

Agent Appointment, Monitoring, and Termination Policy

Purpose	This Policy outlines the approach of AITC when appointing Agents who are involved in the recruitment of students.
Location	The policy is maintained on owncloud
Responsible executive	CEO
Responsible office	CEO's Office
Contact officer	TBA
Effective date	29 June 2020
Review date	TBA
Modification history	Version 1.0
Related documents	AITC Marketing Material Development, Approval and Review Policy and Procedure AITC Marketing Plan
Authority	Approved by Council

1. Purpose

This policy aims to ensure that the activities and behaviour of its appointed Agents are ethical and comply with the Australian Institute of Technology and Commerce's (AITC) obligations under the:

- HES Standards 2015
- ESOS ACT;
- ESOS Regulations;
- National Code of Practice for Providers of Education and Training to Overseas Students 2018.
- Migration Act; and
- Migration Regulations.

2. Scope

This Policy applies to the practices of all agents with an agreement with AITC for the purposes of recruiting students.

3. Principles

3.1 Agent Appointment:

- 3.1.1 AITC will only appoint agents who are registered in the country where their main business is undertaken and if their area of business is relevant to Australia.
- 3.1.2 All appointed Agents must apply to become an official agent of AITC will need to have an Agent Reference Check completed by the Marketing Manager and approved by the CEO.
- 3.1.3 Once an Agent Reference Check has been completed, the Agent is assessed if they are suitable to be appointed as an AITC Agent.

- 3.1.4 The Agent must sign an Agent Agreement with AITC; once a written agreement signed, agent's details have to be entered and maintained in PRISMS.

3.2 Agent Monitoring

- 3.2.1 AITC will conduct an annual review of the Agents' performance and their compliance with the AITC engagement Agreement. The AITC Marketing Manager will consider the performance of the Agent when recommending to either;

- 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 an Agent.

- 3.2.2 For the annual review of the Agent's performance, the Marketing Manager will consider;

- the Agent's compliance with the Agent Agreement and any other conditions placed on the Agent by AITC;
- the number of students the Agent has recruited for AITC as well as the proportion of:
 - student applications to AITC offers;
 - AITC offers to actual enrolments of students; and;
 - students' completions in accordance with scheduled course duration.
- the reasons why applications from potential Students did not proceed to confirm enrolment;
- the number of student visa refusals of students actively being recruited by the agent;
- any feedback or information from students or third parties regarding the performance and professional approach of the agent; and;
- the quality, accuracy and currency of information on AITC and advice provided by the Agent to Students.

- 3.2.3 Following the completion of the Agent review and assessment of an existing agreement, and if AITC 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 renewed Agent Agreement will be updated to include any new Department of Home Affairs (DHA), Department of Education and Training (DET), Department of Employment (DE) and AITC policy requirements or information relating to the performance of Agents.

3.3 Termination of an Agent

- 3.3.1 If the Marketing Manager believes or suspects that an Agent has engaged in unprofessional conduct or has not complied with the agent's responsibilities under Agent Agreement, the Manager will send a warning letter to the Agent.

- 3.3.2 The Agent must provide a written response within 10 business days from when the letter was sent, and 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 when the letter was sent, or after the expiration of an approved extension period, the Marketing Manager may consider the Agent's performance considering;

- the response of the Agent to the letter referred to above;
- 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/her appointment has been terminated.
- Notify AITC's Administration Office of the termination of the Agent and advise staff that no further applications are to be accepted from the Agent.

3.4 AITC must not accept students from an agent if it knows or reasonably suspects of the Agent to be:

- Providing migration advice, unless the agent is authorized to do so under the Migration Act;
- Engaged in, or to have previously engaged in dishonest recruitment practices, including the deliberate attempt to recruit a student where it clearly conflicts with the obligations of AITC;
- Facilitating the enrolment of a student who the agent believes will not comply with the conditions of student visa;
- Using PRISMS to create CoEs for other than bona fide students.

4. Legislative Context

The following relevant links are:

[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 2018.](#)

[Federation University Australia Act \(2010\).](#)

[The Migration Act 1958.](#)

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[The Migration Regulations 1994.](#)