

# Education Agent Policy and Procedures

## 1. Purpose

The purpose of this policy and its accompanying procedures is to establish protocols that ensure Illoura College maintains transparency and integrity in its dealings with education agents. These measures are designed to safeguard the welfare of overseas students and uphold the esteemed reputation of Australia's international education sector.

This Policy also establishes Illoura College's process for:

- selecting, appointing, managing, monitoring and terminating education agents.
- ensuring education agents provide accurate, current and ethical information to students.
- preventing false, misleading or inappropriate recruitment practices; and
- determining whether payment of an education agent commission is permitted, including where an overseas student is applying onshore after having commenced study with another provider.

Illoura College will take reasonable steps to determine whether an onshore overseas student is transferring from another provider before any commission or other benefit is approved in connection with that student's recruitment.

## 2. Key Definitions

- **Education agent** is a person or organisation (in or outside Australia) who recruits overseas students and refers them to education providers. In doing so, the education agent may provide education counselling to overseas students as well as marketing and promotion services to education providers. Education agent does not refer to an education institution with whom an Australian provider has an agreement for the provision of education (that is teaching activities).
- **Education Agent Commission** means any consideration or benefit, whether monetary or non-monetary, given by or on behalf of a provider to an education agent, or an associate of the education agent, in connection with the recruitment of an overseas student or intending overseas student, or in connection with providing information, advice or assistance relating to enrolment. This includes commissions, service charges, bonuses, performance payments, gifts, discounted or free services, and other rewards or incentives.
- **ESOS** The Education Services for Overseas Students Act 2000 of the Commonwealth of Australia.
- **National code 2018** is the National Code of Practice for Providers of Education and Training to Overseas Students 2018, established pursuant to Part 4 of the ESOS Act.
- **International Student** is a student studying in Australia on a student visa issued by Department of Home Affairs.
- **Transfer** means a situation where an overseas student moves from one provider to another provider without first completing their course
- **Principal Course** means the main course of study associated with the student visa.

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- **Provider Registration and International Students Management System (PRISMS)** is an Australian Government database that provides Australian education providers with Confirmation of Enrolment facilities required for compliance with the ESOS legislation.

## 3. Policy

### 3.1 Overview

- Illoura College will refrain from accepting students referred to by an education agent if there is knowledge or reasonable suspicion that the agent is engaged in any of the following activities:
  - Providing migration advice without proper authorization under the Migration Act 1958.
  - Participating in or having a history of engaging in deceptive recruitment practices, such as knowingly recruiting students in conflict with the obligations outlined in Standard 7 (Overseas student transfers).
  - Facilitating the enrolment of students who the agent believes will not adhere to their visa conditions.
  - Misusing PRISMS to generate Confirmation of Enrolments (CoEs) for individuals who are not genuine students.
- Illoura College will:
  - Select only reputable Education Agents.
  - Manage and monitor its Education Agents to ensure they act with honesty and integrity.
  - Manage its Education Agents in a professional and responsible manner.
  - Enter into a written agreement with each Education Agent, as per the Education Agent Procedure.
  - Maintain an accurate list of its Education Agents and enter and maintain the Education Agents' details in PRISMS, ASQANET, and Illoura College's website.
  - maintain a documented process for determining whether payment of an education agent commission is lawful, including for onshore applicants who may be transferring from another provider.
  - Monitor the Education Agents' compliance with the written agreement.
  - Take immediate corrective action if it becomes aware that the Education Agent, or its subcontractor, has not complied with the responsibilities outlined in the written agreement.
  - Terminate the written agreement if it becomes aware, or has reason to believe, the Education Agent is engaging in false or misleading recruitment practices; and

### 3.2 Onshore Transfer Commission Ban

Illoura College must not pay, offer, give or authorise an education agent commission, whether monetary or non-monetary, for the recruitment of an overseas student who is transferring from another provider after having commenced study onshore, except where transitional arrangements lawfully permit payment.

Before any commission or other recruitment-related benefit is approved for an onshore overseas student, Illoura College must take reasonable steps to determine whether the student:

- has already commenced study with another provider.
- is enrolled in, or has commenced, their principal course associated with their student visa; and

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- will complete that course before the proposed course at Illoura College commences.

Illoura College will develop and apply its own documented process to determine whether payment of an education agent commission is permitted in line with the ESOS Framework.

For this process:

- a student moving to further study after completion of their principal course is not treated as a transfer.
- progression through a packaged course listed on the CoEs for which the student visa was granted is not treated as a transfer; and
- Concurrent or secondary enrolment is treated as caught by the commission ban where the student has already commenced and has not yet completed study with another provider.

The commission ban applies to transferring students accepted for enrolment after 31 March 2026. Where a transferring student was accepted for enrolment on or before 31 March 2026 and payment arises under an existing contract, payment may continue only to the extent permitted under the transitional arrangements.

### 3.3 Agent Agreements

All education agents representing Illoura College are required to sign and adhere to the Illoura College Education Agent Agreement. This agreement is in full compliance with the National Code and encompasses the following key aspects:

- Illoura College's responsibilities, including for compliance with ESOS Act 2000 and National code 2018.  
The requirements of the agent in representing Illoura College include:
  - 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
- Illoura 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 and the grounds of termination of the written agreement with the education agent by Illoura College if the education agent does not comply with its responsibilities outlined under standard 4 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.

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## 4. Procedure

### 4.1 Process Education Agent Application

- Provide an Education Agent Application form to education agent or refer the link for the application.
- On receipt of an application, check that the application form has been completed in full and that any supporting information has been provided.
- Send an acknowledgement that the application form has been received within 5 working days of receipt of the application. Request additional information not provided, as relevant.
- Review information included in application form.
- Call referees for reports on the agents.
- Approves the agent's application, where the agent has demonstrated experience and skills, provides services that align with Illoura College's marketing objectives and positive reports from referees are received.
- 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 reference reports
- 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.

### 4.2 Manage Education Agents

- Following the signing of the agreement, add the agent details to PRISM and advise ASQA via ASQAnet and within 30 days of the agreement being entered into
- Add the agent details to list of agents on website.
- Save the signed education agent agreements in the Education Agents folder
- Contact the agent to provide an induction, including an overview of Illoura College's requirements and marketing and recruitment processes.
- Provide the education agent with current copies of marketing materials and enrolment forms.

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### 4.3 Assess Onshore Applicants for Transfer Status and Commission Eligibility

Before issuing an offer, accepting an application, creating a CoE, or approving any commission or recruitment-related benefit for an onshore overseas student referred by an education agent, Illoura College must assess whether the student is transferring from another provider and whether payment of commission is permitted.

A member of admissions team will:

- complete the Onshore Transfer Screening Checklist.
- take reasonable steps to determine whether the student has already commenced study with another provider.
- determine whether the student's commenced course is their principal course associated with the student visa; and
- determine whether that course will be completed before the proposed Illoura College course commences.

Relevant evidence may include, as applicable:

- visa grant notice.
- current and previous CoE(s);
- letter of release or PRISMS release record.
- completion letter, transcript or statement of attainment.
- evidence of packaged course arrangements.
- current provider correspondence.
- student declaration; and
- agent declaration.

The outcome must be recorded as one of the following:

- Not a transfer – commission may be considered.
- Transfer – commission must not be paid or given; or
- Unclear/high risk – escalate for compliance review.

A student is generally not treated as a transfer where:

- the student is moving to further study after completing their principal course; or
- the student is progressing through a packaged course listed on the CoEs for which the visa was granted.

A student is generally treated as a transfer where they have already commenced study onshore with another provider and have not completed the relevant course before the Illoura College course is to commence, including where the student has withdrawn, had enrolment cancelled, or seeks concurrent or secondary study.

Where the outcome is unclear, high risk, or involves an exception, release issue, provider default or complex study history, the matter must be referred to the Director of Operations before the application is finalised and before any commission decision is made.

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Illoura College must maintain accurate records of:

- when the student became an accepted student.
- the evidence reviewed.
- the assessment outcome.
- the reasons for the decision; and
- whether any commission or other benefit was approved, refused or escalated.

## 4.4 Monitoring Education Agents

- Regularly update education agents with details of new courses and any updated marketing and enrolment materials/processes.
- Monitor agents annually using the Education Agent Monitoring Form.
- 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.
- Where the investigation confirms that the provider has not complied with their responsibilities as per the Education Agent Agreement, contact the education agent in writing to advise corrective actions that are required.
- Implement relevant corrective actions.
- Monitor corrective actions as required to ensure they are implemented.
- Save the documents in the Education Agents folder

## 4.5 Terminate Education Agent Agreements

- 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.
- Remove the agent details from website.
- Remove the agent's details from PRISM and advise ASQA via ASQAnet within 30 Calendar days of agreement ending.

## 5. Related Documents and Forms

### Related Policies

- Marketing and Advertisement Policy

### Related Forms

- Education Agent application form
- Education Agent reference check form
- Education Agent monitoring form

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- Onshore Transfer Screening Checklist

## Other

- Education Agent Agreement

## 6. Policy Information

Policy area	<ul style="list-style-type: none"> <li>• VET Student Support</li> <li>• Governance</li> </ul>
Policy Version	V 1.1
Date of Review	March 2026
Review Schedule	March 2027
Applicable Standards	<ul style="list-style-type: none"> <li>• Outcome Standards for RTOs – Standards 2.1(a) and standards 4.2(c)(d)</li> <li>• National Code of Practice for Providers of Education and Training to Overseas Students 2018. Clauses 17 of Compliance requirements</li> </ul>
Responsibility	<ul style="list-style-type: none"> <li>• CEO, Direction of Operation</li> <li>• Admission Manager</li> <li>• Marketing Officer</li> </ul>