



6. Agent Appointment, Monitoring, and Termination Policy

Purpose	Sets out the Institute's approach to appointing Agents.
Location	The policy is maintained on owncloud (original: Pvdio)- http://cloud.ee.edu.au/owncloud
Responsible executive	CEO
Responsible office	CEO's Office
Effective date	30 November 2016
Review date	30 November 2019, 30 November 2021, 30 November 2023, 30 November 2025
Modification history	No pre-existing policy
Related documents	No related policies or plans
Authority	Approved by Council

1. Purpose

This policy aims to ensure that the actions of its appointed Agents are ethical and comply with the Institute's obligations under the:

- ESOS ACT;
- ESOS Regulations;
- National Code;
- Migration Act; and
- Migration Regulations.

2. Scope

This Policy applies to all agents of the Institute.

3. Principles

3.1 Agent Appointment:

- 3.1.1 The Institute will only appoint agents whose company is registered in the relevant country, state or province and if relevant in Australia.
- 3.1.2 All appointed Agents must apply to become an official agent for the Institute and have an Agent Reference Check completed by the Marketing Department.
- 3.1.3 Once *Agent Reference Check* has been completed, the Agent is reassessed to determine if suitable to appoint.
- 3.1.4 The Agent must sign Agent Agreement with the Institute.

3.2 Agent Monitoring

- 3.2.1 The Institute will conduct an annual audit to review the agents' performance and compliance. The Institute's Marketing Department will consider the performance of the Agent to decide whether to:



- Maintain the Agent's appointment;
- Appoint the Agent for a further period subject to certain conditions; or
- Terminate the Agent's appointment in Accordance with Termination of an Agent within this Procedure.

3.2.2 For the annual audit of the Agent's performance, the Marketing Officers will consider:

- The Agent's compliance with the Agent Agreement and any conditions placed on the Agent by the Institute;
- The number of students the Agent has recruited and the proportion of:
 - Student applications to Institute offers; and
 - Institute offers to actual enrolments of students;
 - Student's completion in accordance with scheduled course duration.
- The reasons why applications from potential Students did not proceed to student enrolment status;
- The number of student visa refusals for students recruited by the agent;
- Any feedback or information from students or third parties regarding the agent;
- The quality, accuracy and currency of information and advice provided by the Agent to Students; and
- The quality of the appointment as assessed by the Institute.

3.2.3 If following completion of the Agent audit of an existing agreement, the Institute is satisfied that the Agent has not engaged in unprofessional conduct, a new Agent Agreement may be offered to the agent.

3.2.4 The new Agent Agreement is to be updated to include any new Department of Home Affairs (DHA), Department of Education, Department of Employment and Workplace Relations (DEWR) and Institute's policy and requirements.

3.3 Termination of an Agent

3.3.1 If the Marketing Officer believes or suspects that an Agent has engaged in unprofessional conduct, the Manager may send a warning letter to the Agent.

3.3.2 The Agent must provide a written response within 10 business days from when the letter was dated. An extension of time to provide a response may be provided at the discretion of the Marketing Manager.

3.3.3 After 10 business days from when the letter was dated, or after the expiration of an extension period as may have been granted, the Marketing Manager may consider the Agent's performance in light of:

- The response of the Agent to the letter referred to above;
- Whether the Agent engaged in Unprofessional Conduct; and
- The considerations contained in the Agent Audit.



3.3.4 After considering the Agent's conduct and performance, the Marketing Manager may:

- Require the Agent to undertake further training;
- Maintain the Agent's appointment;
- Warn the Agent;
- Suspend the Agent's appointment;
- Maintain the Agent's appointment subject to certain conditions; or
- Terminate the Agent's appointment immediately.

3.3.5 The Marketing Manager must terminate the appointment of an Agent if he or she knows or reasonably suspects the Agent may have been engaged in Unprofessional Conduct.

3.3.6 If the Marketing Manager decides to terminate an Agent's appointment, he/she should:

- Write to the Agent to advise that his or her appointment has been terminated using the Agent Termination letter;
- Notify the Institute's Administration Office of the termination of the Agent and advise staff that no further applications are to be accepted from the Agent.

4. Legislative Context

- Education Services for Overseas Students Act 2000.
- Education Services for Overseas Students Regulations 2019.
- Education Services for Overseas Students (Registration Charges) Act 1997.
- National Code of Practice for Providers of Education and Training to Overseas Students 2018 (The National Code).
- The Education Services for Overseas Students (TPS Levies) Act 2012
- Education Services for Overseas Students (Calculation of Refund) Specification 2014
- The Migration Act 1958.
- The Migration Regulations 1994.