

EDUCATION AGENT POLICY AND PROCEDURES

PURPOSE OF THE POLICY

This policy and procedures have been developed to ensure that Australian Federation College has processes in place to ensure that education agents act honestly and in the best interests of overseas students, as well as uphold the reputation of Australia's international education sector.

This policy and procedures meet the requirements of Standard 2.1 of the Outcome Standards for RTOs 2025 and marketing and advertising requirements in Compliance Standards, as well as the National Code of Practice for Providers of Education and Training to Overseas Students 2018, Standard 4.

POLICY STATEMENTS

OVERVIEW

Australian Federation College will not accept students from an education agent if it knows or reasonably suspects the education agent to be:

- Providing migration advice, unless that education agent is authorised 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 this clearly conflicts with the obligations of registered providers under Standard 7 (Overseas student transfers),
- Knowingly facilitating the enrolment of a student who the education agent believes will not comply with the conditions of his or her visa, and/or
- Using PRISMS to create CoEs for other than bona fide students.

EDUCATION AGENT COMMISSION

Australian Federation College must not give an education agent any commission, benefit, or other consideration, whether monetary or non-monetary, in relation to the recruitment of an overseas student who has already commenced studying in a course with another registered provider, unless permitted under Standard 4.8 of the National Code of Practice for Providers of Education and Training to Overseas Students 2018.

Australian Federation College may give an education agent commission only where the commission relates to the recruitment of an overseas student:

- Who became an accepted student of Australian Federation College on or before 31 March 2026; or
- Who is progressing through a package of courses for which their student visa was granted, as specified in the Confirmation of Enrolment (CoE); or

- Who commences a course after completing their principal course of study with another registered provider.

Commission must not be paid in any other circumstances.

For the purposes of this policy, education agent commission includes any consideration or benefit, whether monetary or non-monetary, provided directly or indirectly, including but not limited to service charges, bonuses, performance payments, gifts, discounted or free services, marketing support, rewards, or other incentives.

The commission prohibition applies equally to all such forms of consideration.

UPDATING INFORMATION

Once formally appointed, AFC will ensure that all information provided to and by the agent remains accurate, current, and compliant at all times. Education agents must represent the RTO using only approved and up-to-date information.

The Strategy and Growth Director (or an authorised delegate), is responsible for providing education agents with updated information relating to courses, fees, delivery locations, entry requirements, intake dates, and relevant policies or procedures, either directly or via the AFC's official website.

Education agents are required to promptly notify AFC of any changes to their business details or operations that may affect their representation of the RTO.

To maintain consistency and integrity in marketing and student communications, education agents must use only the latest AFC-approved marketing materials. Outdated or superseded materials must be withdrawn immediately, and unauthorised changes to promotional content are not permitted.

The RTO maintains version control and records of materials issued to education agents to support monitoring, audit, and compliance activities in accordance with the Standards for RTOs 2025 and the ESOS Act 2000 and National Code 2018.

PROMOTING ON BEHALF OF THE RTO

Education agents appointed under a formal written agreement are authorised to market and promote the RTO's courses and services only with the prior written approval and ongoing supervision of the RTO.

All advertising and promotional materials must be submitted to the RTO for review and approval before publication.

Education agents must use only current, approved marketing materials issued by the RTO and must not make unauthorised or misleading representations. All marketing activities must comply with the Standards for RTOs 2025, the ESOS Act and National Code 2018, and the Australian Consumer Law.

The RTO retains records of approved marketing materials for monitoring, audit, and compliance purposes. Outdated or superseded materials must be immediately withdrawn from use.

ASSISTING REGULATORS

Education agents formally engaged by Australian Federation College (AFC) are required to fully cooperate with all relevant regulatory authorities, including the Australian Skills Quality Authority (ASQA) and, where applicable, the Department of Education or TEQSA.

By entering into a written Agent Agreement, the education agent agrees to:

- Provide accurate and timely information or documentation requested by regulatory authorities in relation to the RTO's operations or the agent's recruitment and marketing activities;
- Participate in regulatory audits, monitoring activities, or reviews, including virtual or on-site inspections where required; and
- Grant access to records and communications relating to marketing, student referrals, and representations made on behalf of the RTO.

This requirement supports transparency and compliance with the ESOS Act 2000 and the National Code 2018, including Standard 4.1(e) and Standard 4.6, which require education agents to not obstruct regulatory oversight or monitoring activities.

The Strategy and Growth Director (or an authorised delegate), is responsible for advising education agents of these obligations during onboarding and reinforcing them through written communication as required.

Failure to cooperate with regulatory authorities including refusal to provide information, unreasonable delays, or obstruction of access, constitutes a breach of the Agent Agreement and may result in corrective action, suspension, or termination of the agent's engagement.

AFC maintains records of all regulatory communications involving education agents to demonstrate compliance, accountability, and awareness of regulatory obligations.

AGENT AGREEMENTS

All education agents representing Australian Federation College must sign and abide by Australian Federation College's Education Agent Agreement.

Australian Federation College's Education Agent Agreement meets the requirements of the National Code including:

- Responsibilities of Australian Federation College, including that Australian Federation College is responsible at all times for compliance with the ESOS Act and National Code 2018
- Australian Federation College requirements of the agent in representing it including:
 - Declaring in writing and taking reasonable steps to avoid conflicts of interests with its duties as an education agent of the registered provider.
 - Observing appropriate levels of confidentiality and transparency in their dealings with overseas students or intending overseas students.
 - Acting honestly and in good faith, and in the best interests of the student.
 - Having appropriate knowledge and understanding of the international education system in Australia, including the Australian International Education and Training Agent Code of Ethics.
- Australian Federation College's processes for monitoring the activities of the education agent in representing the provider and ensuring the education agent is giving students accurate and up-to-date information on the registered provider's services.
- The corrective action that may be taken by Australian Federation College if the education agent does not comply with its obligations under the written agreement, including providing for corrective action outlined in Standard 4.4 of the National Code 2018.

- Grounds for termination of Australian Federation College's written agreement with the education agent, including providing for termination in the circumstances outlined in Standard 4.5 of the National Code 2018.
- The circumstances under which information about the education agent may be disclosed by the registered provider and the Commonwealth or state or territory agencies.

MONITORING AND CORRECTIVE ACTION

Australian Federation College will monitor all education agents using the monitoring processes described in the agreement.

Australian Federation College will take immediate corrective action where Australian Federation College becomes aware that, or has reason to believe, the education agent or an employee or subcontractor of that education agent has not complied with the education agent's responsibilities as outlined above.

Australian Federation College will retain records relating to education agent monitoring, commission eligibility verification, corrective actions, and termination decisions for a minimum period of **seven (7) years**, or longer where required by law.

TERMINATION

Australian Federation College will immediately terminate its relationship with the education agent, or require the education agent to terminate its relationship with the employee or subcontractor who engaged in those practices, where Australian Federation College becomes aware, or has reason to believe that the education agent or an employee or subcontractor of the education agent is engaging in false or misleading recruitment practices.

PROCEDURES

1. PROCESS EDUCATION AGENT APPLICATIONS

- 1.1 Provide an **Education Agent Application Form** to education agent.
- 1.2 On receipt of an application, check that the application form has been completed in full and that any supporting information has been provided.
- 1.3 Send an acknowledgement that the application form has been received within 3 working days of the receipt of the application. Request additional information not provided, as relevant.
- 1.4 Review information included in application form.
- 1.5 Call referees for reports on the agents.
- 1.6 Approve the agent's application where the agent has demonstrated experience and skills, provides services that align with Australian Federation College's marketing objectives and positive reports from referees are received.
- 1.7 For successful agents, customise the Education Agent Agreement and send to the agent for signing. This must be within 10 working days of receiving the application.
- 1.8 Where the agent is not deemed to be suitable, send an email within 10 working days of receiving the application advising that their application has not been successful and including the reasons why.

2. MANAGE EDUCATION AGENTS

- 2.1 Following the signing of the agreement, add the agent details to PRISMS following the *How to manage agent details* in PRISMS information.
- 2.2 Following the signing of the agreement, advise ASQA via ASQAnet and within 30 days of the agreement being entered into or prior to the obligations under the agreement taking effective, whichever occurs first.
- 2.3 Add the agent details to list of agents on website within 30 days of signing the agreement.
- 2.4 File all signed education agent agreements.
- 2.5 Contact the agent to provide an induction, including an overview of Australian Federation College, requirements and marketing and recruitment processes.
- 2.6 Provide the education agent with current copies of marketing materials and enrolment forms including an electronic copy of 'Pre-enrolment Application Pack'.

3. MONITOR EDUCATION AGENTS

- 3.1 Regularly update education agents with details of new courses and any updated marketing and enrolment materials/processes.
- 3.2 Monitor agents every six (6) months using the **Education Agent Monitoring Form**.
- 3.3 Where the Education Agent Monitoring Form or feedback from students indicates that the Education Agent may not be meeting the terms of their agreement, immediately investigate the issue.
- 3.4 Where the investigation confirms that the provider has not complied with their responsibilities as per the Education Agent Agreement (except in the case of where the education agent has engaged in false or misleading practices – see the following section), contact the education agent in writing to advise to corrective actions that are required.
- 3.5 Implement relevant corrective actions.
- 3.6 Monitor corrective actions as required to ensure they are implemented.
- 3.7 File all documentation associated with monitoring.

4. TERMINATE EDUCATION AGENT AGREEMENTS

- 4.1 Where education agent monitoring or any other intelligence demonstrates that the education agent has engaged in false or misleading practices, immediately send a notice in writing to the agent advising them that their agreement is terminated and giving the reasons why.
- 4.2 Remove the agent details from website.
- 4.3 Remove the agent details from PRISMS following the *How to manage agent details* in PRISMS information.
- 4.4 Advise ASQA via ASQAnet of termination of the agreement and within 30 days of the agreement ending.

5. PROCESSING EDUCATION AGENT COMMISSIONS

- 5.1 Education agents may submit a commission invoice only where the eligibility conditions set out in the signed Education Agent Agreement have been met.

Agent invoices must:

- Be submitted in the approved format;
- Identify the relevant student(s) and course(s);
- Reflect only commission amounts permitted under the signed Education Agent Agreement; and
- Not include any unauthorized incentives, benefits, or charges.

- 5.2 Before approving or processing any commission payment, Australian Federation College must verify and document that:

- The student has not commenced study with another registered provider, unless the commission payment is permitted under Standard 4.8 of the National Code;

- The commission relates only to tuition fees actually received and earned by Australian Federation College;
 - The commission does not relate to refunded, reversed, or unpaid fees;
 - The commission amount is calculated strictly in accordance with the signed Education Agent Agreement; and
 - Any incentives or benefits (where applicable) are expressly permitted under the Education Agent Agreement and applicable legislation.
- 5.3 The Accounts team must review each Education Agent invoice to confirm accuracy, eligibility, and compliance with this policy and the Education Agent Agreement.

No commission payment may be processed unless:

- The agent has a current, valid agreement in place; and
 - Eligibility and compliance checks have been completed and recorded.
- 5.4 Australian Federation College may withhold, adjust, or recover commission payments where:
- Eligibility criteria are not met;
 - A refund is issued or required;
 - Regulatory, integrity, or compliance concerns arise; or
 - A breach of the Education Agent Agreement or this policy is identified.
- 5.5 Ensure all payments are lawful, transparent, and compliant with the ESOS Act 2000, the National Code of Practice for Providers of Education and Training to Overseas Students 2018 (including Standards 4.7 and 4.8), the Education Agent Commissions Amendment Instrument 2026, and the Standards for RTOs 2025.
- 5.6 All documentation relating to commission processing, invoice verification, approvals, and payments must be retained on the student, Xero and in the Student Management Systems (SMS) for a minimum period of **seven (7) years**, or longer where required by law, and must be made available for audit or regulatory review upon request.

RESPONSIBILITIES

The Admissions/Support team is responsible for:

- Creating profile in the SMS; and
- Assist in processing agent applications.

The Sales and Marketing Officer/s is/are responsible for:

- Managing education agent applications including approvals;
- Accurately and promptly recording agent training and monitoring activities as per organisational requirements; and
- Monitoring, managing and recording agent performance.

The Accounts team is responsible for:

- Create approved agents profile in Xero;
- Timely and accurately updating AFC Agent List; and
- Accurately and timely processing, communicating and recording Education Agent commissions.

Administration Manager is responsible for:

- Recording/removing agent details on the website and PRISMS within timelines as per this policy and procedures.

The CEO/PEO (or a delegate) is responsible for:

- Reporting agents on the ASQANET; and
- Oversee monitoring and terminating education agents.