

Universities Battle it Out in State's First Human Rights Moot

Monash University Edges Out Victoria University in the Final

By Erica Contini

A very impressive team of Monash University mooters has edged out its equally dedicated opponents from Victoria University to win the \$3000 first prize in the Castan Centre's inaugural Victorian Charter of Human Rights and Responsibilities Mooting Competition.

A prisoner's right to privacy and religion, the detention of protesting university students, and the displacement of an elderly couple from their care home were among some of the issues addressed by students during the competition, which was sponsored by law firm Clayton Utz and mainly hosted at its Melbourne offices.

Two teams from each of Victoria's five law schools – Deakin, La Trobe, Melbourne, Monash and Victoria – competed in a round robin format. Teams, each comprising 3 students, were given only a few days to prepare for each moot, and were judged on their oral presentations, written submissions, development of argument, and their ability to answer (often challenging) questions from the bench.

Moot problems were drafted to allow students to explore the Charter as widely as possible, and students were required to research both domestic and international case law to provide jurisprudence for this new Act.

After the completion of two sets of preliminary rounds in which each team had the opportunity to represent the defendant and the plaintiff, it was clear that the standard of competition was very high. In fact, the fourth, fifth and sixth-placed teams were separated by just four points (teams were scored out of a possible 400), with the top four contenders being Melbourne University 2, both Monash teams and Victoria University 2.

In the Semi-final round, the teams argued their cases in front of 3-member panels of judges. Monash University's first team represented a university student who had been detained by police after her involvement in a protest. They battled it out

with Victoria University's second team, and after a well argued case by both sides, the judges came down in favour of Victoria. Monash University's second team represented the state police and security company which had detained the university student. While Melbourne University's team skilfully argued their case, they were unable to overcome the legal arguments presented and the oral advocacy skills of the Monash team which also progressed onto the final.

The Red Court of the Victorian Court of Appeal was fully packed with supporters and onlookers during the final round of the competition. Both the Monash and Victoria teams faced a barrage of pointed and challenging questions from the bench, which consisted of the Honourable Justice Maxwell, President of the Court of Appeal, Judge Tony Howard of the County Court and Ms Helen Szoke, CEO of the Victorian Equal Opportunities and Human Rights Commission.

Both teams argued and responded to questions with impressive ease and at the conclusion of the moot, those in the audience were unable to pick a winner. Grant Schubert of Victoria University had shown particular poise under pressure while his team-mate Damian Clancy spoke with great confidence. For Monash, Jess O'Brien had been nerveless, and Kaja Strzalka very polished.

In the end, Monash University's team, which also included Lucinda Bradlow, was victorious and won the \$3000 grand prize; Victoria University were runners up, winning the \$1000 prize. It was a particularly impressive performance from Victoria, the state's youngest law school, which provided two outstanding teams.

The level of preparation and arguments made by all competitors was commendable and showed their interest in and commitment to human rights law and the new Charter. Sponsorship by Clayton Utz, and the hard work and support of Anitra Robertson, Sally Sheppard, Kirsty Robb and Brad Vann, all the individuals who assisted in the judging, and the Castan Centre, helped make this moot a huge success.



Judge Tony Howard of the County Court with Grant Schubert (far left) and Damian Clancy



Judge Howard with Kaja Strzalka (far left), Lucy Bradlow and Jess O'Brien (far right)