



# THE DAVID F JACKSON MOOTING DINNER

TUESDAY 24 NOVEMBER 2015



**TC BEIRNE  
SCHOOL  
OF LAW**

Good evening and a warm welcome to the fourth David F Jackson Dinner, generously sponsored by North Quarter Chambers. This is an important occasion in the life of the Law School, one on which we recognise the development of our students' advocacy skills, celebrate their significant advocacy achievements and express our gratitude to their coaches and supporters.

In 2015 the Law School entered more moot competitions than ever before along with several legal skills competitions drawing in, and upon, more law students than ever. Significantly the Law School competed in the Willem C Vis International Commercial Arbitration Moot in Vienna, after a twelve year hiatus, and the Leiden Sarin International Air Law Moot, held in Beijing. Our students also entered the Inaugural Aboriginal and Torres Strait Islander Students' Moot Competition, held in Brisbane which was supported by Allens, North Quarter Lane Chambers, Ashurst and the Indigenous Lawyers Association of Queensland.

In recent years our students have set the bar very high in terms of endeavour, team-work and professionalism. In 2015 our students exhibited the same levels of commitment, collegiality and enterprise as their predecessors with several notable achievements including, winning the 6th Leiden Sarin International Air Law Moot competition, winning the Paper Presentation at ALSA, and being finalists in the Administrative Appeal Tribunal Negotiation Competition 'NOOT', the Inaugural Aboriginal and Torres Strait Islander Students' Moot Competition, and the 2nd Australia and New Zealand Air Law Moot Competition.

On behalf of the Law School I offer congratulations to all students who have, so ably, represented the University of Queensland on the national and international stage. I offer our appreciation to our moot sponsors, Norton Rose Fulbright and Aitken Partners, without whom the School could not afford to offer such a vibrant moot program. Also, thanks to the University of Queensland Law Society which organises several legal skills and moot competitions within the Law School, and who offer financial support to several of our moot teams competing nationally.

Finally, this Dinner marks the end of my four year tenure as Director of Mooting, it has become an increasingly demanding role thanks to the burgeoning interest in moot and legal skills competitions among the undergraduate law community. It is a burden I have been very happy to shoulder, it has enabled me to work closely with some of our most intellectually able, reflective and industrious students. I am indebted to them for representing the Law School and University with such distinction. I also owe a debt of gratitude to my colleagues, without their constant support the Law School, and its students, would not have enjoyed such a fruitful period in advocacy competitions at home and abroad. In particular, I thank Professor Sarah Derrington, her predecessor as Dean, Professor Gerard Carney, and all the moot coaches and mentors, both from within the Law School and those drawn from legal practice, who have kindly given their time, energy and expertise to support our students' development throughout the year.

Enjoy the evening, you all deserve it.



**DR PETER BILLINGS**

**Director of Mooting  
TC Beirne School of Law**



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## WITH SPECIAL THANKS



THE HON. JUSTICE  
JAMES EDELMAN  
Guest speaker

The **Hon. Justice James Edelman** has had an astonishing career to date, in both academic and legal practice. He graduated in economics and in law, the latter with first-class honours, from the University of Western Australia and he also holds a degree in commerce from Murdoch University.

After University his Honour worked as associate to his Honour Justice John Toohey in the High Court of Australia. His Honour was awarded the Rhodes Scholarship for Western Australia in 1998 and in the same year was admitted to practise in Western Australia after completing articles at Blake Dawson Waldron. Subsequently he was THawarded a doctorate in 2001 after studying at Magdalen College, Oxford.

Few people can have combined both academic and legal practice careers, in two different countries, so successfully. His Honour took up a teaching position at Keble College, Oxford in 2005 and was awarded the chair of the Law of Obligations of that college in 2008, reportedly becoming the youngest law professor in the University's long history. At the same time, remarkably, he maintained active practice as a barrister in Western Australia working out of the Chambers Mr Malcolm McCusker QC in all relevant courts within Western Australia and before the High Court of Australia. He also maintained an extensive practice at the English Bar, having appeared in, and given advice in relation to, a significant number of major cases in that country. Evidently, his Honour is a very skilled advocate who will have much to pass on to our young, aspirant, advocates tonight.

In July 2011 he was sworn in as a judge of the Supreme Court of Western Australia, one of (if not the) youngest appointees to that particular court. It is worth noting in passing that another notable West Australian, the current Chief Justice of the High Court of Australia, was appointed to the Federal Court at 39. Indeed, it is in the Federal Court that his Honour now presides, having been welcomed to that Court in April 2015. His Honour is a very welcome addition to the Brisbane legal community, and he has already made a contribution to the life of the Law School, as a guest tutor assisting Professor Barker with his Unjust Enrichment elective.

His Honour has a particular connection with mootng and therefore many of tonight's guests, having been involved with the largest mootng competition in the world for several years, the Phillip C Jessup International Law Moot Court Competition, including as a mooter in 1996 when the UWA team were ranked third in the World rounds, as coach in 2001 when the team finished runners-up to South Africa in the World Final, and as Faculty Advisor in 2002 when the team won the World Championship.

Notwithstanding that his Honour has had such a prodigious career in both academia and legal practice, perhaps his greatest achievement (so the story goes) was persuading his wife, Dr Sarah Percy (herself an outstanding scholar and Associate Professor at the University of Queensland) to move from England to WA and into an apartment that was neither air conditioned nor equipped with a modern kitchen.

## DAVID F JACKSON AM QC

### The annual mooring dinner is named in honour of our esteemed alumnus David F Jackson AM QC.

Mr Jackson graduated from UQ with a Bachelor of Arts (1963) and Bachelor of Laws in 1964, during which time he worked as Associate to The Hon. Sir Harry Gibbs, then a Judge of the Supreme Court of Queensland who later became Chief Justice of the High Court of Australia. He was called to the Bar in 1964, appointed Queen's Counsel in 1976 and worked in private practice in Brisbane until 1985 when he was appointed a Judge of the Federal Court of Australia.

Mr Jackson is regarded as one of the nation's most distinguished barristers who is an accomplished mediator and arbitrator. His principal areas of practice are: appellate; constitutional law; arbitration; and mediation. He was Head of Chambers at Seven Wentworth (one of Australia's most respected barristers' chambers) from 2002-2014, and he now leads New Chambers which was launched on 1 October 2014.

Mr Jackson has conducted a number of inquiries for the national and state governments, most recently in 2011 he was appointed by the New South Wales government as Chairman of the Recall Elections Panel of Experts.

Mr Jackson has appeared in hundreds of matters in the High Court of Australia, in both its original and appellate jurisdiction, and in numerous matters in the federal and state intermediate appeal courts. Some recent matters in the High Court of Australia are: *Williams v. The Commonwealth* (No 2) (2014) 88 ALJR 701; *Queensland Nickel Pty Ltd v. The Commonwealth* [2015] 89 ALJR 451; *Fortress Credit Corporation (Australia) II Pty Ltd v. Fletcher* [2015] 89 ALJR 425; *Cassegrain v. Gerard Cassegrain & Co Pty Ltd* [2015] 89 ALJR 312; and *Independent Commission Against Corruption v. Cunneen* [2015] HCA 15.

He has published frequently and delivered countless papers, most recently; "Professional Responsibilities of In-House Counsel", A paper delivered in Brisbane on 26 February 2015; "What should we do with the States?"; A paper delivered on 21 May 2015 as part of the Current Legal Issues 2015 Seminar Series arranged by the Bar Association of Queensland, the University of Queensland, the Queensland University of Technology and the Supreme Court of Queensland Library; and "Appellate Advocacy". A paper delivered to the New South Wales Bar Association on 25 May 2015.



**DAVID F JACKSON  
AM QC FCI Arb FACICA**

## UQ LAW MOOTING PROGRAM

The development of strong professional relationships is central to the mission of the UQ Law School. These relationships make it possible for us to work with both law and non-law partners to develop educational experiences that provide students with practical skills that are valued by employers in any profession.

In addition to developing advocacy skills, competitive mooting enables students to build their self confidence and sharpen their research, legal writing and presentation skills.

With the help of our alumni and members of the legal profession, including many former mooting competitors, our students have achieved tremendous success in national and international law moot competitions.

The annual David F Jackson Mooting Dinner is an opportunity for the School to acknowledge and celebrate both team and individual mooting performances, and to formally thank our students, coaches and supporters for participating in the UQ mooting program.

**Queensland Law Society  
is proud to sponsor  
the 2015 'Best Mooting  
Team' award.**

QLS would like to congratulate all teams and individuals who have taken part in the 2015 TC Beirne School of Law Mooting Program.



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## ORDER OF PROCEEDINGS

- 6:00pm Drinks served in the Freda Bage Common Room
- 6:30pm Guests move into the Harriet Marks dining hall
- 6:40pm Welcome by Professor Sarah Derrington
- 6:45pm Entrée is served
- 7:00pm Dr Peter Billings introduces the 2015 moot teams:

*Philip C Jessup International Law Moot Court Competition*  
*Sixth International Air Law Moot Court Competition*  
*The Willem C Vis International Commercial Arbitration Moot*  
*The 2nd Administrative Appeals Tribunal Negotiation Competition*  
*The Aboriginal and Torres Strait Islander Moot*  
*The International Maritime Law Arbitration Moot*  
*Australian Red Cross International Humanitarian Law Moot (ALSA)*  
*King & Wood Mallesons Championship Moot (ALSA)*

- 7:30pm Main course is served
- 7:50pm Dr Peter Billings introduces the 2015 teams:

*Negotiation Competition (ALSA)*  
*Client Interviewing (ALSA)*  
*Witness Examination (ALSA)*  
*Paper Presentation (ALSA)*

*The Shine Lawyers Tort Moot*  
*The National Administrative Appeals Tribunal Moot*  
*The Hon. Michael Kirby Contract Law Moot*  
*Sir Harry Gibbs Constitutional Law Moot*  
*Australia/New Zealand Intersvarsity Moot on Animal Law*  
*Castan Centre Human Rights Law Moot*  
*Australia and New Zealand Air Law Moot*

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- 8:20pm Dessert is served
- 8:35pm Professor Sarah Derrington introduces the Honourable Justice James Edelman
- 8:40pm **After dinner address by the Honourable Justice James Edelman**
- 9:05pm Vote of thanks - Finian Cullity
- 9:10pm Advocacy awards:
- The Queensland Law Society, '**Best Moot Team Award**' – presented by Mr Michael Fitzgerald, President QLS
  - The Bar Association of Queensland, Award for '**Best Oralist in a Moot Competition**'
  - The David Jackson Trophy for '**Outstanding Advocacy**' – presented by David F Jackson AM QC and Joshua McGeechan
- 9:30pm Conclusion of formalities
- 10:00pm Function concludes

## **Team Awards**

Sixth International Air Law Moot Court Competition (Beijing)

Overall Winners

Best overall oral submission scores as applicant

Best overall oral submission scores as respondent

Sir Harry Gibbs Constitutional Law Moot

Winners of Best Written Memorandum

The Aboriginal and Torres Strait Islander Moot

Overall runners-up

Best written submissions

The Willem C Vis International Commercial Arbitration Moot

Awarded Best Claimant Memorandum

The International Maritime Law Arbitration Moot (IMLAM)

David Martin Clark Trophy for the Highest Ranked Team

in General Rounds

## **Individual Awards**

ALSA Paper Presentation

Winner of Paper, Finian Cullity

The Aboriginal and Torres Strait Islander Moot

Best speaker - Isobella Rafty

The Shine Lawyers Torts Moot

Best Mooter in preliminary rounds – Michael Chen

Australia New Zealand Air Law Moot

Best Oralist in preliminary rounds - Alexander O'Hara

## **Finalists**

The Shine Lawyers Tort Moot

Semi-finalists

Australia and New Zealand Air Law Moot

Grand-finalists

Philip C Jessup International Law Moot Court Competition

Semi-finalists (Australia)

The International Maritime Law Arbitration Moot (IMLAM)

Semi-finalists

Administrative Appeals Tribunal Negotiation Competition

Grand-finalists

# PHILIP C JESSUP INTERNATIONAL LAW MOOT

<b>Team members:</b>	Cameron Griffiths Henry Meehan Isabella Newell Jack Siebert Elizabeth Stanley
<b>Coaches:</b>	Camille Boileau and Josh McGeechan
<b>Results:</b>	1st in preliminary rounds (Australia) Semi-finalists (Australia)



Despite a superb campaign, the team from the University of Queensland bowed out in the semi-finals of the Australian rounds of the Jessup competition 2015. The team performed remarkably well in the preliminary rounds of the competition winning all 4 of their practice moots unanimously and being awarded 35 of a possible 36 points in the preliminary rounds. The team then had a tough quarter-final moot against the Queensland University of Technology. In a close moot with a very interventionist bench, the University of Queensland mooted with poise and displayed a thorough knowledge of law. After a nervous wait it was announced that the UQ Team had won the moot and would be advancing to the Semi-Final where

UQ would meet their old rivals, the University of Western Australia.

The semi-final was an exceptional moot. A very distinguished bench consisting of Her Honour the Chief Justice of the Australian Capital Territory Helen Murrell, Professor Peter Radan from Macquarie University and Mr John Reid who is currently the Agent for Australia in the East Timor dispute. Both teams performed well especially under very difficult questioning by Professor Radan who is a world expert on secession, self-determination and the dissolution of Yugoslavia – issues which formed a large part of this year’s problem.

After another very nervous wait it was announced that a split bench had decided that the University of Western Australia would be progressing to the Grand Final of the Australian rounds. The team missed out on progressing by only the narrowest of margins: a single point. The team, understandably disappointed, did take some solace from the fact that Professor Radan adjudged the moot in their favour.

# THE WILLEM C VIS INTERNATIONAL COMMERCIAL ARBITRATION MOOT

<b>Team members:</b>	Sky Kim, Kane Bennett, James Rigby and Finian Cullity
<b>Coach:</b>	Adjunct Professor Gabriël Moens
<b>Results:</b>	Best Claimant Memorandum

In March and April of this year, under the guidance of Adjunct Professor Gabriël Moens, UQ sent a team to the Willem C Vis International Commercial Arbitration Moot in Vienna. It was the first team UQ has sent to this prestigious competition – which it has previously won twice – since 2002. This year, the problem involved arbitral jurisdiction over third parties, emergency arbitration orders and termination of a contract under the Convention on Contracts for the International Sale of Goods.



In Vienna, the team competed against universities from Iran, China, Finland, Hong Kong and Germany in moots presided over by experienced arbitrators and counsel from numerous jurisdictions. The team was unsuccessful in their ambition to break into the final rounds of the moot, but was one of only a few teams to receive an Honourable Mention for their Claimant memorandum. All students benefited immensely from the unparalleled opportunity the moot provided to study international commercial law in depth, interact with law students from an array of different countries, and hone their oral advocacy skills. The team is extremely grateful for the support of many members of the faculty and practitioners who gave up their time to judge the practice moots and provide invaluable advice and insights.

# THE INTERNATIONAL MARITIME LAW ARBITRATION MOOT (IMLAM)

**Team members:**

Jessica Duncan  
Zackary George  
Leo Rees-Murphy  
Georgia Williams

**Coach:**

Professor Sarah Derrington

**Sponsor:**

Norton Rose Fulbright

**Results:**

David Martin Clark Trophy for the Highest Ranked Team in  
General Rounds  
Semi-finalists

This year UQ competed at the 16th International Maritime Law Arbitration Moot, hosted by RMIT University in Melbourne. Fierce competition came from across the globe to

delve into the complex commercial maritime dispute which raised issues of contract, agency, tort and private international law. With the invaluable assistance of the team's coach Professor Sarah Derrington and sponsors Norton Rose Fulbright, UQ was the highest ranked team in the general rounds and placed third overall in the written memoranda competition. Following a strong performance against Murdoch University in the quarter-finals, the team unfortunately lost to the University of Hong Kong in the semi-final. The competition was a challenging, stimulating experience and an excellent opportunity to appear before distinguished practitioners, mariners and arbitrators.





**NORTH  
QUARTER  
LANE**  
CHAMBERS

# CONGRATULATIONS

**North Quarter Lane Chambers congratulates the winning team and all the students who participated in mooting competitions during 2015.**

We hope this experience helps you prepare for your professional career and that it will inspire interest in pursuing a career at the Bar.

[www.northquarterlanechambers.com.au](http://www.northquarterlanechambers.com.au)

North Quarter Lane Chambers is the largest, and one of the leading, sets of commercial chambers in Queensland, at the heart of the Court Precinct in Brisbane. With seven Queen's Counsel and 18 Junior Counsel, including several Readers, its members (each in individual practice) advise in relation to all sectors of the law, and appear in the complete range of civil litigation matters.



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work, great people, and  
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'Since starting my legal career as a graduate in February 2013, Norton Rose Fulbright has given me many opportunities to gain meaningful practical experience in the areas of law that interest me.

In my first year at the practice, I have been involved in a diverse range of work including a particular project where I worked directly with another Norton Rose Fulbright office overseas. It is amazing to be part of an organisation with offices all around the world.

Norton Rose Fulbright has the right balance – amazing and passionate work colleagues, exciting and challenging work, and a genuinely supportive culture. I know that the practice will always support me 100 per cent in achieving my personal goals and career aspirations.'

**Joshua Chan**, graduate, joined February 2013

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**Progress with purpose**

# THE 2ND ADMINISTRATIVE APPEALS TRIBUNAL NOOT

## TEAM ONE:

**Team members:** Jack Siebert  
Hannah McAlister

## TEAM TWO:

**Team members:** Kate Thorogood  
Hilary Baker

**Coaches:** Adjunct Professor Kathryn McMillan QC  
Associate Professor Peter Billings

**Results:** Overall runners-up (Team One)

Two teams from UQ participated in the Administrative Appeals Tribunal NOOT competition in 2015. The competition comprised of 3 general rounds, followed by a semi-final and a final held at the AAT's conference rooms at the Sir Harry Gibbs Courts in Brisbane.

The teams tackled three problems, covering issues from social security law to taxation law, with the aim of creating a mutually beneficial solution to each problem within the scope of the law. The teams were scored on a cumulative basis throughout all the rounds, including the finals, meaning that the final places were based on the teams' performance throughout the whole competition.

The team of Kate Thorogood and Hilary Baker unfortunately bowed out after 3 hard-fought general rounds, with the team of Hannah McAlister and Jack Siebert progressing through to the finals in a close second. After a convincing win in the semi-finals, the team turned the tables on the top-ranked team from Bond in the final, gaining retribution for a general round defeat at their hands. Unfortunately, the winning margin was not enough to bridge the points gap established throughout the competition and Bond were declared the overall winners.

The teams' performances continue UQ's strong tradition in AAT competitions, following up last year's win in the inaugural NOOT with a close second place.



# THE ABORIGINAL AND TORRES STRAIT ISLANDER MOOT

<b>Team members:</b>	Isobella Rafty Nick Frazer
<b>Coaches:</b>	Jack Siebert Elizabeth Stanley
<b>Results:</b>	Overall runners-up Best written submissions Best speaker - Isobella Rafty

On the 22nd May this year, UQ represented the Law School in the Inaugural Aboriginal and Torres Strait Islander Mooting Competition. The competition consisted of four QLD teams and involved two rounds of mooting on the same problem. The competition was held in Brisbane at the Supreme Court building. In the first round, UQ was acting for the Respondent against Griffith University (Gold Coast), Nick and Isobella were successful in winning this round and were moved into the Final Round, which was held in the Banco Court against Queensland University of Technology. UQ was



again acting for the Respondent.

The panel of judges included The Hon Justice Peter Lyons, Sue Brown QC and Richard Lilley QC. After a very tight competition UQ received runners-up to QUT. UQ was congratulated on their submissions to the court and accordingly received 'Best written submissions' for the overall competition and Isobella Rafty received 'Best oral submission' for the overall competition.



For Nick and Isobella, who did not have any prior mooting experience, this was a very tough but rewarding competition regardless of the result. The team's coaches Jack Siebert and Liz Stanley were instrumental in putting together and helping the team and we thank them very much for their time.

# THE BAR ASSOCIATION OF QUEENSLAND

In recognition of the central role of advocacy in any barrister's practice the Bar Association of Queensland is proud to sponsor UQ's 2015 'Best Oralist in a Moot Competition' award. This prize provides encouragement to students contemplating entry to the Bar to begin developing the skills a good advocate needs.

The Bar Association of Queensland was established in 1903 as the professional body representing the interests of members of the Bar practising in Queensland. Whilst the Association's scope and functions have since broadened, its primary goals of promoting the rule of law and maintaining the high ethical standards of the Bar remain in place.

Since July 2004, the Association has assumed important regulatory responsibilities under the Legal Profession Act 2007 (Qld) and issues practising certificates for local legal practitioners who wish to practise as a barrister. Membership is open to all barristers practising in Queensland in addition to interstate barristers and others associated with the legal profession.

The Association's wide range of member benefits and services includes continuing professional development seminars, conferences, mentoring through readership, and on-going professional advice and assistance.

For information visit [www.qldbar.asn.au](http://www.qldbar.asn.au)



“ Mooting provides students with the opportunity to learn about different areas of law and to explore their potential and challenge themselves to be effective advocates. Competing in a moot is a chance for students to either improve on an existing area of law already studied as part of their degree, and enhance that knowledge; or, it's a chance to explore a new area of law and as such, open themselves up to a wide range of opportunities and learning experiences. Further, mooting teaches students that being an advocate is not just about having a high standard of written and oral communication; rather, an advocate tells a story to the court, offers solutions where the law is silent, and importantly, works with others to ensure the best result is achieved. Students who participate in a mooting competition have the opportunity to improve their understanding of the law as well as the chance to develop their teamwork and research skills, their confidence, and their understanding of the important role advocacy plays in the legal system. ”

*Georgina Morgan, President of the UQLS*

*(pictured second from the left in the back row, along with Mr Joseph Wheeler, the Hon. Glenn Martin and Professor John Devereux and 2014 Moot participants)*



# SIXTH INTERNATIONAL AIR LAW MOOT (BEIJING)

<b>Team members:</b>	Amina Karcic Georgina Morgan Ella Rooney
<b>Coach:</b>	Mr Joe Wheeler
<b>Mentor:</b>	Associate Professor Peter Billings
<b>Results:</b>	Overall winner Best overall oral submission scores as applicant Best overall oral submission scores as respondent

In April of this year, the TC Beirne School of Law sent its first ever delegation to compete in the Leiden Sarin International Air Law Moot. The moot is organised by Leiden University from the Netherlands and hosted by the Chinese University of Political Sciences and Law in Beijing.

The topic raises questions of public international law and air law and is set in the forum of the International Court of Justice. Ella Rooney, Amina Karcic and Georgina Morgan were required to form an awareness of international legal advocacy and the principles underpinning air law. The UQ team competed against 23 other teams internationally, all of which were at a very high standard. The team participated in various social and networking events hosted by Leiden University at the Chinese gardens in Shichahai and at the Dutch Embassy. The Grand Final was hosted at a main auditorium at the Chinese University of Political Sciences at which UQ was announced the overall winner.





## THE AUSTRALIAN LAW STUDENTS' ASSOCIATION (ALSA) CONFERENCE

The Annual Australian Law Students' Association (ALSA) Conference is attended by over 500 delegates from across Australasia and is the host of the national finals of the King & Wood Mallesons National Championship Moot, Australian Red Cross International Humanitarian Law Moot, Client Interviewing, Negotiation, Paper Presentation and Witness Examination competitions.



### **Paper Presentation**

Finian Cullity, 2015 ALSA Paper Presentation Winner for his paper 'Of Netsuke and 'Arid Dogmas': Movable Cultural Heritage and the Lex Situs Rule of Private International Law' (pictured left).

### **Client Interviewing**

Bridget Davis and Shannan Casey

### **Witness Examination**

Alexandra Bose

### **Negotiation**

Phil Gracen and Adam Connolly

## ALSA AUSTRALIAN RED CROSS INTERNATIONAL HUMANITARIAN LAW

**Team members:** Rifa Shamma  
Marco Pedretti

**Results:** Participated in the general rounds

As part of its ALSA delegation, the UQLS sent a team to compete in the Red Cross International Humanitarian Law Moot. This year's problem concerned charges of war crimes of sexual slavery and attacks causing disproportionate civilian damage and loss of life in the context of an internal armed conflict. The UQ team consisted of Rifa Shamma and Marco Pedretti who advocated for both the prosecution and the accused during the competition. The team was unlucky to moot against the three teams that would later claim the top three places in the semi-final rounds. Unfortunately, the team did not progress to the final rounds. Despite this, the competition was a rewarding experience that provided an invaluable opportunity to develop and refine advocacy skills while competing with some of the top mooters from around the country.



## ALSA KING & WOOD MALLESONS CHAMPIONSHIP MOOT

**Team members:** Christina Budur  
William Baxter  
Shannon O'Brien

**Results:** Participated in the general rounds

This year, UQ was represented by Will Baxter, Christina Budur and Shannon O'Brien in the King & Wood Mallesons Championship Moot at the Australian Law Students Association Conference for 2015. Over twenty teams from across Australia and New Zealand competed in this competition and all moots addressed the same problem question which concerned Australian Constitutional Law and the implied freedom of political communication. Interestingly, the statute concerned in the problem question was a fictional piece of legislation in Tasmania prohibiting protesting on business premises that would cause obstruction, prevention or hindrance of the carrying on of a business, however this closely matches section 6 of the (real) Workplaces (Protection from Protesters) Act passed in Tasmania last year. As a result of the lack of availability of the extraneous resources attached to the real Act, much recourse was to be had to constitutional law principles, principles of statutory interpretation and dictionary definitions. The infamous two-limbed Lange test was closely scrutinised at every turn and mooting this problem was an enthralling and educative experience for the team.

The standard of all the competitors was markedly high and UQ performed well in their general rounds despite being unsuccessful in progressing through to the quarter-finals. The team had a rewarding and successful experience developing their submissions in the weeks leading up to the moot and relished the opportunity to advance their advocacy skills in the preliminary rounds.



# THE SHINE LAWYERS TORTS MOOT

<b>Team members:</b>	Edward Watson Michael Chen Sophie Ryan Ryan Palfrey
<b>Coach:</b>	Professor John Devereux
<b>Sponsor:</b>	UQLS
<b>Results:</b>	Semi-finalists Best Mooter in preliminary rounds – Michael Chen

Centred around the complex issue of freedom of speech, this year's Shine Lawyers Torts Moot problem was a challenging mix of actions in both defamation and negligence occasioning psychiatric harm. Faced with a challenging problem concerning the broadcasting of a defamatory documentary, the UQ team consisting of Ryan Palfrey, Michael Chen, Sophie Ryan and Edward Watson engaged in extensive research and preparation. The hard work paid off as the team achieved great success in the preliminary rounds, progressing to the semi-finals undefeated and ranked first out of the 11 participating teams. The semi-finals were less kind however, and the UQ team narrowly missed out on presenting in the grand-finals. Nonetheless, the moot was an invaluable experience, challenging the team to hone both their legal writing and oral advocacy skills. The team's dedication and diligence was recognised in Michael Chen being awarded best mooter for the preliminary rounds, and all speakers being awarded consistently high marks.

An immense thanks is due to the professors and academic staff at the university who gave us invaluable support and advice during our preparation.



# THE NATIONAL ADMINISTRATIVE APPEALS TRIBUNAL (AAT) MOOT

## TEAM ONE:

**Team members:** Kate Cincotta, Jaya Prasad and Lauren Hickling

**Coach:** Associate Professor Peter Billings

**Assistant Coach:** Eloise Gluer

## TEAM TWO:

**Team members:** Sangeetha Badya, Myrella Byron and Dominic Fawcett

**Coach:** Associate Professor Peter Billings

**Assistant Coach:** Erin Gourlay

**Results:** Quarter-finalists

In 2015 two UQ teams were chosen to compete in the National Administrative Appeals Tribunal Moot. The Moot involves ten weeks of intense preparation of written and oral submissions. A new problem is released every fortnight on various areas of law including Social Security, Veteran's Affairs and Migration Law. In an unfortunate turn of events, both UQ teams were pitted against one another in the very first round of the competition. Dominic Fawcett, Sangeetha Badya and Myrella Jane Byron progressed through to the Advanced Rounds of the competition but were eventually defeated by Bond University in the National Quarter Finals after a closely contested round on Migration Law. Participating in the competition was a rewarding experience for both teams.



# THE HON. MICHAEL KIRBY CONTRACT LAW MOOT

<b>Team members:</b>	Mohammud Hafeez-Baig Ben Teng Ben Nearhos David Northcott
<b>Coach:</b>	Travis Gooding
<b>Mentor:</b>	Professor Nick Gaskell
<b>Results:</b>	Participated in the general rounds

In October of this year, The University of Queensland participated in the 5th Annual Michael Kirby Contract Law Moot Competition, held at Victoria University in Melbourne. The moot consisted of an arbitration centred around a commercial dispute involving issues of contractual formation, construction, breach, and the recovery of damages. Travis Gooding and Professor Nick Gaskell capably coached and mentored the team, which also benefited greatly from practice moots with past participants and experienced mooters from UQ. The standard of participants was very high, and despite performing strongly in the four general rounds, the team was not successful in progressing to the elimination rounds. The Grand Final was held at the Federal Court, and was judged by The Honourable Chief Justice of the Supreme Court of Victoria Marilyn Warren AC, former Attorney-General of Australia Nicola Roxon, Simon Marks QC and Michael Wyles QC. The competition provided all members of the UQ contingent with valuable advocacy experience, an introduction to commercial arbitration, and an increased understanding of the Law of Contract.



“ Observations about methods of advocacy are most commonly made in connection with advocacy in courts or tribunals but such observations are applicable also to other circumstances involving persuasion. They are applicable because of the nature of advocacy. At its heart it is an endeavour to persuade. An endeavour to persuade the person, or persons, to whom it is addressed to decide a particular matter in favour of the client on whose behalf one is acting. ”

— David F Jackson AM QC



## CONGRATULATIONS FROM THE **UQLGA**

The University of Queensland Law Graduates Association congratulates all the students who participated in mooting competitions during 2015.

It is with great pleasure that we also acknowledge the contribution of the many UQ Law alumni who generously share their time and expertise to prepare UQ mooting teams for competitions, and in doing also play an influential role in preparing them for their professional careers.

**[law.uq.edu.au/uqlga](http://law.uq.edu.au/uqlga)**



# SIR HARRY GIBBS CONSTITUTIONAL LAW MOOT

<b>Team members:</b>	Jessica Guy Michael Maynard Harrison Smith
<b>Coaches:</b>	Associate Professor Jonathon Crowe Peta Stephenson
<b>Results:</b>	Best Written Memoranda

This past September, UQ sent a team of mooters to the Sir Harry Gibbs Constitutional Law Moot, returning in 2015 at the University of Melbourne after a one year hiatus. This year's problem, written by Justice Gageler of the High Court of Australia, was full to the brim of constitutional law issues concerning the defence power, the acquisitions power and Chapter III of the Constitution. The team of Jessica Guy, Michael Maynard and Harrison Smith spent a month in intense preparation, producing written memoranda and had a further week of practice moots leading up to the competition. The team is particularly grateful for the generous assistance of Associate Professor Crowe and Peta Stephenson for their valuable assistance in preparation and to our many practice moot judges.

In front of constitutional law practitioners and academics, the team had a narrow win against University of Technology, Sydney and a narrow loss to Bond University, both coming down to one point. Coming up against the top-ranked University of Melbourne in the third round, we knew we had to win to be in finals contention. While we beat Melbourne by four points (this team were the eventual competition champions), we were unfortunately the 9th ranked team on two wins. Despite that heartbreak in the competition rounds, we were recognised for our efforts, receiving the prize for the best Written Memoranda.



# AUSTRALIA/NEW ZEALAND INTERVARSITY MOOT ON ANIMAL LAW

<b>Team members:</b>	Jolie Went Michael Potts Angus Fraser
<b>Coach:</b>	Dr Justine Bell
<b>Results:</b>	Quarter-finalists

In September of this year, the UQLS sent one team to the 2nd Annual Australia New Zealand Intervarsity Moot on Animal Law (ANIMAL2015), presented by the Animal Law Institute and Voiceless and hosted by the University of Melbourne. 'Animal law' does not constitute an autonomous legal field, but instead relies on other branches to regulate and enforce the welfare of animals and the promotion of animal rights. As a result, the team, comprised by Jolie Went, Angus Fraser and Michael Potts and coached by Dr Justine Bell, was required to explore disparate areas of law, primarily consumer and evidence law. The team was assisted by numerous members of staff and students, who kindly gave their time to judge a number of practice moots. Thanks goes to Graeme Orr, Lee Aitken, Caitlin Goss, Catherine Drummond, Bella Newell, Samuel Walpole, Elizabeth Stanley, Cameron Griffiths, Henry Meehan and Leo Rees-Murphy.

In the preliminary stages of the competition, the UQ team faced off against the University of South Australia, a mixed team from Monash and Victoria Universities, as well as fellow Queensland competitors from Bond University. The team successfully broke at the end of the first day to make the Quarter Finals. Unfortunately, the team was knocked out in a narrow loss to Flinders University, who went on to win the competition. The experience was nonetheless valuable and enjoyable for the whole team, providing insight into a lesser appreciated legal area and a fantastic chance to develop and hone their advocacy skills.



# CASTAN CENTRE HUMAN RIGHTS LAW MOOT

<b>Team members:</b>	Charlotte Glab Lauren Ash Hamish MacDonald
<b>Coaches:</b>	Associate Professor Tamara Walsh Associate Professor Peter Billings
<b>Results:</b>	Semi-finalists

In September this year, the UQLS participated for a second time in the 9th Castan Centre Human Rights Moot, at Monash University in Melbourne. Charlotte Glab, Lauren Ash, and Hamish MacDonald formed the team and endeavoured to gain a vast understanding of a relatively new area of law. The competition is one with a comparatively brief preparation timeframe, but is an extremely rewarding experience. It facilitates study of the Victorian Charter of Human Rights along with international human rights law, expanding participants' knowledge in an expanding legal area in through consideration of a different jurisdiction.

This year's question focused on violations of human rights in the face of community emergencies; a quintessential dilemma of utility. The problem involved hypothetical quarantine legislation that placed limitations on the rights of Victorians under the Victorian Charter. This raised difficulties for the team in finding parallel case law, necessitating references to international legislation and case law specific to particular rights. It was thus necessary to have a holistic grasp of the Victorian Charter and the rights within it, as well as the landmark cases affiliated with this relatively young statute.

The standard of the competition was exceptionally high, however the team was delighted to present well, progressing through to the semi-finals. Defeated there by the eventual winners, the team enjoyed the experience and witnessed an excellent grand final presided over by Chief Justice Tate and Justice Croucher. It was an excellent opportunity for the UQ delegation to develop their advocacy skills.



# AUSTRALIA AND NEW ZEALAND AIR LAW MOOT

<b>Team members:</b>	Kate Thorogood Alexander O'Hara
<b>Coach:</b>	Georgina Morgan
<b>Results:</b>	Grand-finalists Best Oralist in preliminary rounds (Alexander O'Hara)



In late September of this year, the TC Beirne hosted the second Australia and New Zealand Air Law Moot.

The subject matter of the compromis was loosely based upon the tragic downing of flight MH17 over Eastern Ukraine in 2014. The facts forced teams to confront a myriad of legal problems, particularly focusing upon the attribution of state responsibility for acts of third parties, the jurisdiction of the International Court of

Justice and what precise part of aviation law is breached in the downing of a civilian airliner. These issues were further complicated by the presence of the defence of mistake and that the factual scenario, like that of flight MH17, is very ambiguous.

In no small part due to the tireless assistance of coach and friend Georgina Morgan, of Beijing International Air Law Moot fame, the UQ team broke to the final rounds. Although not victorious in the Grand Final, with the University of Auckland taking out first place, the judges commented upon the quality of advocacy and the commitment that all participants demonstrated. UQ member Alexander O'Hara was also awarded best oralist in the general rounds.

The competition itself was superbly organised by UQ, with smooth-flowing rounds followed by interesting presentations by notable aviation lawyers. The final dinner was the highlight of the competition. Overall, the experience was a tremendously enjoyable one; the event was a wonderful opportunity for like-minded students from across the Pacific region to meet each other and forge new friendships.

## WHERE CAN MOOTING TAKE YOU?



### **The Mooting Final, 10 April 1962 at The University Union premises.**

The Bench is Kevin Ryan presiding, on his left Bruce McPherson and on his right John Morris.

L-R: Dame Quentin Bryce (nee Strachan), Brian Carter, Warren Howell, Martin Moynihan, David Jackson and Douglas Drummond.

**Dr Kevin Ryan** was born and raised in Victoria, moving to Queensland to join the Christian Brothers order, during which time he taught in Bundaberg and Mackay. After leaving the order at age 23, Dr Ryan commenced law studies in Brisbane and spent several years working as a barrister, securing a lecturer's position at The University of Queensland (1953-1965).

Dr Ryan spent two years earning his PhD at Cambridge University (1959), before he returned to Australia and was made a Queen's Counsel. After time abroad (1965-1969) as Australian Trade Commission and Commercial Counsellor, Dr Ryan returned to The University of Queensland as Garrick Professor of Law (1969-74, 1979-85). Dr Ryan returned to the Bar in the 1980s and was appointed a Supreme Court judge in February 1984; he retired from the Supreme Court in 1994. He passed away on 18 November 2009.

**The Honourable Martin Moynihan AO QC** was born on 27 February 1941 in Brisbane, Queensland, he attended Marist College, Ashgrove, and the University of Queensland, graduating Bachelor of Laws (1965).

On 16 February 1965, Moynihan was admitted as a barrister of the Supreme Court of Queensland. He practised at the bar in Brisbane for the next 19 years, taking silk on 6 November 1980. Whilst at the Bar in the late 1970s and early 1980s he served as a member of the board of the Law Faculty at the University of Queensland, a member of the committee of the Bar Association of Queensland, a member of the Barristers Board of Queensland and a member of the management committee of the Bar Practice Centre.

On 13 February 1984, Moynihan was appointed a judge of the Supreme Court of Queensland. He served as the Commercial Causes B List judge (1985–90), president of the Industrial Court (1986–93), and senior judge administrator of the Supreme Court (1991–2007). Moynihan was awarded the Centenary Medal in 2001 and was appointed an Officer of the Order of Australia on 10 June 2002. During his tenure as a judge of the Supreme Court, Moynihan served as deputy chairperson of the Mater Health Services governing board (1990–93), a consultant to the Future Directions committee of the Family Court of Australia (1998–2001) and chairperson of the Mater Medical Research Institute 1999. Moynihan retired from the court on 24 August 2007, at the age of 66. He conducted a review of the workings of the Queensland Courts in the civil and criminal justice system for the (then) Labor Government in 2008, and served as chairperson and CEO of the Queensland Crime and Misconduct Commission (2010–11).

**The Honourable Dame Quentin Bryce AD CVO** was born in Brisbane in 1942 and spent her early years in Ilfracombe, a small town in Central Western Queensland. In 1965, she graduated with the degrees of Bachelor of Arts and Bachelor of Laws from The University of Queensland and, in the same year, was admitted to the Queensland Bar.

Dame Bryce was a Lecturer and Tutor in Law, The University of Queensland, 1968–1983, Director, Human Rights and Equal Opportunity Commission, Queensland, 1987–1988, Federal Sex Discrimination Commissioner, Human Rights and Equal Opportunity Commission, 1988–1993, Governor of Queensland, 2003–2008, and on 5 September 2008 was sworn in as Australia's twenty-fifth Governor-General, the first woman to take up the office.

Quentin Bryce's contribution to advancing human rights and equality, the rights of women and children, and the welfare of the family was recognized in her appointment as an Officer of the Order of Australia in 1988 and a Companion of the Order of Australia in 2003. She remains a pioneer in contemporary Australian society with more than forty years of experience as an academic, lawyer, human rights advocate, public officer and vice-regal representative.

**The Honourable Douglas Drummond QC** was Senior Counsel assisting the Fitzgerald Commission of Inquiry, and then Special Prosecutor in 1988 with responsibility for the investigation and prosecution of offences arising out of that Inquiry. He has also practiced as a barrister at the private bar, specialising in general commercial litigation and arbitration. He was a judge of the Federal Court of Australia for more than 11 years before retiring in April 2003, and was also a Presidential member of the AAT (1994–2003). He later served as a Crime and Misconduct Commissioner.

## 2014 DAVID F JACKSON DINNER



Mr Ian Brown, Immediate Past president of the Queensland Law Society, presented Ms Emily Chalk, Mr Hugo Clark-Ryan, Ms Camille Boileau, Ms Lisa Lee and Ms Abigail Mawby with the *2014 Best Moot Team Award*



Ms Robyn Martin, Chief Executive of the Bar Association of Queensland, presented Ms Emily Chalk with the *2014 Best Oralist in a Moot Competition Trophy*



Mr Joshua McGeechan (2013 winner) and Mr David F Jackson AM QC, presented Ms Camille Boileau with the *David Jackson Trophy for Outstanding Advocacy*



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## **UQ Law Mooting sponsorship**

The TC Beirne School of Law is one of Australia's leading providers of undergraduate legal education. The high demand for Commonwealth assisted places limits our ability to derive additional tuition fee income.

Supplementary funding enables us to maintain and expand the School's extra-curricular programs, in particular, legal clinics through the UQ Pro Bono Centre, and support for students to take part in national and international mooting competitions.

Your contribution will help more students to participate in these transformative learning experiences, and can also make a positive difference to the lives of people living in the local community.

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