

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

## 1. Purpose

The purpose of this policy and procedure is to:

- establish a systematic and consistent process for the appointment, monitoring, reporting, management and termination of recruitment agents; and
- ensure compliance with all legislative and regulatory requirements established under the: *Education Services for Overseas Students (ESOS) ACT (2000)* and Regulations; *National Code of Practice for Providers of Education and Training to Overseas Students 2018.*; *Migration Act 1958* and *Migration (Education) Act (2007)* and associated Regulations; 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 responsible for international student marketing, recruitment and admissions.

## 3. Definitions

Term	Definition
<b>Agent</b>	A person or organisation authorised by the Institute with the authority to promote the Institute's courses and services to students or prospective students within agreed terms.
<b>Agent Agreement</b>	Agreement between the Institute and the Agent including the Schedules.
<b>Conflict of Interest</b>	includes : <ul style="list-style-type: none"> <li>• When an agent charges services fees to both overseas students and registered providers for the same service (but does not apply to students recruited from agents that are not a registered agent with the institute);</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>
<b>Education Agent Application Form</b>	is the form available from the Admissions and Marketing Department. and titled Application to be appointed as an approved representative of MIT.
<b>Education Agent Appointment Process</b>	forms part of this policy and procedure and is attached as Schedule 1.
<b>ESOS Act</b>	The Education Services for Overseas Students Act 2000 of the Commonwealth of Australia, as amended from time to time.
<b>HESF</b>	Higher Education Standard Framework as amended from time to time.
<b>National Code</b>	The National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students, established pursuant to Part 4 of

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Term	Definition
	the ESOS Act, as amended from time to time.
<b>PRISMS</b>	Provider Registration and International Student Management System
<b>Prospective student</b>	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.
<b>Student</b>	A person who holds an Australian Student Visa and is 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; and
- 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 for the Institute must meet the following general selection criteria:

- demonstrate appropriate knowledge and understanding of the international education system in Australia, including the Australian International Education and Training Agent Code of Ethics. Agent’s Code;
- they must have carried out previous recruitment and marketing activities with honesty and integrity.

5.1.2 Prospective agents must complete an *Education Agent Application Form* and meet the following specific selection criteria:

- Demonstrate satisfactory knowledge of the relevant parts of the ESOS Act and the National Code, including the Simplified Streamlined Visa Processing (SSVP) or equivalent;
- Demonstrate satisfactory completion of appropriate prior training which may include PIER Education Agent Training Course;
- Demonstrate a minimum of two years’ experience in the recruitment of international students, and the recruitment of genuine students. This may include:
  - recruitment for other Australian universities or/and training providers;
  - established relevant industry partnerships; and
  - AEI Agent Network registration;
- Provide contact details for two referees from Australian higher education providers, one of which must be from a public University;

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- Provide details of their key staff demonstrating that they have relevant, satisfactory experience;
  - Provide a copy of their business registration or license; and
  - Provide details of the agent's (proposed) fees and charges (if applicable).
- 5.1.3 The Institute may waive any criterion if it is satisfied that comprehensive training is being or has been undertaken by the Agent and satisfactory written assurances are received as to the knowledge and practices of the Agent.
- 5.1.4 The Institute will not enter into an agreement with any agent if the Institute knows or reasonably suspects that the agent:
- is providing migration advice when not authorized 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; or
  - is using PRISMs to create CoEs for other than bona fide students.

## 5.2 Training

- 5.2.1 The Institute will provide ongoing training to agents, including initial training for newly appointed Agents. Training may include:
- information updates and training when there are changes to legislative and/or regulatory requirements, Institute policies and procedures, and/or educational program changes, including fee structures; and
  - corrective training to address any shortcomings in any agent's performance identified through Institute monitoring procedures.
- 5.2.2 The Admissions and Marketing Department will maintain regular contact with Agents by phone, written communications, newsletters and visits to Agents' offices to provide up-to-date and accurate information on courses and marketing materials to enable them to conduct their business, including advice on:
- Course changes;
  - Changes to the legal or regulatory conditions for Australian student visa requirements;
  - Application and admission processing requirements; and
  - News, events and other relevant Information about the Institute.
- 5.2.3 The Marketing and Recruitment team will provide training to Agents during site visits to an Agent's office and online via Skype (or other similar technology), as required. The Institute will encourage Agents to undertake online PIER training to familiarize themselves with relevant legislative and regulatory requirements. Where possible, Agents will be invited to visit MIT for familiarisation.

## 5.3 Monitoring

- 5.3.1 The Admissions and Marketing Department monitors the activities of Agents on an ongoing basis, through a range of instruments and processes. These may include but are not limited to:

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- Monitoring and analysis of relevant statistical data including, offer to conversion rate and student visa refusal tolerance level (as set within the Guidelines made under this policy and procedure);
  - Spot checks through face-to-face visits to Agents or contact via telephone, email or other electronic means, by Marketing and Recruitment staff;
  - Monitoring and analysis of data concerning adherence to the Institute's admission processes;
  - Monitoring and analysis of student feedback/complaints (formal/informal) including claims of engaging in misleading conduct;
  - Monitoring of the Agent's website for accuracy and currency of information relating to MIT;
  - Feedback from reputable sources such as by a relevant Australian Government Department (e.g. Austrade, and Department of Home Affairs); and
  - An annual review of the performance of the Agent, as detailed in clause 5.3.6 below.
- 5.3.2 The Institute will determine from time to time whether, and if so, what, corrective action to implement in the event that an Agent fails to comply with the Agent Agreement.
- 5.3.3 The Institute will take immediate corrective action if it becomes aware, or has reason to believe, that the Agent (or any employee or subcontractor of the Agent):
- has not declared and taken reasonable steps to avoid conflicts of interests;
  - has not observed confidentiality and transparency in its dealings with overseas students or intending students;
  - has not acted honestly and in good faith and in the best interests of the student; and
  - does not have an appropriate understanding of the international education system in Australia, including the Agent Code of Ethics.
- 5.3.4 Depending on the circumstances, corrective action may include providing the Agent with additional information, clarifying Institute expectations, additional or target training on expectations of the Agent, verbal counselling, written warning(s) or termination of the Agreement.
- 5.3.5 Staff should note that:  
Agents are required in accordance with the terms of the Agent Agreement to comply with any corrective action taken and to fully co-operate and provide all information and assistance requested by the Institute to enable the Institute to:
- monitor the activities and performance of the Agent in representing the Institute, including to ensure that the Agent is giving students accurate and up-to-date information and to ensure that the Agent is complying with its obligations under the Agent Agreement, and complying with the responsibilities of Agents described under the National Code;
  - investigate any concerns the Institute may have about the Agent, including whether the Agent has a material conflict of interest, has acted honestly and in the best interests of the student, has appropriate knowledge and understanding of the international education system in Australia and the Agent Code, or whether the Agent (or an employee or sub-contractor of the Agent) has engaged in false or misleading recruitment practices; and
  - carry out regular reviews of the Agent's performance.
- 5.3.6 The Institute will review the performance of each Agent annually at the end of the year by reference to, amongst other things, the Agent's compliance with the Agent Agreement,

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including the key performance indicators set out in Schedule 3 of the Agent Agreement. The Institute will then determine whether to continue with the Agent Agreement, take corrective action, or terminate the Agreement.

5.3.7 An Agent Agreement may be continued with or without imposing additional or modified conditions. Where an Agent Agreement is continued but corrective action is required, the Institute may impose such modified or additional conditions as it considers appropriate and the Agent Agreement shall be amended accordingly with prospective effect for the procedure regarding variations.

5.3.8 Where the decision is to terminate the Agent Agreement, then the Institute will do so with immediate effect (unless operational requirements otherwise necessitate) and in accordance with clause 5.5.

## 5.4 Management

5.4.1 The Institute will:

- give its agents sufficient information to enable them to undertake the specified responsibilities;
- assess completed applications from prospective students within a reasonable time of receipt;
- monitor its Agents' performance and activities and conduct a performance review prior to the (possible) extension of their Agent Agreement.

5.4.2 Agents must:

- declare in writing and take reasonable steps to avoid conflicts of interests with its duties as MIT's agent;
- observe appropriate levels of confidentiality and transparency in their dealings with overseas students or intending overseas students;
- act honestly and in good faith, and in the best interests of the student; and
- have appropriate knowledge and understanding of the international education system in Australia, including the Australian International Education and Training Agent Code of Ethics.

5.4.3 The Institute will formally investigate any reported or suspected cases of any of its Agents, their sub-agent and/or staff member behaving in a non-professional, unethical and /or non-compliant manner, including:

- acting in a manner which may be negligent, careless or incompetent;
- being engaged in false, misleading or unethical advertising and recruitment practices;
- not acting to minimise conflicts of interest and, when they occur, not declaring those conflicts of interests, and thereby not acting in the best interests of international students;
- acting in a manner which may be non-compliant with the terms and conditions of their MIT Agent Agreement and Schedule; and/or
- being engaged in false or misleading practices, which could harm the integrity of Australian education and training and/or the integrity of MIT.

5.4.4 Where the Institute becomes aware of the an Agent, their sub-agent and/or staff member behaving in a non- professional, unethical and /or non-compliant manner as indicated in their MIT Agent Agreement it will require the Agent to take immediate corrective action to the satisfaction of the Institute, or terminate the agreement with such Agent.

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5.4.5 The Institute will pay its Agents commission as specified in the Agent Agreement, for each student who:

- has been recruited by the Agent;
- has been issued with a Confirmation of Enrolment and has paid the tuition Fee to MIT; and
- has enrolled in/commenced the program, and who has not, subsequent to commencing the program, been fully refunded the program fees.

## 5.5 Reporting (renewing and terminating)

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

- if it becomes aware of, or reasonably suspects dishonest recruitment practices, including engaging in false or misleading practices and a deliberate attempt to recruit a student where this clearly conflicts with the obligations of registered providers under the ESOS Act and the National Code; or
- if it becomes aware of any of the other dishonest or criminal practices committed by the agent; or
- where the agent breaches the Agent Agreement; or
- where it is directed or required to terminate the arrangement by a relevant Australian Government Department.

5.5.2 Following a performance review the Institute may:

- renew the Agent's appointment;
- renew the Agent's appointment subject to certain conditions such as a requirement for further training or an improvement in referral, conversion and success rates;
- suspend the Agent's appointment, making re-appointment subject to agreement to comply with certain conditions; or
- terminate the Agent's appointment.

5.5.3 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, with details relating to the review and decision to be entered on the Agent's file and the Agent's name will be removed from the Institute website. The Agent's students will be notified of the termination/non-renewal, and invited to submit a change of agent request and no further referrals and applications will be accepted from the terminated Agent.

5.5.4 An Agent Agreement will lapse if the 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.

5.5.5 Where an Agent has been terminated, MIT may only reappoint that Agent following successful completion of the *Education Agent Application Form and the application process*.

## 6. Responsibilities

6.1 The Institute through its Admissions and Marketing Department is primarily responsible for managing the Institutes' relationship with its Agents. This includes:

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- recruiting and appointing or re-appointing Agents in accordance with the *Education Agent Appointment Process* (attached as Schedule1 to this policy and procedure), Agents, including remuneration arrangements;
  - informing and training Agents;
  - supporting and communicating with Agents;
  - co-ordinating recruitment activities;
  - monitoring the activities of Agents, including performance reviews;
  - taking corrective action; and
  - extending or terminating the Agent Agreement.
- 6.2 The Admissions and Marketing Department shall keep appropriate records of activities of and in relation to Agents engaged formally by the Institute to ensure compliance with ESOS, TEQSA Act, the National Code and HESF in the recruitment of international students. These shall include (without limitation):
- a completed Education Agent Application Form;
  - a signed and current Agent Agreement;
  - records of monitoring activities taken by the Institute and evidence of performance or compliance by the Agent, including site visit reports detailing relevant compliance requirements and appropriate training, and regional managers attestation that they are satisfied (or otherwise) that agents visited are compliant with this policy and procedure and the National Code 2018;
  - An independent assessment of the effectiveness of training provided to education agents;
  - records demonstrating that MIT has provided Agents with updated promotional and other materials;
  - records and copies of Agent Agreements which have been terminated; and
  - records of corrective actions taken or required by MIT.
- 6.3 The Institute will inform its Agents of any change to its the physical address, telephone number, facsimile number or electronic mail address, within five working days of such change.
- 6.4 Agents have the following responsibilities in accordance with the terms of the Institute's policies and their Agent Agreement:
- Promote MIT and assist in the recruitment of, and recruit prospective students to undertake education programs offered by MIT.
  - Provide prospective students with all necessary information about MIT, its education programs, facilities, services, policies and procedures.
  - Provide prospective students with all necessary information about visa requirements and procedures, and living in Australia.
  - Provide prospective students assistance in completing and submitting application forms to MIT.
  - Arrange necessary English language testing of prospective students under the relevant Australian migration regulations.
  - Perform any other services and provide reports or information requested by MIT and/or required under the agent Agreement.
- And in meeting these responsibilities agents must act at all times in a manner consistent with the *Australian International Education and Training Agent Code of Ethics*, namely;
- practise responsible business ethics;
  - provide current, accurate and honest information in an ethical manner;

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- develop transparent business relationships with students and providers;
- provide current and up-to-date information that enables international students to make informed choices;
- act honestly and professionally in the best interests of international students, with objectivity, transparency, confidentiality and integrity.

## 7. Implementation and communication

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

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

## Supporting documents and References

### Government legislation/regulations:

Education Services for Overseas Students Act 2000 (Commonwealth)  
Higher Education Standards Framework (Threshold Standards) 2011 (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 2011 (Commonwealth)

### Institute documents:

Admission Policy and Procedure  
Agent Agreement  
International Student Transfer Policy  
Student Complaint and Grievances Policy and Procedure

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## Schedule1- Education Agent Appointment Process

Process	Responsibility	Comments
All new agents and agents applying for reappointment will be sent an Education Agent Application Form for completion.	Admission and Marketing Department	
Completed form with documentation required attached and returned to MIT	Prospective agent	
Where <b>it is</b> determined the agent is suitable to appoint or reappoint contact referees for completion of <i>Agent Reference Check</i> .	Admission and Marketing Department	Two Australian higher education provider references in writing or verbally with results recorded.
Once <i>Agent Reference Check</i> has been completed reassess (and record reassessment) to determine if suitable to appoint.	Admission and Marketing Department	Staff should be satisfied that the applying agent must demonstrate that they are committed to taking reasonable steps to avoid conflicts of interests during the life of the contract.
Arrange signing of new Agent Agreement, including setting KPIs.	Admission and Marketing Department	Agents Agreement and annual agreed KPIs to be recorded on Agents file.

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