

# Education Agent Management Policy

Approved by: Chief Learning and Teaching Officer

Approval date: 10 June 2025

## Acknowledgement of Country

In the spirit of reconciliation, TAFE NSW acknowledges Aboriginal and Torres Strait Islander peoples as the Traditional Custodians of Country throughout Australia and their connections to land, sea, and community. We pay our respect to Elders past and present and extend that respect to all Aboriginal and Torres Strait Islander peoples.

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## Section 1. Purpose

- 1.1 TAFE NSW is committed to ensuring that any education agents it engages act ethically and honestly in their dealings with overseas students. This policy aims to uphold the integrity and quality of educational services provided by TAFE NSW, fostering a trustworthy and effective partnership with education agents.
- 1.2 The Education Agent Management Policy ensures that TAFE NSW and any education agents engaged by TAFE NSW provide a quality student experience and comply with the requirements of the Education Services for Overseas Students (ESOS) Framework. This includes adherence to:
  - a Education Services for Overseas Students Act 2000 (ESOS Act) and
  - b National Code of Practice for Providers of Education and Training to Overseas Students 2018 (National Code).
  - c Education Services for Overseas Students (ESOS) Regulations 2019
  - d ELICOS Standards 2018

## Section 2. Scope

- 2.1 This policy applies to:
  - a Education agents engaged by TAFE NSW for the recruitment of overseas students.
  - b TAFE NSW staff involved in the recruitment, assessment and enrolment processes for international students, including those involved in the engagement, training, monitoring, and management of education agents.

## Section 3. Policy requirements

- 3.1 To ensure the highest standards of service and compliance, all education agents wishing to be engaged by TAFE NSW must complete an Expression of Interest (EOI) Checklist and Assessment Form. This process is designed to evaluate the suitability and qualifications of prospective agents, ensuring they meet the necessary criteria to represent TAFE NSW.
- 3.2 The Expression of Interest (EOI) Checklist and Assessment Form must be completed and submitted for review by the Student Recruitment & Conversion Team. Only those agents who successfully meet the assessment criteria, as outlined in the ESOS Act, ESOS Regulations 2019, and National Code, will be considered for engagement. The criteria and process are detailed in the ["How Do I Manage Education Agent EOI" Guide \(HDIG\)](#).
- 3.3 Upon the assessment and approval of the education agent's Expression of Interest (EOI), TAFE NSW will formalise a written agreement with each approved education agent. This agreement will clearly delineate the responsibilities and expectations for the recruitment of overseas students.

- 3.4 The TAFE NSW International Secretariat Team will maintain an accurate and up-to-date list of engaged education agents in PRISMS and on the TAFE NSW website, ensuring it is available for current and prospective students. For detailed procedures, refer to the "[How Do I Manage Education Providers Onboarding](#)" guide.
- 3.5 All Education Agents engaged by TAFE NSW must adhere to the legislative requirements listed in clause 1.2. TAFE NSW will take corrective actions against agents who fail to meet performance or compliance standards, including the termination of agreements if necessary.
- 3.6 Education Agents engaged by TAFE NSW must act honestly in their dealings with students and TAFE NSW. They must act in the best interest of students and uphold the integrity of the Australian education system.
- 3.7 The TAFE NSW International Student Referral Agreement template (the written agreement) is administered by the International Secretariat team. Any changes to the template:
  - a Will be aligned to the requirements of the [ESOS Act](#) and [National Code](#).
  - b Must be reviewed and approved by the TAFE NSW Governance, Legal & Risk Branch.
- 3.8 The responsibilities of TAFE NSW include ensuring that the registered provider is compliant with the [ESOS Act](#) and [National Code](#). The written agreement must outline:
  - a TAFE NSW requirement of the agent in representing the registered provider, as outlined in Standard 4.3 of the National Code.
  - b TAFE NSW processes for monitoring the activities of the education agent in representing the provider and ensuring the education agent provides students with accurate and up-to-date information on TAFE NSW services.
  - c Corrective action that may be taken by the registered provider if the education agent does not comply with its obligations under the written agreement, including corrective actions outlined in Standard 4.4 of the National Code.
  - d TAFE NSW grounds for termination of the written agreement with the education agent, including termination circumstances outlined in Standard 4.5 of the National Code.
  - e The circumstances under which information about the education agent may be disclosed by the registered provider and Commonwealth or state or territory agencies.
  - f The written agreement is aligned with the requirements of TAFE NSW's Third-Party Quality Assurance in VET Courses Policy.
- 3.9 TAFE NSW requires its education agents to declare in the written agreement that they will take reasonable steps to avoid conflicts of interests with their duties as an education agent of TAFE NSW.
- 3.10 TAFE NSW will monitor education agent compliance with the agreement and take all reasonable efforts to monitor the expectation that education agents:
  - a observe appropriate levels of confidentiality and transparency in their dealings with international students or intending international students.

- b act honestly and in good faith, and in the best interests of the student.
- c TAFE NSW as the education provider will ensure that the marketing and promotion of its courses and education services in connection to education agent recruitment of overseas students or intending students is not false or misleading and is consistent with Australian Consumer Law (as per the International Student Referral Agreement item 6).

- 3.11 TAFE NSW will ensure that education agents have appropriate knowledge and understanding of the international education system in Australia, including the Australian International Education and Training Agent Code of Ethics. The Student Recruitment & Conversion Team is responsible for education agent onboarding and training.
- 3.12 The Student Recruitment & Conversion Team must monitor and conduct regular compliance checks to ensure that agents adhere to the ESOS framework. They must take corrective action or provide additional training for education agents. Additionally, they must report any breaches of the ESOS Act or the National Code to the relevant authority. The '[How Do I Manage Ongoing Education Agent Training](#)' specifies the process for monitoring and managing education agent compliance and is managed by the Student Recruitment & Conversion Team.
- 3.13 Where TAFE NSW becomes aware that, or has reason to believe, an education agent or an employee or subcontractor of that education agent has not complied with the education agent's responsibilities under standards 4.2 and 4.3 of the National Code, TAFE NSW will take immediate steps to implement corrective action.
- 3.14 Where TAFE NSW 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, TAFE NSW will immediately take steps to 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.
- 3.15 TAFE NSW will not accept students from an education agent if it knows or reasonably suspects the education agent to be:
- a Providing migration advice, unless that education agent is authorised to do so under the Migration Act.
  - b 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) of the National Code.
  - c Facilitating the enrolment of a student who the education agent believes will not comply with the conditions of his or her visa.
  - d Using PRISMS to create Confirmation of Enrolments (Coe's) for other than genuine students.
- 3.16 TAFE NSW reviews all education agents' performance and compliance regularly throughout the year as part of the ongoing education agents training. Every 12 months there is an official

agreement performance review and is managed through the internal process called How Do I Manage Education Agent Agreements.

## Section 4. Responsibilities

The responsibilities relating to the Education Agent Management Policy are as follows:

Team or Position	Responsibilities
Education Agents	Education agents will adhere to this policy and comply with all legislative requirements of the ESOS Act and <a href="#">National Code</a> .
International Student Recruitment & Conversion team	<p><b>Evaluate Expressions of Interest (EOIs):</b> Conduct thorough assessments of EOIs to ensure alignment with organisational standards and objectives.</p> <p><b>Perform Due Diligence:</b> Undertake comprehensive due diligence processes to verify the credibility and reliability of potential education agents.</p> <p><b>Verify References:</b> Conduct reference checks to validate the qualifications and past performance of education agents.</p> <p><b>Inspect Education Agent Offices:</b> Carry out inspections of education agent offices to ensure compliance with regulatory and organisational requirements.</p> <p><b>Provide and Record Training:</b> Deliver training programs to education agents and maintain accurate records of all training activities.</p> <p><b>Monitor Compliance:</b> Continuously monitor education agents' adherence to policies and regulations and implement corrective actions when necessary.</p> <p><b>Review Performance:</b> Regularly review the performance of education agents and make informed recommendations regarding their renewal or non-renewal.</p>

Team or Position	Responsibilities
International Secretariat	<p><b>Manage Updates and Provide Advice on Agreements:</b> Oversee updates to the written education agent agreement and offer expert advice on its provisions.</p> <p><b>Brief CRICOS PEO:</b> Provide detailed briefings to the CRICOS Principal Executive Officer (PEO) regarding education agent reviews, renewals, and non-renewals.</p> <p><b>Send Written Correspondence:</b> Draft and send formal written correspondence to education agents concerning contract-related matters.</p> <p><b>Maintain Data Currency:</b> Ensure that the data of education agents is current and accurately reflected on the organization's website.</p> <p><b>Advise Educational Quality:</b> Inform the Educational Quality team of any changes to the list of approved education agents for communication to the Australian Skills Quality Authority (ASQA).</p>

## Section 5. Monitoring

- 5.1 The Responsible Officer or their delegate will monitor the effectiveness of, and feedback received relating to this policy and take action to ensure its continued improvement and adherence to the ESOS Act 2000 and National Code.
- 5.2 The Responsible Officer will coordinate a formal review of this policy every two years or where a change to legislation or organisational structure necessitates.
- 5.3 The How Do I Guides governed by this policy will be formally reviewed by the Responsible Officer of this policy or their delegate every two years or where a change to legislation or organisational structure necessitates.
- 5.4 The International Recruitment and Conversion Team maintains agent training records, including corrective actions, terminations, and other training requirements. Annual performance reviews are conducted, recorded, and reported to agents. Terminations due to low performance or corrective actions are handled by the Senior Manager Recruitment and Conversion & Manager International Secretariat. The annual report, listing terminations and agreement renewals, is sent to the Chief Learning & Teaching Officer.

## Section 6. Where to get help

- 6.1 The Responsible Officer for this Policy is the Executive Director Education Enablement and the first point of contact for enquiries and feedback related to the Policy is the International Team, Education Enablement Branch, Learning and Teaching Group.

## Section 7. Governance information

Governance	Details
Accountable Officer	Chief Learning and Teaching Officer
Content Manager number	[Provided on uploading to the Policy & Procedure Hub.
Legislation, regulations, and standards	<p>This policy is governed by:</p> <ul style="list-style-type: none"> <li>- <a href="#">Education Services for Overseas Students Act 2000 (ESOS Act).</a></li> <li>- <a href="#">National Code of Practice for Providers of Education and Training to Overseas Students 2018 (National Code)</a> and</li> <li>- <a href="#">Education Services for Overseas Students (ESOS) Regulations 2019</a></li> </ul>
Related How Do I guides	<p>This policy governs the following procedures:</p> <p><a href="#">How Do I Manage Education Agent EOI</a></p> <p><a href="#">How Do I Manage Education Agent Onboarding</a></p> <p><a href="#">How Do I Manage Ongoing Agent Training &amp; Performance</a></p> <p><a href="#">How Do I Manage Education Agent Agreements</a></p> <p><a href="#">How Do I Manage Education Agent Commission</a></p>
Related policies	<p>This policy is to be read together with:</p> <p><a href="#">International Student Management Policy</a></p>
Responsible Officer	Executive Director, Education Enablement
Next review date	June 2027

## Section 8. Definitions

Word	Definition
Written agreement/agreement/ International Student Referral Agreement	The formal contract between TAFE NSW and the education agent outlining the terms and conditions under which the services of the education agent are provided (including all Schedules).
Course	A Vocational Education and Training (VET), Higher Education (HE) or English Language Intensive Course for Overseas Students (ELICOS) course that is registered by TAFE NSW on the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS).
Education agent/agent	A person or organisation (in or outside Australia) who recruits international students and refers them to education providers, including TAFE NSW. In doing so, the education agent may provide education counselling to students as well as marketing and promotion services to education providers. Education agent does not refer to an education institution with whom TAFE NSW has an agreement for the provision of education and training activities.
International student	A person (whether within or outside Australia) who is accepted for enrolment, or enrolled, in a course provided by TAFE NSW and who is, or will be, required to hold a student visa to undertake or continue the course.
Prospective international student	A person (whether within or outside Australia) who intends to become, or who has taken any steps towards becoming, an international student.
PRISMS	Provider Registration and International Student Management Systems

## Section 9. Document history

No.	Effective	Approved by	Amendment
1	10 June 2025	Chief Learning and Teaching Officer	New Policy arising from consolidation of the International Team policies and procedures.