ALSA Bylaw- Competitions

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Refer to appendix for amendements

# Scope

* 1. This bylaw sets out the method for competitors to appeal decisions made at the ALSA Conference Championships.

# Operating Provisions

* 1. This bylaw is created under the power conferred upon the ALSA Executive under sections 59 and 85 of the Australian Law Students’ Association Constitution as promulgated at each ALSA Annual General Meeting.
  2. This bylaw operates subject to the Australian Law Students’ Association Constitution.
  3. Should a conflict arise between the content of the Australian Law Students’ Association Constitution and this bylaw, the ALSA Constitution will prevail.

# Definitions

**In this Bylaw:**

* 1. “Championship Rules” means those rules relatin**g** to a specific competition as released to all competitors prior to the ALSA Conference and as found on the ALSA Conference website.
  2. “Appeals Coordinator” means the person appoin**t**ed under section 14 of this Bylaw.
  3. “Competitions Coordinator” means any person nominated as such by the ALSA Conference Convenor(s) for a specific competition.

# ALSA Competitions Problem Bank

* 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.
  2. In order to gain access to the Problem Bank, each LSS/LSA must contribute:
     1. At least one Moot problem, and;
     2. At least one other problem drawn from either Client Interview, Negotiation, or Witness Examination or other competition as determined under s 4.1, and;
     3. At least one set of judging notes relevant to one of the submitted problems.
  3. An LSS/LSA that has not fulfilled these criteria may be granted access at the discretion of the Vice- President (Administration Competitions Officer, taking into account factors including the size of the LSS/A, the LSS/A’s previous contributions to the Problem Bank and any other relevant factors. )
  4. The Vice- President (Administration Competitions Officer ) shall have the responsibility of updating and maintaining the Problem Bank.

ALSA National Championships

# Participation in the ALSA National Championships

* 1. Entry and participation in the ALSA national championships will be limited to exclude those who are members of:
     1. the ALSA Executive;
     2. the ALSA Committee; or
     3. the ALSA Conference organising committee.
  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 Australian Law Students’ Association Constitution.
  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 championships.

# Championship Cup

* 1. **ALSA Championships Rules**
     1. The ALSA National Championships will be held at the Annual National ALSA Conference.
     2. The ALSA National Championships will be governed by the ALSA Championships Rules as attached to this bylaw as appendices 6.1 – 6.5.
  2. **Amendment of the ALSA Championships Rules**
     1. The ALSA Championships Rules may only be amended by a simple majority of the ALSA Council
  3. **Appendices**
     1. Mooting Championship Rules
     2. Australian Red Cross International Humanitarian Law Moot Championship Rules
     3. Client Interviewing Championship Rules
     4. Sir Laurence Street Negotiation Championship Rules
     5. Paper Presentation Championship Rules
     6. Witness Examination Championship Rules

# Championship Trophy Return

* 1. **ALSA Championship Trophy Return**
     1. ALSA Championship Trophies shall be brought to the ALSA Conference by the LSS/LSA with possession.
     2. Any LSS/LSA that fails to comply with s 7.1 will be liable for the cost of transporting the trophy to the relevant winning university immediately after the ALSA Conference.

# Provision of Student Judges

* 1. **Student Judges**
     1. An LSS/LSA may register a team in four (4) or more ALSA Competitions if they also register one (1) student judge.
        + 1. The above section 7.1 does not include Paper Presentation.
        1. Section 7.1 is not applicable where an exception applies under section 8.2.
        2. Section 7.1 will be deemed to be fulfilled once the ALSA Conference Committee has approved the candidate as a student judge.
  2. **Exceptions**
     1. Exceptions will be granted at the discretion of the ALSA Conference Committee.
     2. In exercising the discretion granted by 8.2 ALSA Conference Committee will consider:
        1. Financial difficulties; or
        2. Unforeseen circumstances; or
        3. Any other relevant factor.
  3. **Judges’** **Briefing**
     1. The ALSA Conference Committee will provide a judges’ briefing prior to the commencement of the preliminary rounds.
  4. **Enforcement**
     1. LSSs/LSAs, which do not comply with this bylaw, may register a team in up to three (3) ALSA Competitions.
     2. The above section 8.1 does not include Paper Presentation.

This bylaw does not apply to international competitors

National Essay Competition

# Interpretation

* 1. **Entry** 
     1. The entry period for submissions to the ALSA NEC is to be no less than one calendar month. This period is to be set at the discretion of the Competitions Officer.
     2. Acknowledgement of entry will be provided to the competitor once the submission has been received by the Competitions Officer via email.
     3. All submissions to the NEC are final. Essays may not be resubmitted or edited once the Competitions Officer has received the submission via email.
  2. **Competitor** 
     1. A ‘competitor’ is defined as law student who has submitted an essay into the NEC.
  3. **Law student** 
     1. A law student shall be declared as an individual who is enrolled and studying, at the time of entering the competition, a full time or part time LLB or JD program at any university affiliated with the Australian Law Students’ Association.
        1. An individual who has completed their LLB or JD units of study but has not yet graduated is not eligible to enter into the NEC.
  4. **Plagiarism** 
     1. Any submissions found to have been plagiarised from any other body of work, other than the work of the competitor themselves, must automatically be disqualified from the NEC.

# Eligibility

* 1. Each entrant must be a law student as defined above.

# Requirements of essay

* 1. Submissions must be based on a ‘legal topic’. Whether a topic is considered ‘legal’ is at the discretion of the marker of the competition.
  2. The essay must be no less than 3,000 words and no greater than 12,000 words.
     1. The word count specified in 11.2 does not include references; however, it will include substantive discussions in footnotes.
  3. All submissions must be appropriately referenced in accordance with the Australian Guide to Legal Citation (3rd ed).
  4. Submissions must be accompanied by a cover page which is to include the following:
     1. The name of the competitor;
     2. The name of the university which the competitor is currently enrolled;
     3. The title of the essay;
     4. The word count of the essay; and
     5. An abstract of no more than 300 words.
        1. The abstract is not to be included in the word count as specified in 11.2
  5. Submissions must be emailed to the Competitions Officer in both Word and PDF format.
  6. Only one submission per competitor is permitted.

# Marking of essay

* 1. Each submission must be marked by a person, or persons, appointed by the Competitions Officer with the approval of the ALSA Executive.
     1. The Competitions Officer reserves the right to reduce the number of essays conveyed to the official marker to a number not less than ten, in order to reduce the workload of the official marker.
     2. In deciding which essays are to be excluded from consideration by the official marker, the Competitions Officer will have regard to the factors enumerated in s 12.4
  2. In the event that two or more markers are obtained to mark the competition, the final marks provided by each marker will be averaged to determine the winner.
  3. Each essay is to be given a mark out of 100.
  4. Each essay is to be assessed according the following criteria:
     1. Conventions;
     2. Form;
     3. Cohesion and logic;
     4. Content; and
     5. Referencing.
  5. The mark provided by the marker is final and may not be appealed.
  6. The marker(s) has the discretion as to whether they provide individual feedback regarding each respective competitor’s submission to the competition.
     1. In the event that the marker(s) does provide individual feedback, the feedback will be posted to each competitor within a reasonable time after receipt of same from the Publications Officer.

# Prizes

* 1. The top four submissions to the Competition will be announced at the Closing Gala of the annual ALSA Conference.
  2. The winner of the Competition will receive a $1,000 cash prize.
     1. The cash prize is subject to change at the discretion of the ALSA Executive.
  3. The top four entries into the competition will be published in the ALSA Academic Journal.
     1. Further entries into the competition may be published at the discretion of the Publications Officer with the approval of the ALSA Executive.

Conference Appeals Procedure

# The Appeals Coordinator

* 1. The Appeals Coordinator will be the first formal point of contact for all matters relating to appeals during ALSA Conference.
  2. The Appeals Coordinator will be appointed prior to the commencement of ALSA Conference and identified at the competitions briefing. Those judging in any competition or competing in any competition during ALSA Conference may not sit as Appeals Coordinator.

# Stages of Appeal

* 1. Should a competitor or team choose to lodge an appeal, there is a maximum of two stages of appeal for each decision challenged.
     1. The first stage (Stage One) of appeal must be brought to the Appeals Coordinator.
     2. Should a second stage (Stage Two) of appeal be commenced in line with this Bylaw, an appeal must then be brought to the ALSA Conference Review Board, subject to s14.1.1 of this Bylaw.

# Format of Appeal

* 1. All appeals must:
     1. Be made in writing in accordance with the prescribed forms as set out below and appended to this bylaw (submitted through the provided electronic form); and
     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
     3. Be brought by a member of the ALSA Council representing the competitor’s University, or, if there is no ALSA Council member from that University, the delegated ALSA representative of that University; and
     4. Contact details (including mobile number and email address) of the Councillor/delegated ALSA representative and the competitors bringing the appeal.
  2. Appeals may only be made against a breach of the Championship Rules.
  3. No appeals are permitted on the basis of score sheets or rankings.

# Due Date and Time for Appeals

* 1. Before the start of the official registration process on the first day of ALSA Conference, all competitors must be informed of:
     1. All relevant time periods relating to appeals, including the final cut-off date and time for appeals for each round of the championship; and
     2. The location of where appeals must be lodged.
  2. 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.

# Appeals to the Appeals Coordinator

* 1. Following the conclusion of all rounds of a championship 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 Law Student Society’s ALSA Representative.
  2. Following the conclusion of the championship for the day, and prior to the deadline set in accordance with 17.1, competitors may lodge an appeal to the Appeals Coordinator, in writing in accordance with Form 1.
  3. If the Appeals Coordinator considers the appeal to be relevant to another person (Person 2) or team (Team 2) involved directly in the appealing person (Person 1) or team’s round (Team 1), the Appeals Coordinator must inform Person 2 or Team 2 that an appeal was lodged, by e-mail, by phone or in person.

# The Appeals Coordinator’s Decision

* 1. The Appeals Coordinator has the power to:
     1. Grant the appeal;
     2. Dismiss the appeal (reject any requests and prevent any changes being made); or
     3. Direct the appeal to the ALSA Conference Review Board.
  2. Dismissing the appeal will constitute a decision.
  3. In exercising their power under 19.1, the Appeals Coordinator may seek clarification in written or oral form from any person as they see fit.
  4. The Appeals Coordinator must inform the person or team appealing or their Law Student’s Society’s ALSA representative of the outcome of the appeal, by email, by phone or in person.
  5. If the Appeals Coordinator has considered the appeal to be relevant to another person (Person 2) or team (Team 2) in accordance with 18.3, the Appeals Coordinator must inform Person 2 or Team 2 of the outcome of the appeal, by e-mail, by phone or in person.
  6. The Appeals Coordinator must advise the ALSA Conference Convenor(s) and the ALSA President of the appeal.

# Appeals to the ALSA Conference Review Board

* 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 further appeal to the ALSA Conference Review Board in accordance with the time, date and place established under 17.1.

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

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

* 1. Where the Appeals Coordinator has sought clarification under 19.3 and has dismissed the appeal under 19.1.2 on the basis of insufficient reasons being provided, this decision may not be appealed to the ALSA Conference Review Board under 15.1.2.
  2. The ALSA Conference Review Board will be comprised of a member of the ALSA Executive and two (2) members of the ALSA Council. Those judging in any competition or competing in any competition during ALSA Conference may not sit as a Member of the ALSA Conference Review Board.

19.3.1 ALSA Council members who are not present may form part of the ALSA Conference Review Board remotely, e.g. via teleconference.

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

* 1. The Appeals Coordinator will act as the Executive Officer for the ALSA Conference Review Board. This shall include, but is not limited to;
     1. Providing all relevant documentation to the ALSA Conference Review Board;
     2. Ensuring all relevant parties are informed of what time they are required to attend any ALSA Conference Review Board hearing;
     3. Providing, where requested by the ALSA Conference Review Board and where the appeal is from a decision of the Appeals Coordinator, further explanation as to why such a decision was reached.
  2. Two types of appeal will be heard by the ALSA Conference Review Board:
     1. Appeals against the decision of the Appeals Coordinator; and
     2. Appeals referred to the ALSA Conference Review Board by the Appeals Coordinator without a decision having been made.
  3. All appeals to the ALSA Conference Review Board must be made in writing, in accordance with Form 2 and submitted to the Appeals Coordinator.
  4. If the ALSA Conference Review Board considers the appeal to be relevant to another person (Person 2) or team (Team 2) involved directly in the appealing person (Person 1) or team’s round (Team 1), the ALSA Conference Review Board must inform Person 2 or Team 2 that an appeal was lodged, by e-mail, by phone or in person.
  5. The ALSA Conference Review Board shall conduct the appeal in the following manner:
     1. The appealing team must provide a one-page submission to the ALSA Conference Review Board. This submission should include:

10.8.1.1 What rule is being appealed;

10.8.1.2 Why the appeal has been brought; and

10.8.1.3 Why the Appeals Coordinator’s decision was wrong.

10.8.2 The appealing team may include (in their written submissions) an application to present oral argument to the ALSA Conference Review Board.

10.8.2.1 Competitors requesting oral argument will present to the ALSA Conference Review Board a 2-minute argument as to why the team should be granted an oral hearing.

10.8.2.2 If granted, the appealing team will then have 5 minutes to present their oral arguments on the appeal.

10.8.2.3 There is no avenue of appeal from a decision by the ALSA Conference Review Board not to hear an oral argument.

10.8.3 The ALSA Conference 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.

10.8.4 Only the members of the ALSA Conference Review Board, the Appeals Coordinator, the person or members of the team appealing and anyone else the ALSA Conference Review Board requires to be present will be permitted at the hearing.

10.8.5 The procedure listed under 20.8 may only be varied in exceptional circumstances and where all three members of the ALSA Conference Review Board agree to allow the procedure to be varied.

# Decision of the ALSA Conference Review Board

* 1. The ALSA Conference Review Board has the power to:
     1. Overturn the decision of the Appeals Coordinator;
     2. Uphold the decision of the Appeals Coordinator;
     3. Amend the decision of the Appeals Coordinator; or
     4. If the appeal has been referred by the Appeals Coordinator without a decision being made, enforce any decision it believes appropriate.
  2. The ALSA Conference Review Board must inform the person or team appealing or their Law Student’s Society’s ALSA representative of the outcome of the appeal, by email, by phone or in person.
  3. If the ALSA Conference Review Board has considered the appeal to be relevant to another person (Person 2) or team (Team 2) in accordance with 20.7, the ALSA Conference Review Board must inform Person 2 or Team 2 of the outcome of the appeal by e-mail, by phone or in person.
  4. The ALSA Conference Review Board will give reasons for its decision in the manner it sees fit.
  5. Following all appeals on any given day, the ALSA Conference Review Board will write a general report outlining its decisions.
     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 Conference Review Board.
        1. The Appeals Coordinator is not bound by any decision outlined in the report but rather should attempt, where possible, to try and ensure consistency.
     2. This report is the responsibility of the ALSA Competitions Subcommittee member(s) on the ALSA Conference Review Board, excluding the ALSA President and the ALSA Conference Convenor(s). Where only ALSA Executive members and ALSA Conference Convenor(s) are present, these persons will be required to write the report.
     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.
     4. The report must be sent to the ALSA Competitions Subcommittee and Working Party, the Appeals Coordinator and the ALSA Executive by the start of the ALSA Council meeting the following day.
  6. The decision of the ALSA Conference Review Board is final and binding.

11.7 There is no avenue of appeal to the ALSA Executive of an ALSA Conference Review Board decision.

11.8 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**

**ALSA Conference Appeals Procedure Bylaw Form 1**

**Appeal to Appeals Coordinator**

|  |
| --- |
| Date: |
| Name of Sole Competitor OR Member of Appealing Team [delete appropriate]: |
| 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**

**ALSA Conference Appeals Procedure Bylaw Form 2**

**Appeal to Conference Review Board from   
Decision or Referral of Appeals Coordinator**

|  |
| --- |
| Date: |
| [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. |
| Name of Sole Competitor OR Member of Appealing Team [delete appropriate]: |
| 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 against Decision of Appeals Coordinator (maximum 300 words): NOTE: If Appeal is from Referral of Appeals Coordinator, you do not need to fill in this section. The ALSA Conference Review Board will consider the reasons given in your Appeal to the Appeals Coordinator. |

|  |
| --- |
| Signed: |

|  |
| --- |
| Date: |
| Name: |
| [Delete appropriate] Sole Competitor OR Member of Appealing Team |

**Annexure 1 – Marking Criteria**

**Australian Law Students’ Association**

National Essay Competition

Marking Guide

Name of entrant \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

|  |  |
| --- | --- |
| Conventions   * Correct and consistent use of spelling, grammar, syntax and punctuation. * Appropriate language and vocabulary used. | \_\_\_\_\_\_\_\_\_\_\_\_  10 |
| Form   * Correct structure of paragraphs. * Correct use of paragraphs to support main argument. * Essay flows, connects, and constructs an academic piece of work. | \_\_\_\_\_\_\_\_\_\_\_\_  10 |
| Cohesion and Logic   * Evidence used to support argument is relevant and logically put together. * Argument itself flows logically. * Rhetoric and argument is sound, supported, and convincing. | \_\_\_\_\_\_\_\_\_\_\_\_  25 |
| Content   * The work is of a high academic standard. * Appropriate topic chosen and a comprehensive coverage of that topic. * A strong argument is made. * Analysis and conclusion is drawn from evidence and correct reasoning. * The work appropriately draws on case law, legislation, legal theory, and other sources of legal writing to construct argument. | \_\_\_\_\_\_\_\_\_\_\_\_  35 |
| Referencing   * All external ideas or quotes are appropriately referenced. * Appropriate depth and breadth of research from reputable academic sources is present. * Referencing is in accordance with the *Australian Guide to Legal Citation* (3rd ed). | \_\_\_\_\_\_\_\_\_\_\_  20 |
|  | \_\_\_\_\_\_\_\_\_\_\_\_  100 |

Appendix 1: Amendments Table

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| --- | --- | --- | --- |
| Amendment Date | Author / Amender | Substantive Explanation | Passed by Motion of Council |
| July-2016 | Jacinta Kenward | First issued |  |
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|  |  |  |  |