

CORP020P
EDUCATION AGENTS POLICY & PROCEDURES

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COMMITTEE of REVIEW:	Risk Management Committee
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REPLACED VERSION:	V18.01
AMENDMENT OFFICER:	Director Ops & Compliance

1. ASSOCIATED POLICIES, REGISTRIES, FORMS & DOCUMENTS

- CORP015D Definitions & Acronyms
- CORP095F Education Agent Agreement
- CORP096F Education Agent Application Form

2. ASSOCIATED LEGISLATIVE INSTRUMENTS

- Australian Qualifications Framework (AQF)
- Education Service for Overseas Student Act 2000
- Education Services for Overseas Students (Registration Charges) Act 1997
- Higher Education Standards Framework (Threshold Standards)
- Migration Act 1958
- Migration Regulations 1994
- Tertiary Education Quality and Standards Agency Act 2011 (TEQSA Act)
- The National Code of Practice for Providers of Education and Training to Overseas Students 2018

3. DEFINITIONS AND TERMS

The *College* in this policy document refers to *Texila College Australia Pty Ltd*.
Please refer to *CORP015D Definitions & Acronyms* for further information.

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4. POLICY SCOPE

This policy applies to the College's higher education programs.

5. POLICY PURPOSE

This policy is guided by the requirements of relevant Acts and Standards and provides a basis for any agreement between the College and its Education Agents.

6. POLICY PRINCIPLES

All processes, monitoring and procedures specified in this policy must comply with the relevant Acts, Legislation and Standards.

The College will not appoint or to continue to deal with Education Agents who have shown to be acting in a manner that is unlawful (either perceived or actual), either in the Education Agent's own jurisdiction or Australian Law.

6.1 Appointment of Agents

Education Agents, prior to engagement with the College, must complete a *CORP096F Education Agent Application Form*. Submission of the form to the College does not constitute confirmation of appointment as an Education Agent.

Prospective Education Agents must provide the following information:

- Provide the contact details of three (3) academic referees (or institutes that they have had prior dealings with)
- Provide official Agent Certificates from at least two education providers
- Provide proof of business registration from their country
- Provide proof of any academic qualifications or professional recognition

The above information **MUST** be in English or translated into English and be certified by a notary officer.

Reference checks will be undertaken prior to appointment as an Education Agent. It is preferred if the referees are current employees of an Australian education institute and that they have responsibility for recruiting or managing international students at their respective institutes.

College representatives may also undertake site visits of prospective Education Agents prior to appointment.

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It should be noted that the College will not enter into any agreement with a prospective Education Agent if they have found the Education Agent to have:

- Engaged in, or to have previously been engaged in, dishonest practices, including the deliberate attempt to recruit a student where this clearly conflicts with the obligations of registered providers under The National Code of Practice for Providers of Education and Training to Overseas Students 2018.
- Facilitating the enrolment of a student who the Education Agent believes will not comply with the conditions of his or her student visa;
- Using Provider Registration and International Students Management System (PRISMS) to create confirmations of enrolment for other than bona fide a student, or
- Providing immigration advice where not authorised under the *Migration Act 1958* to do so.

All prospective Education Agent's must also read and ensure that they have an understanding of the following Australian legislation but not limited to:

- http://consumerlaw.gov.au/files/2015/06/ACL_framework_overview.pdf
Education Service for Overseas Student Act 2000 (available at <https://www.legislation.gov.au/Details/C2018C00210> accessed 26/7/2018)
- Higher Education Standards Framework (Threshold Standards) 2015 (available at <https://www.legislation.gov.au/Details/F2015L01639> accessed 26/7/2018)
- Migration Act 1958 (available at <https://www.legislation.gov.au/Details/C2018C00269> accessed 26/7/2018)
- Migration Regulations 1994 (available at <https://www.legislation.gov.au/Details/F2018C00342> accessed 26/7/2018)
- Tertiary Education Quality and Standards Agency Act 2011 (available at <https://www.legislation.gov.au/Details/C2017C00271> accessed 26/7/2018)
- The National Code of Practice for Providers of Education and Training to Overseas Students 2018 (available at <https://www.legislation.gov.au/Details/F2017L01182> accessed 26/7/2018)
- Australian International Education and Training Agent Code of Ethics (available at <https://internationaleducation.gov.au/News/Latest-News/Documents/Australian%20International%20Education%20and%20Training%20-%20Agent%20Code%20of%20Ethics.pdf> accessed 31/7/2018)

Additional information is also available at:

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- Department of Home Affairs (<https://www.homeaffairs.gov.au/>)
- Department of Education and Training (<http://education.gov.au/>)
- International Education Online (<https://internationaleducation.gov.au/>)
- Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS) (<http://cricos.education.gov.au/>)

6.2 Appointment of Education Agents

The CEO / Marketing Director has authority to authorise appointment of Education Agent's and to allow that Education Agent to actively promote the College and its courses. Any such agreement will only be in place after all parties have agreed to the terms and completed the *CORP095F Education Agent Agreement*.

6.3 Listing of Agents

Once approved, Education Agents will be listed on the College's website.

6.4 Agent Agreement

Upon acceptance, the Education Agent will enter into a written agreement with the College (*CORP095F Education Agent Agreement*) specifying the responsibilities of the Education Agent and the College and the need to comply with the requirements as specified in The National Code of Practice for Providers of Education and Training to Overseas Students 2018; the *Education Service for Overseas Student Act 2000*; and the *Migration Act 1958*. The Education Agent's details will be entered into and maintained in PRISMS.

Further to this, the *CORP095F Education Agent Agreement* will also specify the following:

- The College's processes for monitoring the activities of the Education Agent in representing the College, and ensuring the Education Agent is giving students accurate and up-to-date information on the College's services;
- Any corrective action, including termination, that may be taken by the College if the Education Agent does not comply with its obligations as stated in the *CORP095F Education Agent Agreement*;
- The circumstances under which information about the Education Agent may be disclosed by the College and the Commonwealth or state or territory agencies;
- The Education Agent's responsibility to avoid conflicts of interests;
- The Education Agent's responsibility to observe appropriate levels of confidentiality and transparency in dealing with overseas students or intending overseas students;

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- The Education Agent's requirement to act honestly and in good faith, and in the best interests of the student;
- The Education Agent's 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 <https://internationaleducation.gov.au/News/Latest-News/Documents/Australian%20International%20Education%20and%20Training%20-%20Agent%20Code%20of%20Ethics.pdf> accessed 31/7/2018;
- The Education Agent's requirement to have understanding that the College will take immediate corrective action if the College 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;

The College will also ensure that the Education Agent has access to up-to-date and accurate marketing information as set out in The National Code of Practice for Providers of Education and Training to Overseas Students 2018.

Please refer to the current terms and conditions as listed on the *CORP095F Education Agent Agreement*.

6.5 Refusal to Accept Students from an Education Agent

The College must 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
- Using PRISMS to create CoEs for other than bona fide student

Monitoring of Agents

Please refer to the *CORP095F Education Agent Agreement*.

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Corrective Action for any Breach

Please refer to the *CORP095F Education Agent Agreement*.

6.6 Termination of the Agreement

Either the College or the Education Agent may terminate the agreement once a minimum of one month's notice has been provided. Any such notice must be provided in writing.

The College may also terminate any agreement with the Education Agent if the College has found that the Education Agent has:

- Where the College 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 College 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 in those practices.
- Engaged in, or to have previously been engaged in, dishonest practices, including the deliberate attempt to recruit a student where this clearly conflicts with the obligations of registered providers under The National Code of Practice for Providers of Education and Training to Overseas Students 2018 (Transfer between registered providers);
- Facilitating the enrolment of a student who the education agent believes will not comply with the conditions of his or her student visa;
- Using the *Provider Registration and International Students Management System* (PRISMS) to create confirmations of enrolment for other than bona fide a student, or
- Providing immigration advice where not authorised under the *Migration Act 1958* to do so.

7. POLICY AUTHORITY & REVIEW

The Board of Directors in consultation with the Risk Management Committee has authority to amend this policy as required.

This policy will be reviewed every three years, or earlier if deemed necessary.

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8. VERSION HISTORY

Latest version at top

Date	Version Number	Approval Authority	Comments
12/12/2018	18.02	Board of Directors	Change of company name.
2/11/2018	18.01	Board of Directors	This policy has been reviewed, revised and updated subject to the latest HESF amendments and / or related legislation and governance requirements.
20/3/2017	17.01	Corporate Governance Board	Original

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