



Agent Appointment, Monitoring, and Termination Policy

Responsibility for Implementation: Marketing Manager
Date of Approval: 7 June 2013
Approved by: The Institute Council
Date of review: June 2016

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 had a *Agent Reference Check* completed by the Marketing Department.

3.1.3 Once *Agent Reference Check* has been completed reassess 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 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 a 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 conversion rate of:
 - Student applications to Institute offers; and
 - Institute offers to actual enrolment of students;
- 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 DIAC or DEEWR or Institute policy or 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 write to and forward the agent warning letter to the agent.

3.3.2 The agent must provide a written response within 10 business days of the date of the letter. 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 the date of the letter, or after the expiration of such further 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;
- 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 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.
- ESOS Regulations 2001.
- The ESOS (Registration Charges) Act 1997.
- The National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007 (The National Code).
- The Migration Act 1958.
- The Migration Regulations 1994.