



Witness Examination Competition Rules 2022

1. COMPETITION NAME	
1.1	This competition will be known as the Australian Law Students' Association (ALSA) Witness Examination Competition.
2. DEFINITIONS	
2.1	Affiliated law school: As defined by the ALSA Constitution.
2.2	Conference: The ALSA Conference.
2.3	Convener: The ALSA Conference Convener or Conveners.
2.4	President: The ALSA President.
3. REGISTRATION	
3.1	By entering this Competition, all competitors agree to be bound by the rules outlined in this document, as well as in the ALSA Appeals Procedure By-Law, and the ALSA Constitution.
3.1.1	By entering this Competition all competitors consent to their image being photographed, filmed and published by ALSA. Competitors may request not to be photographed, filmed or published at the Conference Convener's discretion.
3.2	Each affiliated law school may nominate one (1) person to compete in the Competition.
3.3	If invited by the President and the Convener, competitors from non-affiliated law schools may enter the competition, provided that their competitors comply with all other requirements as specified in these rules.
3.4	Competitors must not have graduated with a law degree in any jurisdiction.
3.5	Competitors must register by the registration date as set by the Convener.
3.6	Competitors are not permitted to register for multiple competitions during the Conference subject to r 3.7.1.
3.6.1	A competitor, at the discretion of their affiliated law school, may be registered in this competition and the Paper Presentation Championship.
3.7	The Convener shall allocate all competitors entering the competition a random competitor number, which will be used to identify competitors in place of their university name.
Penalty:	Any contravention of a rule of section 3 may result in disqualification at the discretion of the Conference Board of Appeals Process.
4. COMPETITION STRUCTURE AND PROBLEM QUESTION RELEASE	
4.1	The Witness Examination Competition is comprised of Preliminary Rounds and Knockout Rounds (see r 7.1).
4.2	The problem questions must be specifically written for the Conference and must not have been used in any other previous competition.
4.3	Every effort will be made to ensure that problems are constructed in a way that does not disadvantage or advantage participants from any particular jurisdiction.
5. PRELIMINARY ROUNDS	
5.1	All competitors will compete in each Preliminary Round.
5.2	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 5.1 or 5.2 may result in disqualification at the discretion of the Conference Board of Appeals Process.
5.3	Competitors will be randomly allocated to sides. Every effort will be made to ensure that a competitor is not disadvantaged by the draw and will not meet the same competitor twice in the Preliminary Rounds.

5.4	All competitors will be ranked on a single ladder. The top competitors on the ladder at the conclusion of all Preliminary Rounds will progress to the Knockout Rounds (see r 6.1).
5.5	In the case of an uneven number of competitors, the Conference Team, in conjunction with the host University or Universities, will provide swing competitors to ensure each competitor has an adversary.
5.6	The judge will not be informed that the competitor is a swing competitor.
5.7	The swing competitors will not progress to the Final Rounds.
5.8	Judges may not disclose the outcome of a witness examination, but are permitted to give general feedback to competitors so long as it is not obvious from that feedback which team won and lost.
6. PROGRESSION TO KNOCKOUT ROUNDS	
6.1	The top eight (8) competitors with the highest win/loss ratio from the Preliminary Rounds will progress to the Knockout Rounds.
6.1.1	In the event of competitors being tied on win/loss ratio, the competition ladder will be determined by the competitor's Point Margin, ranked from highest to lowest.
6.1.2	The Point Margin shall be calculated by subtracting the competitor's aggregate 'points against' from the competitor's aggregate 'points for'.
6.1.2.1	<i>Points against</i> means the number of points scored by the competitor's opponents across the Preliminary Rounds.
6.1.2.2	<i>Points for</i> means the number of points scored by the competitor across the Preliminary Rounds.
6.1.3	In the event that competitors are still tied, the competition ladder will be further determined by the competitor's aggregate points, ranked from highest to lowest.
6.1.4	In the event that competitors are still tied on the ladder, progression shall be determined by a coin toss.
6.2	The Preliminary Round ladder will be updated at the end of the Preliminary Rounds and published online.
6.3	Competitors will be able to collect their scoresheets at the end of the Preliminary Rounds once all results from the round have been recorded.
6.3.1	The Convener will make digital reproductions of all scoresheets and upload them to the ALSA Problem Bank immediately after the conclusion of the Preliminary Rounds.
6.3.2	No scoresheets are to be collected until they have been digitally recorded.
6.3.3	Competitors may request to access their scoresheets after the Conference and these will be provided to them by the Competitions Officer within a reasonable timeframe.
6.3.4	Competitors may not request to view the scoresheets of other competitors.
Appeals:	Where a competitor believes that these rules have been incorrectly applied, an appeal should be lodged according the Conference Board of Appeals Process.
7. KNOCKOUT ROUNDS	
7.1	The Knockout Rounds will consist of Quarter Final, Semi Final and Grand Final rounds.
7.2	Competitors may not observe, nor are they to be briefed on, proceedings of a Knockout Round unless they have been eliminated from the competition.
7.3	Quarter Finalists will be announced after the conclusion of the Preliminary Rounds and competitors will be informed of their side, which will be allocated by random draw. Each competitor will only compete once in the Quarter Final Round.
7.3.1	The winners of each Quarter Final round progress to the Semi Finals.

7.3.2	<p>The pairing of competitors in the Knockout Rounds will be determined by the ladder from the Preliminary Rounds as follows:</p> <ul style="list-style-type: none"> ● QF1: 1v8 ● QF2: 2v7 ● QF3: 3v6 ● QF4: 4v5 ● SF1: QF1 winner v QF4 winner ● SF2: QF2 winner v QF3 winner ● GF: SF1 winner v SF2 winner
7.4	Semi Finalists will be announced after the conclusion of the Quarter Finals and competitors will be informed of their side, which will be allocated by random draw. Each competitor will only compete once in the Semi Final Round.
7.4.1	The winners of each Semi Final round progress to the Grand Final.
7.5	Grand Finalists will be announced after the conclusion of the Semi Finals and competitors will be informed of their side, which will be allocated by random draw.
7.5.1	The winners of the Grand Final will be announced at the closing Gala dinner of the Conference.
8. JUDGING AND SCORING	
8.1	Every effort must be made by the competition organisers and the competitors to ensure that judges are unaware of the university competitors are from until after they have judged that particular competition.
8.1.1	Competitors must not reveal their university to the Judge/s until after the Judge has handed in the scoresheets for that particular competition.
8.1.2	Competitors must not contact judges after the competition unless specifically invited to do so by that particular judge.
8.2	All judges must have suitable legal qualifications or relevant experience. Judges will be judges, magistrates, legal practitioners, legal academics, or others with demonstrated relevant experience in competitions, and/or relevant professional experience.
8.3	Where a student is serving as a judge, he or she may not judge a round involving a competitor from that student's university or where the student judge knows the competitor in either a professional or social context.
8.4	<p>Prior to their witness examination, judges will be provided with:</p> <ul style="list-style-type: none"> (a) The competition problem; (b) A bench brief summary of the key legal issues raised in the competition problem; (a) (c) A summary of the key rules of the competition.
8.5	Judges will award each competitor a total team score of one-hundred (100).
8.5.1	Judges must award each competitor a different score; no draws are possible.
8.6	Where there is more than one judge, each judge will be asked to produce an individual score sheet.
8.6.1	Where there are two judges on the bench, the bench must reach a unanimous decision.

8.6.2	Where there are three or more judges on the bench, the bench must reach a majority decision.
8.6.2	If a bench consists of more than one judge in the Preliminary Rounds, the judges scores will be averaged for the purposes of the ladder.
8.7	Judges must not announce a winner after the witness examination is concluded but may provide further verbal feedback at their discretion so long as such feedback does not indirectly reveal the winner or loser of the witness examination.
8.8	Judges must not allow competitors to take their scoresheets; judges must return all scoresheets from their witness examination to the Convener.
8.9	Judges may, if they wish, request that observers and competitors leave the room while they confer. Outside of this discretion, observers may watch all segments of a round.
9. TIMEKEEPING AND SPECTATING	
9.1	Responsibility for timekeeping and adherence to allotted time periods and breaks rests with the Judges.
9.2	Competitors may use an electronic timing device (e.g. phone) for timekeeping purposes during a witness examination.
9.3	If resources and volunteers are available, timekeepers and timekeeping devices may be provided and in such cases timekeepers will be solely responsible for all time keeping and penalties. A timekeeper shall not be an individual from the same University as any Competitor in that particular witness examination or suffer any conflict of interest identified in r 8.3.
9.4	Decisions by judges as to elapsed times are final and non-reviewable, except in cases where the error is plain and substantial. Minor errors will be non-reviewable.
9.5	Observation of the Competition is encouraged, however potential for disruption must be minimised. Spectators should not enter or leave the room whilst a competitor is speaking.
10. RESEARCH AND PREPARATION	
10.1	All research and preparation for the rounds must be conducted solely by competitors. Competitors may receive general advice and assistance with respect to skills relevant to the competition and feedback on practices prior to the release of the question. After the release of the question and until the completion of the Competition competitors may not receive any advice or assistance.
Penalty:	Any contravention of r 10.1 may result in disqualification or a deduction of points at the discretion of the Appeals Process.
10.2	Competitors must not discuss the contents of the trial with any person other than their witness.
10.3	Competitors may use electronic transmission devices at any time prior to the commencement of judging of their fixture, including in the periods specified in r 11.1.1, 11.3.1, 11.3.2, and 11.3.3. Other than for the purpose of 9.2, such devices must not be used during the judging of the fixture.
10.3.2	Electronic devices include but are not limited to; laptops, mobile phones and tablet computers.
10.3.3	Rule 10.3 does not apply to electronic transmission devices that are required for medical purposes.
Penalty:	Any contravention of r 10.3 may result in disqualification or a deduction of points at the discretion of the Appeals Process.
11. RELEASE OF QUESTIONS	

11.1	Preliminary Round Questions
11.1.1	Questions will be released ninety (90) minutes prior to the commencement of judging for each round.
11.1.2	ALSA Council will be notified on the same day via email.
11.1.3	Materials given to competitors will consist of: <ul style="list-style-type: none"> ● The statement of their witness; ● The statement of the opponent's witness; ● ● The relevant section(s) of any Act(s).
11.1.4	Competitors will be asked to prepare a different question for each Preliminary Round.
11.2	The draw for the Preliminary Rounds will be released onto the ALSA or Conference website and emailed to the ALSA Council three (3) weeks prior to the start of competition and teams will be informed of which side they will be arguing (e.g. Prosecution or Defence or any such title specified in the problem).
11.3	Final Rounds Questions
11.3.1	Problem question will be released ninety (90) minutes prior to the commencement of judging for the Quarter Final.
11.3.2	Problem question will be released ninety (90) minutes prior to the commencement of judging for the Semi Final.
11.3.3	Problem question will be released ninety (90) minutes prior to the commencement of judging for the Grand Final.
11.4	All questions must be specifically written for the Conference.
11.5	Unless otherwise stated all witness examination will be heard as if before the Supreme Court in the State or Territory in which the Conference is held. The jurisdiction to hear the case will be assumed.
11.6	Every effort will be made to ensure that problems are constructed in a way that does not disadvantage or advantage participants from any particular jurisdiction.
12. WITNESSES	
12.1	Witnesses will be supplied by the Conference Team.
12.2	Witnesses must not be from either team's University.
12.3	Where trials in one round are not scheduled simultaneously, witnesses from a University must not be present in trials scheduled at a time prior to the trial that their University is scheduled to compete in.
12.4	The witnesses will receive their materials at least one (1) hour before the commencement of the round. The allocation of time will be as follows:
12.4.1	At least thirty (30) minutes to review the problem; and
12.4.2	Thirty (30) minutes of being privately interviewed by their own counsel.
12.5	Witnesses are to be advised that their 'performance' commences as soon as they step into the meeting with their counsel. It is up to the competitor to suggest how that character be highlighted/toned down, as best suits the case on hand. However, competitors are reminded that it is a breach of professional ethics to coach their witness by, for example, suggesting the content of their evidence.
12.6	Witness statements are not presumed to be admitted into evidence.
12.7	Witnesses will be permitted to refer to their witness statements whilst giving evidence.
13. DETAILS OF THE TRIAL	
13.1	Counsel will not robe.
13.2	No evidence other than that which is provided by the Conference Competitions

	Director(s) (including witnesses) may be tendered into evidence.
13.3	There will be one (1) counsel for the prosecution/plaintiff and one (1) counsel for the defence/defendant.
13.4	Counsel must give appearances.
13.5	The witness examination will proceed to follows:
13.5.1	Appearances
13.5.2	Opening by Prosecution: 2 Minutes
13.5.3	Examination in Chief by Prosecution: 10 minutes (preliminary rounds)/15 minutes (finals)
13.5.4	Cross Examination by Defence: 15 Minutes (preliminary rounds)/ 25 minutes (finals).
13.5.5	Opening by Defence: 2 minutes
13.5.6	Examination in Chief by Defence: 10 minutes (preliminary rounds)/15 minutes (finals)
13.5.7	Cross Examination by Prosecution: 15 minutes (preliminary rounds)/25 minutes (finals)
13.5.8	Break before Summation: 3 minutes
13.5.9	Summation by Prosecution: 3 minutes
13.5.10	Summation by Defence: 3 minutes
13.6	Judges may grant an extension of time of up to three (3) minutes per competitor. There will be a notification one (1) minute before the end of the relevant period, and another notification at the end of the relevant period as specified above.
13.7	At the end of the Summation of the Defence, counsel for the Prosecution/Plaintiff may seek permission from the judge to draw attention to contraventions of the rule in Browne v Dunn or misstatements of evidence or law in the Summation by the Prosecution. If granted, the counsel for the Prosecution may speak for only one (1) minute, unless an extension of time is expressly granted by the judge.
13.7.1	Summation by Defence: 3 minutes
13.7.2	Judges may grant an extension of time of up to three (3) minutes per competitor. There will be a notification one (1) minute before the end of the relevant period, and another notification at the end of the relevant period as specified above.
13.8	At the end of the Summation of the Defence, counsel for the Prosecution/Plaintiff may seek permission from the judge to draw attention to contraventions of the rule in Browne v Dunn or misstatements of evidence or law in the Summation by the Prosecution. If granted, the counsel for the Prosecution may speak for only one (1) minute, unless an extension of time is expressly granted by the judge.
13.8.1	Summation by Defence: 3 minutes
13.8.2	Judges may grant an extension of time of up to three (3) minutes per competitor. There will be a notification one (1) minute before the end of the relevant period, and another notification at the end of the relevant period as specified above.
13.9	At the end of the Summation of the Defence, counsel for the Prosecution/Plaintiff may seek permission from the judge to draw attention to contraventions of the rule in Browne v Dunn or misstatements of evidence or law in the Summation by the Prosecution. If granted, the counsel for the Prosecution may speak for only one (1) minute, unless an extension of time is expressly granted by the judge.
13.9.1	Summation by Defence: 3 minutes
13.9.2	Judges may grant an extension of time of up to three (3) minutes per competitor. There will be a notification one (1) minute before the end of the relevant period, and another notification at the end of the relevant period as specified above.
13.10	At the end of the Summation of the Defence, counsel for the Prosecution/Plaintiff

	may seek permission from the judge to draw attention to contraventions of the rule in <i>Browne v Dunn</i> or misstatements of evidence or law in the Summation by the Prosecution. If granted, the counsel for the Prosecution may speak for only one (1) minute, unless an extension of time is expressly granted by the judge.
Penalty:	Any contravention of 13.10 may result in a five (5) mark penalty for the relevant round.
13.11	Defence counsel is not permitted to make a 'no case to answer' submission or apply for a Prasad direction.
Penalty:	Any contravention of 13.11 may result in a 5 mark penalty for the relevant round.
13.12	The swearing of the oath for witnesses shall be dispensed with.
13.13	During the trial competitors may use books, notes, and other materials.
13.14	Competitors citing authority are not required to produce the relevant casebooks to the court.
13.15	Competitors must not be more than five (5) minutes late for the commencement of the round:
Penalty:	Any contravention of 13.15 may result in a two (2) marks per five (5) minutes or part thereof penalty for the relevant round.
14. SCORESHEETS AND AWARDS	
14.1	Score sheets and rankings are released by the Conference team to assist the educational value of competition at ALSA Conference. No appeals are permitted on the basis of score sheets or rankings.
14.2	Scores and rankings will be released during the competition in accordance with these rules.
15. AUSTRALIAN CHAMPION	
15.1	In the event, the competition is won by an Australian competitor, that competitor shall be deemed the Australian Champion.
15.2	In the event the highest placed Australian competitor is the runner-up, that competitor shall be deemed the Australian Champion.
15.3	In the event the highest placed Australian competitor is a losing semi-finalist, that competitor shall be deemed the Australian champion unless both losing semi-finalists are Australian competitors.
15.4	In the event both losing semi-finalists are Australian competitors and no Australian competitor progresses to the Grand Final, the highest ranked Australian competitor according to the ranking methodology in section 6 of these rules shall be deemed the Australian Champion.
15.5	In the event the highest placed Australian competitor is a losing quarter-finalist, the highest ranked Australian competitor according to the scoring methodology shall be deemed the Australian Champion unless only two Australian competitors progress to the quarter-finals.
15.6	In the event only two Australian competitors progress to the quarter-finals and both those competitors fail to progress to the semi-finals, the highest ranked Australian competitor according to the ranking methodology in section 6 of these rules shall be deemed the Australian Champion.
15.7	In the event the highest placed Australian competitor does not qualify for the quarter-finals, the highest ranked Australian competitor according to the ranking methodology in section 6 of these rules shall be deemed the Australian Champion.
15.8	The Australian runner-up shall be the Australian competitor that progressed the second furthest into the elimination rounds. In the event two or more Australian competitors would qualify to be Australian runner-up on this basis, the competitor ranked highest according to r 6.1.1 will be deemed the Australian runner-up.

15.9	Should the Competition be used to select a representative Australian competitor to compete in an international competition, the Australian Champion for that year will be put forward as the representative.
15.10	In the event that the Australian Champion (including a minimum of one (1) member competing in the Competition) is unable to attend the international competition the Australian runner-up may represent Australia.
15.11	In the event of the inability of the Australian runner-up to attend, ALSA, in consultation with whichever such body that has requested the team, shall nominate an Australian representative who has participated in the national competition.
16. APPEALS	
16.1	Where a competitor believes that these rules have been incorrectly applied, an appeal should be lodged to the Appeals Coordinator, in accordance with the Appeals Process. Any one of the Conference Convenor, Appeals Coordinator or member of the Appeals Board may also bring an appeal against a team if they believe these rules have been breached.
16.2	Where those involved in the Appeals Process have discretion to penalise a competitor in accordance with these rules, in determining the penalty they consider, inter alia: <ul style="list-style-type: none"> ● Any mitigating circumstances that would explain the contravention; ● Any aggravating circumstances connected with the contravention.
16.3	Those involved in the Appeals Process reserves the right to waive a penalty where it believes that the circumstances merit such a decision.
16.5	Judges shall not be notified of the application of any penalties at any time by those involved in the Appeals Process.
16.6	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.
16.7	Those involved in the Appeals Process, in consultation with the Conference Convenor(s) have full discretion as to the application of all penalties.
16.8	Those involved in the Appeals Process will also have the discretion to disqualify or apply penalties to any competitor who acts in a manner that is contrary to the
16.9	Any competitor that forfeits will be deemed to have lost that witness examination. Counsel for the forfeiting team will be deemed to have a mark of zero for that round.
16.10	Any competitor whose opponent forfeits a round will be deemed to have won that witness examination. The competitor's margin will be the average of their margins from the other rounds.
16.11	Any competitor which forfeits shall be excluded from progressing through to the Final Rounds.
16.12	A forfeit will be considered to have occurred where a competitor withdraws after the opponent's written submission has been released. Any withdrawal before that time will trigger a witness examination involving a swing team in accordance with these rules.