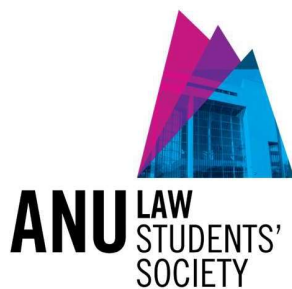


*The Australian Government Solicitor*

**Sir Harry Gibbs  
Constitutional Law Moot  
2025**





## COMPETITION RULES

### Part 1: Interpretation

#### *Competition Name*

1. This competition will be known as the Sir Harry Gibbs Constitutional Law Moot ('the Competition').

#### *Definitions*

2. In this document:
  - a. '**Accredited Law School**' means a law school that is geographically located within Australia and has available a Bachelor of Laws and/or a Juris Doctor;
  - b. '**Competition**' means the Sir Harry Gibbs Constitutional Law Moot;
  - c. '**Competition Organisers**' refers to the members of the Executive of the ANU Law Students' Society responsible for organising the competition;
  - d. '**Finals**' means the Quarter Final, Semi Final and Grand Final of the Competition; and
  - e. '**Preliminary Rounds**' means rounds one (1) to four (4) of the Competition.

### Part 2: Teams

#### *Registration*

3. By registering for the Competition, all competitors agree to be bound by the Competition Rules outlined in this document.
4. Each Accredited Law School may nominate a team of two (2) to four (4) students to compete in the Competition. These students must be studying a Bachelor of Laws or Juris Doctor at the Accredited Law School. Students who have competed in previous iterations of the Competition are permitted to compete again.
5. Each Accredited Law School is limited to entering one (1) team to compete in the Competition. However, if an Accredited Law School has campuses in more than one (1) State or Territory, the Accredited Law School may enter one (1) team from each State or Territory.
6. The two (2) to four (4) nominated students in a team shall remain the same for the duration of the Competition.

7. In a team of three (3) or (4) students, two (2) students will act as Counsel. Only one (1) student may act as a Solicitor in the preliminary rounds. Team members may rotate positions between Senior Counsel, Junior Counsel, and Solicitor during the Competition.
8. In a team of two (2) students, both students will act as Counsel. Team members may rotate positions between Senior Counsel and Junior Counsel during the Competition.
9. Team members must not have graduated with a law degree in any jurisdiction.
10. Each team may only have one (1) coach to assist in preparation for the Competition. The coach may be a faculty member.
11. Teams must register by **5pm (AEST) on Sunday, 10 August 2025**, or by a later date publicised by the Competition Organisers.
12. When registration for the Competition has closed, each team will be allocated a team number. The team numbers will be drawn at random by the Competition Organisers.

**Penalty:** Any contravention of a rule of Part 2 may result in disqualification or loss of points as decided at the absolute discretion of the Competition Organisers.

#### *Release of the Problem Question*

13. The problem question will be published on the website [www.gibbsanu.com](http://www.gibbsanu.com) on **Monday, 18 August 2025**, or at another date publicised by the Competition Organisers. Every effort will be made to ensure that the problem is constructed in a way that does not disadvantage or advantage participants from any particular jurisdiction.
14. Requests for clarification of the problem question are due by **5pm (AEST) on Monday, 25 August 2025**.
15. Competitors will be asked to prepare the same problem question for all rounds of the Competition. Each team must prepare a written memorandum for both the plaintiff and defendant.
16. All moots will be held before the High Court of Australia. Jurisdiction will be assumed.

#### *Research and Preparation*

17. All research and preparation for the moots must be conducted solely by the competitors. Coaches must not be involved in the writing of the written memoranda. However, competitors may receive general advice and assistance with respect to skills relevant to the Competition prior to the release of the problem question.

18. After the release of the problem question until the completion of the Competition, coaches may only provide general commentary on the quality of the team's legal and factual arguments. General commentary in this sense is limited to basic characterisations about merit and non-merit of the arguments and does not include advice on how to improve arguments, the correction of error, or highlighting omissions.

**Penalty:** Any contravention of clauses 17 and 18 may result in disqualification.

19. Competitors must not use electronic devices (including, but not limited to, laptops, tablets, smart watches, and mobile phones) at any time for any purpose during each round of the Competition. The only exception is for personal time keeping (official time will be kept in accordance with clauses 47 to 49 and devices must be switched to flight mode).

**Penalty:** Any contravention of clause 19 may result in disqualification.

#### *Release of the Draw*

20. The Preliminary Rounds will consist of one (1) pool and teams will be randomly drawn against each other prior to the commencement of the Competition.
21. The draw will be released to teams via email at **5pm (AEST) on Monday, 22 September 2025**.

#### **Part 3: Written Memoranda**

22. Teams will be required to submit written memoranda for the Plaintiff and Defendant.
23. Written memoranda are to be submitted electronically in PDF format by email to [submissions@gibbsanu.com](mailto:submissions@gibbsanu.com)
24. The title of the document must be in the format [(Team Number) – (Plaintiff/Defendant)]. For example, [3 – Plaintiff].

**Penalty:** Any contravention of clauses 22–24 may result in a 5-mark penalty per contravention, at the absolute discretion of the Competition Organisers.

25. The deadline for receipt of written memoranda for both the Plaintiff and Defendant is **5pm (AEST) on Thursday, 18 September 2025**.

**Penalty:** Any contravention of clause 25 may result in a 2-mark penalty for every 30 minute interval after the due time (or part thereof).

26. The written memoranda will be distributed accordingly to the opposing teams and to the Judges of the moot.

- a. In the Preliminary Rounds, teams will be provided with the written memoranda of the opposing teams at **5pm (AEST) on Monday, 6<sup>th</sup> October**, or on another date publicised by the Competition Organisers.
  - b. In the Semi Final and Grand Final, teams will be provided with the written memorandum of the opposing team at least one (1) hour prior to their moot.
27. Written memoranda must contain a cover sheet, an outline of the structure of the team's submission, major arguments raised and a list of authorities on which counsel rely.

**Penalty:** Any contravention of clause 27 may result in a 5-mark penalty.

28. Written memoranda for each party must not exceed ten (10) pages in length, plus an additional one (1) cover page and two (2) pages for a list of authorities.

**Penalty:** Any contravention of clause 28 may result in a 2-mark penalty, at the absolute discretion of the Competition Organisers.

29. Each team must format their written memorandum, cover page, and list of authorities in accordance with a standard format:
- a. Times New Roman, size 12 font must be used;
  - b. Line spacing must not be less than 1.5;
  - c. Margins must not be less than 2 cm on either side;
  - d. The division of time between speakers must be specified; and
  - e. Teams must not indicate their university name on any part of the written memorandum.

**Penalty:** Any contravention of clause 29 may result in a 3-mark penalty (only applied once).

30. Written memoranda may not be revised for any purpose whatsoever once they have been submitted.

#### **Part 4: Oral Submissions**

31. The Competition is comprised of four (4) Preliminary Rounds, a Quarter Final, a Semi Final, and a Grand Final.
32. Each moot will consist of at least two (2) sides (e.g., one (1) Plaintiff and one (1) Defendant or any such title as specified in the question).

#### *Procedure*

33. Each team will have forty (40) minutes to present their case (excluding time taken to give appearances and time extensions granted by the Judge).
  - a. The time may be divided between Senior and Junior Counsel as they see fit, although each speaker must speak for a minimum of 15 minutes.
34. Judges may grant an extension of time up to five (5) minutes per competitor at their absolute discretion.
35. There will be no right of reply. A competitor must stop speaking when their time has expired, or when asked to do so by the Judge.

**Penalty:** A right of reply will attract a penalty of between 5–30 marks.

36. Competitors must not be more than five (5) minutes late for the commencement of the moot.

**Penalty:** Any contravention of clause 38 will result in a penalty of two (2) marks per five (5) minutes late or part thereof.

37. Procedural submissions must not be made during the moot.

**Penalty:** Any contravention of clause 39 will result in a 5-mark penalty.

38. Competitors must appear in person (and not through remote access technology).

### *Preliminary Rounds*

- 39. All teams will compete in each Preliminary Round.
- 40. Competitors may not observe, nor are they to be briefed on, proceedings of a Preliminary Round in which they are not competing.

**Penalty:** Any contravention of clause 42 may result in disqualification.

- 41. Teams will be randomly allocated to sides. Every endeavour will be made to ensure that a team is not disadvantaged by the draw and will not meet the same team twice in the Preliminary Rounds.
- 42. In the case of an uneven number of teams in the Competition, a three-way moot will be held in each of the Preliminary Rounds.
  - a. There will be one (1) Plaintiff and two (2) Defendants.
  - b. One (1) team each round (the Odd Team) will be drawn against the Plaintiff.
  - c. The Odd Team will be declared the winner of their moot if their total score exceeds the total score of the Plaintiff.
  - d. The Plaintiff team can only be declared the winner against the Defendant team drawn in the fixture. The Defendant team can only be declared the winner against the Plaintiff team drawn in that fixture.
  - e. The Odd Team's score will not affect the outcome of the Plaintiff or the Defendant.
- 43. In a three-way moot, the following procedure will apply.
  - a. The Plaintiff, the Defendant, the Odd Team, and two (2) judges will hear the oral submissions of the Plaintiff.
  - b. Immediately following the Plaintiff's oral submissions, both the Defendant and the Odd Team will present their oral submissions. The Odd Team will be moved to a different break-out room while the Defendant presents their oral submissions.
  - c. Afterwards, the Odd Team will re-join the room and present their submissions once the Defendant has presented their oral submissions, with the Defendant then being moved to a separate break-out room.



- d. Teams will only be given one (1) set of opposing written memoranda. Teams are expected only to respond to the arguments of the opposing written memoranda they receive.
44. In the event that one (1) or more team(s) withdraw from the Competition, resulting in an uneven number of teams, randomly allocated teams will be matched into a three-way moot as outlined in clause 44.

### *Timekeeping*

45. Responsibility for timekeeping and adherence to allotted time periods and breaks rests with the Judges.
46. If resources and volunteers are available, timekeepers and timekeeping devices may be provided, and, in such cases, they will be solely responsible for all time keeping and penalties. A timekeeper shall not be an individual from the same team as any competitor in that particular moot.
47. Decisions by Judges as to elapsed times are final and non-reviewable.

### *Observers*

48. Observation of the Competition is encouraged, however potential for disruption must be minimised. Observers should not enter or leave the room whilst a competitor is speaking. All observers will be required to follow the directions of timekeepers and Judges.
49. Judges may, if they wish, request that observers leave the room while they confer. Outside of this discretion, observers may watch all segments of a round (unless they are being disruptive, in which case a Judge may ask them to leave).

## **Part 5: Judging and Scoring**

### *Judging*

50. Every effort must be made by the Competition Organisers and the teams to ensure that Judges are unaware of the university that competitors are from until after they have finished judging the Competition.
51. All Judges must have suitable legal qualifications or relevant experience. Judges will be judges, legal practitioners, legal academics, or others with demonstrated relevant experience in competitions, and/or relevant professional experience.

52. Judges will be provided with:

- a. The problem question;
- b. A summary of the issues in the problem (at least one (1) page);
- c. The scoresheet;
- d. A summary of the Competition Rules; and
- e. Written memoranda submitted by the teams competing in the moot.

53. Judges will award each team in the moot a mark out of one hundred (100).

54. Where there is more than one Judge, each Judge will be asked to produce an individual score sheet and the winner will be determined by the majority opinion.

55. Each team's scoresheets will be submitted by the Judge to the Competition Organisers at the conclusion of each moot.

#### *Progression from Preliminary Rounds*

56. Teams will progress through the Quarter Final based on the procedure of ranking set out in clauses 57 and 58 below.

57. The eight (8) teams with the highest win-loss ratios will automatically progress through.

58. If two (2) or more teams have tied win-loss ratios, accumulated score differential percentages will be used to separate these teams. This method of calculation aims to remove the scoring discrepancies derived from teams being judged by different judges, and teams facing different opponents. The calculations will be made available to any team who requests them.

- a. Score differentials are calculated by finding the difference between the scores awarded to both teams in a fixture. The value of the difference is divided by an average of the total scores of both teams in that fixture. This differential is then expressed as a percentage.
- b. The winning team will receive a positive score differential percentage value, whereas the losing team will receive a negative score differential percentage value.
- c. The score differential percentages of each team with a tied win-loss ratio will be added together to give an accumulated score differential percentage.
- d. The accumulated score differential percentage of each team with a tied win-loss ratio will be compared side-by-side and the team with the highest value will be ranked higher and thus, progress to the Quarter Final.

### *Quarter Final*

59. Competitors may not observe, nor are they to be briefed on, proceedings of a final in which they are not competing. This does not apply to competitors no longer in the Competition.

**Penalty:** Any contravention of clause 61 may result in disqualification.

60. The draw for the Quarter Final will be seeded based on the procedure of ranking set out in clauses 59 and 60.

61. Teams will be allocated sides by random draw.

62. Quarter Finalists will be announced after the conclusion of the Preliminary Rounds and teams will be informed of their side. Each team will only compete once in the Quarter Final Round.

### *Semi Final*

63. The winners of each Quarter Final round progress to the Semi Final.

64. Semi Finalists will be announced after the conclusion of the Quarter Final. Each team will only compete once in the Semi Final round.

65. Teams will be allocated sides by random draw.

### *Grand Final*

66. The winning team from each Semi Final will proceed to the Grand Final.

67. Grand Finalists will be announced after the conclusion of the Semi Finals.

68. Teams will be allocated sides by random draw.

## **Part 6: Penalties and Forfeiture**

### *Penalties*

69. Where a penalty is levied against a team, the penalty will be divided equally amongst Counsel for that team. Where an individual competitor is disqualified, their team will be able to continue in the Competition provided that two (2) team members remain in the team.

70. Judges shall not be notified of the application of any penalties at any time by the Competition Organisers.

71. If a Judge becomes aware that a penalty has been or will be applied, they will be instructed not to take this penalty into consideration when marking the competitors.
72. In addition to the penalties prescribed above, a team may be disqualified, receive a penalty of between 1 and 100 points, and/or be banned from participating in future iterations of the Competition if any of a team's members or their coach engage in behaviour that is unlawful, threatening, abusive, in breach of the University of Melbourne's visitor policies, or otherwise brings the Competition into disrepute. This may include, but is not limited to, physical or verbal attacks directed towards the Competition Organisers, competitors, coaches, Judges, or any other person during the Competition.
73. The Competition Organisers have full discretion as to the application of all penalties.

#### *Forfeiture*

74. Any team that forfeits will be deemed to have lost that moot. Counsel for the forfeiting team will be deemed to have a mark of zero (0) for that round.
75. Any team whose opponents forfeit a round will be deemed to have won that moot. The team's margin will be the average of their margins from the other rounds.
76. Any team which forfeits shall be excluded from progressing through to the Finals.
77. A forfeit will be considered to have occurred where a team withdraws after the opponent's written memorandum has been released.
78. No member of a forfeiting team is eligible for the award of best speaker.

#### **Part 7: Scoresheets and Awards**

79. Scoresheets will be made available to teams at the conclusion of the preliminary rounds. Each team may only view their own scoresheet.
80. Rankings will be released via the Competition website at the end of the preliminary rounds.
81. The Judge's decision is final. No appeals are permitted on the basis of scoresheets or rankings.

### *Best Speaker Awards*

82. An award for best speaker will be given for the Preliminary Rounds and for the Grand Final.
83. The best speaker of the Preliminary Rounds must have competed in at least three (3) moots. Speakers will be ranked according to their mean percentage. The mean percentage shall be calculated each round by taking the competitor's score and dividing it by the total number of points awarded in that moot. This value will then be added to the value derived from the competitor's other moots and divided by the number of moots they speak in.
84. The award for best speaker of the Preliminary Rounds shall be announced at the Gala Dinner.
85. The best speaker of the Grand Final will be selected by the adjudication panel presiding over the Grand Final.
86. The award for best speaker of the Grand Final will be announced at the Grand Final.
87. In the event of a tie, the competitors will share the prize.

### *Best Written Memorandum Awards*

88. Awards will be given for Best Plaintiff Written Memorandum and Best Defendant Written Memorandum from the Preliminary Rounds.
89. The best three (3) plaintiff written memoranda and the best three (3) defendant written memoranda from the Preliminary Rounds will be sent to an independent judging panel, who will select the winner. The written memoranda shall not identify which university the teams are from.
90. The best three (3) plaintiff written memoranda will be selected by the mean points awarded for each plaintiff memorandum in the Preliminary Rounds. This will be calculated in each round by taking the score for the plaintiff written memorandum from each Judge and dividing it by the total number of points awarded for written memoranda in that moot. This value will then be added to the value derived from the plaintiff written memorandum's scores in other moots and divided by the number of moots in the Preliminary Rounds that the team competes as the plaintiff.
91. The same procedure in clause 92 will be used to determine the best three (3) defendant written memoranda.
92. The awards for best written memoranda will be announced at the Gala Dinner.
93. In the event of a tie, the competitors will share the prize.