

International Education Agents Policy and Procedure *(National Code 2018 – Standard 4)*

Purpose

TACIS will enter into a written agreement with each education agent who will recruit students on its behalf.

TACIS will also endeavour to have a written agreement with agents who act on behalf of students and list all agents it has agreements with, on its website.

Agreements will specify the responsibilities of the education agent and TACIS and the need to comply with the requirements in the National Code 2018.

TACIS will take all reasonable measures to use education agents that have an appropriate knowledge and understanding of the Australian International Education Industry and do not use education agents who are dishonest or lack integrity. TACIS has a process for monitoring the activities of the education agent allowing for the termination of contracts where necessary. TACIS will ensure that agents at all times have access to up-to-date and accurate marketing information.

Policy

TACIS will enter into a written agreement with each education agent it engages to formally represent it and enter and maintain the education agent's details in PRISMS.

The agreement will specify the responsibilities of the education agent and TACIS and the need to comply with the requirements of the National Code 2018. The agreement will also include:

- **Processes for monitoring the activities of the education agent, including where corrective action may be required, and**
- **Termination conditions, including providing for termination in circumstances outlined in Standard 4.4.**

TACIS will ensure that its education agents have access to up to date and accurate marketing information as set out in Standard 1 (Marketing information and practices).

TACIS will not accept students from an education agent or enter into an agreement with an education agent if it knows or reasonably suspects the education agent to be:

- **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 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.**
- **Use Provider Registration and International Student 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.

Where TACIS has entered into an agreement with an education agent and subsequently becomes aware of, or reasonably suspects, the engagement by that education agent, or an employee or sub-contractor of that agent, of the conduct set out in Standard 4.3, the registered provider must terminate the agreement with the education agent. This paragraph does not apply where an individual employee or sub-contractor of the education agent was responsible for the conduct set out in Standard 4.3 and the education agent has terminated the relationship with that individual employee or sub-contractor.

TACIS must take immediate corrective and preventative action upon becoming aware of an education agent being negligent, careless or incompetent or being engaged in false, misleading or unethical advertising and recruitment practices that could harm the integrity of Australian education and training.

TACIS will monitor the activity of its agents on a regular basis and may include the following: regular face-to-face meetings, telephone meetings, regular reports from agents, surveys of students recruited by agents, spot checks by providers e.g. to observe agents at work, the TACIS internal surveys of agents.

Related National Code 2018 Standard 4 – Education Agents

- 4.1 *The registered provider must enter into a written agreement with each education agent it engages to formally represent it, and enter and maintain the education agent's details in PRISMS.*
- 4.2 *The written agreement must outline:*
- 4.2.1 *the responsibilities of the registered provider, including that the registered provider is responsible at all times for compliance with the ESOS Act and National Code 2018*
 - 4.2.2 *the registered provider's requirements of the agent in representing the registered provider as outlined in Standard 4.3*
 - 4.2.3 *the registered provider's processes for monitoring the activities of the education agent in representing the provider, and ensuring the education agent is giving students accurate and up-to-date information on the registered provider's services*
 - 4.2.4 *the corrective action that may be taken by the registered provider if the education agent does not comply with its obligations under the written agreement including providing for corrective action outlined in Standard 4.4*
 - 4.2.5 *the registered provider's grounds for termination of the registered provider's written agreement with the education agent, including providing for termination in the circumstances outlined in Standard 4.5*
 - 4.2.6 *the circumstances under which information about the education agent may be disclosed by the registered provider and the Commonwealth or state or territory agencies.*
- 4.3 *A registered provider must require its education agent to:*
- 4.3.1 *declare in writing and take reasonable steps to avoid conflicts of interests with its duties as an education*

agent of the registered provider

- 4.3.2 *observe appropriate levels of confidentiality and transparency in their dealings with overseas students or intending overseas students*
- 4.3.3 *act honestly and in good faith, and in the best interests of the student*
- 4.3.4 *have appropriate knowledge and understanding of the international education system in Australia, including the Australian International Education and Training Agent Code of Ethics.*
- 4.4 *Where the registered provider 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 under standards 4.2 and 4.3, the registered provider must take immediate corrective action.*
- 4.5 *Where the registered provider 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 registered provider must 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.*
- 4.6 *The registered provider must not accept students from an education agent if it knows or reasonably suspects the education agent to be:*
 - 4.6.1 *providing migration advice, unless that education agent is authorised to do so under the Migration Act*
 - 4.6.2 *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)*
 - 4.6.3 *facilitating the enrolment of a student who the education agent believes will not comply with the conditions of his or her visa*
 - 4.6.4 *using PRISMS to create CoEs for other than bona fide students.*

Relevant documents and forms:

- **Agent's Application Form, Agent's Agreement, Agent's Monitoring Checklist, Agent's Certificate**