



Procedure:

International Education Agents

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1 PURPOSE

- 1.1 This procedure supports the *Policy: Admission and Credit* by stating requirements of the University of Notre Dame Australia (the University) in relation to international education agents.
- 1.2 **Scope**
 - 1.2.1 This procedure applies to:
 - 1.2.1.1 international education agents engaged by the University, as part of the terms and conditions of student recruitment agreement between the agent and the University, and
 - 1.2.1.2 staff who select international education agents, manage their engagement and/or monitor or review their performance.

2 RELATED POLICIES AND REGULATIONS

- 2.1 This procedure should be read alongside the *Policy: Admission and Credit*, which it supports.
- 2.2 The *Procedure: Admission* states requirements for admission to programs.

3 FUNCTIONS OF INTERNATIONAL EDUCATION AGENTS

- 3.1 An international education agent (agent) is a representative of the University only within the terms of the student recruitment agreement between the University and the agent.
- 3.2 The functions of an agent typically include:
 - 3.2.1 promoting the University and recruiting students to its programs
 - 3.2.2 being well informed of the requirements of
 - 3.2.2.1 the *Educational Services for Overseas Students Act 2002* (Cth) (the ESOS Act 2000)
 - 3.2.2.2 the *National Code of Practice for Providers of Education and Training to Overseas Students 2018* (the National Code) and
 - 3.2.2.3 other legislation that applies to international students studying in Australia
 - 3.2.3 responding to enquiries from prospective students by providing accurate information about
 - 3.2.3.1 the University's programs and courses
 - 3.2.3.2 living conditions in New South Wales and Western Australia
 - 3.2.3.3 legislative requirements for work rights and conditions for members of students' families
 - 3.2.4 facilitating communication between prospective students and the University
 - 3.2.5 helping prospective students who are offered a place in a program to obtain student visas and other documentation they need to study in Australia, and
 - 3.2.6 any other functions stated in the student recruitment agreement with the agent.

4 APPLICATIONS TO BECOME AN AGENT AND THEIR ASSESSMENT

- 4.1 The process for applications to become an agent, assessment of these applications and decisions on them, is as follows.
 - 4.1.1 A person may apply to become an agent by being invited to complete the agent

application form and providing the documents specified in the form.

4.1.2 The National Director, International will assess the application and the applicant's suitability, including by:

4.1.2.1 interviewing them

4.1.2.2 checking their proof of identify

4.1.2.3 completing reference checks, and

4.1.2.4 where possible, visiting their business premises.

4.1.2.5 The assessment will consider the following aspects of the applicant's suitability to be an international education agent of the University.

- Are they registered to operate in the country where they operate?
- Do they have a respectful understanding of the University's Objects?
- How well do they understand the Australian international education industry, the requirements of the ESOS Act 2000 and National Code, and other requirements relevant to an agent's functions
- What is their track record of recruiting students to study in Australia?
- Are their premises appropriate and do they present a professional image?
- How well are their staff able to advise students?
- How and where will they display the University's promotional materials?
- What is their strategy to recruit international students for the University, including their target markets, marketing channels and branding.

4.1.3 Where the National Director, International is satisfied from their assessment that an applicant is suitable to be an agent, they will:

4.1.3.1 draft a student recruitment agreement between the University and the applicant, and

4.1.3.2 provide this to the Deputy Vice Chancellor International and Partnerships with a recommendation to appoint the applicant as an agent.

4.2 The Deputy Vice Chancellor International and Partnerships may appoint an applicant as an agent by signing the student recruitment agreement with them.

4.3 The National Director, International will advise unsuccessful applicants by email.

4.4 The University will maintain a current and accurate list of its agents and publish this to the University website.

4.5 Once an agent has been appointed, the International Office will:

4.5.1 enter the agent's details and office locations in the Provider Registration and International Student Management System (PRISMS), and

4.5.2 add the agent's details and office locations to the list of the University's current agents published on the University website.

5 STUDENT RECRUITMENT AGREEMENTS

5.1 Student recruitment agreements will set out:

5.1.1 the University's responsibilities in the engagement of the agent, and

5.1.2 what the University requires of the agent in representing it: specifically, that they will:

5.1.2.1 avoid conflicts of interest with their duties as an agent of the University or, where a conflict of interest arises, declare it to the University in writing

5.1.2.2 maintain confidentiality of their dealings with prospective students and students

5.1.2.3 be transparent in their dealings with students, providing them with the

- information they need to be well informed in making decisions
- 5.1.2.4 act honestly, in good faith, in the best interests of prospective students and students, and
- 5.1.2.5 keep up to date their knowledge of the international education system in Australia, and familiarise themselves with the *Australian International Education and Training Agent Code of Ethics*.
- 5.1.3 the University's processes for monitoring the agent's activities and ensuring they are giving students accurate and up-to-date information on the University's programs and services
- 5.1.4 the corrective action the University may take if the agent does not comply with their responsibilities under the agreement
- 5.1.5 the grounds for termination of the agreement where the University has reason to believe that the agent or an employee or subcontractor of the agent has not complied with the agent's responsibilities under the agreement
- 5.1.6 the circumstances under which the University or Commonwealth, state or territory agencies may disclose information about the agent, and
- 5.1.7 the start-date and end-date of the agreement.

6 COMMUNICATION

- 6.1 The International Office works with agents to maintain good relationships and support them to maintain a high level of performance.
- 6.2 This involves ensuring timely communication to agents of matters such as:
 - 6.2.1 new programs and courses and changes to programs and courses
 - 6.2.2 unique selling points of the University
 - 6.2.3 program entry requirements
 - 6.2.4 changes to student visa requirements
 - 6.2.5 living conditions
 - 6.2.6 fees and charges, and
 - 6.2.7 application processes.

7 INDUCTION AND TRAINING

- 7.1 Once an agent has been appointed, the International Office will provide initial induction and training, and provide them with materials to ensure they have the information and knowledge to:
 - 7.1.1 accurately and ethically promote the University and recruit students to its programs and courses
 - 7.1.2 in compliance with the student recruitment agreement and the relevant regulatory requirements and standards.

8 PROMOTIONAL MATERIALS

- 8.1 The Office of Marketing, in consultation with the International Office will:
 - 8.1.1 develop promotional materials for the recruitment of international students, and
 - 8.1.2 ensure these are up to date, accurate and comply with legislative requirements and standards, including the ESOS Act 2000, the National Code and the *Competition and*

Consumer Act 2010 (Cth).

- 8.2** The University's International student guide (prospectus) must be approved by the Deputy Vice Chancellor, International and Partnerships prior to publication.
 - 8.2.1 All other promotional materials used for international student recruitment must be approved by the National Director International, prior to distribution.
 - 8.2.2 An agent who wishes to distribute materials promoting the University that have not been prepared by the University, must first obtain the approval of the National Director International to do so.
- 8.3** The International Office will promptly notify agents when new or updated promotional materials relevant to their work for the University are available, and provide these to them.

9 REMUNERATION

- 9.1** The University remunerates agents by:
 - 9.1.1 paying them for specific services, and/or
 - 9.1.2 paying them a commission on enrolment fees paid by students whom the agent has recruited and is retained at census date for the commencing study period.
- 9.2** Where an agent is paid a commission, it will be paid according to the rates stated in the agent's student recruitment agreement with the University.
- 9.3** Agents will submit invoices for services and/or commission to the University as detailed in the agent's student recruitment agreement with the University.

10 MONITORING AND REVIEW OF AGENTS' PERFORMANCE

- 10.1** The International Office will monitor agents' performance on an ongoing basis, using the following indicators:
 - 10.1.1 the number of applications sent
 - 10.1.2 the quality and completeness of applications and supporting documentation
 - 10.1.3 the rate of conversion of applications to offers and offers to enrolments
 - 10.1.4 the number of students enrolled in programs
 - 10.1.5 retention rates for students recruited by the agent
 - 10.1.6 visa success rate for students recruited by the agent
 - 10.1.7 the quality of advice and information provided to prospective students and students
 - 10.1.8 feedback from prospective students, students and parents, and
 - 10.1.9 any other information that may be required to determine whether the agent is fulfilling their responsibilities under the student recruitment agreement.
- 10.2** The University will review the performance of each agent:
 - 10.2.1 at the end of the first year of an agent's engagement under a student recruitment agreement, and
 - 10.2.2 each year after that, or before the student recruitment agreement expires, whichever is sooner.
 - 10.2.3 Following the review, the National Director, International will provide the agent with feedback on their performance.
- 10.3** However, the University may conduct a review of its student recruitment agreement with an agent at any time and for any reason. Typical reasons for such a review include, but are not restricted to:
 - 10.3.1 the University suspects that the agent is failing to comply with a standard of the National

Code, and/or

10.3.2 monitoring or regular review of the agent's performance suggests that they are not providing the expected number and quality of students.

10.4 The Deputy Vice Chancellor International and Partnerships will decide the scope of and process for the review of a student recruitment agreement, which may include:

10.4.1 the agent's compliance with

10.4.1.1 the terms of their student recruitment agreement with the University, and

10.4.1.2 any conditions the University has required the agent to meet, following a previous review of the student recruitment agreement with the agent

10.4.2 the agent's performance based on the indicators in clause 10.1

10.4.3 findings of ongoing performance monitoring

10.4.4 the profile of the agent's staff, and whether their staff have the experience needed for their roles

10.4.5 whether the agent is currently registered to operate in the country where they operate

10.4.6 the agent's marketing practices

10.4.7 the support, including training, the University has provided to the agent, and

10.4.8 other matters as determined by the Deputy Vice Chancellor International and Partnerships.

10.5 The reviewer will provide a report of the findings of the review to the Deputy Vice Chancellor International and Partnerships.

10.6 Where a review of a student recruitment agreement finds that the agent's performance is unsatisfactory, the Deputy Vice Chancellor International and Partnerships may direct that actions are taken, including:

10.6.1 placing conditions that the agent must meet

10.6.2 where the student recruitment agreement with the agent has less than six months remaining before it lapses, allowing it to lapse

10.6.3 terminating the student recruitment agreement with the agent

10.6.4 other actions in accordance with the terms of the student recruitment agreement, and/or

10.6.5 other actions as determined by the Deputy Vice Chancellor International and Partnerships.

10.7 The Deputy Vice-Chancellor, International and Partnerships will report annually on the outcomes of agent monitoring and reviews to Academic Council.

10.7.1 Academic Council will use these reports to provide oversight for the University's agent management practices and ensure they are effective in:

10.7.1.1 monitoring of agent performance and

10.7.1.2 providing assurance that agents' recruitment practices are compliant with the National Code.

11 TERMINATION OF A STUDENT RECRUITMENT AGREEMENT

11.1 The Deputy Vice Chancellor International and Partnerships may immediately terminate a student recruitment agreement with an agent, in accordance with the terms of that agreement, where they are satisfied that the agent has:

11.1.1 acted dishonestly, negligently, carelessly or incompetently, or

11.1.2 engaged in false, misleading or unethical advertising or recruitment practices.

12 RECORDS

- 12.1** The International Office will maintain comprehensive and accurate records regarding agents, including:
- 12.1.1 a database of agent's details, and
 - 12.1.2 for each agent
 - 12.1.2.1 a file of communications relating to training, updates and briefings provided, and commission payments
 - 12.1.2.2 records of monitoring and review of their performance
 - 12.1.2.3 where relevant, details of corrective actions taken, and
 - 12.1.2.4 where relevant, records relating to the termination of a student recruitment agreement.
- 12.2** The International Office will regularly review the information about its agents recorded in PRISMS and published to the University website to ensure it is up to date.
- 12.3** The Legal Office will retain copies of current and expired student recruitment agreements.

13 RESPONSIBILITIES AND DECISION-MAKING AUTHORITIES

- 13.1** This section summarises the requirements and decision-making authorities stated in this procedure that apply to each of the positions, committees or roles listed below.
- 13.1.1 Should any decision-making authority stated in this procedure be inconsistent with a delegation in the schedule of academic delegations to the *Standing Delegations of Authority*, the *Standing Delegations of Authority* states the correct delegation of the decision-making authority.
 - 13.1.2 Where a decision-making authority stated in this procedure is not stated in the *Standing Delegations of Authority*, it constitutes a delegation of the Vice-Chancellor's authority in accordance with Part 16 of the *University of Notre Dame Australia Act 1989* and Section 22 of the University's *Statutes*.
- 13.2 Deputy Vice Chancellor International and Partnerships**
- 13.2.1 The Deputy Vice Chancellor International and Partnerships:
 - 13.2.1.1 may appoint an agent by signing the student recruitment agreement with the agent (see clause 4.1.4)
 - 13.2.1.2 approves the University's international student guide (prospectus) prior to publication (see clauses 8.2)
 - 13.2.1.3 will decide the scope of and process for the review of a student recruitment agreement with an agent, and the reviewer (see clause 10.4 and its subclauses)
 - 13.2.1.4 where a review of a student recruitment agreement with an agent finds that the agent's performance is unsatisfactory, may direct that actions be taken in accordance with clause 10.6 and its subclauses
 - 13.2.1.5 will report annually on the outcomes of agent monitoring and reviews to Academic Council (see clause 10.7), and
 - 13.2.1.6 may immediately terminate a student recruitment agreement with an agent, in accordance with section 11.
- 13.3 International education agents**
- 13.3.1 International education agents:
 - 13.3.1.1 to become an agent, will apply by the process stated in clause 4.1.1 and its subclauses

13.3.1.2 must fulfil their functions and meet their responsibilities under the student recruitment agreement between the University and the agent (see sections 3, 5

13.3.1.3 must gain the approval of the National Director International to distribute materials promoting the University that have not been prepared by the University (see clause 8.2.1), and

13.3.1.4 to be paid for their services, must submit invoices in accordance with clause 9.3.

13.4 International Office

13.4.1 The International Office will:

13.4.1.1 induct and train agents, and provide them with information resources (see section 6)

13.4.1.2 maintain a database of details of the University's current agents and publish their details on the website (see clauses 7.3.1, 7.3.2)

13.4.1.3 update the details of the University's international education agents, as changes to these occur, in PRISMS (see clause 7.5)

13.4.1.4 keep a file of communications to and from each agent (see clause 7.3.3)

13.4.1.5 promptly notify agents of new/updated promotional materials relevant to their work for the University, and provide these to them (see clause 8.3), and

13.4.1.6 monitor agents' performance on an ongoing basis (see clause 10.1).

13.5 Legal Office

13.5.1 The University Legal Office will retain copies of individual student recruitment agreements (see clause 7.4).

13.6 National Director, International

13.6.1 The National Director, International will:

13.6.1.1 approve all promotional materials used for international student recruitment, other than the University's international student guide (prospectus) (see clause 8.2 and its sub-clauses)

13.6.1.2 assess applications to become an agent (see clause 4.1.2 and its subclauses)

13.6.1.3 draft student recruitment agreements and provide these to the Deputy Vice Chancellor International and Partnerships with recommendations to appoint an agent (see clause 4.1.3 and its subclauses; clause 5.1 and its subclauses)

13.6.1.4 work with agents to maintain a good relationship with them, support them and communicate to them information they need for their role (see clauses 7.1 and 7.2), and

13.6.1.5 notify agents of the outcome of a review of their performance (see clause 10.2 and its subclauses).

13.6.2 See also the responsibilities of the International Office.

13.7 Office of Marketing

13.7.1 The Office of Marketing, in consultation with the International Office, develops promotional materials relevant to recruitment of international student (see clause 8.1 and its subclauses).

13.8 Reviewers of student recruitment agreements

13.8.1 The reviewer of a student recruitment agreement with an agent will provide a report of the findings of the review to the Deputy Vice Chancellor International and Partnerships (see clause 10.5).

14 RELATED DOCUMENTS

- 14.1 International Education Agent Application Form
- 14.2 Agent Reference checks by institutions
- 14.3 International Education Student Recruitment Agreement
- 14.4 *Education Services for Overseas Students (ESOS) Act 2000* and regulated Regulations
- 14.5 *National Code of Practice for Providers of Education and Training to Overseas Students 2018* (National Code)

15 DEFINITIONS:

- 15.1 Most terms in this procedure are defined in the definitions section of the *Policy: Admission and Credit*.
- 15.2 **Student recruitment agreement** means a legal agreement between the University and an international education agent that states the obligations and responsibilities of both parties.¹

Version	Date of approval	Approved by	Amendment
1	24 April 2019	Vice Chancellor	Initial version
2	14 April 2023	Deputy Vice Chancellor, International and Partnerships	Title change and minor amendments to reflect organisational changes and align with new format / style for academic policy texts. The procedure now sits under the <i>Policy: Admissions and Credit</i> , which incorporates provisions from the now rescinded <i>Policy: International Education Agents</i> .