



Department of  
**Education**



# **APPOINTMENT OF EDUCATION AGENTS FOR THE RECRUITMENT OF INTERNATIONAL STUDENTS POLICY**

EFFECTIVE: 1 JULY 2020

VERSION: 3.0

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## 1. POLICY STATEMENT

This policy outlines the engagement and management of education agents for the recruitment of international students who wish to enrol at Canning College. This policy details compliance requirements as specified in the *Education Services for Overseas Students (ESOS) Act 2000*, and Standard 4 of the *National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018* (National Code). This policy also complies with the *Standards for Registered Training Organisations (SRTOs) 2015*, specifically clauses 2.3, 2.4, 8.2 and 8.3.

In order to meet the *National Code 2018* compliance requirements in relation to the engagement and management of education agents, Canning College will not accept students from an education agent or enter into an agreement with an education agent if it knows or reasonably suspects the education agent to be:

- engaged in, or to have previously been engaged in, dishonest recruitment practices, including the deliberate attempt to recruit a student where this clearly conflicts with Standard 7 of the *National Code 2018*;
- facilitating the enrolment of a student who the education agent believes will not comply with the conditions of his or her student visa;
- using the Provider Registration and International Students Management System (PRISMS) to create a Confirmation of Enrolment (COE) for other than bona fide students; or
- providing migration advice unless that education agent is authorised to do so under the *Migration Act 1958*.

## 2. SCOPE

This policy applies to the engagement and management of all education agents appointed by Canning College to recruit international students applying for admission to study at Canning College.

The principles that underpin this policy are formalised with each appointed agent in a written agreement which incorporates the Australian International Education and Training Agent Code of Ethics (ACE) (see Appendix 1), a set of Australian specific standards for Australia's education agents that also aims to support Australia's education and training providers to meet their obligations under the National Code. The ACE encompasses the *London Statement 2012: the Statement of Principles for the Ethical Recruitment of International Students by Education Agents and Consultants*.

## 3. BACKGROUND

As a Registered Training Organisation (RTO) and CRICOS provider, Canning College must comply with legislative requirements in relation to the engagement and management of education agents.

Standard 4 of the *National Code 2018* stipulates that CRICOS providers must require their education agents to:

- declare in writing and take reasonable steps to avoid conflicts of interests with their duties as an appointed Canning College agent;

- observe appropriate levels of confidentiality and transparency in their dealings with overseas students or intending overseas students;
- act honestly and in good faith, and in the best interests of the student; and
- have appropriate knowledge and understanding of the international education system in Australia, including the Australian International Education and Training Agent Code of Ethics (ACE).

Furthermore, the *National Code 2018* requires CRICOS providers who become aware, or have reason to believe, that the education agent or an employee or subcontractor of the education agent has not complied with these responsibilities; and/or has engaged in false or misleading recruitment practices; to immediately terminate its relationship with the education agent.

#### 4. DEFINITIONS AND ACRONYMS

<b>Confirmation of Enrolment (COE)</b>	A document provided electronically, which is issued by the registered provider to intending overseas students and which must accompany their application for a student visa. It confirms the overseas student's eligibility to enrol in the particular course of the registered provider.
<b>Education Agent</b>	A person or organisation (in or outside of 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.
<b>Letter of Offer</b>	Means the notification of an offer by, or on behalf of, a CRICOS Provider, into a Course or Package of Courses. An unconditional letter of offer is a final offer and a conditional letter of offer is made when further documentation is required.
<b>Provider Registration and International Student Management System</b>	PRISMS is a secure system for providers to: <ul style="list-style-type: none"> <li>• issue a Confirmation of Enrolment to overseas students intending to study in Australia (the Department of Home Affairs requires this to issue a student visa), and;</li> <li>• report changes in course enrolment.</li> </ul>

#### 5. PROCEDURES

##### 5.1 Appointment of new agents

**5.1.1** Prospective education agents who wish to apply for appointment must complete and submit an *Agent Application Form*

**5.1.2** On receipt of an application form, an *Agent Appointment checklist* will be completed as appropriate and appended to the Application Form.

**5.1.3** The Application Form and checklist are reviewed and approved by the International Operations Team.

**5.1.4** If approved for appointment, an agent agreement is drawn up and signed by both parties, that is, the Principal of Canning College and the Principal Officer of the Education Agency.

**5.1.5** On return of the signed copy, Canning College will issue the Certificate of Appointment for the agreed duration (see Appendix 3).

## **5.2 Renewal of appointment of existing agents**

**5.2.1** Existing appointed agents are considered for renewal four to six weeks prior to their registration renewal date.

**5.2.2** An *Agent Renewal Checklist* is prepared and reviewed by the International Operations Team.

**5.2.3** The Team reviews the agent's performance and completes the relevant section of the checklist. The completed checklist is then forwarded to the Principal of Canning College, for approval.

**5.2.4** If renewal is approved, an updated agent agreement is drawn up and signed by both parties, that is, the Principal and the Principal Officer of the Education Agency.

**5.2.5** On return of the signed copy, Canning College will issue the Certificate of Appointment for the agreed duration.

## **5.3 Registration with the Australian Skills Quality Authority(ASQA)**

**5.3.1** The signed agent agreement is lodged with ASQA, via the ASQAnet portal. This must be actioned within 30 days of the execution of the agreement, and within 30 days of the cessation of the agreement.

## **6. RELATED POLICIES AND OTHER RELEVANT DOCUMENTS**

- *International Student Enrolment Policy*
- *Canning College Agent Agreement*

## **7. RELEVANT LEGISLATION**

- *National Vocational Education and Training Regulator Act 2011*
- *Standards for Registered Training Organisations 2015*
- *Education Services for Overseas Students Act 2000*
- *National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018 (National Code)*

## 8. REVIEW DATE

1 July 2021

<b>Development Date</b>	June 2020 RTO Policy Education/Study Agents		
<b>Revision History</b>			
<b>Review Date</b>	<b>Reviewer Name</b>	<b>Review Reason</b>	<b>Outcome &amp; Changes</b>
May 2020 V 1.1	RTO Manager	Audit	Updated to reflect audit outcomes
May 2020 V 1.1	RTO Manager	Continuous Improvement	Updates to reflect legislative changes, and; changes to names of government departments
May 2020 V 1.1	RTO Manager	Continuous Improvement	Updated to reflect review of agent agreement and associated changes to procedures; and <i>Standards for RTO's 2015 (Appointment of Education Agents for the recruitment of international students)</i>
June 2020	RTO Manager	Continuous Improvement	Updated to reflect: <ul style="list-style-type: none"> <li>• changes to the National Code;</li> <li>• redesigned Canning College forms; and</li> <li>• reviewed business processes.</li> </ul>

## 9. CONTACT INFORMATION

Canning College

Email: [Canning.col.admissions@education.wa.edu.au](mailto:Canning.col.admissions@education.wa.edu.au)

## 10. APPENDICES

### APPENDIX 1: AUSTRALIAN INTERNATIONAL EDUCATION AND TRAINING – AGENT CODE OF ETHICS (ACE)

#### ***Introduction***

Australia is committed to ensuring the highest standard of service and care is delivered across its international education and training sector and has a comprehensive international education and training quality framework to support this aim. The *Agent Code of Ethics* (ACE) is a critical component of this framework and provides a guide to the expected professional behaviour of individual agents and agencies working with Australian international students, parents, providers and fellow agents across the sector. The ACE builds on the London Statement's ethical framework and provides a set of Australian specific 'Standards' for Australia's education agents. The ACE also aims to support Australia's education and training providers to meet their obligations under the National Code.

#### ***Purpose***

The *Agent Code of Ethics* aims to:

- Outline the principles and expectations of fair and ethical conduct of Australia's offshore and onshore education agents
- Foster best practice among education agents to assist them to provide quality services to potential and existing international students and partner providers
- Provide assurances on the quality and standard of services provided by education agents recruiting into Australia
- Build on Australia's globally recognised international education and training quality systems to further enhance the reputation of Australia's education system.

#### ***Australian International Education and Training***

Australia's international education and training provides a holistic approach across the sector to ensure the highest quality outcomes for everyone. Agent quality is one component of a comprehensive and integrated quality system.

#### ***Education Agent Code of Ethics***

Australia's *Education Agent Code of Ethics* is based on three core elements of:

1. The London Statement's Ethical Framework
2. The London Statement's Principles
3. Australia's Education Agent Standards

#### ***Ethical Framework***

The Australian education and training sector expects education agents to adhere to seven ethical principles, as outlined in the London Statement, that are supported by an underlying ethical framework of:

- **Integrity** – being straightforward and honest in all professional and business dealings;
- **Objectivity** – not allowing professional judgment to be compromised by bias or conflict of interest;
- **Professional** competence and due care – maintaining professional knowledge and professional service, and acting diligently;
- **Transparency** – declaring conflicts of interest to all clients, especially when service fees are charged to both the education provider and the prospective student;
- **Confidentiality** – respecting and preserving the confidentiality of personal information acquired and not releasing such information to third parties without proper authority;

- **Professional** behaviour – acting in accordance with relevant laws and regulations and dealing with client competently, diligently and fairly; and
- **Professionalism** and purpose – acting in a manner that will serve the interests of clients and the wider society even at the expense of self-interest; recognising that dedication to these principles is the means by which the profession can earn the trust and confidence of stakeholder groups (individual clients, the public, business and government).

### ***Principles***

The London Statement Principles promote best practice among education agents and consultant professions that support international students. The Statement of Principles is a unifying set of understandings for the recruitment of students in international education that serve to promote best practice among education agents and consultants. The seven principles are:

#### **Principle 1: Agents and consultants practise responsible business ethics**

- Avoiding conflicts of interest
- Observing appropriate levels of confidentiality and transparency
- Acting professionally, honestly and responsibly
- Refraining from being party to any attempt by students or others to engage in fraudulent visa applications
- Acting in the best interests of the student at all times
- Declaring conflicts of interest
- Being transparent in fees to be paid by students and commissions paid by providers
- Providing clear avenues for handling complaints and resolving disputes
- Complying with relevant laws and regulations.

#### **Principle 2: Agents and consultants provide current, accurate and honest information in an ethical manner**

- Providing realistic and appropriate information that is tailored to the individual student's circumstances, particularly in relation to language skills, capacity to pay and level of study
- Specifying the rights and responsibilities of the student in the country of destination
- Refraining from claiming a direct government endorsement or privileged relationship with a public official or member of the government where one does not exist; including for example the misuse of national brand logos
- Providing a registration number or other identifier on advertising material
- Using institutions' officially approved material in promoting providers with whom agents have an agreement.

#### **Principle 3: Agents and consultants develop transparent business relationships with students and providers through the use of written agreements**

- Signed by the student and the agent
- Signed by the provider and the agent
- Include information on the arrangements put in place by agents and consultants on behalf of the student, such as itemised payment schedules of fees and services, and refund and transfer policies
- Provide details on information provided under Principles 1 and 2, as a means of guiding agents and consultants to give appropriate information to students so that both students and agents understand what has been agreed to maintain student confidentiality
- Are archived in an appropriate manner so that the agreements can be made available to the student or an appropriate authority within a reasonable timeframe.



**Principle 4: Agents and consultants protect the interests of minors**

- Ensuring that the prospective student has adequate representation and support from a guardian and/or legal counsel during meetings with the agent or consultant and that this is recorded as informed consent before any money changes hands
- Ensuring that the client has the legal capacity to enter into any commitment
- Acting not only in accordance with relevant laws and regulations, but competently, diligently and fairly as Befits dealings with minors.

**Principle 5: Agents and consultants provide current and up-to-date information that enables international students to make informed choices when selecting which agent or consultant to employ**

- Providing information to students about the accreditations the agents have met, the training they have undertaken, the memberships they hold to professional associations or processes undertaken to become registered and accredited education agents and consultants
- Providing information about themselves that support comparison of qualifications and experience.

**Principle 6: Agents and consultants act professionally**

- Participating in training courses and professional development wherever possible
- Becoming members of professional associations and networks that promote and support best practice in the recruitment of international students.

**Principle 7: Agents and consultants work with destination countries and providers to raise ethical standards and best practice**

- Sharing information on best practice in the recruitment of international students by education agents and consultants

## Standards

To ensure alignment and equity, Australia's Standards for international education agents mirror the requirements for education and training providers as outlined in the ESOS Act and National Code. The ACE provides a guide to the expected professional behaviour of individual agents and agencies working with Australian international students, parents, providers and fellow agents across the sector. These Standards will be reviewed and updated to ensure continued relevance to the sector. The standards are:

Standard	Element
<b>Organisational Effectiveness</b>	<ul style="list-style-type: none"> <li>• Demonstrates effective organisational governance and appropriate ownership including a well-articulated strategic plan, policies and procedures.</li> <li>• Evidence of relevant and up-to date business licensing and or registration.</li> <li>• Discloses all relevant partnerships, affiliations and agreements are disclosed, including disclosure of sub agent representation agreements and a clearly articulated approach to managing these relationships is in place to ensure compliance with the ACE.</li> <li>• Offers assurance of the organisation's financial integrity and financial systems.</li> <li>• Provides clear and transparent disclosure of recruitment practices and activities including countries serviced</li> </ul>
<b>Business Ethics</b>	<ul style="list-style-type: none"> <li>• Demonstrates agency and individual agent adherence to the ethical standards and principles of the ACE.</li> <li>• Discloses any past, pending, threatened or potential litigation, arbitration or administrative actions or other disputes against the agency, CEO or other relevant business associate.</li> <li>• Provides current, accurate and appropriate information to students and offers a commitment to not knowingly providing false or misleading information.</li> <li>• Demonstrates openness and disclosure of any incentives to any party that may influence the student's decisions.</li> </ul>
<b>Staff Capability</b>	<ul style="list-style-type: none"> <li>• Demonstrates effective human resource management practices are in place to ensure all employees and representatives are trained, informed and act in the best interests of clients at all times.</li> <li>• Demonstrates a strong working understanding the Australian education and training system, including all relevant legislation, regulations and information.</li> <li>• Completion of an Agent Training program and or other relevant education and training qualifications or programs.</li> </ul>
<b>Agency Recruitment Practices and Standards</b>	<ul style="list-style-type: none"> <li>• Implements considered and targeted marketing practices, and ensures honest and accurate communication resources are in place.</li> <li>• Provides appropriate, fair and considered counselling of students including assessing the student's willingness and ability to complete the courses, their understanding of course and provider requirements and awareness of realistic employment and pathway outcomes.</li> <li>• Demonstrates and articulates a clear and fair complaints and appeals process.</li> <li>• Offers transparent and clearly articulated fees and charges including a documented refund policy.</li> <li>• Ensures strict confidentiality of personal information and ensures this information is not shared with a third party unless consent is given.</li> </ul>

## APPENDIX 2: CANNING COLLEGE APPLICATION FORM TO BECOME AN AGENT



# AGENT APPLICATION FORM

Canning College will periodically consider Expressions of Interest from agents to recruit International Fee Paying students. If you would like to be considered for an agent agreement, please complete this form.

### PART A: CORPORATE DETAILS

Registered company name:

Trading name (if different):

Company registration number and/or Australian business number (ABN):

Name of registered owner/principal (if different):

Name of chief executive officer (if different):

Name of contact person:  Email address:

#### Name of signatory of agency agreement/contract

Title (Mrs, Miss, Ms, Mr etc):

Family name:  Given name(s):

Position:  Email address:

#### Head office physical company address (to appear on contract)

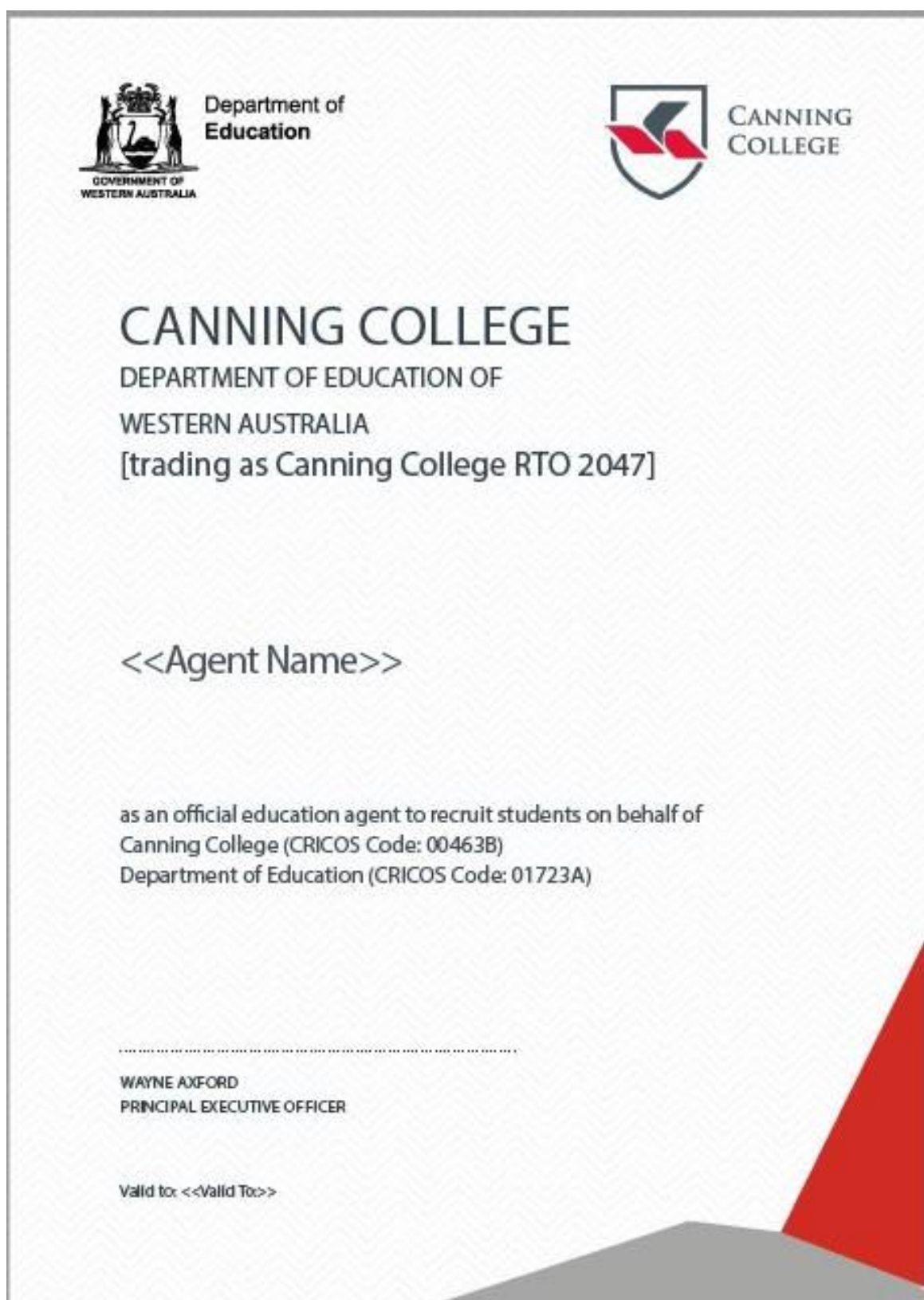
Number and Street:

Suburb/City:  Country:  Postcode:


Telephone (country code/area code/number):  Mobile:


Website:  Email address:

APPENDIX 3: AGENT CERTIFICATE (SAMPLE)



The image shows a sample agent certificate template. It features a white background with a subtle grey wavy pattern. At the top left is the Government of Western Australia logo, and at the top right is the Canning College logo. The center contains the college's name and details. A placeholder for the agent's name is provided, followed by a description of the agent's role. At the bottom, there is a signature line for Wayne Axford, Principal Executive Officer, and a placeholder for the certificate's validity period. A decorative red and grey geometric shape is located in the bottom right corner.

 Department of  
Education

 CANNING  
COLLEGE

**CANNING COLLEGE**  
DEPARTMENT OF EDUCATION OF  
WESTERN AUSTRALIA  
[trading as Canning College RTO 2047]

<<Agent Name>>

as an official education agent to recruit students on behalf of  
Canning College (CRICOS Code: 00463B)  
Department of Education (CRICOS Code: 01723A)

.....

WAYNE AXFORD  
PRINCIPAL EXECUTIVE OFFICER

Valid to: <<Valid To>>