

# Agent Appointment, Monitoring and Management Policy and Procedures

**Version 2.0**

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## STATUS, DETAILS AND SUMMARY OF CHANGES

<b>Policy No/Refence</b>	Policy No APSLEY-QA-VASPP		
<b>Status</b>	Current		
<b>Version</b>	2.0		
<b>Effective Date</b>	30 June 2024		
<b>Review Date</b>	30 June 2026		
<b>Approval Policy</b>	The APSLEY Board of Director(s)		
<b>Governing Authority</b>	The APSLEY Board of Director(s)		
<b>Endorsed by</b>	The Academic Committee		
<b>Unit Responsible</b>	The Academic Committee		
<b>Enquiries</b>	The Academic Manager: <a href="mailto:neeru@apsley.nsw.edu.au">neeru@apsley.nsw.edu.au</a>		
<b>Available On</b>	Moodle	<input type="checkbox"/>	Website <input checked="" type="checkbox"/>
<b>Policy Category</b>	Academic		
<b>References for Related Documents, Legislation, Policies and/or Procedures</b>	Standards for Registered Training Organizations (RTOs) 2015 - Standards 4.1; 7.3 ESOS National Code – Standards 3.4.1, 4.1, 4.2, 4.3, 4.5, 4.6, 10.2.2 National Vocational Education and Training Regulator Act 2012		
<b>SUMMARY OF CHANGES</b>			
<b>Date</b>	<b>Changes</b>		
<b>30.06.2022</b>	Complete Version 1.0 of the Policy		
<b>30.06.2024</b>	Major updates are made after an Internal audit; The Policy is reviewed for grammatical errors.		



## Purpose

The Education Agents of Australian Techno Management College (APSLEY) represent and promote APSLEY and often act as the first point of contact for prospective learners who are looking for studying at APSLEY. APSLEY and the Agent must be committed to providing quality student applicants for prospective training and assessment at APSLEY rather than aiming for a large quantity of prospective applicants. Therefore, APSLEY is committed to ensuring its Agents act in an ethical, compliant and appropriate manner. The purpose of this policy is to ensure that all APSLEY's appointed Agents act in an ethical manner and comply with APSLEY's obligations under the Education Services for Overseas Students (ESOS) Act 2000, National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018 (National Code) and the Migration Act 1958. This policy will also describe the procedure for approving prospective Agents and the monitoring of Agents that are appointed to represent APSLEY.

## Objective

APSLEY will follow a firm practice in the recruiting monitoring and termination of education agents domestically and internationally to ensure honest and professional representation of APSLEY with the highest integrity.

## Scope

This policy will apply to all agents, staff and other stakeholders of APSLEY.

## Policy

APSLEY will enter into a written agreement (*Education Agent Agreement*) with each education agent it engages to formally represent it and enter and maintain the education agent's details in PRISMS.

In becoming an education agent of APSLEY, the education agent must:

- (a) promote APSLEY and its approved training products in accordance with APSLEY's policy and procedures.
- (b) ensure all applicants for training products are both Genuine Temporary Entrants and Genuine Students, to maintain the integrity of the Australian student visa program, and to ensure that APSLEY only recruits high quality genuine and temporary students.
- (c) provide prospective learners with all necessary information about the training products,



Institute facilities and services and assistance in completing and submitting applications. forms to APSLEY in accordance with all the requirements of the ESOS Act, The National Code 2018 and RTO Standards 2015.

The *Education Agent Agreement* will outline:

- i) The responsibilities of APSLEY, including that APSLEY is always responsible for compliance with the ESOS Act 2000 and National Code 2018.
- ii) APSLEY requirements of the agent in representing APSLEY as outlined in the policy.
- iii) APSLEY's processes for monitoring the activities of the education agent in representing APSLEY and ensuring the education agent is giving students accurate and up-to-date information on APSLEY's services.
- iv) the corrective action that may be taken by APSLEY if the education agent does not comply with its obligations under the *Education Agent Agreement* including providing for corrective action outlined in the policy.
- v) APSLEY's grounds for termination of APSLEY's *Education Agent Agreement* with the education agent, including providing for termination in the circumstances outlined in the policy.
- vi) The circumstances under which information about the education agent may be disclosed by APSLEY and the Commonwealth or state or territory agencies.

APSLEY will require its education agent to:

- i) declare in writing and take reasonable steps to avoid conflicts of interests with its duties as an education agent of APSLEY.
- ii) observe appropriate levels of confidentiality and transparency in their dealings with international students or potential international learners.
- iii) act honestly and in good faith, and in the best interests of potential learners and students.
- iv) have appropriate knowledge and understanding of the international education system in Australia, including the [Australian International Education and Training Agent Code of Ethics](#)

APSLEY reviews education agent activities and monitors education agents on an ongoing basis, in accordance with the Procedure Section of this policy. The education agent must strictly adhere to the terms and conditions stipulated in the Education Agent Agreement.



Where APSLEY 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 under the policy, APSLEY will take immediate corrective action.

Where APSLEY 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, APSLEY 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.

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

- i) providing migration advice, unless that education agent is authorized to do so under the Migration Act 1958.
- ii) 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 National Code 2018 Standard 7 (Overseas student transfers).
- iii) facilitating the enrolment of a student who the education agent believes will not comply with the conditions of his or her visa.

APSLEY may terminate an education agent's appointment where it knows or has a reasonable suspicion that an education agent may have been engaged in unprofessional conduct or is in any way non-compliant with the ESOS Act 2000, National Code 2018 or APSLEY's Policies and Procedures.

APSLEY retains absolutely the right to veto any education agent activity when APSLEY's opinion is not compliant with:

- i) Education Agent Agreement.
- ii) Any Relevant Legislation; or
- iii) Any information provided to the education agent by APSLEY; and
- iv) The purpose and intent of this policy.

Education agents are appointed for two years from the date of signing the *Education Agent*



*Agreement.* At the expiry of the *Education Agent Agreement*, APSLEY will review the performance of the education agent before, either renewing the *Education Agent Agreement* or terminating APSLEY's relationship with the education agent.

APSLEY publishes a list of all current appointed education agents on its website obtained from the *Education Agent Agreements Register*. The list can be accessed via the institute website. As a minimum, the list will include the education agency's name, name of the principal agent, legal entity and street address.

APSLEY ensures that education agents have access to up-to-date and accurate marketing information as set out in *National Code 2018 Standard 1* and in accordance with *Marketing and Advertising Policy and Procedure*.

APSLEY does not allow education agents to access PRISMS or issue eCOEs on APSLEY behalf.

The agreement will clearly state the responsibility of bearing the cost of advertising and promotional activities.

Under this policy APSLEY is free to negotiate a commission to be paid to agents and the basis on which such commission will be paid. The Agent commission:

- i) will be clearly specified in the contract and paid accordingly.
- ii) will be payable for each student recruited and enrolled in any of the training products provided by APSLEY at any given time.
- iii) will be payable for each student who:
  - a) Is recruited by the Agent; and
  - b) Is enrolled in training product; and
  - c) Has paid the training product fee to APSLEY; and
  - d) The training has commenced; and
  - e) Who has not, after commencing training, been fully refunded the fees.
- iv) will be payable if the agent submits the student's application for enrolment, that application also bears the agent's name and eCOE has been issued after payment of fee.



- v) will not pay where the student applies to enrol directly to APSLEY or after the admission; the agent was in breach of this agreement or engaged in the activities which are detrimental to APSLEY.
- vi) will not be paid unless the agent has submitted an invoice in a form approved by APSLEY.

## Procedures:

### Process new education agent application

Procedure	Responsibility
<p>Provide information to potential education agents upon contacting APSLEY.</p> <ul style="list-style-type: none"> <li>▪ Email or post potential education agents with the <i>Education Agent Information Kit</i> and <i>Education Agent Application Form</i> for completion.</li> <li>▪ Advise in a covering email or letter that the application process will take 4 – 6 weeks from receipt of the completed forms.</li> </ul>	CEO
<p>Assess application from education agent</p> <ul style="list-style-type: none"> <li>▪ Acknowledge receipt of application.</li> <li>▪ Review application for completeness.</li> <li>▪ Where the application is incomplete, inform the education agent of the additional information required and the requirement to provide this within 28 days or that otherwise the application will no longer be valid.</li> </ul>	Director and CEO



Procedure	Responsibility
<ul style="list-style-type: none"> <li>▪ Consider information in application and contact referees as required.</li> <li>▪ Advice referees to complete the <i>Education Agent Reference Check Form</i> or complete the form if referees are contacted by phone.</li> <li>▪ Assess application based on the responses from referees, the location that the education agent will recruit from, the demonstrated understanding of Australian laws in regard to student recruitment and agent experience in the recruitment of international students.</li> <li>▪ Approve or refuse application and forward the application to the CEO.</li> <li>▪ If approved, compile and forward the draft <i>Education Agent Agreement</i> for endorsement.</li> </ul>	
<p>Endorse application from education agent</p> <ul style="list-style-type: none"> <li>▪ Endorse or refuse application and forward the decision to Marketing.</li> <li>▪ If endorsed, approve the draft <i>MFM02 Education Agent Agreement</i>.</li> </ul>	CEO
<p>Notify agents in writing of the decision to approve or not approve the application and include reasons where the application is declined. If approved commence the confirmation agreement stage.</p>	CEO





## Confirm agreement

Procedure	Responsibility
<p><b>Confirm agreement with new Education Agent</b></p> <ul style="list-style-type: none"> <li>▪ Send two copies of the <i>Education Agent Agreement</i> to the agent for signing with one to be returned. The agreement will be valid for two years for new applications.</li> <li>▪ Following receipt of signed agreement, send certificate as evidence of registration with APSLEY to be displayed in agents' offices to indicate to prospective students that they have a written agreement with APSLEY.</li> <li>▪ Add approved agent to <i>Education Agent Agreements Register</i>.</li> </ul>	<p>CEO</p>



Procedure	Responsibility
<ul style="list-style-type: none"> <li>▪ Add approved agents to APSLEY’s list of approved Education Agents and publish on APSLEY’s web site.</li> <li>▪ Enter details of education agent into PRISMS. Ensure details are always maintained in the event of changes.</li> <li>▪ Update the agent information to ASQA</li> </ul>	
<p><b>Renew existing agent agreements</b></p> <ul style="list-style-type: none"> <li>▪ For existing Education Agents and subject to effective performance, provide copies of renewed agreements for signing. Existing agreements will generally be renewed for a further two years.</li> <li>▪ Any updates to agent contact information should be processed using <i>Education Agent Information Update Form</i></li> <li>▪ Update <i>Education Agent Agreements Register</i>.</li> </ul>	CEO



## Implementing Agent Agreement

Procedure	Responsibility
<p><b>Inducting new agents</b></p> <ul style="list-style-type: none"> <li>▪ Provide an induction regarding APSLEY’s training products.</li> <li>▪ Provide an overview of the Institute’s current marketing.</li> <li>▪ Discuss student enrolment and selection process.</li> <li>▪ Provide approved marketing materials and discuss process for updating any revised marketing materials.</li> <li>▪ Discuss and clarify National Code 2018 requirements</li> <li>▪ Confirm dates for review of Agreement and targets to be achieved.</li> </ul>	<p>CEO</p>
<p><b>Provide up to date information to agents</b></p> <ul style="list-style-type: none"> <li>▪ Provide up to date information to agents through:           <ul style="list-style-type: none"> <li>○ Email important information to agents if there are any legislative and organizational changes related to agent or as per need basis. Ensure each email includes most current documents/links, so that the agents can easily check they are using the most current up to date material available.</li> <li>○ Emails, phone calls, text messages or other informal communications regarding specific student issues.</li> <li>○ Publishing content on Institute’s website and social media profiles</li> </ul> </li> </ul>	<p>CEO</p>



<p><b>Provide up to date marketing information to agents</b></p> <ul style="list-style-type: none"> <li>▪ Provide up to date marketing information to agents each time marketing information is updated.</li> <li>▪ Send updated marketing information via email or post.</li> <li>▪ Education agent information sessions held at APSLEY (for onshore agents).</li> <li>▪ Delivering seminars and marketing events with education agents when APSLEY representatives are available in the education agent's region.</li> <li>▪ Where the website is updated, email agents with a link to the updated website and provide a summary of changes.</li> <li>▪ Check that emails have been received from all agents, confirm that they are using new versions and have removed, taken down or destroyed previous versions.</li> <li>▪ Follow up agents who have not sent this email confirmation to ensure they send it immediately.</li> </ul>	<p>CEO</p>
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## Monitoring Education Agents

Procedure	Responsibility
<p><b>Implement monitoring procedures as per the written agreement</b></p> <ul style="list-style-type: none"> <li>▪ Documented face to face meetings and/or teleconferences with agents at least every six months.</li> <li>▪ Analysis of quality and quantity of applications on behalf of prospective students.</li> <li>▪ Analysis of conversion rates from lodging applications to studying at APSLEY.</li> <li>▪ Requirement for education agent to complete <i>Education Agent Annual Self-Assessment Form</i> documenting the agent's performance over the past year and <i>Education Agent Performance Review Form</i> completed by Marketing and Admissions Manager.</li> <li>▪ Collect feedback from students relating to their education agent using <i>Student Satisfaction Survey on Education Agent</i></li> <li>▪ Documenting on the agent's file instances where students claim to have been misinformed about their studies at APSLEY.</li> <li>▪ Documenting on the agent's file instances where the agent has shown a lack of knowledge of student visa requirements or other matter relating to the student's stay in Australia.</li> <li>▪ Surveying current and prospective learners about the information provided to them by the education agent and the level of assistance given to the student to assist them in travelling to Australia.</li> <li>▪ Evaluation of number of students reported and cancelled to the Department of Home Affairs (DHA) for non-compliance.</li> <li>▪ Evaluation of the education agent's advertising activities by reviewing the education agent's website and social media profiles. APSLEY may request the Agent to provide advertising material that the Agent has used over the past year and review them for any false or misleading advertising or unscrupulous conduct.</li> <li>▪ If at any time, monitoring procedures show that the agent is not meeting the terms as specified in the written agreement, investigate the issue as shown below.</li> <li>▪ Where an agent is meeting the terms as shown in the written agreement, provide written feedback to agent indicating such.</li> </ul>	<p>CEO</p>



<p><b>Investigate agents who are not meeting the terms of their agreement</b></p> <ul style="list-style-type: none"> <li>▪ If at any time APSLEY believes that the education agent is not meeting the obligations of the <i>Education Agent Agreement</i> or the National Code 2018, is negligent, careless or incompetent, or is engaged in false, misleading or unethical advertising and recruitment practices, the Marketing and Admissions Manager will follow the review process stated below: <ul style="list-style-type: none"> <li>○ Identify and gather information about the issue.</li> <li>○ Contact the education agent to seek a response on the issue.</li> <li>○ Discuss the issue and the response from the education agent with CEO.</li> </ul> </li> <li>▪ CEO decide on action as follows: <ul style="list-style-type: none"> <li><b>i) No Breach</b></li> </ul> <p>In this case the education agent is acknowledged in writing for the education agent's input and no further action is taken.</p> </li> </ul>	<p>CEO</p>
<ul style="list-style-type: none"> <li> <ul style="list-style-type: none"> <li><b>ii) Minor Breach</b></li> </ul> <p>In this case the education agent is given a written warning advising the education agent that any further breach will result in the termination of their <i>Education Agent Agreement</i>. If necessary, the education agent will be provided with advice and/or training to ensure that the breach is not repeated. APSLEY may decide to vary the <i>Education Agent Agreement</i> with additional conditions if required.</p> </li> <li> <ul style="list-style-type: none"> <li><b>iii) Major Breach</b></li> </ul> <p>In this case the education agent will be advised in writing that their <i>Education Agent Agreement</i> has been immediately terminated and that APSLEY may advise authoritative bodies such as Department of Home Affairs, Migration Agents Registration Authority, PIER Online and/or the local Australian Embassy of the breach.</p> </li> </ul> <ul style="list-style-type: none"> <li>▪ Where an agent is required to implement corrective or preventative action, monitor agent to ensure that actions are implemented according to agreed</li> </ul>	<p>CEO</p>



<p>timelines. If actions are not implemented, terminate the agreement as above.</p> <ul style="list-style-type: none"> <li>▪ The CEO is responsible for implementing the decision and keeping all documentation on education agent file.</li> </ul>	
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## Continuous Improvement

A summary of all Agent appointments, monitoring and management related matters will be presented as a part of the *Continuous Improvement Policy and Procedure* at the Management Meeting for review. The purpose of this is to ensure that management becomes aware of:

- repeat issues
- common threads relating to the general management and or safety of the staff and students and the services being provided.
- (When viewed collectively) any general adverse trend that needs correcting.

## Confidentiality and Privacy Statement

APSLEY values and is committed to protecting the privacy of its staff and stakeholders. This policy has been developed to ensure that agent appointment, monitoring and management are managed according to the policy and procedure. Stakeholders can obtain more information, by contacting us on our contact us email.

## Publication

This policy once approved, will be available to all students and staff on request. This policy will also be available through RTO's website as well.

This policy and procedure will form part of the information distributed and communicated during staff orientation.



## Other related policies and procedures

Related policies	Student support and welfare policy
Forms or other organizational documents	Agent Application Form; Agent Audit Form
Documents related to this policy	Agent agreement

## Review processes

<b>Policy review frequency: Biannually</b>	<b>Responsibility for review: Academic Manager/Compliance Manager</b>
Documentation and communication: Describe how the policy decisions will be documented and communicated	
<p>Version 2.0</p> <ul style="list-style-type: none"> <li>(a) Major updates are made after an Internal audit</li> <li>(b) The Policy is reviewed for grammatical errors</li> <li>(c) The Policy is forwarded to all staff members via an email</li> <li>(d) The Policy is uploaded to the website</li> </ul>	

