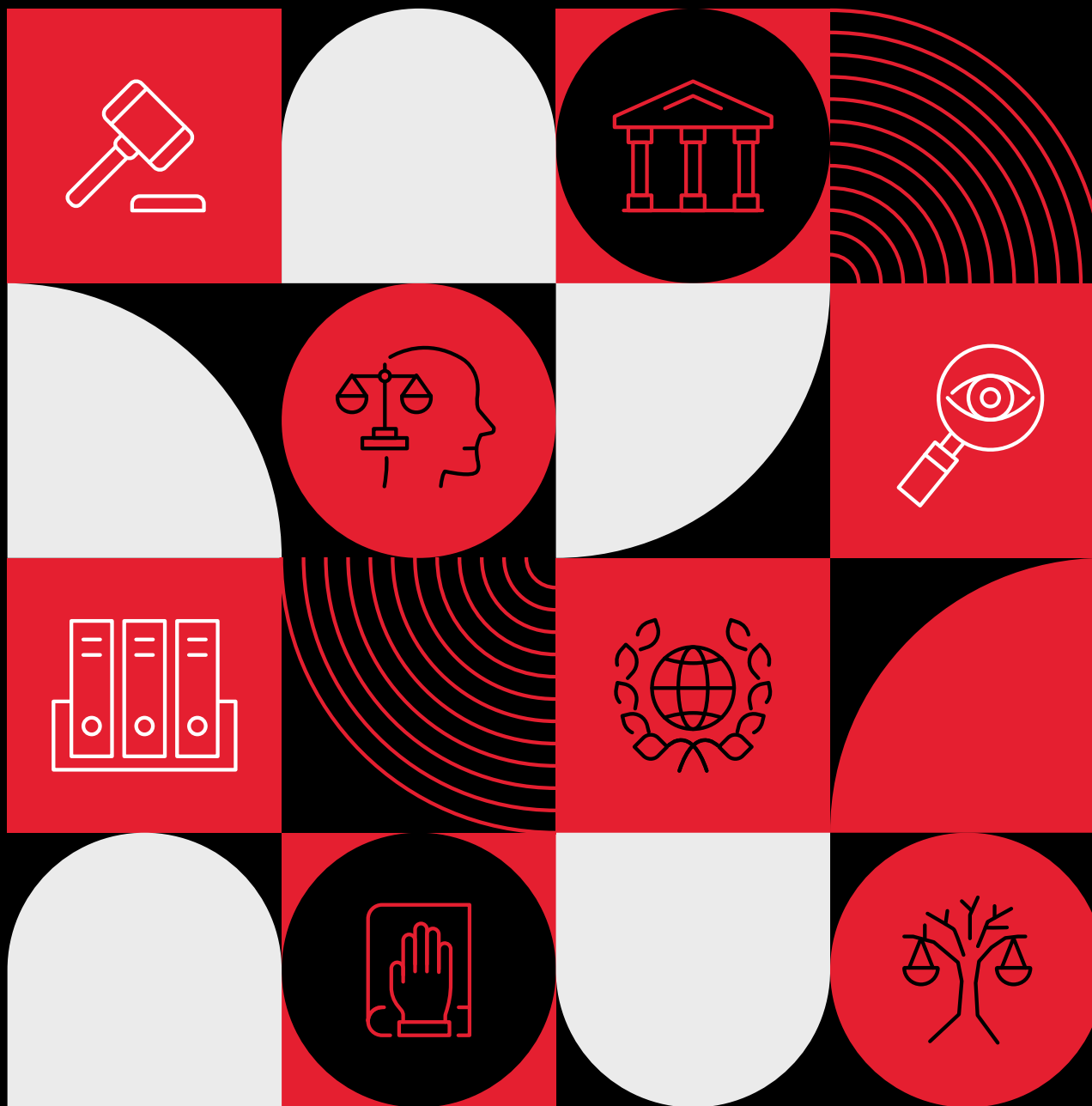


 GRIFFITH UNIVERSITY



GRIFFITH LAW SCHOOL

High School Mooting Competition

Make it matter

Introduction

The Griffith Law School high school mooting competition gives high school students an opportunity to develop their oral advocacy skills through presenting arguments in a fictitious case.

Format for the day

Student teams will be welcomed to Griffith Law School and will be scheduled to moot for either the Crown (Prosecution) or Appellant in either a morning or afternoon session. When students are not mooting, they will be engaged in a 'You be the Jury' activity, hosted by Dr Robyn Blewer, Director & Convenor—Griffith University Innocence Project. During this activity, students will be divided into 'juries' and consider facts and evidence in a case, then asked to deliver a verdict. The day will culminate in an awards ceremony where the winning team (with the highest score) as well as the top scoring individual mooter will be announced.

Scoring

Each mooter will be scored out of a possible 80 marks, on the following basis:

- A mark out of 20 for the quality of the written submissions: clear and logically structured;
- A mark out of 20 for demonstrating a good understanding of the facts of the case and relevant law;
- A mark out of 20 for presenting a well-structured, logical and persuasive argument, with clear signposting;
- A mark out of 20 for being able to depart from a script by answering questions well and being able to engage in a conversational manner with the Judge.

Formalities

Written submissions

Teams should prepare written submissions outlining the team's main arguments and the law relied on. Teams should treat the written submission as a formal court document. Clear, concise and formal language should be used. Avoid the use of bold font, rhetorical questions or exclamation marks. Make sure the submissions are the work of the team, not AI: Teams should be aware that a legal practitioner who prepares a document submitted to a court which is found to contain references to non-existent cases, legislation or other material, may be the subject to serious disciplinary proceedings.

The written submissions should be prepared using the template provided and must be no more than 5 pages long using Times New Roman 12-point font. Higher scores will be awarded to submissions complying with these requirements.

Submissions must be emailed to the Competition Administrator one week before the competition date. Teams should also bring printed copies of their submissions to hand to the Judge at the commencement of their moot.

Oral submissions

The moot problem contains two grounds. The student dealing with Ground 1 will be Senior Counsel while the student dealing with Ground 2 will be Junior Counsel.

At the beginning of the moot, the Judge will ask counsel to announce their appearances. For example, if the team was made up of students called Ralph Sharif and Parina Raj, Senior Counsel for the Appellant would stand and say "If it pleases the court, my name is SHARIF, initial R, and with my learned Junior, RAJ, initial P, we appear for the Appellant, Lucinda." Counsel for the Crown will then announce their appearances in the same way.

The Judge will then hear Senior and then Junior Counsel for the Appellant, followed by Senior and then Junior Counsel for the Crown. Counsel should stand when presenting their arguments, and address the Judge as "Your Honour". Each student will have 10 minutes to present their arguments, including interruptions for questions by the Judge. When preparing, aim for your submission to take about 8 -9 minutes to allow for questions and your response to questions.

	☆☆☆☆	☆☆☆	☆☆	☆
Score	EXCELLENT 17–20	GOOD 14–16	NEEDS IMPROVEMENT 10–13	VERY POOR 5–9
 Quality of the written submissions: clear and logically structured	Clear, concise and easy to read, well structured	A reasonable attempt at presenting the relevant arguments in a concise document	The written submissions do not deal with all of the relevant issues or they lack structure	No attempt to engage with the issues
 A good understanding of the facts of the case and relevant law	Very thorough and comprehensive understanding of the facts and law	Demonstrates a reasonable grasp of relevant facts and law	Unable to consistently demonstrate a good understanding of the facts and or law	No understanding of the relevant facts or law
 Presenting a well-structured, logical and persuasive argument, with clear signposting	Well structured argument which is very easy to follow and which makes excellent use of facts and law to build a persuasive case	A reasonably well structured argument and an attempt to present a persuasive argument	An attempt at presenting argument in a logical and structured way but not always easy to follow and not particularly persuasive	Difficult to follow argument-lacking in clear signposting and not persuasive
 Being able to depart from a script by answering questions well and being able to engage in a conversational manner with the Judge	Very engaging and fluid presentation including an ability to move around the arguments/away for the script to answer questions as and when they arise	Able to answer questions reasonably confidently and a reasonable effort to avoid reading submissions rather than speaking to them	Not always able to confidently answer questions and/or a degree of inflexibility in presenting arguments	An inability to depart from a script



The Moot Problem

Lucinda

Lucinda has been convicted of one count of possession of a dangerous drug pursuant to s 9(1) Drugs Misuse Act 1986 (Qld) (DMAQ) and one count of trafficking a dangerous drug pursuant to s 5 DMAQ. She has appealed against her convictions to the Court of Appeal.

You are appearing in order to argue the case depending on which side you are allocated.

Case Overview

Lucinda lives on a small farm just outside of Mossman in Far North Queensland where she grows a range of tropical fruit and vegetables that she sells at the Mossman Farmers' Market on Saturdays. Her main crops are dragon fruit, papaya and lots of taro. She also grows some marijuana plants and collects psychedelic mushrooms for her personal use.

One Saturday at the Mossman market she has a long conversation about relaxation and meditation with one of her regular customers, Dom. In this conversation Lucinda reveals that she uses both marijuana and psychedelic mushrooms to help her wind down at the end of a busy market day. Dom – who has been thinking of trying these substances – is pleased to find a potential source of them for her and her friends.

Later that week, Dom and a couple of her friends visit Lucinda's farm to propose a deal: they will help out on the farm by mowing grass, picking fruit and checking the fence lines for a couple of hours a week in return for a small supply of both marijuana and psychedelic mushrooms. After some quiet reflection over a chai tea with the visitors, Lucinda agrees as she decides that there can be no harm in it, and that in fact, everyone will benefit from the deal.

Initially, Dom comes with only a few of her friends. However, word of the arrangement soon spreads, and Lucinda finds herself regularly welcoming 15 to 20 people keen to help out on the farm for access to the marijuana and psychedelic mushrooms. The number of people involved makes Lucinda a little nervous, but as it saves her many hours of work and the productivity of her farm increases, she continues with the arrangement. She records the hours worked by Dom and her friend in a small notebook, using it to determine the quantity of marijuana and mushrooms to provide to each person each week.

Unfortunately for Lucinda, one of the owners of a competitor store at the Mossman Market – who has noticed that Lucinda is bringing more produce to the market than she used to – hears rumours of the arrangement she has with Dom and her friends and informs police of her suspicion.

Later that week, a group of police officers lawfully enter the farm and, as Dom and her friends look on in horror, walk up to Lucinda drinking a tea on her deck and arrest her. The police officers search the property and find the small notebook recording the hours each person worked and a cupboard with plastic containers filled with marijuana and psychedelic mushrooms. They also search the farm's processing shed and in one of the backpacks that are lined up against the wall, find a significant amount of MDMA pills (100g) in a metal box. When asked about the MDMA pills, Lucinda claims that she had no idea the MDMA was in the backpack as it belonged to one of the farm volunteers.

Lucinda is charged with several offences under the Drugs Misuse Act 1986 (Qld) (DMAQ), including:

Count 1: possession of a dangerous drug (s 9 (1) DMAQ), namely methylenedioxymethamphetamine (MDMA), with the circumstance of aggravation that the quantity of dangerous drug exceeded 2 grams.

Count 2: trafficking dangerous drugs, namely marijuana and psychedelic mushrooms, based on the evidence in her notebook of her distribution of both substances (s 5 DMAQ).

At trial, a jury convicts Lucinda on all counts.

Lucinda is now appealing against the convictions on the ground that the verdicts in relation to Counts 1 and 2 are unreasonable and cannot be supported having regard to the whole of the evidence.

Lucinda appeals the conviction for possession (Count 1) on the basis that she was not aware the MDMA was there, and conviction for trafficking (Count 2) on the basis that she was not carrying on a business of selling drugs.

Ground 1 – Conviction for possession of a dangerous drug unreasonable

The first ground of appeal requires the parties to make submissions on whether there is sufficient evidence to support a conviction for the offence of possession in s 9(1) *Drugs Misuse Act 1986* (Qld). Along with the [Queensland Supreme Court Bench Book entry on the offence of drug possession](#), students should have reference to the following statutory provisions and cases:

- Section 9 *Drugs Misuse Act 1986* (Qld).
- [Section 116 *Drugs Misuse Act 1986* \(Qld\)](#).
- *R v Bridges* [1986] 2 Qd R 391.
- *Lai v The Queen* (1989) 42 A Crim R 460.
- *R v Solway* [1984] 2 Qd R 75.

Ground 2 – Conviction for trafficking a dangerous drug unreasonable

The second ground of appeal requires the parties to make submissions on whether there is sufficient evidence to support a conviction for the offence of trafficking a dangerous drug in s 5(1) *Drugs Misuse Act 1986* (Qld). Along with the [Queensland Supreme Court Bench Book entry on the offence of drug trafficking](#), students should have reference to the following statutory provisions and cases:

- Section 5 *Drugs Misuse Act 1986* (Qld).
- *R v Quaile* [1988] 2 Qd R 103.
- *R v Ellhusseini* [1998] 2 Qd R 442.

