

**EXTERNAL COMPETITIONS POLICY**  
OF THE  
**AUSTRALIAN NATIONAL UNIVERSITY**  
**LAW STUDENTS' SOCIETY (INCORPORATED)**

As at 29 October 2017

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## 1 Name

- 1.1 The name of the External Competitions Policy of the Australian National University (ANU) Law Students' Society (Incorporated) is hereafter referred to as "the Policy".
- 1.2 This policy covers both the selection of competitors for external competitions and the subsidisation of their expenses by the ANU Law Students' Society. The policy applies to both external mootings and skills competitions as chosen by the ANU Law Students' Society Executive.

## 2 Interpretation

- 2.1 In the Policy, unless a contrary intention appears:
  - 2.1.1 **ALSA** means the Australian Law Students' Association Incorporated;
  - 2.1.2 **College** means the ANU College of Law;
  - 2.1.3 **Committee** means the elected and appointed members of the Society responsible for the carrying out the objects of the Society;
  - 2.1.4 **Constitution** means the Constitution of the Australian National University (ANU) Law Students' Society (Incorporated);
  - 2.1.5 **Executive** means the elected President and Vice-Presidents of the Society responsible for the management of the Society;
  - 2.1.6 **Society** means the Australian National University (ANU) Law Students' Society (Incorporated); and
  - 2.1.7 **University** means the Australian National University.

## 3 Selection Process

- 3.1 Subject to sections 3.2, 3.3, and 3.4, Applicants for external competitions will be selected by a Selection Panel. Subject to section 4.3, the Selection Panel shall consist of at least three (3) members chosen at the discretion of the Vice-President (Competitions). Selection Panel members must be one of:
  - 3.1.1 the Vice-President (Competitions);
  - 3.1.2 a Competitions Director;
  - 3.1.3 a student experienced with mootings or skills competitions, as deemed by the Vice-President (Competitions);
  - 3.1.4 a member of the Executive; or
  - 3.1.5 a member of Faculty staff of the College.

- 3.2 If there are less than double the number of applicants as required competitors for any external competition, unless the Vice-President (Competitions) decides otherwise, the Selection Panel need only consist of the Vice-President (Competitions) and one other member subject to section 3.1.
- 3.3 Applicants for the ALSA Student Judge will be selected by the Vice-President (Competitions) and the President. If a unanimous decision cannot be reached, a Selection Panel shall be constituted.
- 3.4 Competitors for the ALSA Conference Competitions will be selected from the highest available ranked competitors in the ANU LSS Senior Competitions (Mooting, Witness Examination, Client Interview, and Negotiations). In the event of only similarly ranked competitors being available (e.g. where the grand finalist competitors cannot attend and the semi-finalists competitors are available) the Vice-President (Competitions) will select the competitor to attend the ALSA Conference Competition.
- 3.5 Applicants will be informed of the members of the Selection Panel prior to selection and given twenty-four (24) hours to object to Panel members on the basis of actual or apprehended bias before selection commences.
  - 3.5.1 Actual bias on the part of a Panel member arises where he or she is applying to compete in the competition for which he or she is on the Selection Panel. In a case of actual bias, the relevant Panel member will recuse himself or herself.
  - 3.5.2 Apprehended bias on the part of a Panel member arises where he or she appears unlikely to bring an impartial mind to considering and selecting applicants, or a certain applicant.
  - 3.5.3 A petition of apprehended bias must, within twenty-four (24) hours of the Selection Panel being announced, be communicated in writing (including by email) to the Vice-President (Competitions) and the President.
  - 3.5.4 The relevant Panel member will be invited to respond to the petition.
  - 3.5.5 The Vice-President (Competitions) and the President will deliberate and come to a non-appealable decision on whether the Panel member should be recused.
- 3.6 In the event a Panel member is recused, the Vice-President (Competitions) will appoint another Panel member who conforms to the requirements of section 3.1. In the event the Vice-President (Competitions) is recused, the Executive will appoint a Selection Panel under section 3.1.

#### **4 Method of Selection**

- 4.1 Panel members will list their preferred applicants in descending order, with brief reasons, and may also indicate whether they believe that certain applicants are insufficiently qualified.
- 4.2 Selections will be based on the sum of the Panel members' rankings (e.g. where there are ten (10) Applicants, the highest ranked will have a rank of 10, second highest a rank of 9, etc. These ranks are then added together to form the sum of the Panel members' rankings).

- 4.2.1 If there is a tie in rankings, the applicant preferred by a majority of the Panel shall be selected.
- 4.2.2 If there is no majority, the applicant preferred by the Vice-President (Competitions) shall be selected.
- 4.3 Where there are no or too few sufficiently qualified applicants, the Panel may exercise its discretion not to send a team to the competition. In making their decision, particular weight is to be given to the expense and prestige of the competition (e.g. a team should not be sent to an international competition unless it is highly qualified).
- 4.4 Responsibility for collating and giving effect to the views of the Panel lies with the External Director, who is overseen by the Vice-President (Competitions).
- 4.5 A decision of the Selection Panel is not appealable unless there is evidence of procedural unfairness. A petition to this effect may be lodged in writing to the President, who will come to a final decision on the matter. a. The petition must be lodged within twenty-four (24) hours of the release of the Selection Panel's decisions.

## 5 Selection Criteria

- 5.1 The Selection Panel will give primary consideration to the following criteria subject to its hierarchy:
  - 5.1.1 Prior mooting or skills experience and results in international competitions;
  - 5.1.2 Prior mooting or skills experience and results in both the Society's internal competitions and external competitions;
  - 5.1.3 Academic results, both generally and in any topics relevant to the competition; and
  - 5.1.4 Availability during the preparation period for the competition.
- 5.2 The Selection Panel will give secondary consideration to the following criteria not subject to any hierarchy:
  - 5.2.1 Results and experience in other competitions, both legal and non-legal, with related skill sets;
  - 5.2.2 Contribution to the Society's competitions programs, including by judging, coaching and coordinating mooting and skills competitions;
  - 5.2.3 Any other relevant academic or work experience; and
  - 5.2.4 Any other experience relevant to skills of advocacy, teamwork, problem solving, research and analysis.
- 5.3 The Selection Panel must also consider the following:

- 5.3.1 In order to ensure equality of access to external mooting and skills opportunities, where the applicant has competed previously in the same competition, this will weigh as a strong factor against their or her selection for that same competition again.
- 5.3.2 For the Kirby Contracts Moot, preference will be given to undergraduate Applicants in their second and third year or JD Applicants in their first and second year, in view of its status as a novice training moot.
- 5.3.3 A material misstatement, such as purposeful misrepresentation of grades or experience, by an applicant will disqualify their application.
- 5.3.4 In order to represent the University in a competition, an Applicant must be enrolled in a law program at the University for at least part of the preparation period of the competition (dated from the release of the problem question). The Applicant must be a member of the Society.
- 5.3.5 The team dynamic of the selected Applicants (including the allocation of Applicants in 'speaker' roles and 'researcher' roles).

## **6 Subsidy Policy**

- 6.1 The Society will subsidise external mooting and skills competition registration fees of competitions tendered for application. The Society may subsidise external mooting and skills competition accommodation and transport costs. Subsidies are to be determined by budgetary decisions of the Executive.
- 6.2 The Society will support the applications of selected competitors to SEEF grants and other external funding sources that will assist in defraying the costs of accommodation and travel.
- 6.3 At the discretion of the Executive, subsidies may apply both to competitors and to coaches. All competitors are to receive an equal subsidy.
- 6.4 Ordinarily, competitors must incur expenses and present receipts to the Vice-President (Competitions) before a subsidy is paid. The Vice-President (Competitions) and Vice-President (Finance) may decide to grant a subsidy before an expense has been incurred if extenuating circumstances exist and quotes have been provided.

## **7 Obligations of Competitors**

- 7.1 Competitors in external competitions must assist future teams by providing their competition materials, including problems, marking guidelines, rules, their own submissions, and the submissions of opposing teams, to the External Competitions Director and the Vice-President (Competitions).
- 7.2 Each team sent to an external competition must also prepare a report of their experience at the competition, to be emailed to the Vice-President (Competitions) and the External Competitions Director, within three (3) weeks of the conclusion of the competition. The report must be no fewer than two (2) pages in length, and must include:
  - 7.2.1 A list of the names and contact details of each ANU representative, and, where applicable, their coach;

- 7.2.2 A brief description of the preparation that was undertaken (or that the team or competitor recommends should be undertaken in the future);
  - 7.2.3 A description of the rounds and finals of the competition (even if the team or competitor did not reach the finals), and of the team's performance;
  - 7.2.4 An opinion of the style of judging; and
  - 7.2.5 Any other advice that would be useful for future competitors.
- 7.3 Competitors will remain available to be contacted by future teams, and where possible will assist them by providing advice on the competition and/or judging practice moots.
- 7.4 Where possible, competitors will contribute to internal mooting and/or skills competitions, such as through judging, assisting with workshops, writing problem questions, or in any other manner.
- 7.5 Competitors are required to attend all rounds of the competition. If competitors intend on contravening this section, they must inform the External Competitions Director before the competition begins.
- 7.5.1 Contravention of section 7.5 will result in a ban from Society organised external competitions until the end of the following year. The ban will not be enforced if:
    - 7.5.1.1 the External Competitions Director is notified; and
    - 7.5.1.2 'sufficient reason' is given; and
    - 7.5.1.3 'sufficient reason' is accompanied by written evidence.
  - 7.5.2 'Sufficient reason' is determined by the Vice-President (Competitions) in consultation with the President. However, 'sufficient reason' for the purpose of section 7.5.1 and its subsections will not include but is not limited to:
    - 7.5.2.1 job interviews;
    - 7.5.2.2 other College or Society events; or
    - 7.5.2.3 sporting events.
  - 7.5.3 The Vice-President (Competitions) has the discretion to waive the evidence requirement in section 7.5.1.3.
  - 7.5.4 If the Vice-President (Competitions) believes the breach of section 7.5 is sufficiently severe, they may extend the ban, in section 7.5.1, to include the following year's Society internal competitions. For the purposes of this section, sufficiently severe includes:
    - 7.5.4.1 failing to notify the External Competitions Director before the competition begins.

7.6 Competitors are required to attend all practice moots scheduled by the External Competitions Director.

7.6.1 If a competitor intends to miss a practice moot, they must contact the judge(s) and the External Competitions Director within four (4) working days of the practice moot. Failure to do so will result in a ban from Society organised external competitions, until the end of the following year. The ban will not be enforced if:

7.6.1.1 'sufficient reason' is given; and

7.6.1.2 'sufficient reason' is accompanied by written evidence.

7.6.2 'Sufficient reason' for the purpose of section 7.6.1 and its subsections is determined by the Vice-President (Competitions) in consultation with the President.

7.6.3 The Vice-President (Competitions) has the discretion to waive the evidence requirement in section 7.6.1.2.

## **8 Removal of Competitors**

8.1 The Vice-President (Competitions) may, at their discretion, following discussion with the Executive, the other team members, and the competitor in question, remove the competitor in question from the team if they have engaged in conduct that is deemed to be sufficiently serious to warrant removal. Sufficiently serious conduct includes but is not limited to:

8.1.1 consistent absence from team meetings;

8.1.2 lack of engagement with the work and other team members; or

8.1.3 engagement in serious misconduct or unsatisfactory conduct.

8.2 The External Competitions Director, under the guidance of the Vice-President (Competitions), must first give a formal warning, to a competitor, to improve their conduct, before they can be removed from the team.

8.3 When a competitor is removed, they will also be banned from Society organised external competitions, until the end of the following year.

## **9 Withdrawal from Competitions**

9.1 Competitors must not withdraw from a competition once the Society has paid the registration for that competition.

9.2 Any contravention of section 9.1 will result in a ban from Society organised external and internal competitions, until the end of the following year.

9.2.1 If section 9.1 is contravened and a replacement competitor cannot be found, the competitor will also incur a monetary penalty. The monetary penalty is calculated by the registration fee divided by the number of competitors in the team.

- 9.2.2 If contravention of section 9.1 prevents the team from competing in the competition, the withdrawing competitor must pay the entire registration fee to the Society.
- 9.3 The ban in section 9.2 and monetary penalty in sections 9.2.1 and 9.2.2 will not be enforced if:
  - 9.3.1 'sufficient reason' is given; and
  - 9.3.2 'sufficient reason' is accompanied by written evidence.
- 9.4 'Sufficient reason' for the purpose of section 9.3 is determined by the Vice-President (Competitions) in consultation of the President.
- 9.5 The Vice-President (Competitions) has the discretion to waive the evidence requirement in section 9.3.2.

## **10 Appeals Process**

- 10.1 A competitor who has been banned may, within twenty-four (24) hours of being notified of their ban, lodge an appeal to the Appeals Panel, comprising of the President and the Vice-President (Competitions).
- 10.2 A competitor who has been removed may, within twenty-four (24) hours of being notified of their removal, lodge an appeal to the Appeals Panel comprising of the President and the Vice-President (Competitions).
- 10.3 To lodge an appeal, the competitor must email the Vice-President (Competitions).

## **11 Miscellaneous**

- 11.1 The Vice-President (Competitions) and the President may amend this policy at any time prior to the acceptance of applications for any external competition.