

# Education Agents Policy and Procedure

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<b>Date</b>	01/07/2025
<b>Developer</b>	Elaine Wang
<b>Approver</b>	Austin Tan
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## Version History

Version Number	Author	Purpose/Change	Date of implementation
1.0	Elaine Wang (Developer)  Austin Tan (Approver)	Insert the Version History and Document Control Page	21/11/2022
2.0	Austin Tan	Annual Review	10/10/2023
3.0	Austin Tan	Annual Review	10/10/2024
4.0	Austin Tan	Amend to incorporate the Standard 2.1 of the Outcome Standards for RTOs and marketing and advertising requirements in Compliance Requirements, as well as the National Code of Practice for Providers of Education and Training to Overseas Students 2018, Standard 4.	01/07/2025

## Supporting Resources

Education Agent Application Form  
 Education Agent Monitoring Form  
 Education Agent Agreement Template - Agreement for Recruitment of International and/or Domestic Students For Education Agent

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## 1. Introduction

1. ACCHS is committed to ensuring that we engage and monitor third parties, including education agents as this directly impact the quality of the delivery and the student experience. This is to ensure we act ethically, honestly and in the best interest of overseas students and uphold the reputation of Australia's international education sector.
2. ACCHS complies with Standard 2.1 of the Outcome Standards for RTOs and marketing and advertising requirements in Compliance Requirements, as well as the National Code of Practice for Providers of Education and Training to Overseas Students 2018, Standard 4.

## 2. Compliance

1. This is a compliance requirement under the:
  - a. Standard 2.1 of the Outcome Standards for RTOs and marketing and advertising requirements in Compliance Requirements; and
  - b. National Code of Practice for Providers of Education and Training to Overseas Students 2018 (<https://www.legislation.gov.au/Details/F2017L01182>).

## 3. Intent

ACCHS will take all reasonable measures to ensure our Education Agents have appropriate knowledge and understanding of the Australian International Education Industry. ACCHS will not use Education Agents who are dishonest or lack integrity. Education Agents are not authorised to accept payment on ACCHS's behalf.

Any known activity by the agent that is negligent, careless or incompetent or has engaged in false, misleading or unethical advertising and recruitment practices, will be acted upon immediately and could lead to the termination of the Education Agent Agreement with ACCHS.

ACCHS will not accept students from an education agent if it knows or reasonably suspects the education agent to be:

- providing migration advice, unless that education agent is authorised to do so under the Migration Act
- engaged in, or to have previously engaged in, dishonest recruitment practices, including the deliberate attempt to recruit a student where this clearly conflicts with the obligations of registered providers under Standard 7 (Overseas student transfers)
- facilitating the enrolment of a student who the education agent believes will not comply with the conditions of his or her visa, and/or
- using PRISMS to create CoEs for other than bona fide students.

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#### 4. Agent Agreement

All education agents representing ACCHS must sign and abide by ACCHS's Education Agent Agreement.

ACCHS's Education Agent Agreement meets the requirements of the National Code including:

- responsibilities of ACCHS, including that ACCHS is responsible at all times for compliance with the ESOS Act and National Code 2018
- ACCHS requirements of the agent in representing it including:
  - declaring in writing and taking reasonable steps to avoid conflicts of interests with its duties as an education agent of the registered provider
  - observing appropriate levels of confidentiality and transparency in their dealings with overseas students or intending overseas students
  - acting honestly and in good faith, and in the best interests of the student
  - having appropriate knowledge and understanding of the international education system in Australia, including the Australian International Education and Training Agent Code of Ethics
- ACCHS's processes for monitoring the activities of the education agent in representing the provider and ensuring the education agent is giving students accurate and up-to-date information on the registered provider's services
- the corrective action that may be taken by ACCHS if the education agent does not comply with its obligations under the written agreement, including providing for corrective action outlined in Standard 4.4
- grounds for termination of ACCHS's written agreement with the education agent, including providing for termination in the circumstances outlined in Standard 4.5
- the circumstances under which information about the education agent may be disclosed by the registered provider and the Commonwealth or state or territory agencies.

#### 5. Monitoring and Corrective Action

ACCHS will monitor all education agents using the monitoring processes described in the agreement.

ACCHS will take immediate corrective action where ACCHS becomes aware that, or has reason to believe, the education agent or an employee or subcontractor of that education agent has not complied with the education agent's responsibilities as outlined above.

#### 6. Termination

ACCHS will immediately terminate its relationship with the education agent, or require the education agent to terminate its relationship with the employee or subcontractor who engaged

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in those practices, where ACCHS becomes aware, or has reason to believe that the education agent or an employee or subcontractor of the education agent is engaging in false or misleading recruitment practices.

## 7. Procedures

### 7.1. Process Education Agent Application

- Provide an Education Agent Application form to education agent. The form can be downloaded in ACCHS Website.
- On receipt of an application, the Marketing Manager is to check that the application form has been completed in full and that any supporting information has been provided.
- The Marketing Manager will send an acknowledgement that the application form has been received within 3 working days of the receipt of the application. Request additional information not provided, as relevant.
- The Marketing Manager will review information included in application form.
- The Marketing Manager will call referees for reports on the agents. Once the checks are completed, the Marketing Manager will seek for Director or/and CEO for approval.
- The Director or/and CEO will only approve the agent's application where the agent has demonstrated experience and skills, provides services that align with ACCHS's marketing objectives and positive reports from referees are received.
- For successful agents approved by the Director or/and CEO, the Marketing Manager will customise the Education Agent Agreement and send to the agent for signing. This must be within 10 working days of receiving the application.
- Where the agent is not deemed to be suitable, the Marketing Manager will send an email within 10 working days of receiving the application advising that their application has not been successful and including the reasons why.

### 7.2 Manage Education Agents

- Following the signing of the agreement, the Director or/and CEO will add the agent details to PRISMS following the How to manage agent details in PRISMS information.
- Following the signing of the agreement, the CEO will advise ASQA via ASQAnet and within 30 days of the agreement being entered into or prior to the obligations under the agreement taking effective, whichever occurs first.
- The CEO or/and Marketing Manager will coordinate with IT to add the agent details to list of agents on website.
- The Marketing Manager will file all signed education agent agreements in our sharepoint and also upload into our Student Learning Management System, Axcelerate.

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- The Marketing Manager will contact the agent to provide an induction, including an overview of ACCHS, requirements and marketing and recruitment processes. Refresher training will only be conducted on a yearly basis.
  - The Marketing Manager will provide the education agent with current copies of marketing materials and enrolment forms. ACCHS Marketing Manager or/and CEO/PEO will send the updated, clear, accurate course information on a quarterly basis (Jan, April, July, Oct) to all Agents to ensure that they have the latest copy of ACCHS Course information, price-list and promotional materials regardless of if there are any changes made.

### 7.3 Monitor Education Agents

- Regularly update education agents with details of new courses and any updated marketing and enrolment materials/processes. As a general rule, the Marketing Manager or/and CEO/PEO will send the updated, clear, accurate course information on a quarterly basis (Jan, April, July, Oct) to all Agents to ensure that they have the latest copy of ACCHS Course information, price-list and promotional materials regardless of if there are any changes made.
- The Marketing Manager will monitor agents every six months using the Education Agent Monitoring Form.
- Where the Education Agent Monitoring Form or feedback from students indicates that the Education Agent may not be meeting the terms of their agreement, immediately investigate the issue.
- Where the investigation confirms that the provider has not complied with their responsibilities as per the Education Agent Agreement (except in the case of where the education agent has engaged in false or misleading practices – see the following section), the Marketing Manager will inform Director or/and CEO and in tandem, contact the education agent in writing to advise to corrective actions that are required.
- Upon approval by the Director or/and CEO, the Marketing Manager will implement relevant corrective actions.
- The Marketing Manager will monitor corrective actions as required to ensure they are implemented.
- The Marketing Manager will file all documentation associated with monitoring.

### 7.4 Terminate Education Agent Agreements

- Where education agent monitoring or any other intelligence demonstrates that the education agent has engaged in false or misleading practices, the Marketing Manager will update the Director or/and CEO and in tandem also immediately send a notice in writing to the agent advising them that their agreement is terminated and giving the

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reasons why.

- The CEO or/and Marketing Manager will contact the IT to remove the agent details from website.
- The Director or/and CEO will remove the agent details from PRISMS following the How to manage agent details in PRISMS information.
- The CEO will advise ASQA via ASQAnet of termination of the agreement and within 30 days of the agreement ending.

## 8. Responsibilities

The Marketing Manager is responsible for:

- preparing education agent applications
- managing education agent applications and conduct initial interviews, checks.
- monitoring and terminating education agent agreements.

The Director or/and CEO is/are responsible for:

- Update or change the Agent details in PRISM.
- Inform ASQA via ASQAnet for addition and removal of agents.
- Assessing and approving of agents
- Coordinate with IT to update the Agent list or changes in ACCHS Website.