

# EDUCATION AGENT ENGAGEMENT AND MANAGEMENT POLICY & PROCEDURE

## Introduction

The Australian Academy of Commerce (AAC) is committed to ensuring compliance with the Education Services for Overseas Students (ESOS) Act 2000 and the ESOS National Code 2018. This policy establishes a framework for the ethical recruitment and management of education agents representing AAC, ensuring they act honestly, transparently, and in the best interests of overseas students. By maintaining a strong agent network, AAC aims to support high-quality student experiences and safeguard the integrity of the Australian international education sector.

## Purpose

The purpose of this policy and procedure is to establish clear guidelines for the engagement, management and performance monitoring of education agents engaged by AAC. This ensures effective collaboration, ethical practices and alignment with AAC's strategic goals while complying with the ESOS Act and the National Code 2018.

## Scope

This policy applies to all education agents engaged by AAC, both onshore and offshore. It also governs AAC staff involved in agent recruitment, management and commission processing. It defines:

- Appointment process and contractual obligations.
- Ongoing monitoring and compliance requirements.
- Corrective actions for non-compliance.

## Policy Statement

AAC recognises the significant role that education agents play in student recruitment and engagement. AAC is committed to working with agents who uphold the highest professional standards, comply with regulatory requirements and support student success. AAC will appoint Agents to be non-exclusive representatives and to perform the services for the terms set out in an agreement referred to as Agent Agreement. Each Agreement will be a non-exclusive Agreement and the Agent acknowledges that AAC may appoint other representatives as it so chooses.

AAC is committed to working only with reputable and ethical education agents who act honestly and in the best interests of students. All education agents must adhere to the ESOS Act, the Migration Act 1958, the National Code 2018, and the Australian International Education and Training Agent Code of Ethics.

AAC will:

- Appoint agents through a formal Agent Agreement.
- Provide education agents with accurate and up-to-date information.
- Ensure agents comply with all regulatory and legal obligations.
- Conduct regular monitoring and performance reviews.

Agents who fail to meet AAC's expectations may be subject to corrective action, suspension or termination of their agreements.

## Definitions

<b>Education Agent</b>	An individual or organisation engaged by AAC to recruit or assist in the recruitment of overseas students, in accordance with the ESOS Act 2000 and the National Code 2018. <i>(Also referred to as “agent” for brevity within this policy.)</i>
<b>Agent Agreement</b>	A legally binding contract between AAC and the agent outlining roles, responsibilities and compliance expectations.
<b>Commission</b>	Financial incentive paid to agents based on student enrolments.
<b>CRICOS</b>	The Commonwealth Register of Institutions and Courses for Overseas Students.
<b>ELICOS</b>	English Language Intensive Courses for Overseas Students
<b>ESOS</b>	Education Services for Overseas Students
<b>ESOS Act</b>	The Education Services for Overseas Students Act 2000, which regulates the education and training services delivered to international students on student visas in Australia.
<b>Genuine Temporary Entrant (GTE)</b>	A requirement that international students must have a genuine intention to enter Australia temporarily for study purposes only.
<b>National Code</b>	The National Code of Practice for Providers of Education and Training to Overseas Students 2018, which sets standards for registered education providers.
<b>Non-Progressing Student</b>	A student identified as not meeting academic progression standards.
<b>Genuine Temporary Entrant (GTE)</b>	A requirement that international students must have a genuine intention to enter Australia temporarily for study purposes only.
<b>Price Ceiling</b>	The maximum allowable incentive above the standard commission rate.
<b>PRISMS</b>	The Provider Registration and International Student Management System used to issue electronic Confirmations of Enrolment (eCoEs)
<b>VET</b>	Vocational Education and Training, a sector of education providing practical and skills-based training.

## References

- Compliance Requirements; Part 2 – Division 1, Clause 7 & Part 2 – Division 3, Clause 17
- ELICOS Standards 2018
- ESOS Act 2000
- ESOS National Code 2018; Specifically, Standard 4

- Migration Act 1958
- Standards for RTOs 2025; Quality Area 2 – VET Student Support, Outcome Standards 2.1 - 2.2

## Agent Engagement and Management Procedure

### 1. Agent Recruitment and Engagement

AAC is committed to engaging only those education agents who demonstrate integrity, professionalism and adherence to regulatory requirements. Agents interested in representing AAC must submit a formal application, which includes business registration documents, references and proof of compliance with Australian education regulations, such as Qualified Education Agent Counsellor (QEAC).

AAC conducts a due diligence process before appointing an agent, which includes verifying the agent's business operations, past performance, and market reputation. The assessment process includes an interview and review of any past compliance issues. Upon successful completion of the evaluation, agents will be offered a formal agreement that outlines expectations, commission structures and compliance requirements.

Once appointed, all agents must undergo an induction program to familiarise themselves with AAC's policies, courses and compliance obligations. Training will be conducted periodically to ensure compliance and competency.

### 2. Approval and Cancellation of Agent Agreements

AAC will enter into a written agreement with each education agent it engages to formally represent it. The CEO is responsible for approving and/or cancelling agent agreements, with the Student Services Officer acting as the primary communication channel between AAC and agents. The CEO must ensure agents provide all necessary documents and references before approving agreements. All agent agreements must be maintained in PRISMS and a list of active agents published on AAC's website.

#### Agent Approval Process:

1. The prospective agent submits an application to the Student Services Officer (SSO).
2. The SSO will review the application and request a company profile and references from at least two Registered Training Organisations (RTOs).
3. Upon receipt of the required documents, the CEO decides whether to accept or refuse the application. If refused, the agent will be notified in writing with reasons for the decision.
4. If approved, the Compliance Officer creates an Active Agent in PRISMS and prepares the Agent Agreement.
5. The CEO signs the agreement, which is then sent to the agent for signature.
6. Upon receiving the signed agreement, the Compliance Officer saves it in the appropriate folder, updates PRISMS, and activates the agent.
7. The Agent Details will be published on the AAC Website.

### 3. Agent Responsibilities

All agents must comply with relevant legislation and standards, including the *Migration Act 1958*, the *Education Services for Overseas Students (ESOS) Act 2000*, and the *National Code of Practice for Providers of Education and Training to Overseas Students 2018 (National Code)*.

AAC also requires that agents act in accordance with the Australian International Education and Training Agent Code of Ethics, and to always act in the best interests of students.

Education agents engaged by AAC are expected to provide accurate and ethical representation of AAC's courses. They must:

- Provide prospective students with truthful and transparent information.
- Provide original documentation containing verifiable test identifiers and dates
- Adhere to ESOS Act, National Code, and other relevant legislation.
- Ensure that students recruited meet genuine temporary entrant requirements and have the necessary academic background.
- Maintain regular communication with AAC regarding student applications and enrolments.
- Declare any actual or potential conflicts, including financial or personal relationships that could improperly influence their conduct.
- Not charge students service fees for services already covered under their agreement with AAC.

Agents must only use AAC-approved marketing materials when promoting AAC's courses. They must not develop or distribute their own materials without prior written approval. This ensures all information provided to prospective students is accurate, consistent and compliant with regulatory requirements.

### Prohibited Practices

The following practices are strictly prohibited and may result in immediate termination of an agent agreement:

- Providing immigration advice unless registered as a migration agent
- Making false or misleading claims about visa success rates
- Using PRISMS without authorisation from AAC
- Signing or submitting documents on behalf of students
- Accepting or processing student tuition fees
- Making comparisons with other providers that are misleading or untrue
- Submitting incomplete or falsified documentation
- Alter, substitute, reuse, or submit English language test evidence on behalf of students
- Encouraging students to transfer from other CRICOS providers in breach of visa conditions
- Making unauthorised commitments or representations on behalf of AAC
- Agents are not permitted to access PRISMS. Only AAC-authorised personnel may input or update student information in PRISMS.

### Application Offer and Process Requirements

Agents must:

- Ensure only signed and completed applications with required documentation are submitted
- Submit applications with all relevant fees and identification documents
- Provide offer letters or documents to prospective students within **48 hours** of receiving them from AAC

## 4. Agent Performance and Monitoring

All agency agreements will be subject to an annual review. The Compliance Officer will review agent agreements prior to their anniversary date, and the decision to renew will be based on the review outcome in consultation with AAC's CEO.

Agents will be categorised into two groups:

1. Agents who have recruited no students in the past year and consequently have no enrolments,
2. Agents who have recruited within the past two years have active enrolments,

Agents with enrolment will be reviewed based on, but not limited to, the following factors:

- Evidence collected throughout the agreement period.
- Number of student enquiries received from the specific agent.
- Number of students enrolling through the agent.
- Number of students dissatisfied with the agent's services.
- Student academic performance, including course completion rate and compliance with visa.
- Warning notices issued to the agent.
- Visa grant and refusal rates based on the Department of Home Affairs (DHA) data.

Agent performance reviews may consider integrity indicators, including the quality and authenticity of student documentation submitted.

Based on the review, the CEO may:

- Renew the agreement if performance is satisfactory.
- Implement corrective actions or preventative measures.
- Terminate the agreement due to non-compliance or poor performance.

Agents who are not renewed will be removed from PRISMS and AAC's website.

AAC maintains an internal Agent Register that records all current and previous agents, dates of engagement, and the status of each agreement. This Register is updated by the Compliance Officer and cross-referenced against PRISMS and the AAC website to ensure consistency.

## **5. Renewal of Agreement**

Agents who meet AAC's performance and compliance requirements will be issued a new agent agreement for a two-year term.

## **6. Corrective and Preventative Action**

If as a result on ongoing monitoring or as the result of the agreement renewal review, AAC has concerns about the performance of an educational agent, corrective or preventive actions may be implemented. AAC will take immediate corrective action upon discovering that an agent has been negligent, careless or engaged in false, misleading or unethical advertising and recruitment processes.

Correction Actions may include:

- Providing additional training or updated materials.
- Issuing a formal warning letter.
- Requiring the agent to attend a compliance meeting to discuss the concerns.
- Closer monitoring of the agent's performance and student outcomes.

If the issue persists, AAC may terminate the agent agreement and report non-compliant agents to relevant authorities.

Preventative Actions may include:

- Periodic training sessions for agents on compliance and ethical recruitment.

- Ongoing monitoring of marketing materials to ensure accurate representation of AAC's programs.
- Regular updates to agents regarding policy and regulatory changes.

Agents who fail to comply with corrective and preventative actions will have their agreements cancelled.

AAC's Compliance Officer provides annual reports the CEO on agent recruitment, performance and any compliance issues. Including:

- Number of student inquiries received via agents.
- Number of student enrolments by course and country of origin.
- Number of students expressing dissatisfaction with agent services.
- Visa grant and refusal rates for students recruited by agents.

## 7. Agent Cancellation

AAC reserves the right to immediately terminate an agent agreement if the agent, an employee, or a subcontractor is found to be engaging in false or misleading recruitment practices or failing to act in the best interest of students. The cancellation process follows these steps:

1. AAC identifies an agent is not complying with their obligation under the **AAC Agent Agreement**.
2. The Student Services Officer notifies the agent in writing of the termination, providing the reason for decision.
3. The agent is removed from **AAC's Active Agents** list and moved to the inactive agent's folder.
4. The Compliance Officer documents the termination process.

## Procedure Summary Table

This procedure outlines the step-by-step process for managing education agents at AAC. It ensures compliance with the Standards for RTOs 2025, the ESOS Act, and the National Code 2018, and maintains ethical and transparent engagement with education agents.

### Recruitment of Education Agent

Step	Action	Person Responsible
<b>1. Application Form</b>	Assess the agent's profile upon receiving a completed Education Agent Application Form.	Compliance Officer
<b>2. Reference Check</b>	Conduct a reference check upon receiving the agent's application.	
<b>3. Agent Agreement</b>	If approved, both parties sign an Agent Agreement.	
<b>4. Marketing Materials</b>	Provide the newly appointed agent with marketing materials.	
<b>5. Agent Induction</b>	Conduct an induction covering: <ul style="list-style-type: none"> <li>• Agent responsibilities</li> <li>• Summary of obligations under the Agent Agreement</li> <li>• Overview of the ESOS Act and National Code</li> </ul>	



	<ul style="list-style-type: none"> <li>• Australian International Education and Training Agent Code of Ethics</li> <li>• Explanation of AAC's monitoring process and schedule</li> </ul>	
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## Maintaining an Accurate Record of Education Agents

Step	Action	Person Responsible
<b>1. Maintain Agent Register</b>	Maintain a register of current and past education agents, including agreement details.	Compliance Officer
<b>2. PRISMS and ASQA Updates</b>	Ensure agent details are correctly recorded in PRISMS and ASQA.	
<b>3. Website Updates</b>	Maintain an up-to-date list of agents on the AAC website.	
<b>4. Compliance Review</b>	Conduct periodic reviews of PRISMS and website agent details.	
<b>5. Website and Social Media Review</b>	Review agents' websites, social media, and marketing materials using the Marketing Information Checklist.	Compliance Officer / Marketing Manager
<b>6. Timely Updates</b>	Update the website within 1 business day of: <ul style="list-style-type: none"> <li>• New agent agreements signed and approved in PRISMS</li> <li>• Termination of an agent and PRISMS record updates</li> </ul>	

## Assignment and Sub-contracting

Step	Action	Person Responsible
<b>1. Approval for Sub-contracting</b>	Agents must not assign their agreement or obligations without prior written consent from ACC.	Compliance Officer
<b>2. Responsibility for Obligations</b>	Even with sub-contracting approval, the agent remains fully liable for their obligations.	

## Monitoring Education Agents

Step	Action	Person Responsible
<b>1. Annual Agent Review</b>	Conduct a review every 12 months using the Education Agent Performance Review Checklist. Meetings must be held via video or teleconference.	Compliance Officer
<b>2. Student Feedback</b>	Collect feedback from students regarding their agent's recruitment experience using the Recruitment Experience Questionnaire.	

<b>3. Compliance Checks</b>	Ensure agent activities align with contractual obligations and Australian regulations.
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### Disclosing Information About Agents

Step	Action	Person Responsible
<b>Reporting Concerns</b>	<p>AAC may disclose agent information to regulatory bodies if:</p> <ul style="list-style-type: none"> <li>The agent is suspected of negligence, incompetence, or unethical conduct.</li> <li>A written request is received from Commonwealth or State agencies.</li> <li>A regulatory audit or compliance check requires disclosure.</li> </ul>	AAC representative

### Corrective Action

Step	Action	Person Responsible
<b>1. Investigation</b>	If an agent is suspected of misconduct, AAC will investigate the matter.	Compliance Officer / CEO
<b>2. Corrective Actions for Minor Breach</b>	<p>If the issue is not serious misconduct, AAC may:</p> <ul style="list-style-type: none"> <li>Provide remote performance counselling.</li> <li>Require the agent to attend on-shore training.</li> <li>Require completion of the AEI online Agent Training Course</li> </ul>	
<b>3. Termination for Serious Breaches</b>	If misconduct involves negligence, unethical conduct, or breaches of contract, AAC will terminate the agreement immediately	

### Termination of Agent Agreement

Step	Action	Person Responsible
<b>1. Notice Period for Voluntary Termination</b>	Either party may terminate the agreement with 30 days' written notice.	Compliance Officer / CEO or Agent





<b>2.Immediate Termination for Breaches</b>	If the agent is found to have engaged in: <ul style="list-style-type: none"><li>• False or misleading advertising</li><li>• Unethical recruitment practices</li><li>• Misuse of PRISMS</li><li>• Fraudulent visa application assistance</li><li>• Failure to comply with ESOS Act regulations</li></ul> The agreement will be terminated immediately.	
<b>3. Obligations After Termination</b>	<ul style="list-style-type: none"><li>• Upon termination, the agent must:</li><li>• Submit all outstanding applications and fees.</li><li>• Cease using AAC branding and materials.</li><li>• Return all promotional materials within 30 days</li></ul>	

## Dispute Resolution and Mediation

Step	Action	Person Responsible
<b>1. Internal Complaints Process</b>	Agents can raise disputes via AAC's Complaints and Appeals Policy.	Compliance Officer
<b>2. External Legal Action</b>	If unresolved, either party may seek resolution through the courts of New South Wales.	

## Documenting and Record-Keeping

Step	Action	Person Responsible
<b>1. Retention of Agent Records</b>	Maintain all education agent records for 2 years after the cessation of studies.	Compliance Officer
<b>2. Compliance with Policies</b>	Ensure records align with: <ul style="list-style-type: none"><li>• Legislative Requirements Policy</li><li>• Records Retention and Management Policy</li><li>• Reporting Obligations Policy</li></ul>	

## Roles and Responsibilities

Role	Responsibility
<b>CEO</b>	Approves and/or cancels agent agreements. Ensures compliance with ESOS Act and National Code. Makes final decisions on agent renewals, terminations, and corrective actions.
<b>Compliance Officer</b>	Monitor agent compliance, conduct annual performance reviews, update PRISMS, and ensures adherence to agent agreements. Oversees corrective and preventative actions.
<b>Director of Studies VET / Director of Studies ELICOS</b>	Ensures agents provide accurate information about AAC's courses and compliance with visa and academic progression requirements. Provides feedback on student progression rates.

<b>Student Services Officer (SSO)</b>	Acts as the main communication channel between AAC and agents. Assists in agent recruitment, agreement processing, and commission verification. Handles enquiries from agents and students.
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## Monitoring and Review

The Agent Engagement and Management policy is reviewed every two years, or sooner if required, to ensure alignment with legislative changes and best practices. Findings from the review are documented, and action plans are developed to address any gaps.

Feedback will be collated and analysed and discussed at the Audit and Risk meetings, for noting or action with any necessary changes documented in a Continuous Improvement Form and in the Continuous Improvement Register.

## Version Control

Version	Date	Description	Approved by	Approval date	Author	Review date
V1.0	Jan 2024	New policy for AAC. Formerly Approval and Cancellation of Agent Agreement Policy and Commission Structure and Commission Claiming Policy and Procedure	CEO	Jan 2024	Compliance Officer	Jan 2025
V2.0	July 2025	Updated reference to Standards for RTOs 2025, added in procedure summary tables.	CEO	28 July 2025	Compliance Officer	July 2027
V2.1	Dec 2025	Updated definition of Education Agent under ESOS amendments and increased provider accountability for agent-supplied evidence.	CEO	13 Jan 2026	Compliance Officer	Dec 2027

## Policy and Document Information

<b>Author:</b>	Compliance Team
<b>Policy owner:</b>	Compliance Officer
<b>Approved by:</b>	CEO
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