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AUSTRALIAN LAW POSTGRADUATE NETWORK

STEPHEN COLBRAN* AND BELINDA TYNAN**

I INTRODUCTION

This paper introduces the Australian Law Postgraduate Network (ALPN). The ALPN in part draws together the combined expertise of law schools for the benefit of enhancing the postgraduate research experience of students and their supervisors alike. The ALPN responds to the call from national policy and priorities in the research arena for improved research practice and direction. In the White Paper titled 'Knowledge and Innovation: A policy statement on research and research training', the Commonwealth government outlined the problems that exist in research training programmes. These problems include:

- Research programmes that are too narrow, too specialised and too theoretical, leading to graduates whose communication, interpersonal and leadership skills require further development;
- A research training environment associated with poor supervision, inadequate levels of departmental support and limited access to infrastructure;
- A mismatch between the research priorities of the institution and the interests of the students;
- Limited opportunities for students to gain experience in appropriate research environments which tends to promulgate a cultural gap between academic researchers and staff in industry; and
- High attrition rates and slow rates of completion for students.¹

These issues do present themselves within the wider literature, albeit with some dissent, but mostly ring true for the discipline of law. With the significant increases seen in funding generally over the past few years for doctoral enrolments, a number of concerns arise

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¹ David Kemp, 'Knowledge and Innovation: A Policy Statement on Research and Research Training' (Department of Education, Training and Youth Affairs, 1999) 17.

with the quality and effectiveness of the experience. Completion within short time limits may not allow the full development of the essential research skills which may adversely impact on students' potential future careers.² As many supervisors are acutely aware, the emphasis placed on maximum completion in minimum time has consequences for funding. Institutions are rewarded for completions and penalised for non-completions.

The challenge observed for potential supervisors of law postgraduate degrees is in the consideration and development of ways in which to support students to move towards successful completion. In addition, the desire to produce graduates that display desirable graduate attributes, such as the ability to be independent and responsible learners, could be jeopardised by overly prescriptive management systems as the law education sector responds to internal and external policy structures and demands. The initiative described here goes in some part to meet this challenge and seeks to promote a collaborative approach which could benefit students and their supervisors alike. This paper aims to provide background on the issues currently of concern for postgraduate law students and their supervisors, describe various supervisory models, and detail an initiative that may respond to these issues.

II COMPELLING CONCERNS

There are three main types of Australian law postgraduate research degrees: Doctor of Philosophy (PhD), Doctor of Juridical Science (SJD), and Master of Laws by research (LLM). All of these qualifications require significant supervised research culminating in a thesis from 50,000 to 100,000 words. The Department of Education Science and Training released 2004 student load data³ that revealed only 393 Equivalent Full-Time Student Unit (EFTSU) of students were studying a Doctorate by research, 25 EFTSU were studying a Doctorate by coursework and 81 EFTSU were studying a Masters by research. By way of comparison 4,142 EFTSU were studying a Master's by coursework degree.⁴ Current levels of enrolment and the even lower completion rates are the result of a complex range of issues which could result in postgraduate studies in law continuing to be a rare commodity. The initiative promoted by the ALPN network begins to address these issues. The ALPN, however may not be enough to solve all these issues. The financial rewards of

² Grant Harman, 'Producing PhD Graduates for the Knowledge Economy' (2002) 21(2) *Higher Education Research and Development* 180.

³ *Summary of Student Load (EFTSU)* (2004) Department of Education, Science and Training <http://www.dest.gov.au/sectors/higher_education/publications_resources/profiles/students_2004_selected_higher_education_statistics.htm> at 27 November 2006.

⁴ *Ibid.*

practice continues to be a threat to the attractiveness of further legal education and to becoming a legal academic.

Postgraduate research degrees in law, in many instances, also suffer from limited programme information and low student enrolments. There is a paucity of discipline-relevant supervisory training and practice. Supervisory staff often have limited methodological experience (particularly in social science research methodologies). There are also problems with the 1:1 master/apprentice supervisory model, which is broadly adopted across the sector. Intellectual isolation of students and supervisors from one another is an additional ongoing concern in moving towards a discipline-based law research community of practice which aims to develop a body of knowledge for mutual good. A further consideration is the opportunity cost of failing to seek research and supervisory collaborations across tertiary institutions particularly where there is limited expertise. Such an approach may overcome the difficulty often experienced by students and law schools alike, namely the difficulty in finding multiple qualified supervisory staff. There is also a difficulty in identifying suitably qualified and experienced examiners.

A Limited Course Information

Information about postgraduate research in law on the Internet is quite limited. From the student perspective, university approaches to marketing offer limited information upon which to base informed choice. There are no comparative information sources. Candidates search universities seriatim for potential supervisors on often undeveloped thesis proposals or on the basis of perceived prestige. Candidates are often turned away due to insufficient supervisory capacity, particularly from smaller law schools. The student is left to their own devices. Due to competitive institutional and sector wide higher education structures, potential candidates cannot take advantage of expert supervisors across law schools. They are limited to what each individual law school has to offer from internal staff and adjunct staff.

While it is important for the student to bring the capacity to learn and research, the professionalism of the supervisor is deemed within the wider environment of higher education as critical to student success. By providing candidates with more thorough and relevant information upon which they can ascertain the suitability of supervisors in chosen areas, their location, qualifications, and capacity to supervise, students' choices may well be better informed and risk of failure mitigated.

Potential students also require reassurance of their supervisor's capacity and expertise in achieving outcomes in particular methodologies. And, while not an immediate concern, knowing examiners' expertise ultimately will attest to the confidence of

students that work undertaken is of a standard commensurate of postgraduate award. Students would also be interested in attrition rates and the results of bi-annual qualitative student surveys on their course experiences.⁵

If this information were available, postgraduate students could begin to make informed and confident choices, universities could better position their programmes and resulting differentiation may lead to better outcomes and less risk for students, supervisors and respective institutions. Such a network by providing a clearinghouse of information offers a competitive advantage over other international sectors where such information is not readily accessible.

B *Supervisory Training*

It has long been thought that supervisory practice is a considerable affective variable in the success or otherwise of postgraduate students and there is a substantive field devoted to the pedagogy associated with postgraduate supervision.⁶ Success often depends on the relationship between supervisor and postgraduate student. The supervisory relationship has also had increased attention with conflicting discourse about the role of the supervisor.⁷ While these ideas are generalisable for supervisor training and development, it seems that there is scope for law in particular to begin its own discipline-relevant discussion of what supervision means. In fact, every university in Australia has research training and supervision available to its staff. This can be easily substantiated with visits to various websites. However, what is unclear is how issues of significance to the specific disciplines are addressed within such programmes. While some law schools may attempt supervisory training, it is generally true to say that within the law discipline there is inadequate definition of the roles of supervisors and candidates, and what the supervision entails. The discipline has also failed to provide adequate staff training for addressing underdeveloped expertise in social science research methodologies and a lack of available statistical and other methodological advisory services. The ALPN network aims to open the discourse and achieve some consensus in approaching these issues.

⁵ Lenore Manderson, 'Law' in *Postgraduate Training in the Social Sciences* (2000) 150.

⁶ See, eg, Barbara Grant, 'Pedagogical Issues in Research Education' in Margaret Kiley and Gerry Mullins (eds), *Quality in Postgraduate Research: Making Ends Meet* (2000).

⁷ See, eg, Geoff Gurr, 'Negotiating the Rackety Bridge: A Dynamic Model for Aligning Supervisory Style with Research Student Development' (2001) 20(1) *Higher Education Research and Development* 81, 92; Jeanne Malfoy and Carolyn Webb, 'Congruent and Incongruent Views of Postgraduate Supervision' (Paper Presented at the Quality in Postgraduate Research Conference, Adelaide, 13–14 April 2000).

C Supervisory Practice

Fundamental to understanding the practice of supervision in Australia is to understand the purpose of research higher degrees in law. Some view the exercise as heightened professional training and an extension of practice-oriented LLB degrees. Desmond Manderson correctly rejects this assertion in arguing:

Postgraduate research in law in Australia ought to be seen as a species of education, not professional training. Ideally this work would serve not only to train future scholars of law, but to contribute actively to that scholarship and indeed to act as its engine room... Creative and thoughtful legal scholarship in this country would be of inestimable benefit to those debates, in every area from reconciliation with indigenous people, and mandatory sentencing, to social policy generally... many doctoral students try to learn the techniques or knowledge base of other disciplines on the fly and without the benefit of any structured program at all. There is, indeed, a deeper problem. So different is so much of this analysis that a great many legal academics are at best unfamiliar with and at worst threatened by it: many do not have any postgraduate research training themselves, and those that do have been educated in very different methods. Students who are attempting to interrogate or apply these new knowledges find little support or even empathy. The stress that these complicated dynamics will transmit to the student can well be imagined.⁸

The methodological impasse identified by Manderson is inescapable. The tradition of doctrinal scholarship, Manderson suggests, is closer to theology than to any of the social sciences.⁹ This restriction on scholarship limits the intellectual development of the discipline, its ability to attract major grants, and compromises the ability of the discipline to meet the Australian Government's policy and funding agenda. Without serious re-evaluation and significant widening of the methodological basis of the discipline, it will soon be overtaken by other disciplines, its voice muffled amongst claims of lack of scientific rigour. Arguments and strategies to change the broad policy and funding agenda to favour law are perhaps misguided. The dog wags the tail not the other way round.

D Intellectual Isolation of Students from One Another

Postgraduate law students suffer from intellectual isolation and fragmentation¹⁰ by being spread across many law schools in low concentrations. Low concentrations of law academics with postgraduate research degrees afford few people with whom ideas

⁸ Manderson, above n 5, 152, 155.

⁹ Ibid 150.

¹⁰ Ibid 157.

can be discussed with confidence, leading to further isolation of postgraduate degree research students.

Manderson identifies the exceptionally isolating nature of Australian postgraduate research in law.¹¹ There is little interaction between postgraduate students. Johnstone and Vignaendra recognise that many law schools have a very small number of postgraduate research students and then agree with Manderson that most academics charged with supervising postgraduate research degree students have not completed doctoral research.¹² Manderson argues that new structures are required to enhance the collaborative potential between law schools as well as between students.¹³

By promoting interactions between law postgraduate research students and between students and expert supervisors across universities, the ALPN could facilitate intellectual collaboration and the foundation of future research networks, thus creating a solid community of practice.

E Finding Multiple Qualified Supervisory Staff

Problems associated with finding suitably capable and qualified supervisors severely restrict the ability of the discipline to supervise and graduate higher degree students. The problem is widespread throughout law schools, particularly in smaller law schools and in regional areas of Australia. The University of New England, for example, frequently has to reject PhD applicants due to the inability to find at least two suitably qualified supervisors. Students often experience the problem of finding one qualified supervisor but unable to proceed without another.

Universities tackle this problem by lessening the required number of qualified supervisors or taking a wide view of 'or equivalence' of otherwise seemingly unqualified staff. The problem with these strategies is that students bear the greater risk of failure and institutions accept greater risk of adverse outcomes in favour of revenue streams. The conflict of interest is plain.

The discipline of law has not defined appropriate qualifications and training for higher degree research supervisors. Several questions also remain unanswered on a discipline wide basis: Should there be a supervision contract between student and supervisor? How many supervisors should a candidate have? How do we address varying standards of supervision across institutions? Should students be provided with comparative information upon which to base informed decisions?

¹¹ Ibid.

¹² Richard Johnstone and Sumitra Vignaendra, 'Learning Outcomes and Curriculum Development in Law' (Australian Universities Teaching Committee (AUTC), Higher Education Group, Department of Education, Science and Training, 2003).

¹³ Manderson, above n 5.

Financial circumstances of universities will see continued pressure for single supervisors. This is readily apparent from Table 1, which indicates the number of supervisors required by Australian Universities with law schools. Table 1 also indicates the limited supervision capacity available in Australian law schools at various postgraduate research degree levels. Staff whose highest qualification is a PhD, SJD or Masters degree are shown broken down by institution.

Whilst it is reasonable to assume that supervisors will have qualifications at least at the level the student is attempting, the reality is that many supervisors undertake supervision on an 'or equivalence' basis. The exact nature of 'or equivalence' is typically determined by Research Doctoral Committees on recommendation of the Head of School. There are no uniform national standards.

This approach has several flaws. There is an obvious conflict of interest. Law schools derive financial benefit from increased higher degree research completions. It is not in a School's interest to continually reject candidates through lack of supervisors. To give a wide interpretation to 'or equivalence' increases the pool of supervisors, candidates and revenue. This is not to say that supervisors without formal qualifications at the levels their students are seeking are incompetent. On one view, academics who claim 'or equivalence' should be required to submit their publications for a PhD by publication from another institution. This would overcome their lack of a PhD through a transparent process focused on their research outcomes without any potential conflict of interest. Clarification of the professional course work doctorate (SJD) should also occur. This qualification is considered by some as having less value than a PhD and is designed for practitioners not academics. Holders of SJD's may not be able to supervise PhD students without further research work and training.

The risk of failing to determine who is an appropriate supervisor is that if the candidate fails, there may be liability risks for the university for failure to provide adequate supervisory arrangements. To date no such law suits have arisen.

An alternative approach as suggested by the ALPN would be to create a national register of PhD supervisors recognised by their peers. This would remove the conflict of interest and give increased certainty to potential research candidates and institutions. It would also allow supervisors who fail to meet adequate supervisory standards to be removed from the list. A code of practice could be developed to govern supervision arrangements and ongoing supervisory training requirements. The code could also outline guidelines for 'or equivalence' in the discipline and remove the ambiguity that currently exists.

Table 1: Australian Universities with Law Schools, Together With the Requirement for Supervisors and the Number of Staff Whose Highest Qualification is a PhD, SJD or Masters as Indicated by Websites as at 24 March 2005

University	Supervisors Required per Student	Highest Staff Qualification		
		PhD	SJD	Masters
Australian National University*	3	12	4	26
Bond University*	1	8	1	13
Charles Darwin University	1 (plus any associate supervisors deemed fit)	2	0	3
Deakin University*	1 (plus any associate supervisors deemed fit)	8	0	20
Edith Cowan University	1 (Only specialised PhD offered)	3	0	3
Flinders University	'Appropriately supervised'	10	1	19
Griffith University*	2 (1 principal supervisor)	11	1	13
James Cook University	1 (plus supervisory committee of 4+)	3	2	8
La Trobe University*	1 (On register of supervisors)	15	2	14
Macquarie University	1	13	1	19
Monash University*	2 (Principal supervisor, 1 associate supervisor)	33	1	20
Murdoch University	1	4	0	10
Queensland University of Technology*	2 (Principal plus associate)	15	0	32
Southern Cross University	1 (or more)	3	0	3
University of Adelaide	2 (1 principal)	8	0	10
University of Canberra	2 registered supervisors	Not available	Not available	Not available
University of Melbourne*	2 (or more)	26	1	40

University	Supervisors Required per Student	Highest Staff Qualification		
		PhD	SJD	Masters
University of New South Wales	1	16	3	16
University of Newcastle	1	2	0	8
University of New England	2	6	2	10
University of Notre Dame	1	2	0	6
University of Queensland	1	19	3	25
University of Sydney*	1	22	4	24
University of Tasmania	1	1 LLD		
9 PhD	0	9		
University of Technology, Sydney*	1 (plus supervisory team of 6)	9	4	29
University of Western Australia	1	9	1	19
University of Western Sydney	2	5	1	13
University of Wollongong	1	8	0	9
Victoria University	1	6	1	14

* indicates universities which offer an SJD.

Prospective postgraduate research students in law will benefit from having an expanded pool of supervisors available to them across institutions, and good information about that pool. It will stimulate their thinking about precisely what topic or area to pursue and assist them to make sensible decisions based on a good 'fit'. In effect this could create an Australia-wide pool of supervisors that will yield an increase in the overall amount of activity in postgraduate work in law.¹⁴

F The Opportunity Cost of Failed Collaborations

At present, students and supervisors are often unaware of others undertaking similar higher degree research. There is no sharing of experiences across tertiary institutions or awareness of synergies that can later develop into research associations. Data sets remain buried in dusty cupboards never to see the light of day, eventually

¹⁴ Email from Michael Coper to Stephen Colbran, 12 February 2005.

destroyed according to their approved ethics protocols. The absence of a community of practice is one of the most insidious features of the postgraduate landscape in law, resulting in unnecessary isolation and lost opportunities for collaboration.

G *Identifying Suitable Examiners*

Law schools sometimes struggle to find suitably qualified examiners from the small pool of experienced examiners. Another potential conflict of interest arises with selection of examiners. Law schools have a strong financial incentive to select examiners who will pass research higher degrees. This financial incentive is to be balanced against the more nebulous concept of academic integrity. In the future there may be developed recognised panels of PhD examiners in selected areas — final examiners from which are selected at random. For the present the discipline struggles to find examiners. There are no processes in place for the training of examiners in the discipline.

III POSTGRADUATE RESEARCH SUPERVISION MODELS

Doctoral supervision in the discipline of law in Australia has typically followed a 1:1 master apprentice model of a single supervisor, or less commonly a co-supervisory model involving two or three supervisors within or associated with the one university.¹⁵ The model is dictated by individual university rules without reference to any analysis of the needs of the discipline of law.

Law schools do not cooperate in the provision of supervisory arrangements for postgraduate research degrees and there is duplication of services and inadequate resourcing of research degree supervision generally. Postgraduate research degrees are perceived increasingly as core business and it is assumed that once an academic obtains a postgraduate research degree that they are automatically in a position to supervise without further experience and on-going training. The scenario does not bode well for the international standing of Australian research degrees.

A *The 1:1 Master Apprentice Model*

One supervision approach in law is the 1:1 master apprentice supervision model. Knight and Zuber-Skerritt in 'advocating inclusion of course work to supplement supervision analysed the assumptions underlying the traditional 1:1 relationship'.¹⁶ These assumptions include the idea that:

¹⁵ Stephen Colbran, 'Collaborative Supervision of Legal Doctoral Theses Through E-Learning' (2004) 1 *University of New England Law Journal* 1, 1.

¹⁶ Tania Aspland, Geof Hill and Helen Chapman, *Journeying Postgraduate Supervision* (2002).

- Supervisors are competent to advise and teach the student the necessary research skills; and
- Students have already acquired the necessary skills from their undergraduate courses and that these skills translate to postgraduate research.¹⁷

These assumptions are often flawed. Knight and Zuber-Skerritt suggest these assumptions were unfounded and not applicable to all supervisors and research students.¹⁸ Knight and Zuber-Skerritt further suggest that the supervisor should be able to impart research and writing skills to students.¹⁹ A common view amongst supervisors of law higher degrees is that while recently graduated students may have legal research skills, they lack skills in critical and analytical thinking, knowledge of alternative research methodologies, project design management and evaluation, self-management, time management, and writing skills. It is also debateable whether all these skills exist in the population of supervisors. The difficulty lies in the failure of the discipline to adequately train students and supervisors in these skills — the assumption being that such skills are developed by osmosis over time.

Another major difficulty with this model is the limited interaction between students and a sense of isolation often expressed by students. Doctoral students are usually dealt with individually in the context of 1:1 meetings except for university level workshops or occasional general seminars on postgraduate supervision.²⁰

B *Co-supervisory Approaches*

Table 1 indicates that many Australian law schools have moved beyond the 1:1 master apprentice model to use co-supervisory approaches. The first supervisor (Principal supervisor) generally takes a major responsibility for the candidate.²¹

The role of the second supervisor varies. Often the second supervisor has had no direct experience of supervising and is placed in the position so as *to be mentored*. There is no doubt the approach has value as a means of developing supervisors. This is dependent on the willingness of the second supervisor to attend meetings,

¹⁷ Ibid.

¹⁸ Ortrun Zuber-Skerritt and Nick Knight, 'Problems and Methods in Research — A Course for the Beginning Researcher in the Social Sciences' in Ortrun Zuber-Skerritt (ed), *Starting Research — Supervision and Training* (1992).

¹⁹ Ibid.

²⁰ One exception to this pattern at school level emerged at the University of Queensland Law School, which has on occasions experimented with a PhD colloquium in which several PhD students presented summaries of their work to date.

²¹ Linda Conrad, Chris Perry and Ortrun Zuber-Skerritt, 'Alternatives to Traditional Postgraduate Supervision in the Social Sciences' in Ortrun Zuber-Skerritt (ed), *Starting Research — Supervision and Training* (1992).

read thesis drafts, and engage in the process. It also depends on whether the principal supervisor allows the second supervisor a role within the relationship and the ability of the principal supervisor to act as a mentor. The second supervisor may in effect merely be a name attached to the candidate's supervision for quality assurance purposes, undertaking no more than a notional role. In this sense the actual practice may still maintain the 1:1 master apprentice model rather than a co-supervisory approach.

Even if a sound co-supervisory model is in place; the model is not without other potential difficulties, for example, the giving of conflicting advice and students playing one supervisor off against the other.

The ALPN project is a radical departure from the above approaches in that it advocates extending co-supervisory arrangements across experienced supervisors at different universities. The ALPN also involves formal training of supervisors and inbuilt support for both higher degree research students and their supervisors.

C Intra-institutional Collaborative Supervision

The construction of co-supervisory approaches could be broadened to include situations of a single principal supervisor (with or without a co-supervisor) supervising multiple students in a group situation as a *collaborative network*. A collaborative network approach to supervision offers opportunities for empowerment and self-growth from all concerned. Smith has identified several positive factors for postgraduate students involved with collaborative supervision including:

- Changes in self-knowledge;
- Increases in self esteem;
- Strengthening of personal confidence;
- Growing sense of determination and assertiveness; and
- The acquisition of specific social/work skills.²²

Bourner and Hughes suggest that the benefits of co-supervision include, the availability of a second opinion, greater collective experience, and insurance against the departure of a supervisor.²³ It can be extrapolated that supervision through a collaborative network may enhance the first two of the three benefits identified by Bourner and Hughes for students.²⁴ This approach purposely blurs the distinction between the 1:1 master apprentice, co-supervision, and group supervision.

²² Robert Smith, 'Potentials for Empowerment in Critical Education Research' (1993) 20(2) *Australian Educational Researcher* 75, 79.

²³ Tom Bourner and Mark Hughes, 'Joint Supervision of Research Degrees: Second Thoughts' (1991) 24 *Higher Education Review* 1 in Tania Aspland, Geof Hill and Helen Chapman, *Journeying Postgraduate Supervision* (2002).

²⁴ *Ibid.*

The collaborative network approach may be further extended to engage students in the supervision of peers. Pearson and Ford suggest such an approach

can create a peer network and peer critical support which can enable students within the group to play the role of apprentice to each other or take over the role of supervisor in relation to other students, as the needs of the individuals in the group required.²⁵

There is no doubt traditional approaches to supervision can be successfully supplemented by reciprocal peer support.²⁶

The rationales for considering such an approach were summarised by Conrad, Perry and Zuber-Skerrit as:

- Funding pressures suggest investigating methods of reducing the costs of traditional supervision;
- Increases in the numbers of postgraduate students and a concomitant decrease in the number of qualified supervisors;
- Increasing complexity and shortening ‘half-life’ of modern knowledge suggest the need for greater supervision support; and
- Candidates sense of social and intellectual isolation.²⁷

Student supervision arrangements in law have largely overlooked the collaborative network approach to supervision and the synergy evident with students facing similar issues. The support network can be built to address these issues.

D Inter-institutional Collaborative Supervision

Conrad, Perry, and Zuber-Skerritt describe a structure for supervision involving students in their own and each other’s supervision. In Table 2 reproduced below they depict a number of supervision permutations and combinations having one common characteristic:

they represent groups of students who meet in order to share access to faculty supervision and other resources and/or to assist each other in completing their postgraduate research.²⁸

²⁵ Margot Pearson and Lys Ford, ‘Open and Flexible PhD Study and Research’ (Evaluations and Investigations Program Higher Education Division 97/16, Department of Employment, Education, Training and Youth Affairs, 1997) 46.

²⁶ Linda Conrad, Chris Perry and Ortrun Zuber-Skerrit, ‘Alternatives to Traditional Postgraduate Supervision in the Social Sciences’ in Ortrun Zuber-Skerrit (ed), *Starting Research — Supervision and Training* (1992) 1.

²⁷ Ibid.

²⁸ Ibid 10.

Table 2: Supervisory Group Variables and Associated Continua of Differences

Variable	Poles of Continuum of Differences	
Genesis	Faculty-initiated*	Student-initiated
Structure	Formal*	Informal*
Focus	Task-driven*	Psychologically-driven
Timing	Regular*	Irregular
Membership	Frequent large	Infrequent small*
Supervision	Consistent, single-faculty supervisor*	Fluid, many faculty supervisors*
Discipline affiliation	Related*	Unrelated
Research projects of group members	Related content Related methodology	Unrelated content* Unrelated methodology*
Institutional affiliation	Intro-institutional	Inter-institutional* Cross-institutional*

Indicated with an asterisk is the approach proposed in the ALPN project for developing a collaborative supervision network across Australian law schools. While the genesis of the project is faculty based, students will determine their level of engagement. The structure is both formal and informal. While there is a formal website with information provided by law schools, students engage with the site in an informal manner according to their needs. The focus of the project is task driven, in the sense that activities are designed to assist students to complete their research higher degree. The timing of participation with the website is regular, with students coming together to form a community of practice. Membership of the project will tend to be infrequent and small for various student cohorts. Supervision arrangements have both the certainty of a continuing faculty supervisor or several supervisors across institutions plus the fluidity of many faculty supervisors who may wish to comment in open forums. Discipline affiliation relates to law, but research projects and groups are unrelated in terms of both content and methodology. Institutional affiliation is both interinstitutional and cross-institutional.

IV THE ALPN MODEL

In May 2006, the Carrick Institute of Higher Education and Learning provided a Leadership for excellence in teaching and learning grant in the sum of \$192,000 to help address the issues discussed above. The grant application to create the Australian Law Postgraduate Network (ALPN) emerged after consultations with

Deans at all Australian law schools via the Council of Australian Law Deans (CALD).²⁹ The grant application was lodged with the in-kind and financial support of 22 Australian law schools.³⁰

Unfortunately, four sandstone university law schools decided not to contribute financially towards the project. One left open the opportunity for in-kind assistance, but indicated that given their commitments in number of other areas, they were not prepared to provide financial support. Two are now actively considering participating in the ALPN. Only one remains largely disinterested. Despite this, all academics from within these schools will be approached and invited to participate in the project on a voluntary basis. The project team remains hopeful that the spirit of collegiality towards advancing the discipline will ultimately win the day.

The ALPN promotes collaboration and leadership in supervision across law schools, collaboration between supervisors and between students at various institutions undertaking postgraduate research degrees. The project also encourages structural change and leadership in the sector through combining limited resources for training of higher degree thesis supervisors, combined lists of available supervisors (and their supervisory record), suggested topics linked to research projects, collaborative supervision across institutions, and a deliberate modification of the traditional 1:1 master/student supervision model.

In addition, the ALPN demonstrates leadership in and between four levels: Universities, the Council of Australian Law Deans (CALD), Associate Deans (Research) or equivalents, and networking and support amongst user groups including higher degree research students and supervisors. Cross-institutional leadership arises in the recognition that HDR students will benefit from the ability to access expert supervisors across institutions and that there needs to be a uniform agreement as to the sharing of HDR income. There are also clear synergies associated with sharing of resources and network building. CALD has taken a lead in establishing the cooperative arrangements evident in the ALPN. Associate Deans (Research) are at the coal face of implementing the project and providing the necessary

²⁹ Australian National University; Bond University; Charles Darwin University; Deakin University; Flinders University of South Australia; Griffith University; James Cook University; La Trobe University; Macquarie University; Monash University; Murdoch University; Queensland University of Technology; Southern Cross University; University of Adelaide; University of Canberra; University of Melbourne; University of New South Wales; University of Newcastle; University of Notre Dame; University of Queensland; University of Sydney; University of Tasmania; University of Technology, Sydney; University of Western Australia; University of Western Sydney; University of Wollongong; and Victoria University.

³⁰ Note 29 less The University of Melbourne, University of Queensland, University of Adelaide and the University of Sydney who are yet to collaborate with the ALPN project, though may do so in the future.

leadership at a university level. The tiered approach detailed enables several levels of leadership to build upon one another for the greater benefit of the discipline and all those involved within it.

The unprecedented cooperation and support for this project amongst 22 Australian law schools is testament to the importance this project has in furthering the development of the discipline. In this project law schools will pool resources to:

- Hire statistical and methodological advisors;
- Compile a joint list of qualified supervisors in stated areas;
- Assist students in developing research topics;
- Breakdown the isolation of higher degree research students in law, particularly PhD and SJD students;
- Supervise across institutions;
- Create supervisory training programs for this discipline;
- Broaden the methodological basis of the discipline;
- Engage in internet-based collaborative supervision;
- Improve higher degree by research outcomes by enabling candidates to access qualified experts across universities;
- Create a national postgraduate Law Research Students' Conference;³¹ and
- Present Australian law schools as united in the international postgraduate research degree market

A The Project

In the proposal put forward to the Carrick Institute it is stated that the ALPN aims to improve the methodology and supervisory arrangements for PhD courses in law across Australian universities. The project aims to provide supervisory training and development, multiple qualified expert supervisors, methodological and statistical support and the promotion of modern collaborative supervisory strategies across universities. The aims are stated succinctly as:

- To promote a culture of collaboration across the law education sector in Australia;
- To disseminate information about Australian Law Postgraduate Research;
- To initiate a National Postgraduate Law Research and Supervision Conference; and
- To encourage a national and international research culture amongst postgraduate research students and their supervisors.

B Significance of the ALPN Model

The ALPN aims to demonstrate an alternative collaborative method for supervision of higher degree students by encouraging

³¹ Manderson, above n 5.

a community of practice across institutions within the specific discipline of law. The ALPN will create a structure for the sharing of common resources, building of research networks, developing of communities of practice for HDR students and supervisors and also provide cross-disciplinary bridges to extend legal research methodologies. The use of new technologies to manage law HDR students in distributed locations enables the ALPN project to provide leadership in the affordances of *anytime* and *anyplace* flexibility. The principles developed in this approach can be readily applied to other disciplines as well as across international borders. For example, one New Zealand law school has expressed interest in joining the ALPN.

The ALPN aims to demonstrate the synergies that can be developed through:

- Connecting dedicated professional academics in different institutions who have expertise in a student's postgraduate research topic;
- Students having access to experienced supervisors in their specific area of interest;
- Providing students with an easy-to-locate list of supervisors, supervision records, and topics;
- Improving the knowledge of alternative research methodologies amongst legal academics and higher degree students;
- Providing methodological support;
- Encouraging interaction and collaboration between students, and between supervisors and others (such as statisticians and methodology experts) across institutions;
- Professionally marketing Australian postgraduate research degrees to international students; and
- Breaking down the isolation often felt by law PhD and SJD students in particular.

While the project will be coordinated by the University of New England Law School and the UNE Teaching and Learning Centre, it is a comprehensive collaboration across the law schools of Australia. A project team will be solicited from the collaborative university group and a set of processes and procedures drawn up to ensure the project's success. This first step will involve developing a 'charter' for project management. The development of various aspects of postgraduate supervision will be undertaken in partnership with the Teaching and Learning Centre at UNE, the participating universities where possible, and externally as needed. An annual report will be submitted to the participating law schools updating progress on the project. Evaluation will also be conducted independently of the project. As this is a large scale project, a reference group consisting of the Associate Deans Research or equivalents of each participating law school will be sought to assist in ensuring the project meets

milestones, provides accurate interpretations, and ensures valid evaluation techniques are used for collecting, analysing and reporting data.

C Phased Development

The ALPN will be developed in two phases. Phase One involves development of a legal postgraduate website including:

- Detailed information assisting higher degree research students in developing thesis proposals;
- A searchable database of supervisor details and abstracts on all law and law-related research theses completed in Australia;
- A listing of grants and scholarships available to higher degree research students in law in Australia;
- A guide to formulating a thesis proposal in law;
- Extensive links to categorised methodological resources;
- A database of references to books and articles plus web links related to postgraduate research in law; and
- A listing of international scholars visiting Australian law schools and their contact details.

Phase Two of the project brings stakeholders together from different law schools to work collaboratively to supervise higher degree research students. The standard one-to-one master/apprentice supervisory model will be extended to allow for collaborative cross-institutional supervision through the Internet. It is anticipated that this approach will create a framework for collaboration and network building well into the future. It should also assist colleagues in improving their supervisory practice. A further objective of Phase Two is to develop a specialist-training package for higher degree research supervisors in law. The package will be delivered via the Internet in combination with a CD-ROM or DVD.

V CONCLUSION

This paper has introduced the collaboration of 22 law schools to create the ALPN. Its specific aims have been detailed but the greatest perceived benefit of the ALPN will be to breakdown competitive barriers between law schools for the benefit of staff, students and the discipline as a whole. Detail of the policy context and relevant literature has also been provided to support the conception of the ALPN as a starting point for targeting the needs of diverse schools and their cohorts.

The ALPN does not claim to be the only solution to discipline and broader sector concerns but is an attempt to bring together and create a broader community of practice for wider sector gain. While higher degree research revenue is not currently a major source of income for law schools (it may be in the future), higher degree graduands are

a significant source of potential new academic staff, and significantly add to the prestige of an academic institution and the discipline as a whole.

No doubt there will be a degree of competition amongst law schools. This requires thoughtful consideration and cannot be ignored. The scheme will probably work best where one law school can fill a gap at another, no doubt with the financial sharing providing the incentive for an academic at one place to supervise, or assist in supervising, a student at another.³² But things might be different where two or more institutions with relevant expertise are competing for the same students. Why should they join the scheme? These issues will be discussed within the steering committee for the ALPN. The ALPN represents a major victory for collaboration and networking amongst Australian law schools, which if successful could provide a model for other disciplines to consider.

³² Johnstone and Vignaendra, above n 12.