunal. If an emergency prescribed by Rule 8.4.2 occurs the round may be rescheduled, depending on the availability of judges and rooms.

Judges

[9.1] The tribunal is to be constituted by one to three members.

[9.2] The tribunal may ask questions of the teams when they present their oral arguments. Teams will be assessed on how well they respond to questioning.

[9.3] The tribunal is to assess each individual member by the criteria provided by the Director of Competitions.

[9.4] The tribunal is to provide individual feedback to each team member following each round. The tribunal is not to notify the teams which team scored higher or won.

[9.5] The tribunal will seal the scoring sheet and provide that sheet to the Director of Competitions.

Finals and Progression.

[10.1] The top eight highest scoring teams within the general rounds will progress to the quarter-finals, if they are running.

[10.2] Each winning team in the quarter-finals will then progress to the semi-finals.

[10.3] Each winning team in the semi-finals will then progress to the Grand Final.

[10.4] If there are fewer than eight teams, there will not be a quarter final and the four highest scoring teams will progress to the semi-finals. If there are fewer than four teams, there will not be a quarter-final or a semi-final and the two highest scoring teams will progress to the Grand Final.

Awards

[11.1] Teams who participate in this mooting competition may be eligible for awards. These include;

- Winner of the Junior Moot;
- Runner-Up of the Junior Moot;
- Semi-Finalist;
- Quarter-Finalist.

[11.2] Other awards include the;

- Best Speaker;
- Best Written Memorandum for the Claimant;
- Best Written Memorandum for the Respondent;

Honourable mentions are made for certain awards.

Compliance and Professionalism

[12.1] Teams are to act professionally and in accordance with the rules of this competition.

[12.2] Teams are to act in accordance with the *Victoria University Student Charter*.

[12.3] Where there are teams of two members, all members will provide equal contribution unless there is an express agreement otherwise. Teams members will be in communication with other team members and are to perform agreed tasks.

[12.4] The Director of Competitions is to be notified of any non-compliance of the Rules.

[12.5] Failure to comply with the Rules may result in disqualification or removal of teams or individual members.

[12.6] Where there is any ambiguity in the Rules, the Director of Competitions will determine the correct interpretation.

Communications

[13.1] All Communications are to be made to the Director of Competitions at competitions@dictumsocietyvu.com. Communications to the Director of Competitions through other channels may not be received or acknowledged.

[13.2] The Director of Competitions is to be notified of:

- Withdrawal and Team Member changes;
- Any Emergencies that will affect participation in the competition;
- Non-Compliance of any Rules.

Complaints

[14.1] Complaints may be made to Director of Competitions in accordance with Rule 13.1.

[14.2] Complaints made through any other channel may not be accepted.

[14.3] The Director of Competitions will consider all complaints.

[14.4] If a complaint is made about the conduct of the Director of Competitions, then the President of Dictum Society will consider the complaint and the complaint must be sent to president@dictumsocietyvu.com .

[14.5] If the nature of the complaint falls outside the authority of the Director of Competitions and/or the President of Dictum Society, the complaint may be referred to a party who can handle the complaint.