

ALSA Bylaw- Competitions



Contact information for inquiries:

ALSA Competition Officer

Email: competitions@alsa.asn.au

1. Scope

- 1.1. This bylaw sets out the method for competitors to appeal decisions made at the ALSA Competitions.

2. Operating Provisions

- 2.1. This bylaw operates subject to the Australian Law Students' Association (ALSA) Constitution.
- 2.2. This bylaw is created under the power conferred upon the ALSA Executive under sections 59 and 85 of the ALSA Constitution as promulgated at each ALSA Annual General Meeting. Should a conflict arise between the content of the ALSA Constitution and this Bylaw, the ALSA Constitution will prevail.

3. Definitions

In this Bylaw:

- 3.1. "Appeals Coordinator" means the person appointed under **section 10** of this Bylaw.
- 3.2. "ALSA Conference" means the event held annually subject to section 6.5(a) ALSA Constitution and section 6 of the Bylaw 5 Council and Conference.
- 3.3. "ALSA National Competitions" means the competitions run by ALSA, whether at ALSA Conference or online.
- 3.4. "ALSA Council representative" means delegate who attends an ALSA Council or Conference on behalf of an affiliated LSS or LSA.
- 3.5. The "Appeals Coordinator" holds the meaning as defined in **section 10** of this Bylaw.
- 3.6. "Competition Rules" means those rules relating to a specific competition as released to competitors prior to the ALSA Conference and as found on the ALSA website.
- 3.7. "Competitions Officer" means the person nominated to fill the role within section 4.7 of ALSA Bylaw 7 Committee Members and Subcommittees.

4. ALSA Competitions Problem Bank

- 4.1. The ALSA Competitions Problem Bank shall hold problems for Client Interview, Mooting, Negotiation, and Witness Examination and any other competitions as deemed relevant by the Competitions Officer in liaison with ALSA affiliates.
- 4.2. Access to the ALSA Competitions Problem Bank is assessed annually on the calendar year, subject to the requirements in this section.
- 4.3. In order to gain access to the Problem Bank, each LSS/LSA must contribute at least two problem questions, which must include:
 - 4.3.1. one problem from either Client Interview, Negotiation, or Witness Examination or other non-Mooting based Competition; and
 - 4.3.2. at least one set of judging notes relevant to one of the submitted problems.
- 4.4. An LSS/LSA that has not fulfilled these criteria may be granted access at the discretion of the ALSA Competitions Officer, taking into account factors including:
 - 4.4.1. the size of the LSS/A;
 - 4.4.2. the LSS/A's previous contributions to the Problem Bank; and
 - 4.4.3. any other relevant factors.
- 4.5. All Problem Bank question submissions must be made via email to the ALSA Competitions Officer.
- 4.6. All Problem Bank question submissions must be in Word Document format.
 - 4.6.1. Problem Bank submissions in PDF format will not be accepted by the Competitions Officer.
- 4.7. The ALSA Competitions Officer shall have the responsibility of updating and maintaining the Problem Bank.

ALSA National Competitions

5. Participation in the ALSA National Competitions

- 5.1. Entry and participation in the ALSA National Competitions will exclude those who are members of:
 - 5.1.1. the ALSA Executive;
 - 5.1.2. the ALSA Committee; or
 - 5.1.3. the ALSA Conference Subcommittee.
- 5.2. A person will be deemed to a member of those classifications listed in **subsections 5.1.1 to 5.1.3** inclusive, if they have held office in that capacity, at any time in the current term of office as defined in the ALSA Constitution.
- 5.3. This bylaw will not operate to exclude the remaining members of the "ALSA Council" not covered by **subsections 5.1.1 to 5.1.3** inclusive, from competing in the ALSA National Competitions.

6. ALSA Competitions

- 6.1. The ALSA National Competitions will be held at the ALSA Conference every year, or online.
- 6.2. The ALSA National Competitions will be governed by the ALSA Competition Rules.
- 6.3. The ALSA Competition Rules may only be amended by the ALSA Executive on the advice of the Competitions Officer.
- 6.4. The ALSA Competitions include:
 - 6.5. Competitions listed in section 6.5 ALSA Constitution , **including**;
 - 6.5.1 a Paper Presentation competition;
 - 6.5.2 a Mooting competition;
 - 6.5.3 a Witness Examination competition;
 - 6.5.4 a Client Interviewing competition;
 - 6.5.5 a Negotiation competition;
 - 6.5.6 an International Humanitarian Law Mooting competition; and
 - 6.5.7 a National Essay Competition.
 - 6.6. The National Essay Competition within section 6.5.7 is not subject to section 6.1. The competition will be governed by the ALSA National Essay Competition Rules. The winner of the National Essay Competition will be announced at the Closing Gala of the ALSA Conference.
- 6.7. The ALSA Executive, on the advice of the Competitions Officer, will decide which competitions to run each year.

7. Competition Trophy Return

- 7.1. **ALSA Competition Trophy Return**
 - 7.1.1. ALSA Competition Trophies shall be brought to the ALSA Conference by the LSS/LSA with possession.
 - 7.1.2. Any LSS/LSA that fails to comply with **section 7.1** will be liable for the cost of transporting the trophy to the relevant winning university immediately after the ALSA Conference.

8. Provision of Student Judges

- 8.1. **Student Judges**
 - 8.1.1. An LSS/LSA may register a team in four (4) or more ALSA Competitions if they also register one (1) student judge.
 - 8.1.1.1. The above section 8.1.1 does not include Paper Presentation.
 - 1.1.1.1. Section 8.1.1 is not applicable where an exception applies under section 8.2.

- 1.1.1.2. Section 8.1.1 will be deemed to be fulfilled once the ALSA Conference Committee has approved the candidate as a student judge.

8.2. Exceptions

8.2.1. Any exception to **section 8.1** will be granted at the discretion of the Conference Convenor.

8.2.2. In exercising the discretion granted by **section 8.2** Conference Convenor will consider:

- 1.1.1.3. Financial difficulties;
- 1.1.1.4. Whether competitions are running online; or
- 1.1.1.5. Unforeseen circumstances; or
- 1.1.1.6. Any other relevant factor.

8.3. Judges' Briefing

8.3.1. The ALSA Conference Subcommittee will provide a judges' briefing prior to the commencement of the preliminary rounds.

8.3.2. The judges' briefing may be provided online.

8.4. Enforcement

8.4.1. LSS/LSAs, which do not comply with this bylaw, may only register teams in up to three (3) ALSA Competitions.

8.4.2. This bylaw does not apply to international competitors.

Competitions Appeals Procedure

9. The Appeals Coordinator

- 1.1. The Appeals Coordinator will be the first formal point of contact for all matters relating to appeals during the ALSA National Competitions.
- 1.2. The Appeals Coordinator will be appointed at the discretion of the ALSA Executive prior to the commencement of the Competitions and will be identified to competitors.
- 1.3.
- 1.4. Those judging in any competition or competing in any competition during the ALSA National Competitions may not sit as Appeals Coordinator.

10. Stages of Appeal

10.1. If an appeal is lodged, there is a maximum of two stages of appeal for each decision challenged.

10.1.1. The first stage (Stage One) of appeal must be brought to the Appeals Coordinator.

10.1.2. Should a second stage (Stage Two) of appeal be commenced in line with this By-law, an appeal must then be brought to the ALSA Competitions Review Board, subject to 16.1.1 of this Bylaw.

11. Format of Appeal

11.1. All appeals must:

11.1.1. Be made in writing in accordance with Form 1 (appended to this bylaw) and submitted in accordance with the location specified in accordance with **subsection 13.1**; and

11.1.2. Contain the reasons for the appeal being made, including specific reference to the rule(s) (as per 3.2) alleged to have been breached if the appeal is to the Appeals Coordinator; and

11.1.3. Be brought by a competitor or member of the ALSA Council from the competitor's University, and

11.1.4. Include contact details (including mobile number and email address) of the person submitting the appeal in **subsection 12.1.3**.

11.2. All appeals that are submitted in any other format than that described in **section 12.1** will be invalid and will not be considered for appeal.

1.1. The Appeals Coordinator is obligated to inform competitors when they have improperly filed an appeal in breach of **section 12.1**.

11.3. Appeals may only be made against a breach of the Competition Rules.

11.4. No appeals are permitted on the basis of score sheets or rankings or the decision of the judge(s).

12. Due Date and Time for Appeals

12.1. Before the start of the official registration process on the first day of the ALSA National Competition which competitors are participating in, all competitors must be reasonably informed of:

12.1.1. All relevant time periods relating to appeals, including the final cut-off date and time for appeals for each round of the Competitions; and

12.1.2. How appeals must be lodged; and

12.1.3. The correct format and structure of lodging an appeal.

12.2. Competitors have three (3) hours to lodge a Stage One appeal from the official conclusion of the appropriate round of competition. *For example:* For rounds beginning at nine (9) AM and concluding at eleven (11) AM, competitors will have until one (1) PM to lodge a proper appeal for that round, with the Appeals Coordinator.

12.2.1. Subject to **section 13.2**, a Stage One appeal must include all grounds of review and cannot be amended once submitted.

12.2.2. The Appeals Coordinator may, at their discretion, allow amendments to the Stage One appeal within the three (3) hour allotted appeal period.

1.3. A Stage Two appeal must be submitted within three (3) hours of a notification of the result of a Stage One decision, where that notification was made in accordance with section 15.4.

12.2.3. Subject to **section 13.3**, a Stage Two appeal must include all grounds of review and cannot be amended once submitted.

12.2.4. The ALSA Competitions Review Board may, at their discretion, allow amendments to the Stage Two appeal within the three (3) hour allotted appeal period.

12.3. The Appeals Coordinator can process an appeal prior to the conclusion of the three (3) hour allotted appeal period.

12.4. The Appeals Coordinator will advise of receipt of each appeal to the person or member of the team appealing. Receipt may be advised by email, by phone or in person.

15. Appeals to the Appeals Coordinator

12.5. Following the conclusion of all rounds of an ALSA National Competition for the day, competitors will be notified if they have incurred any penalties. Notification may be by email, by phone or in person to a member of the competitor's team or the ALSA Council Representative.

12.6. Following the conclusion of the Competition for the day, and prior to the deadline set in accordance with 13.2, competitors may lodge an appeal to the Appeals Coordinator, in writing in accordance with Form 1.

12.7. If the Appeals Coordinator considers the appeal to be relevant to another person (Person 2) or team (Team 2) involved directly in the subject of the appeal, the Appeals Coordinator must inform Person 2 or Team 2 that an appeal was lodged, by e-mail, by phone or in person.

16. The Appeals Coordinator's Decision

16.1. The Appeals Coordinator has the power to:

16.1.1. Grant the appeal;

16.1.2. Dismiss the appeal (and reject any requests and prevent any changes being made); or

16.1.3. Direct the appeal to the ALSA Competitions Review Board.

16.2. Dismissing the appeal will constitute a decision.

16.3. In exercising their power under **section 16.1**, the Appeals Coordinator may seek clarification in written or oral form from any person as they see fit.

16.4. The Appeals Coordinator must inform the person or team appealing or their ALSA Council Representative of the outcome of the appeal, by email, by phone or in person.

16.5. If the Appeals Coordinator has considered the appeal to be relevant to another person (Person 2) or team (Team 2) in accordance with 15.3, the Appeals Coordinator must inform Person 2 or Team 2 of the outcome of the appeal, by e-mail, by phone or in person.

16.6. The Appeals Coordinator must advise the ALSA Conference Convenor(s) and the ALSA President of the appeal.

17. Appeals to the ALSA Competitions Review Board

17.1. Following a decision being handed down by the Appeals Coordinator, the person or member of the

appealing team who lodged the original appeal, may appeal to the ALSA Competitions Review Board.

17.1.1. If an appeal is made on a rule that carries the penalty of Exclusion from the Competition, that appeal will be Stage Two appeal and will be heard by the ALSA Competitions Review Board, without being heard at first instance by the Appeals Coordinator.

17.1.2. When hearing an appeal on a rule that carries the penalty of Exclusion, the ALSA Competitions Review Board will include the Appeals Coordinator as an additional member for that appeal hearing.

17.2. Where the Appeals Coordinator has sought clarification under **section 16.3** and has dismissed the appeal under subsection 16.1.2 on the basis of the appeal not satisfying section 12.4 or 12.5, this decision may not be appealed to the ALSA Competitions Review Board.

17.3. The ALSA Competitions Review Board will be composed of at least one (1) member of the ALSA Executive and at least one (1) member of the ALSA Council.

1.1.1. Those judging in any competition or competing in any of the ALSA National Competitions may not sit as a Member of the ALSA Competitions Review Board. ALSA Council members who are not present may form part of the ALSA Competitions Review Board remotely, e.g. via teleconference.

1.1.2. An ALSA Council member may nominate another student from their University in their place to sit on the ALSA Competitions Review Board.

1.1.3. If the ALSA National Competitions are taking place in person, membership of the ALSA Competitions Review Board will be determined on the first morning of the ALSA Conference by nomination.

1.1.4. If the ALSA National Competitions are taking place online, membership of the ALSA Competitions Review Board will be appointed at the discretion of the ALSA Executive prior to the commencement of the Competitions.

17.4. The Appeals Coordinator will act as the Executive Officer for the ALSA Competitions Review Board. This shall include, but is not limited to;

17.4.1. Providing all relevant documentation to the ALSA Competitions Review Board;

17.4.2. Ensuring all relevant parties are informed of what time they are required to attend any ALSA Competitions Review Board hearing;

17.4.3. Providing, where requested by the ALSA Competitions Review Board and where the appeal is from a decision of the Appeals Coordinator, further explanation as to why such a decision was reached.

17.5. Two types of appeal will be heard by the ALSA Competitions Review Board:

17.5.1. Appeals against the decision of the Appeals Coordinator; or

17.5.2. Appeals referred to the ALSA Competitions Review Board by the Appeals Coordinator without a decision having been made.

17.6. All appeals to the ALSA Competitions Review Board must be made in writing, in accordance with Form 1 and submitted to the Appeals Coordinator in accordance with **section 13.2**.

17.7. If the ALSA Competitions Review Board considers the appeal to be relevant to another person (Person 2) or team (Team 2) involved directly in the subject of the appeal, the ALSA Competitions Review

Board must inform Person 2 or Team 2 that an appeal was lodged, by e-mail, by phone or in person.

- 17.8. The ALSA Competitions Review Board shall conduct the appeal in the following manner:
- 17.8.1. The appealing team must provide a one-page submission to the ALSA Competitions Review Board.
- This submission should include:
- 20.8.1.1 What rule is being appealed;
- 20.8.1.2 Why the appeal has been brought; and (if an appeal under 17.5.1)
- 20.8.1.3 Why the Appeals Coordinator's decision was wrong.
- 17.9. The appealing team may include (in their written submissions) an application to present oral argument to the ALSA Competitions Review Board.
- 17.9.1. Competitors requesting oral argument will present to the ALSA Competitions Review Board a 2-minute argument as to why the team should be granted an oral hearing.
- 17.9.2. If granted, the appealing team will then have 5 minutes to present their oral arguments on the appeal.
- 17.9.3. There is no avenue of appeal from a decision by the ALSA Competitions Review Board not to hear an oral argument.
- 17.10. The ALSA Competitions Review Board may ask questions or request oral submissions of the person or team appealing, the persons involved directly with that person's or team's championship for that round, the organisers of the championship, the organisers of the ALSA Conference or any other party.
- 17.11. Only the members of the ALSA Competitions Review Board, the Appeals Coordinator, the person or members of the team appealing and anyone else the ALSA Competitions Review Board requires to be present will be permitted at the hearing.
- 17.12. The procedure listed under **section 17.8** may only be varied in exceptional circumstances and where all three (3) members of the ALSA Competitions Review Board agree to allow the procedure to be varied.

18. Decision of the ALSA Competitions Review Board

- 18.1. The ALSA Competitions Review Board has the power to:
- 18.1.1. Overturn the decision of the Appeals Coordinator;
- 18.1.2. Uphold the decision of the Appeals Coordinator;
- 18.1.3. Amend the decision of the Appeals Coordinator; or
- 18.1.4. If the appeal has been referred by the Appeals Coordinator without a decision being made, enforce any decision it believes appropriate.
- 18.2. The ALSA Competitions Review Board will inform the applicants of the outcome of the appeal, by email, by phone or in person.
- 18.3. If the ALSA Competitions Review Board has considered the appeal to be relevant to another person (Person 2) or team (Team 2), the ALSA Competitions Review Board must inform Person 2 or Team 2 of the outcome of the appeal by email, by phone or in person.

- 18.4. The ALSA Competitions Review Board will give reasons for its decision in the manner it sees fit.
- 18.5. Following all appeals on any given day, the ALSA Competitions Review Board will write a general report outlining its decisions.
 - 18.5.1. The purpose of this report is to allow for greater consistency in decisions from year to year, as well as ensuring that the Appeals Coordinator is making decisions consistent with the ALSA Competitions Review Board.
 - 18.5.1.1. The Appeals Coordinator will be provided access to reports on previous decisions reached by the ALSA Competitions Review Board.
 - 18.5.1.2. The Appeals Coordinator is not bound by any decision outlined in the report but rather should attempt, where possible, to try and ensure consistency.
 - 18.5.2. This report is the responsibility of the ALSA Competitions Review Board.
 - 18.5.3. The report should not name any competitors, or which university they attend, or which law student society they are affiliated with, but rather should give a general outline of the decisions reached and the reasons why.
 - 18.5.3.1. The ALSA Competitions Officer will be responsible for maintaining records of the ALSA Competitions Review Board decisions for reference in future years.
 - 18.5.3.2. The decision of the ALSA Competitions Review Board is final and binding.
 - 18.5.4. There is no avenue of appeal to the ALSA Executive of decisions by the ALSA Competitions Review Board.
 - 18.5.5. Should a dispute arise following the ALSA Conference, or any complaint regarding the Appeals process, this should be referred to the ALSA Discipline & Grievance Committee.

Appendix 1

ALSA Conference Appeals Procedure Bylaw Form 1

Appeal to Appeals Coordinator

Date:

Name of Sole Competitor OR Member of Appealing Team [delete appropriate]:

Appeal to Conference Review Board from Decision OR Appeal to Conference Review Board from Referral of Appeals Coordinator OR Appeal to Conference Review Board for a rule carrying penalty of Exclusion from Championship.

Mobile:

Email Address:

University Name:

LSS Name:

LSS Representative's Mobile:

LSS Representative's Email Address:

Date of Round:

Time of Round:

Relevant Championship (e.g. ALSA Moot):

Relevant Stage of Championship (e.g. Preliminary Round 2, Quarter Final):

Opponent University:

List Championship Rule(s) alleged to have been breached:

Reasons for Appeal (maximum 500 words):

Signed:

Date:

Name:

[Delete appropriate] Sole Competitor OR Member of Appealing Team

Appendix 1: Amendments Table

Amendment Date	Author / Amender	Substantive Explanation	Passed by Motion of Council
July-2016	Jacinta Kenward	First issued	
February 2017	Georgia Mullen	Amended 6.1.4 from required to be amended by council to the executive.	Yes
July 2017	Carolyn Scott	Amended 12.1.1 from a shortlisting requirement of ten to six.	Yes
September 2017	Carolyn Scott	Amendment of 9 – National Essay Competition By-Law	Yes
February 2019	Georgina Due Erin Ritchie Margaret Cai	Removal of outdated contact details. Amendment of 4.2 – 4.4 – Updating Problem Bank submission criteria and changing ‘Vice-President of Administration Competitions Officer’ to ALSA Competitions Officer Amendment of 12 – Expanding specifications regarding appeal format and process. Amendment of 13 – Expanding and detailing the specifications of the allotted appeal period. Amendment of 16 – Addition of time limit placed on second stage review.	

ALSA Bylaw – Competitions – BYLAW003

March 2021	Sophia Pruim Alana Bonenfant	Updates to ensure consistency with running competitions online due to COVID-19.	
------------	---------------------------------	---	--