Record number: **5136**  
Protocol type: **Expedited Ethical Review (E2)**  
Protocol number: **2012/263**

Date entered: **16/05/2012**  
Ethics program type: **Postgraduate**  
Requested start date: **01/06/2012**  
Requested end date: **01/06/2015**

Protocol title: **Legal Education in the South Pacific**

### Investigators

<table>
<thead>
<tr>
<th>Name</th>
<th>Role</th>
<th>Department</th>
</tr>
</thead>
<tbody>
<tr>
<td>Coper, Michael</td>
<td>Supervisor</td>
<td>Faculty of Law, College of Law, ANU</td>
</tr>
<tr>
<td>Penfold, Carolyn</td>
<td>Primary investigator</td>
<td>Faculty of Law, College of Law, ANU</td>
</tr>
</tbody>
</table>

### Investigators Detailed

**Name:** Coper, Michael  
**Role:** Supervisor  
**Expertise:** Prof and Dean of ANU College of Law, expertise in legal education

**Name:** Penfold, Carolyn  
**Role:** Primary investigator  
**Expertise:** Master of Education, Master of Laws (research). Legal academic at UNSW 20 years. Used grounded theory research in studies with Indigenous students at UNSW as part of M.Ed in 1990s. Used interviewing and questionnaires in research for LLM thesis. Research to be conducted in South Pacific, and primarily in the Solomon Islands and Vanuatu. I have lived and worked in Vanuatu for two years (2010-11) with regular visits to Solomon Islands for teaching and research purposes. Research is to be conducted in English language.
Project Questions Detailed

Description of Project

Describe the research project in terms easily understood by a lay reader, using simple and non-technical language. This research project is intended to gather information about the legal environment of South Pacific countries, to inform the development of South Pacific legal education generally, and in particular to inform the development of appropriate program outcomes for South Pacific law graduates. The research involves collecting data through interviewing lawyers, employers of lawyers, and those working closely with lawyers to identify their educational needs. This phase of the research focuses only on the Soomon Islands and Vanuatu.

Location of Data Collection

Australia No

Overseas Yes

Provide country / area where data collection will be conducted Data collection will take place in Port Vila, Vanuatu and Honiara, Solomon Islands.

Aims of the Project

List the hypothesis and objectives of your research project. This project seeks to gather information about the environment in which South Pacific law graduates work, to assist in the identification of legal education needs and LLB program outcomes suitable to the South Pacific context. My hypothesis is that legal education and program outcomes need to suit the context in which graduates will work and live, and that it is overly simplistic to assume that all 'common lawyers' have the same educational needs. The current South Pacific university law curriculum is based largely on curriculum offered in other common law jurisdictions, but no research has been undertaken to determine the needs of law graduates in the South Pacific context. This research project will help to identify these legal education needs.
Methodology

In language appropriate for a lay reader, explain why the methodological approach minimises the risk to participants. (For surveys, include justification of the sample size).

This project will use qualitative research, with grounded theory analysis of the data collected. The method of data collection will be face to face interviews with lawyers, employers of lawyers, and those who work closely with lawyers. Participants will self select, and will be recruited via notices circulated by South Pacific Lawyers Association, local Law Societies, Pacific Islands Law Officer’s Network, and word of mouth. Participants will be offered no inducement nor pressured to agree to interviews. Participants are not a vulnerable group, in fact as lawyers they are some of the least vulnerable in their societies. However, they will be assured of confidentiality and they will not be individually identifiable in project reports, and consent forms (with identifying information) will be kept apart from substantive data. Participants will also be given an opportunity to comment on the report before it is finalised, and will have opportunities to withdraw their data at any time.

Participants will be given both written information about the project, and an opportunity to ask questions about the project before, during, and after interviews. In addition they will be told (in writing and orally) that they can refuse to answer any question, terminate the interview at any time, and withdraw their data from the project.

The data will be analysed during and after the research using grounded theory analysis. Findings will be returned to participants for their comments and feedback, which will then be incorporated into the research outcomes.

Provide the survey method, a list of the questions to be asked or an indicative sample of questions. These should give a good sense of the most intrusive/sensitive areas of questioning. Recruitment method above. Data to be collected via semi structured interviews include:

Part 1. Background data about the participant's legal training, experience and employment.
Part 2. Questions regarding legal skills specific to participant, such as what skills they use most, what skills they have and what skills they need, and what opportunities they have to develop further skills.
Part 3. Questions regarding the knowledge, skills and abilities required of lawyers in their countries, and about how those might differ from the skills required in other common law jurisdictions.
Part 4 will ask participants to rate the importance for South Pacific lawyers of legal skills identified elsewhere as most important for lawyers, eg (knowledge, ethics and professional responsibility, thinking skills, research skills, communication and collaboration, self management) and / or (knowledge, communication skills, professionalism and ethical behavior, legal reasoning skills, ability to contribute to the development of South Pacific countries laws and legal systems).

No questions will be particularly intrusive.

What mechanisms do the researchers intend to implement to monitor the conduct and progress of the research project? For example:

How will the researcher be in touch with the supervisor?
Is data collection going as expected? If not, what will the researcher do?
Is the recruitment process effective?

How will the researcher monitor participants willingness to continue participation in the research project, particularly when the research is ongoing? I already have many contacts in the participant community and anticipate no difficulty finding willing participants, but some difficulty in logistics of arranging interviews. However, I have local contacts (LC) in both Vanuatu
and Solomon Islands who will assist in arranging interviews. I will keep in touch with LC in Vanuatu and Solomon Islands, and through them ensure participants are kept informed of progress of the research, and are given an opportunity to comment on the project report. Participants will also be able to contact the researcher through those local contacts. Due to full time work, each field trip will be short. Thus I will be in a position a) to stay in contact with my supervisor and b) to think through and adjust future plans after each field trip if difficulties arise.

Participants

Provide details in relation to the potential participant pool, including:

target participant group;
identification of potential participants;
initial contact method, and
recruitment method. I will interview lawyers, employers of lawyers, and those working closely with lawyers in Vanuatu and the Solomon Islands. Participants will be recruited via notices circulated by South Pacific Lawyers Association, local Law Societies, Pacific Islands Law Officer's Network, and personal contacts in law / law related work in these countries. I already have personal contacts in these organisations and have been assured of support. A local contact (LC) will be nominated in each of Vanuatu and Solomon Islands to field enquiries and arrange interviews.

Proposed number of participants 0

Provide details as to why these participants have been chosen? Participants are either lawyers or are in a position to understand and observe the work of lawyers. The project aims to identify the needs of lawyers in the South Pacific, and these participants are those in the best position to offer insight into those needs. Participants will be drawn from a number of different groups, eg government lawyers, private lawyers, NGO lawyers, senior and junior lawyers, locally and overseas trained lawyers etc to ensure data is collected from a broad range of participants.

Cultural and Social Considerations/Sensitivities

What cultural and/or social considerations/sensitivities are relevant to the participants in this research project? In my experience, the people in Vanuatu and the Solomon Islands are often extremely polite, and rather shy in their dealings with ex-pats. It will be important to ensure that participants feel comfortable to be frank in their responses, and understand that honest information and detailed responses will assist the research, and will not cause offence. In addition, Melanesian people are often shy to give their own views and prefer instead to agree with the views put forward by others. As a result it will be really important that participants understand that I value their views and am seriously trying to ascertain those, and that I am not just trying to prove some theory of my own. Additionally, these people may often feel they are being 'researched' by others for those others' own purposes, so it will be important that participants understand that this research will be returned for their feedback, and will then be used in a practical way to inform actual and potential legal education providers in their country / region.
As lawyers and those who work closely with lawyers these participants are not a vulnerable group. However, they are more likely to be frank if ensured they will not be identified in project
Incentives

**Will participants be paid or any incentives offered? If so, provide justification and details.** Participants are invited to take part but are offered no inducement nor pressured to agree to interviews.

Benefits

**What are the anticipated benefits of the research?** This project will provide research-based evidence of the needs of lawyers in Vanuatu and the Solomon Islands. The need for this research has been recognised by USP Law School since at least 2005 but the research has not been undertaken. The research will assist the Law School and other providers of legal education to understand the environment within which their graduates will work, and thus to determine appropriate programs and program outcomes for their students.

**To whom will the benefits flow?** This project will be of benefit to all those providing (or potentially providing) legal education in the South Pacific, for example USP Law School, Law Societies and Bar Associations, aid agencies, CLE providers etc. In the longer term it will benefit law students and graduates, and thus the local communities who will have access to lawyers better prepared for working in the South Pacific environment.

Informed Consent

**Indicate how informed consent will be obtained from participants. At least one of the following boxes MUST be ticked 'Yes'.**

- **In writing** Yes

- **Return of survey or questionnaire** No

- **Orally** No

- **Other** No

**If Oral Consent or Other, provide details.**

Confidentiality

**Describe the procedures that will be adopted to ensure confidentiality during the collection phase and in the publication of results.** Consent forms including names, signatures, and email addresses will be filled in by participants and collected by the researcher prior to interview. On the other hand, interview notes and transcripts will have no names or other identifying information on them.

Reporting will not require identification of individual participants, particularly as the findings are hoped to be generalisable to lawyers or groups of lawyers in the Western Pacific, and not specific to any individual lawyer. However, the reporting will be enriched by the use of participants' voices, and thus participants'
words may be used in reporting, but with care taken to ensure that the words could not be matched to any particular participant.

Data Storage Procedures

Provide an overview of the data storage procedures for the research. Include security measures and duration of storage. Data will be stored in locked filing cabinets in a secure office of the Law School of the University of New South Wales (the researcher’s office). Consent forms will be filed separately from interview notes and transcripts. Data will be kept for at least 5 years.

Feedback

Provide details of how the results of the research will be reported / disseminated, including the appropriate provision of results to participants. If appropriate, provide details of any planned debriefing of participants. A final report of the project will be made available to the Law School of the USP, and to other legal education providers in the South Pacific. However, before the project is finalised, a draft report will be distributed to all participants, via local contacts, and using email addresses collected on consent forms. Feedback from participants will be invited, and that feedback will be incorporated into the final report.

Supporting Documentation

Please ensure electronic copies of any supporting documentation have been uploaded the documents tab of the relevant protocol.

Has this work been approved by another Human Research Ethics Committee (HREC)?
Yes

If yes, please give the name of the approving HREC. Application was lodged with the University of the South Pacific, Faculty of Arts, Law and Education, as I was a staff member there from Jan 2010 until Feb 2012. The application required a screening Questionnaire for Human Ethics to be lodged with the Faculty Representative on the USP Research Ethics Committee. I no longer have access to the documentation.

Funding

Is this research supported by external funding? No

Provide the name/s of the external sources of funding. Please include grant number/s if available.

Is the research conducted under the terms of a contract of consultancy agreement between the ANU and the funding source? No

Describe all the contractual rights of the funding source that relate to the ethical consideration of the research.
## High Risk One Summary

<table>
<thead>
<tr>
<th>Question</th>
<th>Answer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Is this a clinical trial?</td>
<td>No</td>
</tr>
<tr>
<td>Does this research involve the intentional recruitment or issues involving Aboriginal and / or Torres Strait Islander Peoples?</td>
<td>No</td>
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</table>

## High Risk Two Summary

<table>
<thead>
<tr>
<th>Question</th>
<th>Answer</th>
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<tbody>
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<td>Does this research involve Human Genetics?</td>
<td>No</td>
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<tr>
<td>Does this research involve Human Stem Cells?</td>
<td>No</td>
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<tr>
<td>Does this research involve Women who are pregnant and the Human Foetus?</td>
<td>No</td>
</tr>
<tr>
<td>Does the research involve people highly dependent on medical care who may be unable to give consent?</td>
<td>No</td>
</tr>
<tr>
<td>Does the research involve people with a cognitive impairment, an intellectual disability or a mental illness?</td>
<td>No</td>
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<tr>
<td>Does this research involve an intention to study or expose or is likely to discover illegal activity?</td>
<td>No</td>
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<tr>
<td>Does this research involve human gametes (eggs or sperm)?</td>
<td>No</td>
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<tr>
<td>Does this research involve excess ART embryos?</td>
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</table>

## Expedited Questions Summary

<table>
<thead>
<tr>
<th>Question</th>
<th>Answer</th>
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<tbody>
<tr>
<td>Third Party Identification</td>
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<tr>
<td>Children or Young People</td>
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<tr>
<td>Dependent or Unequal Relationship</td>
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<tr>
<td>Membership of a Group, or Related Issues</td>
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<tr>
<td>Physical Harm</td>
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<tr>
<td>Psychological Harm (includes Devaluation of Personal Worth)</td>
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<tr>
<td>Social Harm</td>
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<tr>
<td>Economic Harm</td>
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<tr>
<td>Legal Harm</td>
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<td>Covert Observation</td>
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<td>Deception</td>
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<tr>
<td>Sensitive Personal Information</td>
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<tr>
<td>Question</td>
<td>Answer</td>
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<td>------------------------------------------------------------------------</td>
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</tr>
<tr>
<td>Overseas Research</td>
<td>Yes</td>
</tr>
<tr>
<td>Collection, use or disclosure of personal information WITHOUT the consent of the participant</td>
<td>No</td>
</tr>
</tbody>
</table>

Questions Detailed

**Overseas Research** Yes

Will the research be conducted in a politically stable country? Yes

Will details of a Local Contact be provided for participants to contact after the researcher has left the area? Yes

Will there be appropriate reporting back to the community and/or a direct flow of benefits to the community? Yes
Supporting Documentation

Please ensure electronic copies of the supporting documentation have been uploaded into the documents tab of your protocol.

These may include (please circle the relevant answer):

- List of indicative questions Y/N
- Copy of questionnaire / survey Y/N
- Invitation or introductory letter/s Y/N
- Publicity material (posters etc.) Y/N
- Information sheet Y/N
- Consent form Y/N
- External approval documentation Y/N
- Research visa (if applicable) Y/N
- Other (specify below) Y/N

For other, please specify:
PROPOSER OF THE RESEARCH

I certify that all the persons listed in this protocol have been fully briefed on appropriate procedures and in particular that they have read and are familiar with the national guidelines issued by the National Health and Medical Research Council (the National Statement on Ethical Conduct in Human Research 2007).

I certify that the above is as accurate a description of my research proposal as possible and that the research will be conducted in accordance with the National Statement on Ethical Conduct in Human Research 2007. I also agree to adhere to the conditions of approval stipulated by the ANU Human Research Ethics Committee (HREC) and will cooperate with HREC monitoring requirements. I agree to notify the Committee in writing immediately of any significant departures from this protocol and will not continue the research if ethical approval is withdrawn and will comply with any special conditions required by the HREC.

Signed:.................................................. Date:.....................
ANU SUPERVISOR

I certify that I shall provide appropriate supervision to the student to ensure that the project is undertaken in accordance with the undertakings above:

Signed:................................................. Date:...................