

## ENGAGING, MANAGING AND MONITORING THE PERFORMANCE OF EDUCATION AGENTS POLICY

<b>Approving authority</b>	Governing Board
<b>Purpose</b>	This policy sets out the basis for the engaging, managing, monitoring and evaluation of education agents to ensure regulatory compliance.
<b>Responsible Officer</b>	President and CEO
<b>Next scheduled review</b>	September 2028
<b>Document Location</b>	<a href="http://www.ozford.edu.au/higher-education/policies-and-procedures/">http://www.ozford.edu.au/higher-education/policies-and-procedures/</a>
<b>Associated Documents</b>	Academic Course Progress Policy and Procedure Admissions Policy and Procedure Credit Transfer and Articulation Policy and Procedure Marketing and Advertising Materials Policy and Procedure Student Feedback Policy and Procedure Transfer between Registered Providers Policy and Procedure Engaging, Managing and Monitoring the Performance of Education Agents Procedure

### 1. PRINCIPLES

This Ozford Institute of Higher Education (herein after referred to as ‘the Institute’) policy sets out how the Institute complies with its obligations under the *Education Services for Overseas Students Act 2000* (ESOS Act) and the *National Code of Practice for Providers of Education and Training to Overseas Students 2018* (National Code).

The ESOS Act sets out the legal framework governing the Institute’s delivery of education to overseas students studying in Australia on a student visa. It is supported by the National Code that provides nationally consistent standards that governs the protection of overseas students and delivery of courses registered on the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS). The ESOS Act Section 21A and National Code Standard 4 sets out the requirements that apply to education agents.

The Institute recognises that these legal obligations ensure that education agents deliver quality services to students. The Institute takes all reasonable measures to use education agents that have appropriate knowledge and understanding of the international education system in Australia, including the Australian International Education and Training Agent Code of Ethics and does not use education agents who are dishonest or lack integrity.

### 2. SCOPE

This policy applies to:

- international education agents appointed by the Institute
- all staff involved in the recruitment, management and review of education agents.

### 3. DEFINITIONS

#### ***Confirmation of Enrolment (CoE)***

The Confirmation of Enrolment (also called a CoE) is an official statement from the Institute via PRISMS that lists the student's details, course and the start and end dates of the course.

The Confirmation of Enrolment (COE) is an official document issued to international students by universities and other education providers in Australia. It confirms that the student has accepted a place in a course and has paid required tuition fees and Overseas Student Health Cover (OSHC). The COE is required by the Department of Home Affairs for the purpose of issuing a student visa.

#### ***Courses'***

Means the full time registered courses offered by the Institute and registered on CRICOS;

#### ***Education Agent:***

A person or organisation who is contracted to recruit overseas students and refer them to the Institute. The Education Agent may provide education counselling to overseas students as well as marketing and promotion services. Education Agents may be operating in Australia or overseas.

#### ***Genuine Temporary Entrants***

Means a prospective student who satisfies the genuine temporary entrant criterion for Student visa or Student Guardian visa applications, ie. a genuine temporary entrant and intend to return home after studying in Australia.

Ministerial Direction 69 states an applicant who is a genuine temporary entrant will have circumstances that support a genuine intention to temporarily enter and remain in Australia, notwithstanding the potential for this intention to change over time to an intention to utilise lawful means to remain in Australia for an extended period of time or permanently. (<https://immi.homeaffairs.gov.au/Visa-subsite/files/direction-no-69.pdf>)

#### ***Genuine Students***

Means a prospective student who have a genuine intention to study in Australia, engage with learning and ability to meet the requirements of their visa.

To establish this, the genuine student test includes questions about the applicant's purpose of study, English language proficiency, academic background, links to Australia and financial capacity to support themselves during their studies.

#### ***Provider Registration and International Student Management System (PRISMS)***

Means the Provider Registration and International Students Management System (the electronic system that holds CRICOS and the electronic confirmation of enrolment);

#### ***Prospective student***

Means a person (whether within or outside Australia) who intends to become, or who has taken any kind of steps towards becoming a Student at the Institute;

## *Territory*

Means the countries or regions set out in the agent agreement.

## **4. POLICY**

### **Purpose and Role of Education Agents**

- 4.1 The Institute's primary purpose in entering into an Agreement with an education agent is for the education agent to recruit high quality genuine students to enrol and study in the Institute's courses approved for delivery at locations in Australia.
- 4.2 The Institute is responsible for ensuring that their education agents act ethically, honestly and in the best interest of overseas students and uphold the reputation of Australia's international education sector.
- 4.3 The Institute will only select and engage those educational agents who will:
- promote the Institute and its approved programs in the agreed Territory in accordance with the Institute's policies and procedures;
  - comply with all legal requirements and obligations in the Education Services for Overseas Students Act 2000 (ESOS Act), the Tertiary Education Quality and Standards Agency Act 2011 (TEQSA Act) and relevant subordinate legislation;
  - ensure all applicants for the Institute's courses are both Genuine Temporary Entrants and Genuine Students, in order to maintain the integrity of the Australian student visa program, and to ensure the Institute only recruits high quality genuine and temporary students;
  - provide prospective students with complete and accurate information about the Institute's accredited courses, facilities and services;
  - provide assistance in completing and submitting application forms to the Institute and in doing so must comply with all the requirements of the ESOS Act, the National Code and the Threshold Standards.
  - take all reasonable steps to avoid conflicts of interest with their duties as an education agent.
- 4.4 The Institute will only engage education agents who agree to declare in writing and take reasonable steps to avoid conflicts of interests with their duties as an education agent of the Institute, observe appropriate levels of confidentiality and transparency in their dealings with prospective and enrolled students, act honestly and in good faith, and in the best interests of the student.
- 4.5 The Institute expects that education agents will disclose all fees and charges to students and the timing of the required payments prior to the student signing the written agreement as required by the National Code Standards 3 and 4.
- 4.6 The Institute will enter into a written agreement, an Agency Agreement, with each education agent it engages to formally represent it. The Agreement will specify the responsibilities of the education agent and the Institute, rules of engagement and performance monitoring and the need to comply with the requirements of the TEQSA Compliance Frameworks and the requirement to have appropriate knowledge and understanding of the international education system in Australia, including the Australian International Education and Training Agent Code of Ethics.

4.7 The Institute will maintain a list of all contracted education agents and publish that list on the Institute's website and in PRISMS as required by Section 21A of the ESOS Act..

## **Cost of Advertisement and Promotional Activities**

4.8 The education agent has the responsibility of bearing all the costs of advertisement and promotional activities in their approved territory.

## **Assignment and Subcontracting to Third Parties**

4.9 In entering agreements with education agents, the Institute specifies that the education agent must:

- not assign the Agreement or any right to a third party under the Agreement without the prior written consent of the Institute;
- not subcontract to any third party the performance of any of its obligations under the Agreement without the prior written consent of the Institute;
- despite any subcontract, the agent remains solely liable for performing its obligations under the Agreement;
- terminate any Agreement with a sub-contractor if they become aware of, or reasonably suspect, dishonest practices, including the deliberate attempt to recruit a student where this clearly conflicts with the obligations of National Code Standard 7 Transfer between registered providers, whereby the Institute must not knowingly enrol the student wishing to transfer from another registered provider's course prior to the student completing six months of his or her principal course of study or any of the other dishonest practices outlined above.

## **Monitoring Performance**

4.10 The Institute will monitor each education agent's performance on an annual and needs basis. Factors taken into account will include stakeholder feedback (students, their families and student support providers), internal analysis of agent performance in terms of quality of service, analysis of student performance and particularly the engagement of students in learning and their academic progress, percentage of Visa refusal, the percentage of incomplete CoEs and the percentage of visa cancellation by Department of Home Affairs.

4.11 Where the Institute 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 including compliance with this Policy, the Institute will immediately take corrective action.

4.12 Where the Institute 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, the Institute will immediately act to terminate its relationship with the education agent or require the education agent to terminate its relationship with the employee or subcontractor who engaged in those practices.

4.13 The Institute 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 the Institute under National Code 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

4.14 The Institute will not authorise education agents to use PRISMS to create CoEs.

### **Terminating the Agreement**

4.15 Either the Institute or the education agent may terminate an Agency Agreement at any time by giving the other party 30 days prior written notice.

4.16 If the education agent breaches any provision of the Agreement, the Institute may terminate the Agreement at any time and with immediate effect by giving written notice to the education agent.

4.17 The termination of the Agreement by either party will not affect any accrued rights or remedies of either party.

### **Right to Appeal**

4.18 The Institute supports an education agent's right to appeal for non-renewal of Agency Agreements. Education agents must address their appeal in writing with any supporting documentation.

4.19 The President and CEO of the Institute will conduct the appeal.

4.20 If the appeal supports the agent, the education agent will be provided with a probationary extension of the agency agreement for 3 to 6 months.

### **Agent records**

4.21 Education agent records will be maintained as set out in the associated Procedure and the ***Records Management Policy and Procedure***.

### **Reporting**

4.22 The Executive Management Team reports to the Academic Board and the Governing Board on the annual review of agents.

## **5. QUALITY ASSURANCE**

To ensure that policy is fit for purpose and meets the requirements of the TEQSA Compliance Frameworks all policies will be;

- 5.1 internally endorsed by the Executive Management Team on development or review, prior to approval by Governing Board, or the Academic Board or other delegated authority;
- 5.2 externally reviewed as part of any independent review of the TEQSA Compliance Frameworks approved by the Governing Board;
- 5.3 internally reviewed by the Responsible Officer every three years from the date of approval (if not earlier).
- 5.4 referenced to the applicable TEQSA Compliance Frameworks Requirement(s) and/or other legislation/regulation.

## 6. FEEDBACK

Feedback or comments on this policy is welcomed by the listed Responsible officer of the Institute.

## 7. ACKNOWLEDGEMENT

This policy has been developed with reference to the following:

- Ozford Education Group, Engaging, managing and monitoring the performance of agent policy, 2014
- Australian National University, Procedure: International student education agent management, 2021 ([https://policies.anu.edu.au/ppl/document/ANUP\\_014208](https://policies.anu.edu.au/ppl/document/ANUP_014208))
- Charles Darwin University, International Students - Appointment and Monitoring of Education Agents Procedure, 2022 ([International Students - Appointment and Monitoring of Education Agents Procedure / Governance Document Library \(cdu.edu.au\)](#))
- Charles Sturt University, International Education Agent Policy, 2022 ([International Education Agent Policy / Document / CSU Policy Library](#))
- LaTrobe University, Education Agent Management Policy, 2018 ([Education Agent Management Policy / Document / La Trobe Policy Library](#))
- University of Adelaide, Education Agent Engagement Policy, 2023 ([adelaide.edu.au/policies/4983/?dsn=policy.document;field=data;id=9505;m=view](https://adelaide.edu.au/policies/4983/?dsn=policy.document;field=data;id=9505;m=view))
- TEQSA, Provider responsibilities when using education agents, 2022 ([Provider responsibilities when using education agents | Tertiary Education Quality and Standards Agency \(teqsa.gov.au\)](#)) and Sector alert: Provider responsibilities when using education agents ([Sector alert: Provider responsibilities when using education agents | Tertiary Education Quality and Standards Agency \(teqsa.gov.au\)](#))
- Australian Government Department of Education, Standard 4: Education agents, Fact Sheet ([E Standard 4.pdf](#))

## 8. VERSION CONTROL

Version	Date approved	Description	Approved by
N/A	April 2004	Initial Registration	GB
1.0	April 2016	Change of HES Threshold	GB
2.0	June 2018	Change of National Code 2018	GB
3.0	May 2019	Internal Review	GB
3.1	July 2022	Internal Review – minor amendments	EMT
4.0	September 2023	Internal review	GB
4.1	September 2025	Internal Review – Organisational changes and minor edits	GB
Related legislation/ regulation/standard	Tertiary Education Quality and Standards Act 2011 (Cth) Higher Education Standards Framework (Threshold Standards) 2021 (Cth) Education Services for Overseas Students Act (ESOS Act) 2000 (Cth) Education Services for Overseas Students Regulations 2019 (Cth) The National Code of Practice for Providers of Education and Training to Overseas Students 2018 (Cth)		

Notes:

GB = Governing Board

EMT = Executive Management Team