

# Agents Appointment, Monitoring, Management and Termination Policy and Procedure

## 1. Purpose

The purpose of this policy and procedure is to:

- establish a consistent and systematic procedure for appointing, monitoring, reporting, managing and terminating education agents;
- ensure compliance with the legislative and regulatory requirements established under the *Education Services for Overseas Students (ESOS) Act 2000* and Regulations, the *National Code*, Higher Education Standards Framework (*Threshold Standards*) and the *Australian International Education and Training Agent Code of Ethics*, or equivalent.

## 2. Scope

This procedure applies to the Institute staff members responsible for international student recruitment, marketing and admissions.

## 3. Definitions

Term	Definition
Education agent	An education agent is a business entity authorised by the Institute to promote its courses and services to prospective students and their influencers within agreed-upon terms. These agents provide advice and guidance to prospective students on course selection, admissions, visa applications, travel arrangements, and accommodations.
Agent Agreement	A contractual agreement between the Institute and its education agents.
Conflicts of interest	Includes: <ul style="list-style-type: none"> <li>• When an agent charges service fees to both overseas students and registered providers for the same service</li> <li>• Where an agent has a financial interest with a provider or,</li> <li>• Where an employee of an agent has a personal relationship with an employee of a provider.</li> </ul>
ESOS Act	The Education Services for Overseas Students Act 2000 of the Commonwealth of Australia, as amended from time to time.
HESF	Higher Education Standards Framework (Threshold Standards).

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Term	Definition
National code	<p><b>The National Code of Practice for Providers of Education and Training to Overseas Students</b></p> <p>The National Code is a legislative instrument made under the Education Services for Overseas Students Act 2000 and sets nationally consistent standards to support providers to deliver quality education and training to overseas students.</p>
PRISMS	Provider Registration and International Student Management System
Prospective student	A person who intends to become, or who has taken any steps towards becoming, a student, an 'overseas student' or 'intending overseas student' as defined by the ESOS Act.
Student	A person who holds an Australian Student Visa and is considered an 'Overseas Student' as defined by the ESOS Act.

## 4. Policy Statement

- 4.1. The Institute (or "MIT") is committed to appointing and working with Agents who demonstrate:
- a comprehensive understanding of student requirements, Australian culture and the Australian education system;
  - an in-depth understanding of the Institute, its courses, policies and requirements;
  - honesty, integrity and the highest ethical standards and in the best interest of the student.

## 5. Procedure

### 5.1. Appointment

#### 5.1.1. Prospective agents must meet the following general selection criteria:

- Demonstrate appropriate knowledge and understanding of the international education system in Australia, including student visa requirements, the ESOS Act, the National Code and Training Agent Code of Ethics.
- Demonstrate they have carried out previous recruitment and marketing activities with honesty and integrity.

#### 5.1.2. Agent application requirements

Agents must complete an *Agent Application Form* and satisfy the following requirements:

- Detailed understanding of the relevant parts of the ESOS Act and the National Code, including the Simplified Student Visa Framework (SSVF) and Genuine Student requirements.
- Demonstrate at least two years experience in international student recruitment

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and placement. This may include:

- recruitment for other Australian universities, higher education providers or RTOs
- Provide contact information for two referees from Australian higher education providers.
- Provide information about key staff members, demonstrating relevant work experience.

Where possible, the Institute recommends that agents complete online PIER training to become familiar with relevant legislative and regulatory requirements.

5.2. In certain situations, the Institute may waive the requirement for references from Australian higher education providers if an agent recruits students from countries or regions where it seeks to diversify its student base and an agent is unable to provide an Australian referee.

In such cases, the agent must demonstrate a clear understanding of relevant sections of the ESOS Act and the National Code, including the Simplified Student Visa Framework (SSVF) and Genuine Student requirement. Additionally, the agent must demonstrate honesty and integrity in their recruitment practices.

- 5.2.1. The Institute will not enter into an agreement with an agent if the Institute knows or reasonably suspects that the agent:
- is providing migration advice when not authorised to do so under the *Migration Act 1958*;
  - is or has, in the past, engaged in dishonest recruitment practices;
  - is facilitating the enrolment of any student who the agent reasonably believes will not comply with the conditions of his or her visa;
  - is using PRISMs to create CoEs for other than bona fide students.

### 5.3. Training

The Institute will provide regular training for agents. This includes initial training for newly appointed agents and ongoing training as needed. The training will include, but is not limited to, the following areas:

- Entry requirements, course information, facilities, tuition fees, and the application and offer acceptance processes, student visa and Genuine Student (GS) requirements;
- Ongoing training sessions to update agents about changes in legislation, regulatory requirements, and Institute policies and procedures, as well as updates on course and entry requirements.

5.3.1. The Admissions and Marketing Department will maintain regular communication with agents through emails, phone calls, newsletters and in-person visits. The ongoing engagement with agents ensures that they receive up-to-date and accurate information about the Institute's offerings, facilities and support services. Regular updates will include:

- Changes and/or updates on course structures and content
- Changes and/or updates on relevant legislative or regulatory requirements

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- governing international students, including student visa requirements
- Entry requirements and admissions processes
- News, events and other relevant Information about the Institute.

## 6. Agent Management

### 6.1. The Institute will:

- Provide the agent with adequate information to enable the agent to deliver services, including the provision of updated promotional materials about MIT and its courses;
- Process all completed applications received; however, MIT is not obligated to accept all prospective students referred to by the Agent;
- Publish a list of all education agents representing MIT on the MIT website – [www.mit.edu.au](http://www.mit.edu.au)
- Pay the Agent the commission as and when required in accordance with the Agent Agreement;
- The Institute will notify its agents of any change to its address, telephone number or email address within five working days;
- Not accept students from the Agent if MIT knows or reasonably suspects the Agent to be:
  - Providing migration advice where not authorised to do so under the Migration Act 1958 (Cth);
  - Engaged in, or 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 (Transfer between registered providers) of the National Code;
  - Facilitating an enrolment of a student whom the Agent believes will not comply with the conditions of his or her student visa; or
  - Using PRISMS to create a Confirmation of Enrolment (CoE) for someone other than a bona fide student.

### 6.2. Agents must:

- Inform prospective students accurately about the requirements of MIT courses by ensuring the Agent maintains a supply of accurate and up-to-date promotional materials of MIT and referring students to that material;
- Assist in upholding the high reputation of MIT and the Australian international education sector;
- Ensure all necessary evidence and documents accompany a prospective student's application or acceptance of an offer;
- Ensure the student has read, understood, signed and returned their Letter of Offer and Acceptance Agreement;
- Send any offer documents from MIT to the relevant prospective students within two business days after receiving them;
- Advise prospective students to pay course fees directly to MIT in accordance with the payment methods specified in the Letter of Offer. Evidence of payment must accompany the signed copy of the Acceptance Agreement;
- Advise prospective students that the agent receives a commission fee from MIT;

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- Advise prospective students that they are required to provide MIT with their residential address (which must not be the Agent's address);
- If a prospective student's visa application is refused, advise them that MIT must send the refund of the student's prepaid tuition fees to their nominated bank account (not the agent's bank account);
- At all times, comply with the requirements of the National Code (including but not limited to the specific requirements referred to throughout this Agreement);
- At all times, comply with the policies and procedures conveyed by MIT;
- At all times, comply with MIT's Privacy Policy in relation to the collection and use of information relating to students and intending students;
- Declare in writing and take reasonable steps to avoid Conflicts of Interest with its duties as an MIT agent;
- Have appropriate knowledge and understanding of the international education system in Australia, including the Agent Code of Ethics.

**6.3. The Admissions and Marketing Department will monitor the performance and activities of agents on an ongoing basis, using one or more of the following methods:**

- Monitoring and assessing student data such as application and offer acceptance offer conversion rates along with student visa refusal rates in line with the guidelines outlined under this policy and procedure;
- Conducting spot checks through in-person visits to agents' offices or phone calls, emails or other electronic means by the Marketing and Recruitment team;
- Assessing the quality of applications and documents submitted on behalf of students;
- Monitoring and analysing student surveys and complaints, including claims of engaging in misleading conduct;
- Monitoring an agent's website for accuracy and currency of information relating to MIT;
- Feedback from reliable sources such as relevant Australian Government Departments (e.g., Austrade and the Department of Home Affairs);
- An annual agent performance review.

**6.4. Following a performance review, the Institute may:**

- renew the agent's agreement;
- renew the agent's agreement subject to certain conditions, such as further training or an improvement in referral, conversion and visa grant rates;
- suspend the agent's agreement with re-appointment subject to compliance with certain conditions;
- terminate the agent's appointment.

**6.5. Reporting (renewing and terminating)**

The Institute may terminate the Agreement with any Agent with immediate effect:

- If it becomes aware of or reasonably suspects dishonest recruitment practices- such as engaging in false or misleading practices and deliberately recruiting a student that Conflicts with the obligations of registered providers under the ESOS Act and the National Code or

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- If it becomes aware of any of the other dishonest or criminal practices committed by the agent or
- If the agent breaches the terms of the Agent Agreement or
- If a relevant Australian Government Department directs or requires the termination of the agreement.

The relevant Australian government departments will be notified of the termination and the grounds for the termination if the termination resulted from suspected criminal conduct.

Students recruited by the agent will be notified of the termination of the agreement and invite to submit a request for a change of agent. No further referrals and applications will be accepted from the terminated agent.

## 6.6. Corrective action

The Institute will take immediate corrective action if it becomes aware or has reason to believe that an agent (or any employee or subcontractor of the agent):

- has not declared and taken reasonable steps to avoid conflicts of interest;
- has not observed confidentiality and transparency in its dealings with overseas students or intending overseas students;
- has not acted with honesty, in good faith or in the best interest of the student;
- does not have an appropriate understanding of the international education system in Australia, including the Agent Code of Ethics.

Depending on the circumstances, corrective actions may include providing the agent with additional information, clarifying the Institute's expectations, providing targeted training, counselling, written warnings or termination of the Agreement.

- 6.7. An Agent Agreement will lapse if an agent fails to refer any prospective students to the Institute within the first 12 months, or during any subsequent 12-month period, or such other time as agreed in writing by the Institute.

Where an agent has been terminated, MIT may only reappoint that Agent following the successful completion of *the agent application process*.

## 7. Responsibilities

- 7.1. The Admissions and Marketing Department is responsible for managing the Institute's relationship with its Agents. This includes:

- Recruiting and appointing or re-appointing agents in accordance with the *Education Agent Appointment Process* (attached as Schedule1 to this policy and procedure), including remuneration arrangements;
- Informing and training agents;
- Supporting and communicating with agents;
- Coordinating recruitment activities;
- Monitoring the activities of agents, including performance reviews;
- Taking corrective action when necessary;

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- Renewing or terminating the Agent Agreement.

7.1. The Admissions and Marketing Department will maintain appropriate records of the activities of agents appointed by the Institute to ensure compliance with ESOS, the TEQSA Act, the National Code and the HESF in the recruitment of international students. These records will include, but are not limited to:

- Agent file and agent agreement
- Records of monitoring activities undertaken by the Institute, including evidence of the agent's performance or compliance;
- Records demonstrating that the Institute has provided agents with updated promotional materials;
- Records and copies of terminated agent agreements;
- Records of corrective actions taken or required by the Institute.

## 8. Implementation and Communication

This procedure will be implemented and communicated through the Institute via:

- An announcement on the Institute's webpage;
- Staff professional development.

## 9. Supporting Documents and References

Government legislation/regulations:

Education Services for Overseas Students Act 2000 (Commonwealth)

Higher Education Standards Framework (Threshold Standards) 2021 (Commonwealth)

Higher Education Support Act 2003 (Commonwealth)

Migration Act 1958 (Commonwealth)

National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018 (Commonwealth)

Tertiary Education Quality and Standards Agency Act 2021 (Commonwealth)

Institute documents:

Admission Policy and Procedure Agent Agreement

International Student Transfer Policy

Student Complaint and Grievances Policy and Procedure

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## Schedule 1- Education Agent Appointment Process

Process	Responsibility	Comments
All new agents and those seeking reappointment will be emailed an Agent Application Form.	Admission and Marketing Department	
The agent submits the completed form with the required documentation attached and returns it to MIT.	Prospective agent	
If the agent is suitable for an appointment or reappointment, contact the referees for an agent reference check.	Admission and Marketing Department	
After completing the agent reference check, reassess the agent's suitability. If the agent is deemed suitable, issue an Agent Agreement. If not suitable, inform the agent of the outcome.	Admission and Marketing Department	
The agent returns a signed copy of the Agent Agreement, and MIT countersigns the agreement.	Admission and Marketing Department	Agents Agreement is stored in the agent's file.

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