

## EDUCATION AGENT MANAGEMENT POLICY AND PROCEDURE

### 1. PURPOSE

This policy ensures that Training Masters (the College) manages its education agents effectively and in compliance with the Standards for RTOs and the National Code 2018. It establishes guidelines for appointing, monitoring, and managing education agents to ensure they act ethically and in the best interests of students and Training Masters.

### 2. POLICY STATEMENT

Training Masters will appoint Agents to be non-exclusive representatives and to perform the services for the terms set out in an agreement referred to as an Agent Agreement. Each Agreement will be a non-exclusive Agreement, and the Agent acknowledges that Training Masters may appoint other representatives as it so chooses.

Training Masters 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. Training Masters will:

- Appoint only suitable education agents following due diligence and approval..
- 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.
- Take corrective action, including termination, if agents fail to meet requirements.

### 3. RESPONSIBILITIES

| Person Responsible                         | Task                                                                                                        |
|--------------------------------------------|-------------------------------------------------------------------------------------------------------------|
| Marketing Manager                          | Implement and oversee this policy, conduct education agent training, monitor and evaluate agent performance |
| Administration Manager                     | Maintain records related to education agents                                                                |
| Marketing Manager & Administration Manager | Ensure staff understand and apply this policy                                                               |
| CEO                                        | Take corrective action on agent non-compliance                                                              |
| Student Services Officer                   | Assist with maintaining agent records and student feedback where applicable.                                |

### 4. STANDARDS REQUIREMENTS

This policy aligns with the following regulatory and legislative requirements:

#### Standards for RTOs 2025:

##### 2.1 Standard 2.1 – Information

(1) Prospective VET students are provided with accurate and accessible information to support their decision to enrol in a training product.

(2) An NVR registered training organisation demonstrates:

(a) it provides prospective VET students with accurate and accessible information about each training product;

(c) where the NVR registered training organisation uses a third party to deliver services on its behalf:

(i) details of any third-party arrangements that apply to the delivery of the training are made available to prospective VET students.

## **Compliance Requirements Policy**

### **Clause 7 – Marketing and Recruitment**

An NVR registered training organisation must ensure its marketing and promotional activities are ethical and accurate and must not make false or misleading claims or comparisons. This includes activities conducted by third parties on behalf of the organisation.

### **Clause 17 – Third party arrangements**

If an NVR registered training organisation uses a third party to deliver services on its behalf, the organisation must:

- (a) ensure the arrangement is documented in a written agreement,
- (b) ensure students are informed, and
- (c) be able to demonstrate how the arrangement complies with all relevant Standards.

**ESOS Act 2000:** Requires education agents to provide accurate and transparent information to students.

**National Code 2018 Standard 4:** Requires RTOs to have a formal agreement with education agents and to take action against misleading or unethical behaviour.

**Migration Act 1958:** Agents must not provide immigration advice unless separately registered as a Migration Agent.

## **5. SCOPE**

This policy applies to all education agents appointed by Training Masters. It defines:

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

## **6. PROCEDURE**

### **6.1 Appointment of Agents**

Agents are appointed through a formal Agent Agreement, which must be signed by both parties.

The agreement outlines:

- Scope of representation.
- Agent responsibilities.
- Compliance with legislative and regulatory requirements.
- Monitoring and termination conditions.

Training Masters ensures each agent is aware of:

- The Migration Act 1958, the ESOS Act 2000 and the National Code 2018
- Their obligation to act in the best interests of students.

### **6.2 Education Agent Obligations**

Under the agreement, agents must:

- Promote Training Masters courses accurately and ethically.
- Assist in the recruitment of international students.

- Provide students with required information under the ESOS Act.
- Assist students in submitting applications.

Agents must act with integrity and:

- Declare conflicts of interest (e.g., financial ties to education providers, dual service fees).
- Use only Training Masters approved materials in marketing.
- Promote Training Masters with integrity and accuracy and recruit prospective overseas students in an honest and ethical manner
- Have appropriate knowledge and understanding of the international education system in Australia, including the Australian International Education and Training Agent Code of Ethics ([Link](#))
- Take reasonable steps to confirm the accuracy of information provided by prospective overseas students in the application;
- Ensure that only signed and completed applications are submitted to Training Masters
- Ensure that relevant fees, charges and supporting documentation accompany each application and acceptance of offer documents
- Provide any offer documents received from Training Masters to the prospective student within 48 hours of receiving the offer documents

### 6.3 Prohibited Practices

Agents must not:

- Engage in misleading advertising or false comparisons with other providers.
- Provide immigration advice unless they are registered migration agents.
- Recruit students already enrolled with another Australian provider.
- Encourage visa fraud or applications from ineligible students.
- Give false or misleading information relating to course fees payable or acceptance into a course
- Accept or process student fees on behalf of Training Masters.
- Make guarantees regarding visa approvals.
- Sign official documents on behalf of students.
- Use PRISMS without prior written consent from Training Masters.

### 6.4 Monitoring and Compliance

Training Masters will:

- Conduct regular performance reviews of agents.
- Collect and review student feedback regarding education agents..
- Investigate complaints about agents promptly.
- Issue warnings or terminate agreements for non-compliance.
- Maintain an Agent Register with up-to-date details.
- Monitoring may also be undertaken at any time where complaints, compliance concerns, or regulatory issues are identified.

### 6.5 Corrective Actions

If an agent fails to meet obligations, Training Masters may:

1. Provide written notice of breach and request corrective action.
2. Conduct further training or monitoring.
3. Suspend or terminate the agreement if breaches continue.

## Education Agent Management Procedure

This procedure outlines the step-by-step process for managing education agents at Training Masters. 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 Agents

| Step                             | Action                                                                                                                                                                                                                                                                                                                                                                                   | Person Responsible |
|----------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|
| <b>1. Expression of Interest</b> | Assess the agent's profile upon receiving an expression of interest letter.                                                                                                                                                                                                                                                                                                              | Marketing Manager  |
| <b>2. Application Form</b>       | If satisfactory, provide the agent with an Education Agent Application Form.                                                                                                                                                                                                                                                                                                             |                    |
| <b>3. Reference Check</b>        | Conduct a reference check upon receiving the agent's application.                                                                                                                                                                                                                                                                                                                        |                    |
| <b>4. Verification</b>           | Verify the agent's business registration, ABN (if applicable), business reputation, and previous compliance history before approval                                                                                                                                                                                                                                                      |                    |
| <b>5. Agent Agreement</b>        | If approved, both parties sign an Agent Agreement.                                                                                                                                                                                                                                                                                                                                       |                    |
| <b>6. Marketing Materials</b>    | Provide the newly appointed agent with marketing materials.                                                                                                                                                                                                                                                                                                                              |                    |
| <b>7. 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> <li>• Australian International Education and Training Agent Code of Ethics</li> <li>• Explanation of Training Masters's monitoring process and schedule</li> </ul> |                    |
| <b>8. Agent Training</b>         | Agents will receive updated marketing materials and regulatory information whenever significant legislative or organisational changes occur.                                                                                                                                                                                                                                             |                    |

## 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.     | Marketing Manager  |
| <b>2. PRISMS and ASQA Updates</b>   | Ensure agent details are correctly recorded in PRISMS and ASQA.                            |                    |
| <b>3. Website Updates</b>           | Publish and maintain the current list of approved education agents on the College website. |                    |
| <b>4. Monthly Compliance Review</b> | Conduct a monthly review of PRISMS and website agent details.                              |                    |

|                                                    |                                                                                                                                                                                                              |                                            |
|----------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|
| <b>5. Biannual Website and Social Media Review</b> | Every six months, review agents' websites, social media, and marketing materials using the Marketing Information Checklist.                                                                                  | Administration Manager / 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 Training Masters. | Marketing Manager  |
| <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. Biannual Agent Review</b> | Conduct a review every 6 months using the Education Agent Performance Review Checklist. Meetings must be held via video or teleconference.                                                                        | Marketing Manager  |
| <b>2. Student Feedback</b>      | Collect feedback from students regarding their agent's recruitment experience using the Recruitment Experience Questionnaire. Student feedback will be reviewed as part of each biannual agent performance review |                    |
| <b>3. Compliance Checks</b>     | Ensure agent activities align with contractual obligations and Australian regulations.                                                                                                                            |                    |

### Disclosing Information About Agents

| Step                      | Action                                                                                                                                                                                                                                                                                                                                                | Person Responsible |
|---------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|
| <b>Reporting Concerns</b> | Training Masters may disclose agent information to regulatory bodies if: <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> | CEO                |

### Corrective Action

| Step                                          | Action                                                                                                                                                                                                                                                                                    | Person Responsible |
|-----------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|
| <b>1. Investigation</b>                       | If an agent is suspected of misconduct, Training Masters will investigate the matter.                                                                                                                                                                                                     | Marketing Manager  |
| <b>2. Corrective Actions for Minor Breach</b> | If the issue is not serious misconduct, Training Masters may: <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, Training Masters 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.                                                                                                                                                                                                                                                                                      | Marketing Manager  |
| <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 Training Masters 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 Training Masters's Complaints and Appeals Policy.        | Marketing Manager  |
| <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 the agent agreement.                                                                                                        | Marketing Manager |
| <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> |                   |

## 7. POLICY IMPLEMENTATION

This policy is implemented through a structured process for appointing, monitoring, and reviewing education agents to ensure they act ethically and in compliance with the ESOS Act, National Code 2018 (Standards 4 and 5), and the Standards for RTOs 2025.

Key implementation measures include:

- Formalising all agent relationships through a written agreement.
- Conducting due diligence checks prior to appointment.
- Maintaining a Register of Approved Education Agents.
- Providing accurate marketing materials and compliance briefings to agents;
- Monitoring agent performance through regular reviews and student feedback;
- Taking corrective action where agents breach obligations;
- Recording the use of agents in student files and PRISMS;
- Maintaining a current list of approved education agents on the College website.
- Records of all agreements, training, monitoring activities, and communications are maintained to support ongoing compliance and continuous improvement.
- Provide periodic training for staff responsible for managing education agents.

## 8. REVIEW AND CONTINUOUS IMPROVEMENT

This Policy and Procedure will undergo an annual review, or sooner if required, to ensure it remains relevant and effective in guiding the operations and strategies or as needed to reflect any changes in the regulatory environment or operational practices.

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