

Agent Appointment and Management Procedure

1 Purpose & Objective

- 1.1 The purpose of this procedure is to clearly articulate the process for appointing and managing agents of IIBITEG.
- 1.2 The objective of the procedure is to ensure compliance with the various agent management standards covering tertiary education provision in Australia, to maintain the quality of information provided to prospective students via agents and to ensure that agent appointment and conduct align with IIBITEG's market strategy.

2 Scope

- 2.1 This procedure applies to all entities governed by IIBITEG in Australia.

3 Procedure: Agent Agreements

- 3.1 The Senior General Manager (Operations) is responsible for ensuring that IIBITEG's contract or agreement with agents includes the following provisions:
 - a) the responsibilities of IIBITEG;
 - b) IIBITEG's processes for monitoring the activities of the agent in representing IIBITEG, and ensuring the agent is giving students accurate and up-to-date information on the registered provider's services;
 - c) the corrective action that may be taken by IIBITEG if the agent does not comply with its obligations under the written agreement, including providing for corrective action;
 - d) IIBITEG's grounds for termination of the written agreement with the agent;
 - e) the circumstances under which information about the education agent may be disclosed by the registered provider and the Commonwealth or state or territory agencies;
 - f) the requirement for the agent to:
 - declare in writing and take reasonable steps to avoid conflicts of interests with its duties as an agent of IIBITEG;
 - observe appropriate levels of confidentiality and transparency in their dealings with overseas students or prospective overseas students;
 - act honestly, in good faith, and in the best interests of the student;
 - have appropriate knowledge and understanding of the international education system in Australia, including the [Australian International Education and Training Agent Code of Ethics](#).
- 3.2 IIBITEG's grounds for termination of the agent agreement with the agent include:
 - a) the agent is engaging in false or misleading recruitment practices;

- b) the employee or subcontractor of the agent is engaging in false or misleading recruitment practices, and the agent does not act to terminate its relationship with the employee or subcontractor who engaged in those practices;
- c) the agent is providing migration advice, unless that education agent is authorised to do so under the Migration Act;
- d) the agent is found to have made a deliberate attempt to recruit a student where this clearly conflicts with the obligations of registered providers under Standard 7 (Overseas student transfers)
- e) the agent is using PRISMS to create CoEs for other than bona fide students;
- f) the agent is not meeting agreed performance measures;
- g) the agent does not respond to a request for information pertaining to an allegation of misconduct.

4 Appointment of Agents

- 4.1 IIBITEG may strategically approach prospective agents and invite them to become an agent of IIBITEG or prospective agents may approach IIBITEG direct.
- 4.2 The Director, Operations/CEO and the Senior General Manager (Operations) are the only members of staff authorised to directly approach prospective agents.
- 4.3 Where a prospective agent is interested in representing IIBITEG an Approved Agent Application form is sent to the prospective agent by the Department of Marketing.
- 4.4 Prospective agents are required to complete the form and return it with the following documentation:
 - a) company profile;
 - b) Business Registration Certificate; and
 - c) details of at least two independent referees.
- 4.5 Incomplete forms will not be accepted for processing.
- 4.6 If following review the documentation listed in clause 4.4 a prospective agent is deemed provisionally appointable, an agent reference check will be conducted by the Department of Marketing by contacting the referees nominated by the prospective agent and / or other sources deemed by IIBIT to be appropriate.
- 4.7 Referees are required to complete an Agent Reference Check form and return it to the Department of Marketing.
- 4.8 In cases where a referee declines to complete the Agent Reference Check in writing or referees are unable to complete it (e.g. travelling, policy of organisation concerned) two options are available the Department of Marketing may:
 - a) telephone the referee and complete the form on their behalf with a verification signature from the Department of Marketing staff carrying out the referee contact.
 - b) provide a supporting statement documenting the reasons why the prospective

agent may still be appointable (e.g. office visit, recommendation from third party provider).

- 4.9 Applicants must receive a minimum of two satisfactory references in order to be appointable.
- 4.10 Once the agent reference check has been completed, the Department of Marketing staff will assess the application to recommend to the Senior General Manager (Operations) whether the agent is suitable to appoint.
- 4.11 The Senior General Manager (Operations) is responsible for making a decision on appointment and approves the notification letter to the applicant.
- 4.12 A copy of the Agent Agreement will be sent by courier/electronically to the Head Office of the Agent by the Department of Marketing.
- 4.13 The agent will return a signed copy of the agreement to the Department of Marketing.

5 Procedure: Updating Agents

- 5.1 All agents will receive an electronic copy of IIBITEG's periodic 'International Education Agent Newsletter'. The purpose of this newsletter is to keep agents briefed on program and course changes, news from IIBITEG, intending country visits by IIBITEG staff, changes to visa requirements, application processing requirements, enrolment dates etc.
- 5.2 In addition, regular contact will be maintained by the Department of Marketing with agents to ensure that they are kept up to date with all relevant information in relation to the provision of services.
- 5.3 As part of keeping agents and advisors up to date, IIBITEG encourages and supports visits to the relevant IIBITEG campus.
- 5.4 IIBITEG endeavours to visit the majority of agents on a bi-annual basis to:
 - a) undertake product briefings, including course requirements for entry etc.;
 - b) inspect the premises to ensure that an appropriate image is presented;
 - c) assess their performance in advising students;
 - d) review the display of IIBITEG promotional materials
 - e) assess the agent's knowledge of and conformance with the legislative and regulatory requirements relating to the provision of their services.
- 5.5 Visits undertaken in accordance with clause 5.4 may inform the agent performance management process (section 6).

6 Performance Management of Agents

- 6.1 The performance and activities of all agents will be monitored on an ongoing basis and reference the following:
 - a) whether the agent has been engaged in dishonest practices,

- b) whether the agent has facilitated the enrolment of students who do not comply with their visa requirements or has engaged in misleading practices;
 - c) number of applications and conversion rates;
 - d) conformity with contractual requirements;
 - e) evaluation of the quality of applications and documentation submitted on behalf of students;
 - f) number of issues reported in relation to the Simplified Student Visa Framework;
 - g) outcomes of spot checks by IIBITEG, for example observing agents at work at education seminars, exhibitions and student fairs;
 - h) observations made during visits to agents as outlined in clause 4.4; and
 - i) reports from students on agent behaviour.
- 6.2 In addition, surveys of students recruited by particular agents, with a focus on the quality of advice and counselling and other information provided to students, may also be referenced
- 6.3 Reviews of all agents and advisors will also be conducted by the Department of Marketing in consultation with the Senior General Manager (Operations)
- 6.4 Following the review the Marketing Managers will forward a brief report to the agent/advisor with appropriate comments and actions, and upload a copy of the annual review report into the records management system.

7 Corrective and Preventative Action

- 7.1 IIBITEG will take immediate corrective and preventative action upon becoming aware of an agent being negligent, careless or incompetent or being engaged in false, misleading or unethical advertising and recruitment practices.
- 7.2 All allegations of negligent, careless or incompetent agent behaviour are to be reported to the Senior General Manager (Operations).
- 7.3 Within twenty-four hours of receipt of the allegation the Senior General Manager (Operations) will make direct contact with the agent to advise of possible breach and seek their response to the allegations.
- 7.4 The agent has three working days to respond in writing to the allegation, providing evidence as appropriate.
- 7.5 The agent must not actively recruit students on behalf of IIBITEG during the review process.
- 7.6 If the agent does not respond within the specified time their contract will be immediately terminated.
- 7.7 Upon receipt of the response from the agent, the Senior General Manager (Operations) will convene the Agent Performance Review Board, consisting of the:
- a) Senior General Manager (Operations) – Chair;

- b) Provost;
- c) Assistant Manager Student Support Services.

- 7.8 There are three possible outcomes from the review:
- a) Agent Cleared – Senior General Manager (Operations) writes to the agent advising of the result and thanking them for their valuable input;
 - b) Finding of a minor breach by Agent – Senior General Manager (Operations) Agent reprimands, advising that any further breach will result in termination of their agreements, reminded of their obligations, breach placed on their file
 - c) Major breach by Agent – Senior General Manager (Operations) writes to the agent advising that their contract will be terminated immediately.
- 7.9 The grounds for termination outlined in clause 3.2 constitute a major breach by the agent.
- 7.10 A minor breach is generally limited to non-systematic non-compliance with an administrative requirement of the Agent Agreement.
- 7.11 Where an agent’s Agreement is terminated Senior General Manager (Operations) is responsible for notifying both internal and external stakeholders of the grounds for the termination.
- 7.12 The decision of the Agent Performance Review Board is final and not subject to appeal.

8 Procedure: Records Management

- 8.1 The Senior General Manager (Operations) is responsible for ensuring that:
- a) signed Agents’ Agreements, records of communication with and visits to agents, records relating to the annual review of agents, and the outcomes of the Agent Performance Review Board are maintained;
 - b) a complete current and historic list of approved agent agreements is maintained;
 - c) an agent list is available on the IIBITEG public website;
 - d) details of the agent are entered and maintained in PRISMS.

9 Responsibilities

- 9.1 The IIBITEG Board of Governance is responsible for the oversight of procedure.
- 9.2 The Senior General Manager (Operations) is responsible for:
- a) implementation of this procedure;
 - b) ensuring compliance with this policy and related procedures;
 - c) ensuring that staff are adequately notified of the existence of this policy and the related procedures; and
 - d) benchmarking IIBITEG policy and standards with those adopted elsewhere in the tertiary sector.
- 9.3 Members of staff are responsible for becoming familiar and complying with this

procedure.

10 Definitions

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| AGENT | means person or organisation (in or outside Australia) who recruits overseas students and refers them to education providers. In doing so, the education agent may provide education counselling to overseas students as well as marketing and promotion services to education providers. |
| eCoE | means an electronic Confirmation of Enrolment |
| INTERNATIONAL STUDENT | means a non-resident of Australia or New Zealand studying at IIBITEG in Australia on a student visa or another type of visa |
| PROGRAM | means a degree, diploma or certificate or other qualification, which is approved by the IIBIT-AHE Academic Board and the IIBITEG Board of Governance, and is conferred upon completion of the relevant program requirements |
| PRISMS | means the Provider Registration and International Student Management System |
| PROSPECTIVE STUDENT | means a person who is considering attending IIBITEG but has not yet officially enrolled |
| STUDENT | means an admitted or enrolled student of IIBITEG Admitted student means a student who has been admitted to an IIBITEG program of study and who is entitled to enrol in a subject of study. Enrolled student means a student who has been admitted to an IIBITEG program of study who is enrolled in a subject at IIBITEG |

11 Associated Information

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| Related Documents | <ul style="list-style-type: none"> • Communications Policy • Agent Agreement • Agent Review Form • Corrective Action Notification, Review and Ongoing Monitoring of Agents Form |
| Related Legislation | <ul style="list-style-type: none"> • TEQSA Act 2011 • ESOS Act 2000 • NVETR Act 2011 • Standards for Registered Training Organisations 2015 • Australian Qualification Framework |

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| | <ul style="list-style-type: none"> Higher Education Standards Framework 2015 National Code of Practice for Providers of Education and Training to Overseas Students 2018 |
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| Approval Authority | IIBITEG Board of Governance |
| Document Administrator | Senior General Manager (Operations) |
| PinPoint DocID | 359 |

12 Change History

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|------------------------|-------------------|---|
| Version Control | Version 2.1 | |
| Change Summary | V2.1 25-Apr-19 | Update responsibility from SGMAC to SGMO and administrative updates |
| | V2 16-Jan-18 | Major revision to existing procedure in terms of content and definitions, Approved BoG. |