



**Training Resources**  
for the Ethics Toolkit



**Australian Government**

**Office of the Migration Agents Registration Authority**

Dear CPD Provider,

The Office of the MARA is happy to provide you a print-friendly, loose-leaf version of the Ethics Toolkit for your use.

In addition we have developed two sample session plans for a beginner level and an advanced level CPD activity using the Ethics Toolkit as a basic resource. Sections of the toolkit and case studies applicable to these sample activities have also been set out for your ease of reference.

These are merely examples of activities that can be developed using the Ethics Toolkit and you are free to use these as a starting point to develop CPD activities of your own.

It is our expectation that all CPD activities relating to “Ethics and Professional Practice” must reference the Ethics Toolkit as a basic text and resource.

For those who are interested, this document also provides some references on adult learning principles. As and when training resources are developed on this topic, we will make these available for your reference and use

If you require further information on this, please contact the Professional Development section on on 1300 226 272 or send an email to [cpd@mara.gov.au](mailto:cpd@mara.gov.au)

Best regards,

A handwritten signature in black ink, appearing to read 'Christine Sykes'.

Christine Sykes

Chief Executive Officer

# Training Resources for the Ethics Toolkit

## Sample Session Plan 1: Ethics Fundamentals



# Training Resources for the Ethics Toolkit

## Sample Session Plan 1: Ethics Fundamentals

### CPD activity description

This CPD activity covers some basic ethical concepts, ethical expectations of clients and others, the fundamental ethical principles, and how to apply these in practice.

### Target audience

This CPD activity is aimed at migration agents who have limited or no experience (0 – 2 years) as a migration agent.

Example facilitators plan

<b>CPD activity</b>	Ethics Fundamentals
<b>Duration</b>	1.5 hours

### Beginner learning outcomes (B L/O's)

The learner can:

- B L/O 1: Understand ethics and why it is important to act ethically.
- B L/O 2: Identify professional ethical standards and be able to distil them into a Statement of Ethics by which the migration agent will practice.
- B L/O 3: Understand the framework in which a migration agent makes ethical decisions.
- B L/O 4: Make ethical decisions by reference to a clear methodology, the Statement of Ethics and the framework.

L/O's	Content	Toolkit reference
B L/O 1 B L/O 3	<p><b>1. Introduction</b></p> <p>It is important to introduce learners to the idea of thinking ethically and some of the basic concepts. Key to this is developing an understanding that ethics is about more than just the rules, but that the rules are very important and must be followed.</p> <p><b>For example</b></p> <p>You might ask yourself ‘what should I do in relation to this money my client has given me?’ If you have completed the work and rendered a bill, the money is yours. What you chose to do with it is of no consequence to the client or any other person. But if you receive the money before you complete the work, then what you do with it is both a legal and an ethical question. Legally, you must comply with your contract and with the rules in the Code (or the relevant Legal Profession Acts) that deal with the handling of client monies. The money will need to be deposited into the client account (or trust account) and the client advised. If you are thinking about not doing this, then you are really asking yourself, ‘should I comply with this rule?’ But you are also asking yourself ‘is it alright for me to deprive this client of their money before I have done what I promised?’ The ethical answer is clear, the rule merely confirms it. But the rule has both identified the issue for you and provided a way of...</p> <p>Questioning learners in the group on:</p> <ul style="list-style-type: none"> <li>• What are ethics? Why are ethics important?</li> <li>• What kind of migration agent do you want to be?</li> <li>• What behaviours do you think are important as a migration agent?</li> <li>• How do your decisions affect your clients and others?</li> </ul>	Chapter 2 but particularly 2.2.6 and the example

L/O's	Content	Toolkit reference
B L/O 1 B L/O 2 B L/O 3	<p data-bbox="397 271 1123 311"><b>2. Developing a Statement of Ethics</b></p> <p data-bbox="397 329 1217 936">A Statement of Ethics summarises the principles that governs how agents should act towards the people and institutions with whom they interact in their practice as a migration agent. It is not meant to replace the Code or the other rules they must abide by, or act as any sort of substitute for those rules. A Statement of Ethics should be designed as a tool to remind agents of the core ethical principles and provide a positive affirmation of how they will apply those principles in a practical way. A Statement of Ethics is a way of giving life to the rules and to provide a starting point by which to measure their actions.</p> <p data-bbox="397 976 620 1014"><b>For example</b></p> <p data-bbox="397 1032 1227 1211">I will carry out my clients' lawful instructions to the best of my ability and skill, however, I will not act as a mere mouthpiece and will ensure my actions are always ethical.</p> <p data-bbox="397 1256 1179 1391">Use the model Statement of Ethics (attached) to discuss the main ethical principles and how they should be applied.</p> <p data-bbox="397 1408 927 1447">In small groups learners discuss:</p> <ul data-bbox="397 1464 1222 1744" style="list-style-type: none"> <li data-bbox="397 1464 1203 1503">• Rules and duties placed upon migration agents,</li> <li data-bbox="397 1525 1153 1637">• Is there anything they would change in the Statement of Ethics suggested in <i>The Ethics Toolkit</i>?</li> <li data-bbox="397 1659 1222 1744">• How would they apply/ implement the Statement of Ethics in their practice?</li> </ul> <p data-bbox="397 1767 1078 1852">One person from each group presents the information to the CPD activity.</p> <p data-bbox="397 1874 1209 1960">The facilitator summarises what was presented by each group.</p>	Chapter 5 generally [5.1]

L/O's	Content	Toolkit reference
B L/O 1 B L/O 2 B L/O 3 B L/O 4	<p data-bbox="397 271 1182 315"><b>3. A methodology for thinking ethically</b></p> <p data-bbox="397 327 1222 465">One of the key learning outcomes is to ensure that learners understand how to make ethical decisions by reference to a clear methodology.</p> <p data-bbox="397 477 1222 566">At this point you should introduce the concept of a methodology and its main features:</p> <p data-bbox="397 600 1011 645"><b>A methodology for acting ethically</b></p> <ul data-bbox="397 667 1190 1122" style="list-style-type: none"> <li>• Recognise an ethical issue when you see it.</li> <li>• Identify the options available to you.</li> <li>• Judge the consequences of those options on yourself and others.</li> <li>• Test the action you are planning to take and reflect on it.</li> <li>• Explain that action to those affected and to others who may be interested.</li> <li>• Learn from your action and implement change.</li> </ul> <p data-bbox="397 1149 1206 1283"><b>Introduce the Ethical Deliberation Checklist (attached) and how it might assist in guiding ethical decisions and recording the outcome.</b></p> <p data-bbox="397 1294 1171 1384"><u>Option A</u> (using the Statement of Ethics and the Methodology)</p> <ol data-bbox="397 1406 1222 1883" style="list-style-type: none"> <li>1. Everyone splits into pairs and they are given a case study from the attached examples or others that you believe will be relevant. One person is given a card with information about the client. The other person who is responding as the migration agent is given no information. They conduct a role play where the migration agent attempts to deal with the 'client' by applying the ethical deliberation checklist.</li> <li>2. Some pairs are chosen to explain to the CPD group how they dealt with their case study.</li> </ol> <p data-bbox="397 1906 544 1951"><u>Option B</u></p> <p data-bbox="397 1962 1222 2087">The same case studies could be discussed in small groups rather than a role play. Some example case studies for options A or B are attached.</p>	<p data-bbox="1275 282 1453 506">Chapter 3 generally Chapter 4 and attachment</p>

L/O's	Content	Toolkit reference
	<p data-bbox="395 264 679 309"><b>4. Conclusion</b></p> <p data-bbox="395 324 1225 369">The facilitator wraps up the session by highlighting:</p> <ul data-bbox="395 385 1102 636" style="list-style-type: none"><li data-bbox="395 385 1007 430">• Ethical expectation of stakeholders,</li><li data-bbox="395 443 1066 488">• How they distilled the facts of the case,</li><li data-bbox="395 501 1102 591">• How they applied ethical decision making methodology to the case, and</li><li data-bbox="395 604 1011 636">• The importance of the ethics toolkit.</li></ul>	



# Facilitators' Resources for Session Plan 1: Ethics Fundamentals

# 1. Model Statement of Ethics

## Statement of Ethics

Having regard to our special position the reliance of our clients and the wider community on our specialist knowledge we hereby commit ourselves to the following ethical principles:

- I will be accountable to my clients and will carry out their lawful instructions to the best of my ability and skill; however I will not act as a mere mouthpiece for my clients and will ensure my actions are always ethical.
- I will always show loyalty to my clients and will not betray them by acting against their interests.
- I will not allow my personal prejudices and feelings to influence my work and will refuse to assist a client if I feel unable to show them complete loyalty and carry out their instructions.
- I will always act with competence and diligence or not act at all.
- I will always act honestly and in a way that instils a sense of trust in my clients and all those I deal with. I will always treat my clients fairly and ensure that they are comfortable and confident in their instructions.
- I will keep confidential all information provided to me by my clients and will always act with discretion in relation to their affairs.
- I will give my clients the benefit of everything I know that could assist them achieve their objectives.
- I will take responsibility for all my actions and be accountable to my clients for everything I do.
- I will always respect the laws of the Commonwealth, States and Territories, and ensure that my clients receive the full benefit of the law.
- I will be courteous and respectful in dealings with other practitioners, the Authority, DIAC Courts and Tribunals.
- I will exhibit high personal moral and ethical standards and will take care to ensure my decision making is ethical.

# Ethical Deliberation Checklist

This checklist is designed to be used in conjunction with the methodology in the previous chapter. It will act as your decision-making record. Before addressing any ethical issue or problem, you should read the relevant parts of this toolkit and any of the recommended reading that you think will assist you.

# Ethical Deliberation Checklist

## 1. Is that an ethical issue you can see?

Have you just asked yourself 'what should I do?' What is the ethical issue that you think you see?

The issue that I am concerned about is:

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## 2. What options do you have?

Remember that your options may be limited by the rules that you must abide by.

The options available to me are:

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### 3. What will be the consequences?

Not all ethical decisions will involve a client, but if the client is involved then the client's interests are primary and any consequences to them will need to be given appropriate weight (lawyers will also need to consider their duties to courts and the administration of justice).

The consequence of these options are likely to be:

*To the client:*

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*To others (DIAC, the tribunals and the Courts, the community):*

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*To myself:*

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*And I think that the best option is:*

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#### 4. Have you tested the action you are planning to take?

You need to test the option that you have settled on to see whether it holds up to scrutiny. You will need to ask yourself some (if not all) of the questions in the methodology and you may need to seek the advice of a colleague or other person. Start by asking yourself ‘what is motivating me to act this way rather than another?’

I have tested my proposed action by:

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#### 5. Explain the decision to others

You can further test your decision by explaining it to others (for example the client or the Authority)

I have acted ethically because:

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### 3. Case study examples – Ethics Fundamentals

Following are some sample case studies from *The Ethics Toolkit* that could be used in CPD ‘Ethics Fundamentals’.



































# Training Resources for the Ethics Toolkit

## Sample Session Plan 2: Ethical Concepts (Advanced)



# Sample Session Plan 2: Ethical Concepts (Advanced)

## CPD activity description

This CPD activity covers the Ethical Concepts (Advanced), expectations of clients and others, the framework within which ethical principles must be applied, and applying the ethical deliberation checklist in practice.

## Target audience

This CPD activity is aimed at migration agents who have some experience (2+ years) as a migration agent.

Example facilitators plan

<b>CPD activity</b>	Ethical concepts (advanced)
<b>Duration</b>	1.5 hours

## Advanced learning outcomes (A L/O's)

The learner can:

- A L/O 1: Discuss ethical rules and duties relevant to practice at an advanced level.
- A L/O 2: Learn from their own experiences, or those of others, by applying concepts in the toolkit.
- A L/O 3: Apply a methodology for acting ethically to a case study.

L/O's	Content	Toolkit reference
<p>A L/O 1 A L/O 2</p>	<p><b>1. Introduction</b></p> <p>As the group is advanced, will have some experience of ethical issues and may already have undertaken a number of CPD activities relating to ethics, the primary focus of this session should be to discuss more complex issues related to ethics and how ethical decisions should be approached. Start with the model Statement of Ethics and discuss which of the matters it covers are most commonly encountered in practice. Are there matters which have been encountered that are not covered by the Statement of Ethics?</p> <p>Perhaps split the group into small groups to come up with a list of the most commonly encountered ethical problems and compare these to the Statement of Ethics. If there was sufficient time before the session (for example, if the CPD was an all-day event), consider asking learners to make a note of any ethical questions and collect these before the session and then use these examples to discuss. This will assist to make the session relevant and appropriate to the learners in the group.</p> <p>If there are a large number of lawyers in the group, consider asking them to consider and discuss some of the differences and similarities in the Legal Profession rules.</p>	

L/O's	Content	Toolkit reference
<p>A L/O 1 A L/O 2 A L/O 3</p>	<p><b>2. Discussion/ application of a methodology to examples</b></p> <p>In this part of the session learners should discuss the methodology they use to make ethical decisions and the general framework within which those decisions are made.</p> <p>Learners should be asked to make comment on how they make decisions in an ethical way and the types of considerations that go into those decisions.</p> <p>The discussion should lead to the development of a list of features of ethical decision-making. For example:</p> <p><b>A methodology for acting ethically</b></p> <ul style="list-style-type: none"> <li>• Recognise an ethical issue when you see it.</li> <li>• Identify the options available to you.</li> <li>• Judge the consequences of those options on yourself and others.</li> <li>• Test the action you are planning to take and reflect on it.</li> <li>• Explain that action to those affected and to others who may be interested.</li> </ul> <p>Use the examples raised in the introduction or the examples from the toolkit (some of which are set out the Ethics Fundamentals) to approach an ethical question or issue using a methodology. Use the Ethical Deliberation Checklist (attached) as a way of approaching this exercise. If you are using the Ethics Fundamentals you may want to tailor the facts to suit advanced learners or you could use examples submitted by the learners earlier in the CPD activity.</p>	<p>Chapters 3,4 and 6</p>

L/O's	Content	Toolkit reference
	<p><b>3. Conclusion</b></p> <ul style="list-style-type: none"> <li>• The facilitator wraps up by asking the learners questions about:</li> <li>• Their experience with ethical decision making and how they dealt with the situation, and</li> <li>• How they would apply their methodology in practice</li> </ul>	

# Facilitators' Resources for: Ethical Concepts (Advanced)

# 1. Model Statement of Ethics

## Statement of Ethics

Having regard to our special position, the reliance of our clients and the wider community on our specialist knowledge, we hereby commit ourselves to the following ethical principles:

- I will be accountable to my clients and will carry out their lawful instructions to the best of my ability and skill; however, I will not act as a mere mouthpiece for my clients and will ensure my actions are always ethical.
- I will always show loyalty to my clients and will not betray them by acting against their interests.
- I will not allow my personal prejudices and feelings to influence my work and will refuse to assist a client if I feel unable to show them complete loyalty and carry out their instructions.
- I will always act with competence and diligence or not act at all.
- I will always act honestly and in a way that instils a sense of trust in my clients and all those I deal with. I will always treat my clients fairly and ensure that they are comfortable and confident in their instructions.
- I will keep confidential all information provided to me by my clients and will always act with discretion in relation to their affairs.
- I will give my clients the benefit of everything I know that could assist them achieve their objectives.
- I will take responsibility for all my actions and be accountable to my clients for everything I do.
- I will always respect the laws of the Commonwealth, States and Territories, and ensure that my clients receive the full benefit of the law.
- I will be courteous and respectful in dealings with other practitioners, the Authority, DIAC, Courts and Tribunals
- I will exhibit high personal moral and ethical standards and will take care to ensure my decision-making is ethical.

# Ethical Deliberation Checklist

This checklist is designed to be used in conjunction with the methodology in the previous chapter. It will act as your decision-making record. Before addressing any ethical issue or problem, you should read the relevant parts of this toolkit and any of the recommended reading that you think will assist you.

## 2. Ethical Deliberation Checklist

### 1. Is that an ethical issue you can see?

Have you just asked yourself 'what should I do?' What is the ethical issue that you think you see?

The issue that I am concerned about is:

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### 2. What options do you have?

Remember that your options may be limited by the rules that you must abide by.

The options available to me are:

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### 3. What will be the consequences?

Not all ethical decisions will involve a client, but if the client is involved then the client's interests are primary and any consequences to them will need to be given appropriate weight (lawyers will also need to consider their duties to courts and the administration of justice).

The consequence of these options are likely to be:

*To the client:*

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*To others (DIAC, the tribunals and the Courts, the community):*

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*To myself:*

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*And I think that the best option is:*

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#### 4. Have you tested the action you are planning to take?

You need to test the option that you have settled on to see whether it holds up to scrutiny. You will need to ask yourself some (if not all) of the questions in the methodology and you may need to seek the advice of a colleague or other person. Start by asking yourself ‘what is motivating me to act this way rather than another?’

I have tested my proposed action by:

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#### 5. Explain the decision to others

You can further test your decision by explaining it to others (for example the client or the Authority)

I have acted ethically because:

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### 3. Case studies for Ethical Concepts (Advanced)

Following are some sample case studies from *The Ethics Toolkit* that could be used in CPD 'Ethical Concepts (Advanced)'.















# Further Information on Adult Learning principles

## **Lifelong learners**

Since migration law is changing constantly, one of the aims of the CPD framework is to build lifelong learners.

So, what is a lifelong learner? In 1996<sup>1</sup> the National Board of Employment Education and Training defined a lifelong learner as a person who has ‘acquired the necessary skills and attitudes for learning . . . the confidence to learn . . . and a willingness to learn’. The United Nations Educational, Scientific and Cultural Organisation report (1996) concluded that ‘learning throughout life will be essential, for adapting to the evolving requirements of the labour market’<sup>2</sup>.

Within an industry that is ever changing, training migration agents that are adaptable (i.e. lifelong learners) is essential to their success, as well as the future of the profession.

## **Providing CPD**

Each CPD provider must choose the teaching methodology, tasks, and strategies for measuring outcomes that are appropriate for the migration agents attending the particular CPD session.

We know from experience that the *teaching* method of training (the CPD presenter delivering a lecture style presentation) can be appropriate in some circumstances. For example, when complex changes in legislation need to be explained. However, we also know that to affect the behavior of a person requires a change in the way a person thinks about the subject. Such a change is most likely to take place in a *facilitation* environment. In most cases this would be the most appropriate way to present a CPD session on ethics. Some general background information about facilitation is provided below.

## **Facilitation methodology**

Eduard Christian Lindeman, suggested that ‘...the learning process will be from situations (case study), not subjects (lecture)... and...the resource of highest value in adult education is the learner’s experience.’<sup>3</sup>

### **For example**

#### *‘Case study approach’*

Use of case studies enables the learner to easily understand how an ethical situation can be resolved in practice. Case studies can help to increase skills in innovation, ingenuity in problem solving, independence, responsibility, professionalism, and creativity. If this occurs in a learning environment, there is more chance ethical decision-making will occur in practice.

#### *‘Value learners’ experience’*

This approach will only work with experienced migration agents who will have experienced ethical situations in practice. Facilitating discussions where learners have the opportunity to share their experience and how they have applied ethical decision-making enables learners to learn from the experience of others.

Friere believed that facilitating the learning process in an environment where learners discover knowledge and skills will ‘engage and empower learners’<sup>4</sup>. John Heron saw facilitation as ‘the passing on of knowledge and skills in a process that affirms the freedom and autonomy of the learner’<sup>5</sup>.

### **For example**

Two examples of how to ‘engage and empower learners’ and ‘affirm the freedom and autonomy of the learner’ in facilitation are outcome orientated facilitation and self-directed learning.

#### 1. Outcome orientated facilitation

When learners know what the learning outcomes are for the CPD activity they are clear on the goals and expectations placed upon them. An effective facilitator will outline the learning outcomes at the beginning of the CPD activity and then measure if learners have achieved the learning outcomes at the end. This can result in learners having the autonomy and responsibility to meet those learning outcomes by the end of the CPD activity.

#### 2. Self-directed learning

Self-directed learning simply means that learners are empowered by choosing the learning process that is appropriate for them. This can be done in a variety of ways:

- Offering a range of levels in CPD (i.e. beginners or advanced)
- Offering the option to choose the simple or complex case studies (i.e. within the CPD activity learners can choose if they go with a group doing a simple case study or the group doing the more complex case study)
- Providing pre-reading gives learners the option to read and analyse the information before engaging in group discussion during CPD.

Parker Palmer also saw facilitation as an effective method of engaging adults in the learning process:

***‘If we regard truth as something handed down from authorities on high, the classroom will look like a dictatorship.***

***If we regard truth as a fiction determined by personal whim, the classroom will look like anarchy.***

***If we regard truth as emerging from a complex process of mutual (group) inquiry, the classroom will look like a resourceful and interdependent community’<sup>6</sup>***

### **For example**

An environment of ‘mutual (group) inquiry’ can be facilitated by learners identifying ethical principles and applying them to case studies. This process also develops learners who have the research skills and analytical skills necessary for the industry, and are lifelong learners.

Group inquiry is also supported by two way feedback and questioning. This facilitators guide aims to engage the learners and the facilitator in a two way process involving questioning and feedback to develop analytical thinking, and apply ethical decision making principles.

Learners can retain information more effectively if the following two steps are taken:

## **1. Practice and repetition**

When learning new information the human brain usually needs at least three opportunities to embed it into memory.

### **For example**

This can be applied in a CPD activity by:

- 1st Explaining the information to the learners.
- 2nd Discuss the information and how it applies to a case study.
- 3rd In groups learners apply the information to a case study.

## **2. Contextualised learning**

When new information is being learnt, it can be retained more effectively if it is contextualised by giving metaphors, synonyms or background history. Without this, learners may feel confused about the ‘big picture’, how it can be applied in practice, or have difficulty retaining information.

### **For example**

If the CPD is for learners who haven’t had much experience with ethical situations as a migration agent. You could start by discussing personal ethics and some ethical examples such as those on page 12 of *The Ethics Toolkit*. This will help give the learners context for the professional ethics to be discussed in the CPD activity.

## **Measuring outcomes**

Learners should be made aware of the learning outcomes for the CPD session so they can understand what they need to achieve by the end of the CPD activity. It is important that all learners are given an opportunity to demonstrate competency in the learning outcomes set for that activity and that this has been observed and measured by the facilitator.

The facilitator is responsible for measuring if the learners have competently met the learning outcomes. Learners should be given regular feedback to allow them to demonstrate they have achieved the learning outcomes by the end of the CPD activity.

Below are some suggestions of how the facilitator can observe competency of the each learner during a CPD activity.

### Contribution to discussion or tasks

The facilitator can observe learners during group work with others throughout the CPD activity. Contributing to group discussion or completing tasks is an indication the person is learning. The tasks you choose need to support you in measuring the learning outcomes set. Some suggested tasks for measuring outcomes are:

- listing identified issues in the case study,
- brainstorming a response to a case study,
- role plays of a case study, and
- group discussion of case studies.

### Questioning

Another appropriate way to measure if the learner has achieved the learning outcomes is oral questioning. The questions you ask need to be:

1. open (not closed 'yes' or 'no' answers),
2. able to be answered by one person at a time (not rhetorical), and,
3. targeted at finding out how much the person knows.

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1. National Board of Employment, Education and Training, *Lifelong Learning – Key Issues*, 1996
  2. Delors, J. *Learning: The Treasure Within*, International Commission on Education for the Twenty-First century, Paris, United Nations Education, Scientific and Cultural Organisation, 1996
  3. Lindeman, E. *The Meaning of Adult Education*, Oklahoma Research Center for Her Education, 1989
  4. Freire, P. *Pedagogy of the Oppressed*, Continuum Publishing, 1970
  5. Heron J. *The Politics of Facilitation* was an unpublished paper. He also wrote numerous books such as *The Facilitator's Handbook* (1989) and *Group Facilitation* (1993)
  6. Palmer P. *The Courage to Teach*, Jossey-Bass, 1st edition, 1997