

Agent Appointment and Management Procedure

1. Purpose and Scope

- 1.1 The Agent Appointment and Management Procedure operationalises the Agent Appointment and Management Policy.
- 1.2 This procedure applies to Agents and staff involved in the appointment and monitoring of international education agents

2. Definition

Refer to *Glossary of Terms* for commonly used terms. The definitions below are included for clarity.

Agent: Any person or organisation who is contracted by AIAT to recruit international students and refer them to AIAT. The Agent may provide education counselling to international students as well as marketing and promotion services to AIAT. Agents may be operating in Australia and/or overseas.

Agent Agreement: Agreement between the Agent and AIAT.

ESOS legislative framework: Establishes legislative requirements (Education Services for Overseas Students Act) and standards for the quality assurance of education and training institutions offering courses to international students who are in Australia on a student visa. ESOS also provides tuition fee protection for international students.

National Code: The National Code is a legislative instrument (National Code of Practice for Providers of Education and Training to Overseas Students 2018) made under the Education Services for Overseas Students Act and sets nationally consistent standards to support providers to deliver quality education and training to overseas students.

PRISMS - Provider Registration and International Student Management System.

3. Procedure

Engagement of Agents

- 3.1 The Director: Marketing will take all reasonable measures to only appoint agents:
 - 3.1.1 that demonstrate a commitment to maintain an appropriate knowledge of AIAT, its courses and processes, relevant knowledge and experience in the legislative framework of Australian international education, and a comprehensive understanding of Australian student visa processes and requirements; and
 - 3.1.2 who show demonstrated student recruitment potential in markets where AIAT seeks representation.

3.2 Assessment and Selection

- 3.2.1 The Director: Marketing will conduct and document due diligence and assess prospective agents' suitability to represent AIAT against criteria that may include:
- a. the location of the agent and the country or countries the agent will recruit from;
 - b. alignment between AIAT's strategy and the Agent's ability to meet those relevant objectives;
 - c. market information for the proposed territory, including likely recruitment channels;
 - d. agency structure (e.g. whether they are a company or individual) and likely support that will be required from AIAT;
 - e. demonstrated understanding of Australian legislation in regards to student recruitment, student visa requirements, data management and privacy, the Australian international education industry and AIAT;
 - f. evidence of experience in the recruitment of genuine quality international students, including, but not limited to:
 - recruitment for other Australian universities or training providers, and relevant industry partnerships;
 - staff completion of the Professional International Education Resources (PIER) Education Agent Training Course (EATC);
 - membership of agent associations or affiliations with other relevant organisations;
 - inclusion on any applicable lists of approved Education Agents in the relevant foreign country;
 - appropriately experienced and knowledgeable staff;
 - appropriate facilities for student counselling purposes;
 - visa rejection rates;
 - ethical dealings with other education providers and students;
 - g. relevant agent network registration and accreditation;
 - h. feedback from at least two referees that represent CRICOS registered Australian Higher Education Providers;
 - i. evidence of marketing strategies and marketing experience;
 - j. any history of non-compliance with the ESOS Act, National Code or agent agreements;
 - k. any history of false or misleading recruitment practices, illegal provision of migration advice, dishonest recruitment practices or misuse of the Provider Registration and International Student Management System (PRISMS);
 - l. agent's reputation, including through publicly-available sources, and evaluation of any previous dealings;
 - m. agent's fees and charges structure; and
 - n. agent performance data available through PRISMS and other sources.
- 3.2.2 AIAT will not accept students from, or enter into an agreement with, any agent that it knows or reasonably suspects to be:

- a. 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 of the National Code (Overseas student transfers);
- b. facilitating the enrolment of a student that the agent believes, or should know, would not comply with the conditions of their student visa;
- c. negligent, careless, incompetent or engaged in false, misleading or unethical advertising and recruitment practices, including practices that could harm the reputation of AIAT or the Australian international education industry;
- d. misusing PRISMS to create Confirmations of Enrolment for other than bona fide students; and
- e. providing migration advice, unless that education agent is authorised to do so under the Migration Act.

3.2.3 Appointment

- a. Agents who are assessed as meeting the requirements of AIAT and the requirements of the National Code will be offered a written Agent Agreement to represent AIAT and promote courses with the intention of recruiting quality students who meet admissions, visa and Genuine Temporary Entrant requirements, on a non-exclusive basis.
- b. Agents who are not approved are informed in writing by the Director: Marketing within 20 days of the decision being made.
- c. The Director: Marketing will
 - i. publish an up-to-date list of appointed agents on the AIAT website;
 - ii. maintain records of agreements and due diligence undertaken; and
 - iii. enter and maintain each agent's details in PRISMS.
- d. If required by the agent, AIAT can provide a formal letter or certificate confirming the agreement.

3.2.4 The Agent Agreement will outline

- a. The responsibilities of AIAT;
- b. AIAT's requirements of the Agent in representing AIAT, specifically:
 - i. declaring, in writing, and taking reasonable steps to avoid conflicts of interests with its duties as an Agent of AIAT;
 - ii. observing appropriate levels of confidentiality and transparency in their dealings with students;
 - iii. acting honestly and in good faith, and in the best interests of the student;
 - iv. holding appropriate knowledge and understanding of the international education system in Australia, including the Australian International Education and Training Agent Code of Ethics; and
 - v. ensuring all subcontractors meet AIAT's requirements of the Agent;
- c. AIAT's processes for monitoring the activities of the Agent and ensuring the Agent is giving students accurate and up-to-date information on AIAT's services;

- d. the corrective action that may be taken by AIAT if the Agent does not comply with its obligations under the Agent Agreement and grounds for termination, including where AIAT becomes aware that, or has reason to believe, the Agent or an employee or subcontractor of that Agent has not complied with the Agent's responsibilities outlined within the written Agreement; and
- e. the circumstances under which information about the Agent may be disclosed by AIAT and the Commonwealth or state agencies.

Agent Training

- 3.3 AIAT will provide ongoing training to agents, including initial and regular training for newly appointed Agents. Training may include:
 - 3.3.1 information updates and training when there are changes to legislative and/or regulatory requirements, AIAT policies and procedures, and/or educational program changes, including fee structures;
 - 3.3.2 information on and updates for courses, facilities, student support and admission requirements; and
 - 3.3.3 corrective training to address any shortcomings in any agent's performance identified through AIAT monitoring procedures.
- 3.4 The 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:
 - 3.4.1 course changes;
 - 3.4.2 changes to the legal or regulatory conditions for Australian student visa requirements;
 - 3.4.3 application and admission processing requirements; and
 - 3.4.4 news, events and other relevant Information about AIAT.
- 3.5 The Marketing team will provide training to Agents during site visits to an Agent's office and online via internet telecommunications, as required. AIAT will encourage Agents to undertake online Professional International Education Resources (PIER) Education Agent Training Course (EATC) training to familiarise themselves with relevant legislative and regulatory requirements. Where possible, Agents will be invited to visit AIAT for familiarisation.

Remuneration

- 3.6 Agents are remunerated by AIAT either through direct payment for particular services, or payment of commission fees based on enrolments attributable to an Agent.
- 3.7 Commission fees are paid in accordance with the rates set out in the Agent Agreement.
- 3.8 Agents will submit invoices for services and/or commission to AIAT in accordance with the provisions of the Agent Agreement.

Ongoing risk mitigation

- 3.9 Agents must take all reasonable steps to avoid conflicts of interest with their duties as an Agent. If, during the term of the Agent Agreement, a conflict, or risk of conflict of interest arises, the Agent notifies AIAT immediately in writing of that conflict or risk and takes such steps as AIAT may reasonably require to resolve or deal with the conflict as required. If the Agent is unable or unwilling to resolve or deal with the conflict as required, AIAT may terminate the Agreement in accordance with the Agent Agreement.
- 3.10 At any stage, if an issue of non-compliance by an Agent is identified, the Director: Marketing takes appropriate corrective action in alignment with the Agent Agreement. The Director: Marketing provides a preliminary warning letter to the Agent outlining the issue and prescribing the required action necessary and timeframe to rectify the issue.

Student Complaints

- 3.11 Student complaints are taken seriously by AIAT and responded to in a timely and appropriate manner as per the Student Complaints and Appeals Policy.
- 3.12 Agents notify the Campus Manager about any student complaints about AIAT, and/or any student complaints about the services of the Agent. Those complaints are investigated by the Campus Manager, and appropriate action is taken depending on the nature of the complaint. Complaints that are frivolous, vexatious or lacking in substance are not investigated further.
- 3.13 All substantiated student complaints against an Agent or a third party in delivering recruitment services are referred to the CEO.
- 3.14 The Campus Manager liaises with the CEO to facilitate the investigative process within ten working days of receiving the complaint.

Monitoring and Review

- 3.15 The Director: Marketing will monitor the performance and activities of all Agents recruiting into AIAT's courses, on an ongoing basis, to ensure that AIAT is only using reputable and productive agents.
- 3.16 AIAT will carry out a formal performance review of each Agent at least annually.
- 3.17 AIAT may also conduct an audit of Agents' compliance with the Agent Agreement and this policy at any time.
- 3.18 Ongoing monitoring and formal performance reviews will be undertaken in accordance with the terms of the Agent Agreement and this policy.
- 3.19 Activities that are monitored may include, but are not limited to, the following:
- 3.19.1 Agent conduct

- a. compliance with Australian legislative requirements such as the ESOS Legislative Framework and the National Code, the Higher Education Standards Framework, Agent Code of Ethics, AIAT admissions requirements and processes, policy frameworks, and any other relevant peak body policies or guidelines, and breaches of the Agent Agreement;
- b. any evidence of Agent malpractice; and
- c. the number of declined or cancelled visas for students from the Agent;

3.19.2 Student experience:

- a. demonstrated consistency of knowledge and understanding of AIAT courses provided to the student to meet realistic student expectations;
- b. feedback from students with regards to accuracy of advice given on chosen program of study; and
- c. feedback from students with regards to Agent interaction;

3.19.3 Agent Performance

- a. conversion rates (number of applications, offer and commencements);
- b. recruitment practices and volumes;
- c. identifying trends in student cohorts, who are from a particular Agent and/or region with regards to academic progress, performance and completion; and
- d. any feedback from AIAT admissions team, student complaints and feedback from any relevant AIAT committee;

3.19.4 Agent engagement with AIAT

- a. Engagement with AIAT, including participation in training, webinars, Agent familiarisations, activities, events and response to communications such as emails and newsletters.

3.20 Information and data for the monitoring and review of agent performance will be collected through qualitative and quantitative mechanisms. This includes, but is not limited to, internal AIAT data, PRISMS data, student surveys and questionnaires, reviews of publicly- and non-publicly available materials and resources, meetings and discussions with Agents and their staff, observations of events and interactions with prospective students, and feedback from individuals.

3.21 AIAT will maintain where practical, confidential guidelines on the minimum required benchmarks Agents must achieve in the relevant performance indicators in item 3.19 in order for their performance to be deemed satisfactory.

3.22 When monitoring processes indicate a deficiency or non-compliance, action will be taken in accordance with the Agent Agreement, and may include further counselling or training, corrective action, non-renewal of agreements or termination of the agreement.

3.23 The monitoring and review of Agents will be used to assess the status of the relationship and inform renewals and terminations.

3.24 Where AIAT becomes aware that, or has reason to believe, the Agent or an employee or subcontractor of that Agent has not complied with the Agent's responsibilities under the National Code or Agent Agreement, AIAT will take immediate corrective action. Corrective action may include:

3.24.1 legal action for any loss or damage incurred by AIAT;

3.24.2 termination of the agreement;

3.24.3 suspension of the agreement;

3.24.4 non-renewal of the Agreement or future Agent Agreements;

3.24.5 additional targeted training or counselling provided to the agent (costs to be agreed between the parties); and

3.24.6 any other corrective action at AIAT's discretion.

3.25 Where AIAT becomes aware, or has reason to believe, that the Agent or an employee or subcontractor of the Agent is engaging in false or misleading recruitment practices, AIAT will immediately terminate its relationship with the Agent, or require the Agent to terminate its relationship with the employee or subcontractor who engaged in those practices.

Review Outcomes

3.26 Following the annual review of each agent, or identification of a deficiency or non-compliance through ongoing monitoring, the Director: Marketing will provide a report summarising the performance of each agent and recommended actions to the CEO. The CEO will approve one of the following actions:

3.26.1 continuation of agreement;

3.26.2 renewal of agreement;

3.26.3 non-renewal of agreement;

3.26.4 termination of agreement; or

3.26.5 further training or corrective action.

3.27 If the approved action is non-renewal or termination of agreement, the Director: Marketing will inform the Agent in writing within 20 working days, outlining the reasons why the agreement is not being renewed or terminated.

3.28 If the approved action is further training or corrective action, the Director: Marketing will inform the Agent in writing within 20 days, outlining the actions which must be undertaken to improve their performance.

Records and compliance

3.29 The Marketing Department shall keep appropriate records of activities of and in relation to Agents engaged by AIAT to ensure compliance with ESOS legislative framework, the National Code and the Higher Education Standards Framework in the recruitment of international students. These shall include, but are not limited to:

3.29.1 a signed and current Agent Agreement;

- 3.29.2 records of monitoring activities taken by AIAT and evidence of performance or compliance by the Agent;
- 3.29.3 records demonstrating that AIAT has provided Agents with updated promotional and other materials;
- 3.29.4 records and copies of Agent Agreements which have been terminated; and
- 3.29.5 records of corrective actions taken or required by AIAT.

Reporting

- 3.30 The Director: Marketing will report annually to the Board of Directors on:
 - 3.30.1 new agents appointed;
 - 3.30.2 monitoring undertaken including any complaints and issues;
 - 3.30.3 findings from agent performance reviews with recommendations; and
 - 3.30.4 terminated and non-renewed agents, including where the termination or non-renewal has been initiated by the agent.

4. Roles and responsibilities

- 4.1 The Director: Marketing is responsible for:
 - 4.1.1 the selection, assessment and recruitment of Agents with approval from the CEO;
 - 4.1.2 responding to Agent solicitations;
 - 4.1.3 the development and issuing of Agent Agreements;
 - 4.1.4 signing agreements with Agents not already engaged;
 - 4.1.5 the management and contractual oversight of Agents;
 - 4.1.6 the compliance of Agent activities with the ESOS Act, National Code, Migration Act, Agent Agreement and AIAT policy;
 - 4.1.7 ensuring student applications submitted by an Agent are only accepted from Agents with a signed agreement in place;
 - 4.1.8 taking corrective action (which may include termination of an agreement) with any Agent that does not perform satisfactorily or does not comply with the terms and conditions of the Agent Agreement;
 - 4.1.9 undertaking Agent performance reviews;
 - 4.1.10 organising agreement renewals and terminations when approved by the CEO; and
 - 4.1.11 reporting annually to the Board of Directors on Agent activity.
- 4.2 Agents and Agent subcontractors are expected to:
 - 4.2.1 act in accordance with the ESOS legislative framework, National Code and the Agent Code of Ethics;
 - 4.2.2 support AIAT's student recruitment objectives;
 - 4.2.3 promote AIAT's courses;
 - 4.2.4 undertake lead-generation activities and assist with conversion of these leads;
 - 4.2.5 provide in-country representation in existing, new and emerging markets for AIAT;
 - 4.2.6 counsel students on AIAT pathway programs and provide 'leads' to these courses;

- 4.2.7 assist prospective students in completing AIAT course applications, taking all reasonable steps to confirm the accuracy of the information provided by prospective students in those applications;
- 4.2.8 ensuring that only completed, signed applications with all required supporting documentation (originals sighted, verified, and stamped) are submitted to AIAT;
- 4.2.9 undertake Genuine Temporary Entrant (GTE) checks prior to the submission of applications to AIAT;
- 4.2.10 ensure confidentiality of all information provided by AIAT and prospective and existing students, other than to the extent disclosure is required to perform the Services in accordance with Agent Agreement, and to the extent, disclosure is necessary to comply with legislative and regulatory requirements;
- 4.2.11 terminate any employment, contract or agreement with any employee or Sub-agent if the Agent becomes aware of, or reasonably suspects, dishonest practices, including engaging in false or misleading practices and the deliberate attempt to recruit a student where this conflicts with the obligations of registered providers under the National Code or any other dishonest practices; and
- 4.2.12 provide market intelligence, including trends, course popularity and demand to inform future recruitment strategy development.

5. Procedure Details

Institution	Australian Institute of Advance Technologies (AIAT)
Procedure name	Agent Appointment and Management Procedure
Procedure Reference No.	PROC – 01
Procedure Approval	Board of Directors
Procedure Authority	Executive Management Group
Responsible Officer	CEO
Governance Reference Threshold Standards	HESF 2021: 2.4.1, 7.1.1, 7.1.4, 7.1.5
Related Documents	Agent Appointment and Management Policy Staff Code of Conduct Student Complaint and Appeals Policy
Related Legislation	Education Services for Overseas Students Act 2000 (ESOS) Higher Education Standards Framework (Threshold Standards) 2021 (HESF) Migration Act 1958 Migration Regulations 1994 National Code of Practice for Providers of Education and Training to Overseas Students 2018
References	AIAT has referred and benchmarked with the following institutions and policies during the creation of this policy:

	<p>Australian National University (2021) Procedure: International student education agent management</p> <p>Charles Sturt University (unknown) International Education Agent Policy, <i>retrieved 29/11/2021</i></p> <p>The University of Notre Dame Australia (2019) Procedure: International Education Agents</p>
Date of approval	31 March 2022
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Policy Category	Governance

6. Document Version Control

Document No	PROC - 01	Last Modify Date	Summary of Changes
Version No	1.0	NA	Initial version approved by Board of Directors
	1.01	31/3/2022	Updated HESF
Created Date	Feb 2022		