

## International Education Agent Management Procedures

### 1. COMPLIANCE OBLIGATION SUPPORTED

[Education Services for Overseas Students Act 2000 \(Cth\)](#)

[National Code 2018](#)

[Higher Education Standards Framework 2021](#)

[Migration Act 1958](#)

[Migration Regulations 1994](#)

### 2. PROCEDURAL DETAILS

2.1. This procedure details the selection, appointment, management, and termination of the relationship between Curtin University and education agents in compliance with the [Education Services for Overseas Students Act 2000](#) (ESOS Act) and [National Code of Practice for Providers of Education and Training to Overseas Students 2018](#) (National Code 2018), the [Higher Education Standards Framework 2021 \(Threshold Standards\)](#) (HESF), [Migration Act 1958](#), [Migration Regulations 1994](#) and the Department of Home Affairs.

2.2. The Global Curtin Recruitment team (Recruitment team) is responsible for recruitment, product training and maintaining relationships with education agents.

2.3. The Global Curtin International Compliance team (Compliance team) is responsible for education agent management including selection, appointment, induction, monitoring, payment of commission, termination, contract management and record keeping.

#### 2.4. Selection and Appointment of education agents

2.4.1. The University identifies the need for education agents using informative data sources and based on the University recruitment strategies.

2.4.2. The Recruitment and Compliance teams will assess education agent applications against established selection criteria, (including conflicts of interests and subcontractor relationships). A minimum of 2 reference checks are conducted by the Compliance Team with CRICOS-registered providers (such as a university or TAFE). Where the education agent has not worked with an Australian provider, the agency will be required to nominate referees from reputable international institutions/ agencies.

2.4.3. The Recruitment and Compliance teams will require education agents to declare in writing any potential conflict of interest in relation to their work for the University as part of the application process; and advise the education agents that they must take reasonable steps to avoid any conflict of interest at any point in their engagement with the University.

2.4.4. The Recruitment and Compliance teams will ensure education agents provide a list of subcontractors that they work with as part of the application process.

2.4.5. The Compliance team will maintain a list of subcontractors flagged for non-compliance. The Manager, International Compliance or Deputy Director, Global Student Recruitment may add a condition to an education agent's agreement, precluding them from working with flagged subcontractors.

#### 2.5. Approval of education agents

2.5.1. Recommendations for approval of education agent appointments will be submitted to International Compliance Manager and Deputy Director Global Student Recruitment, who will consider and may recommend to the Director Global Curtin, who will consider and may approve the appointment.

2.5.2. The following may be grounds for not approving an education agent appointment:

- (a) Poor feedback provided from referees regarding the education agent's compliance performance;
  - (b) Poor conversion rate from application to offer and offer to admittance as per referees feedback; or
  - (c) High visa refusal numbers based on feedback from referees.
- 2.5.3. The Compliance team will notify the Regional Recruitment Manager and the education agent of the outcome of their application within 10 working days of approved appointment.
- 2.5.4. Legal Services will approve the template for agreements between education agents and the University. Individual education agent agreements will be prepared by the Compliance team and only returned to Legal Services for review if changes are required to the template. The agreement will contain all the requirements as outlined in the ESOS Act and National Code 2018 (Standard 4).
- 2.5.5. The Deputy Vice Chancellor Global Curtin will sign education agent agreements on behalf of the University.
- 2.5.6. The Agent Compliance Officer will require education agents to return the signed agreements with all requisite information. Education agents will be considered formally engaged based on the commencement date on the education agent agreement.
- 2.5.7. The Compliance team will manage education agent details on the following systems:
- (a) Student One – External Organization Code; and
  - (b) PRISMS Database Ascent One Agent Database.

## 2.6. Agent Induction & Training

- 2.6.1. Regional Recruitment Managers will arrange and provide product training within the first 6 months of education agents signing the agent agreement and will evaluate each training program for quality assurance and continuous improvement.
- 2.6.2. The Compliance team will provide education agents with a comprehensive agent induction outlining ESOS Act and National Code 2018 requirements, agent management responsibilities, and Curtin monitoring and agent review processes.
- 2.6.3. All education agents' contract, documentation, communication, and training will be stored in J Drive, CiAnywhere, Ascent One and managed by the Agent Compliance Officer, in accordance with the [Information Management Procedures](#).
- 2.6.4. Each year education agents will be required to complete an audit form and as part of the audit form, the agency will be asked if all staff have undertaken ESOS training otherwise the agency will attend training organised by the Compliance team.
- 2.6.5. The Agent Compliance Officer will set reminders in the University's contract register to ensure education agents undertake ESOS refresher training at least every 3 years.

## 2.7. Monitoring of Agents

- 2.7.1. Regional Recruitment Managers will collaborate with relevant Faculty staff to coordinate visits to education agents, which will coincide with promotional events both overseas and in Australia.
- 2.7.2. Education agents may only undertake promotional and marketing activities that are approved by the Regional Recruitment Managers.
- 2.7.3. The Regional Recruitment Managers will monitor education agents' conduct and performance as outlined in [the Agent Management Process](#); and ensure that they fulfill the following conditions:
- (a) Only conduct promotional and marketing activities that are approved by the Regional Recruitment Managers;

- (b) Observe appropriate levels of confidentiality and transparency when dealing with international students;
- (c) Act honestly and in good faith, and in the best interests of the students;
- (d) Possess appropriate knowledge and understanding of the international education system in Australia, as well as the relevant legislation and codes that pertain to their activities and operations, including the Australian International Education and Training Agent Code of Ethics and any applicable foreign legislation;
- (e) Meet agreed-upon recruitment targets and other performance indicators;
- (f) Not subcontract to another person or entity without prior approval from the Compliance team; and
- (g) Maintain responsibility for all obligations under their agreement with the University.

## 2.8. Agent Review and Remedial Action

- 2.8.1. The Compliance team and Recruitment team will conduct an annual review of all approved and contracted education agents. The reviews will commence in November and cover the preceding 12 months. Each education agent's performance will be reviewed against the requirements of their agent agreement, their compliance with legislative requirements and aspects of performance as outlined in section 2.7 (Monitoring of Agents).
- 2.8.2. Regional Recruitment Managers will provide contracted education agents with information related to annual performance expectations that are related to both: (i) items covered in section 2.7 (Monitoring Agents); and (ii) any other key attributes identified by the Director, Global Curtin for the review period. This information will be provided at least six months ahead of the annual review occurring.
- 2.8.3. Once the review has been completed, the International Compliance Manager, or nominated staff, will provide the review outcomes and recommended plan of action to the Director, Global Curtin. Where the review determines that the education agent's performance is unsatisfactory, the following actions may be applied:
  - (a) Require the education agent to take certain corrective actions to rectify the issues within a stated timeframe (which may or may not be referred to as probation); or
  - (b) Take action for a breach of the agent agreement.
- 2.8.4. Where the review determines that the education agent's performance is unsatisfactory, the responsible Regional Recruitment Manager may arrange a meeting with the education agent to address the performance issues and collaborate on finding solutions.
- 2.8.5. The Regional Recruitment Managers will provide their assigned education agents with the outcomes of their review. Education agents whose performance is unsatisfactory may be subject to one or more of the following corrective actions or actions for a breach of the agent agreement:
  - (a) Undertake and complete professional development/training specified by the University;
  - (b) Additional monitoring of the education agent;
  - (c) Restriction of recruitment activities through a suspension of some or all of the services to be provided under the agent agreement;
  - (d) Terminate their agreement with a sub-agent in relation to the services being provided under the agent agreement;
  - (e) Require the education agent to terminate its relationship with an employee of the education agent, where the education agent can do so lawfully; or
  - (f) Termination of the agent agreement.

- 2.8.6. In addition to the annual reviews, the following matters are likely to prompt an ad-hoc review of an education agent by the Compliance team:
- (a) Student complaints;
  - (b) Low student satisfaction survey results;
  - (c) Multiple release/withdrawal requests from students recruited by the education agent;
  - (d) Additional monitoring during probational periods where education agent performance was previously not satisfactory; or
  - (e) Being provided with a warning letter.
- 2.8.7. Individuals, including education agents, will report immediately to Director Global Curtin and International Compliance Manager:
- (a) any breach of conditions in an agreement by the education agent or subcontractor; or
  - (b) any action that threatens the University's compliance with laws and regulations governing the University (including the ESOS Act and National Code 2018).
- 2.8.8. The Director Global Curtin and International Compliance Manager will investigate the breach in consultation with the Deputy Director, Global Student Recruitment, and will take any action necessary to manage the associated risks. This may include suspension of the education agent's recruitment activities pending the outcome of the investigation.
- 2.8.9. Subject to any exception contained in the National Code 2018, if Curtin 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, Curtin is required under the National Code 2018 to immediately:
- (a) terminate the agent agreement; or
  - (b) require the education agent to terminate its relationship with the employee or subcontractor who engaged in those practices.
- 2.8.10. Where an action that threatens the University's compliance with laws and regulations governing the University (per section 2.9.1) is confirmed, the Director, Global Curtin or authorised nominee will make necessary notifications as required under the relevant laws and regulations and the University's [Compliance Procedures](#).

## 2.9. Termination of Agent

- 2.9.1. The Director, Global Curtin may terminate or suspend at any time the agent agreement per the agent agreement or require the agent to terminate its relationship with the employee/sub-contractor in relation to the services being provided under the agent agreement where the University becomes aware, or has reason to believe, the education agent or a subcontractor of the education agent has breached the agent agreement or is engaging in false or misleading recruitment practices, including breaching the ESOS Act.
- 2.9.2. All documentation related to the termination process will be retained in J Drive.
- 2.9.3. Once the termination process has been finalised, the Agent Compliance Officer will promptly remove the education agent details from the University's webpages, PRISMS, student management systems, Curtin promotional material, Ascent One Easy Agent publisher and changes will be communicated to all key University stakeholders.

## 2.10. Staff Training

- 2.10.1. Regional Recruitment Managers and Regional Support Providers, both onshore and offshore, will complete the University's Work Essential training for staff, and

the ESOS Framework Awareness Training as per the National Code 2018 Standard 6, and will complete refresher training at least every three years.

- 2.10.2. Staff training will be recorded in the University's Learning Management System (iPerform) and users will be sent a reminder via the system to undertake refresher training.

### 3. SCOPE OF PROCEDURES

This procedure applies to:

- 3.1. International education agents appointed by Curtin University to recruit students for study at an Australian campus.
- 3.2. All University staff involved in the recruitment, management, and review of education agents.

### 4. DEFINITIONS

(Note: Commonly defined terms are located in the [Curtin Common Definitions](#). Any defined terms below are specific to this document)

#### **Agent agreement**

The written agreement which Curtin enters with each education agent it engages to formally represent Curtin.

#### **CRICOS**

Commonwealth Register of Institutions and Course for Overseas Students.

#### **Education agent**

A person or organisation (in or outside of Australia) who recruits international students and refers them to education providers.

#### **International students**

A student from overseas studying a CRICOS registered course in Australia on a subclass 500 student visa.

#### **PRISMS**

Provider Registration and International Student Management Systems

#### **Subcontractor**

A person or organisation engaged by a contracted education agent to perform obligations under the education agent's agent agreement with Curtin University.

### 5. RELATED DOCUMENTS/LINKS/FORMS

#### **Internal**

[International Marketing Procedures](#)

[Information Management Procedures](#)

[Compliance Procedures](#)

Agent Management Process (forthcoming)

#### **External**

[Education Services for Overseas Students Act 20000 \(Cth\) \(ESOS Act\)](#)

[National Code of Practice for Providers of Education and Training to Overseas Students \(National Code 2018\)](#)

[Higher Education Standards Framework \(Threshold Standards 2021\)](#)

[Migration Act 1958 \(Cth\)](#)

[Migration Regulations 1994](#)

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