

International Education Agent Policy

Section 1 - Purpose

(1) This document sets out Charles Sturt University's (the University) policy in relation to the recruitment, management and termination of agents that recruit international students to the University.

(2) The objective of the policy is to ensure the University:

- a. complies with the following legislation:
 - i. [Education Services for Overseas Students Act 2000](#) (ESOS Act) (Commonwealth)
 - ii. [National Code of Practice for Providers of Education and Training to Overseas Students 2018](#) (National Code) (Commonwealth)
 - iii. [Higher Education Standards Framework \(Threshold Standards\) 2021](#) (Commonwealth)
 - iv. [Higher Education Support Act 2003](#) (Commonwealth)
 - v. [Migration Act 1958](#) (Commonwealth)
 - vi. [Tertiary Education Quality and Standards Agency Act 2011](#) (Commonwealth)
- b. appoints high quality international education agents (agents)
- c. provides adequate training and information to agents, including their obligations under the [ESOS Act](#) and [National Code](#)
- d. provides adequate support to agents to assist with their recruitment
- e. manages the agents relationship in a professional and responsible manner
- f. manages and mitigates reputational and other risks associated with agents
- g. only pays assessed and lawful commissions to agents who have an agreement with the University
- h. regularly reviews agent performance, and
- i. takes corrective action (which may include termination of an agreement) with any agent that does not perform satisfactorily or does not comply with the terms and conditions of the agent agreement.

Scope

(3) This policy applies to all Charles Sturt staff, international education agents and all partners who deliver the University's awards and engage with international education agents on the University's behalf.

Section 2 - Glossary

(4) For the purpose of this policy:

- a. Agent (international education agent) - means an organisation engaged by the University via a formal agreement to undertake approved international student recruitment activities on behalf of the University, where they are paid a commission for a successful placement.
- b. ESOS Act - means the [Education Services for Overseas Students Act 2000 \(Cth\)](#), as amended.
- c. International Education Agent Agreement (agent agreement or agreement) - means the formal contract

between the University and the agent outlining the terms and conditions under which the services of the agent are provided.

- d. National Code - means the [National Code of Practice for Education and Training to Overseas Students 2018](#), as amended.
- e. University policy - means all policies, guidelines and procedures of or applying to the University.

Section 3 - Policy

Responsibilities

(5) The Vice-Chancellor has authorised the responsibility for the recruitment, management and termination of agents to the Office of Global Engagement (OGE).

(6) More specifically, the responsibilities include:

- a. selection, assessment and recruitment of agents
- b. response to agent solicitations
- c. development and issuing of agent agreements
- d. signing agreements with agents not already engaged
- e. management and contractual oversight of agents including contract termination
- f. compliance of agent activities with the [ESOS Act](#), [National Code](#), [Migration Act](#), agent agreement and university policy
- g. ensuring student applications submitted by an agent are only accepted from agents with a signed agreement in place
- h. taking corrective action (which may include termination of an agreement) with any agent that does not perform satisfactorily or does not comply with the terms and conditions of the agent agreement, and
- i. agent performance reviews, agreement renewals and terminations.

Adherence to requirements

(7) The University relies on agents to recruit international students into on-campus and online education courses. The role of an agent is to provide prospective students with accurate and comprehensive information about the University and its courses, and submit prospective students' applications to the University with all required information and documentation included. Agents recruiting for on-campus study will also assist prospective students with their student visa application to the Australian Government.

(8) The following requirements will apply to agents:

- a. Quality assurance: the University will ensure that agents are of high quality, meet the University's strategic considerations, and are committed to abiding by the standards outlined in the [ESOS Act](#) and [National Code](#). Regular reviews and reporting will be undertaken by OGE to monitor agents' performance and activities.
- b. Timely and relevant communication: the University will ensure timely and relevant communication to agents on matters such as courses, admission requirements, policies, training, complaints and issues requiring corrective action.
- c. Relationship building: the University will ensure all relationship building activities with agents are ethical, and abide by university policy and the [National Code](#).
- d. Agent agreement: the University will not accept students from agents who do not have a formal agreement in place, and will ensure that any breaches are dealt with in accordance with the agreement in place and the [National Code](#).

(9) Where a course is marketed and delivered by a third party, and where admissions or marketing services are delegated to the third party, the University must ensure that the third party has appropriate resources and processes in place to adhere to the University's policies and procedures.

(10) The Pro Vice-Chancellor (International) will:

- a. approve the processes used by the third parties for:
 - i. initial assessment, pre-selection and recommendation of agents
 - ii. training, induction of, and communications to agents pertaining to clauses 17 and 18
 - iii. monitoring and recommendations for renewal of agent agreements
 - iv. records and compliance, and
 - v. referral of complaints and issues to the University
- b. request regular reporting on agent management matters.

Section 4 - Procedures

(11) OGE is responsible for overseeing the activities of the University's agents to ensure only reputable agents are appointed, and any engagement is in accordance with the [National Code](#).

Engagement of agents

(12) OGE will take all reasonable measures to only engage agents:

- a. that have an appropriate knowledge of the University, its courses and processes, relevant knowledge and experience in the legislative framework of Australian international education, and a comprehensive understanding of Australian student visa processes and requirements, and
- b. who show demonstrated student recruitment potential in markets where the University seeks additional representation.

Assessment and selection

(13) OGE will conduct and document due diligence and assess prospective agents' suitability to represent the University against criteria that may include:

- a. the location of the agent and the country or countries the agent will recruit from
- b. alignment between the University's strategy and the agent's ability to meet those relevant objectives
- c. market information for the proposed territory, including likely recruitment channels
- d. agency structure, such as whether a company or individual, and likely support that will be required from the University
- e. an assessment of agent premises and staff
- f. demonstrated understanding of Australian legislation in regards to student recruitment, student visa requirements, data management and privacy, the Australian international education industry and the University
- g. relevant prior training completed, including whether any of the agency staff have completed the PIER Education Agent Training Certification
- h. evidence of experience in the recruitment of genuine quality international students, which may include recruitment for other Australian universities or training providers, and relevant industry partnerships
- i. relevant agent network registration and accreditation
- j. feedback from referees

- k. evidence of marketing strategies and marketing experience
- l. any history of non-compliance with the [ESOS Act](#), [National Code](#) or agent agreements
- m. any history of false or misleading recruitment practices, illegal provision of migration advice, dishonest recruitment practices or misuse of the [Provider Registration and International Student Management System \(PRISMS\)](#)
- n. agent's reputation, including through publicly available sources, and evaluation of any previous dealings
- o. agent's fees and charges structure, and
- p. agent performance data available through [PRISMS](#) and other sources.

(14) The University will not accept students from, or enter into an agreement with, any agent that it knows or reasonably suspects to be:

- a. 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 of the [National Code](#) (Overseas student transfers)
- b. facilitating the enrolment of a student that the agent believes, or should know, would not comply with the conditions of their student visa
- c. negligent, careless, incompetent or engaged in false, misleading or unethical advertising and recruitment practices, including practices that could harm the reputation of the University or the Australian international education industry
- d. misusing [PRISMS](#) to create confirmations of enrolment for other than bona fide students and
- e. providing migration advice, unless that education agent is authorised to do so under the [Migration Act](#).

Appointment

(15) Agents who are assessed as meeting the requirements of the University and the requirements of the [National Code](#) will be offered a written agent agreement to represent the University and promote courses with the intention of recruiting quality students who meet admissions, visa and Genuine Temporary Entrant requirements, on a non-exclusive basis.

(16) OGE will publish an up-to-date list of appointed agents on the University website, maintain records of agreements and due diligence undertaken, and enter and maintain each agent's details in [PRISMS](#). If required by the agent, the University can provide a formal letter or certificate confirming the agreement.

Agent training and information

(17) The University (OGE) and/or a third party to whom the University has delegated marketing services in the partnership manual, will maintain regular contact with agents by telephone, written communication, and office visits to provide training, up-to-date and accurate information on courses, and marketing materials to enable agents to conduct their business, including advice on:

- a. course changes
- b. changes to the legal or regulatory conditions for Australian student visa requirements
- c. enrolment dates, admissions and application processing requirements
- d. news, events and other relevant information about the University
- e. changes to any privacy requirements consistent with the obligations of the University under any applicable privacy legislation
- f. the use of any electronic and online systems used to process applications, and
- g. taking corrective action to address any issues that may have been identified.

(18) OGE and/or a third party to whom the University has delegated marketing services in the partnership manual will provide training to agents during visits and through online forums as required. Agents will be encouraged to visit the University to undertake training sessions and familiarise themselves with the University and its facilities.

(19) Agents will be expected to cooperate with the University in undertaking regular training on relevant topics and provide the University with evidence of any external training undertaken. As a minimum requirement, agents must have appropriate knowledge and understanding of the [Australian International Education and Training: Agent Code of Ethics](#).

(20) The University will endeavour to provide information and training in an accurate and timely manner. However, agents are expected to be proactive in undertaking their own training and familiarising themselves with changes to courses, policies, admissions, marketing materials, application processes, visa rules, and international education regulations and legislation.

(21) New agents must, within one month of entering an agreement, undertake induction training covering key policies, procedures and information about the University and its courses.

(22) An agreement may be entered with a new agent prior to the University completing its assessment, selection and training processes. In these cases the agreement:

- a. will occur at the absolute discretion of the University
- b. will only be in exceptional circumstances, such as to facilitate the application of a student who otherwise would not be admitted
- c. may set a maximum term of three months to allow the University to complete its assessment, selection and training processes
- d. will not be entered into until the University has, at a minimum, used any readily accessible information to assess the prospective agent's suitability as described under the 'Assessment and selection' section of this policy, and

(23) Where an agreement is made under clause 22, the University's international recruitment and marketing staff must take responsibility for the provision of all information to any prospective student received via the agent.

Monitoring and review

(24) OGE will monitor the performance and activities of all agents recruiting into the University's courses, on an ongoing basis, to ensure that the University is only using reputable and productive agents.

(25) The University will carry out a formal performance review of each agent at least annually.

(26) The University may also conduct an audit of agents' compliance with the agent agreement and this policy at any time.

(27) Ongoing monitoring and formal performance reviews will be undertaken in accordance with the terms of the agent agreement and this policy, and may include:

- a. international student surveys
- b. application audits
- c. visits to the offices of the agent
- d. submission of invoices in the format set out in the agent agreement
- e. conversion rates (number of applications, offer and commencements)
- f. the number of visa applications submitted by the agent that resulted in a student visa being granted

- g. confirmation by the agent of receipt of communications sent by the University
- h. the academic progress and performance of international students recruited by the agent
- i. a review of the accuracy and currency of information provided to prospective international students
- j. compliance with the terms of the agent agreement and
- k. any other indicators or measures set by the University.

(28) The University will maintain where practical, confidential guidelines on the minimum required benchmarks agents must achieve in the relevant performance indicators in clause 27 in order for their performance to be deemed satisfactory.

(29) Information and data for the review and monitoring of agent performance will be collected through qualitative and quantitative mechanisms. This includes, but is not limited to, internal university data, PRISMS data, student surveys and questionnaires, reviews of publicly- and non-publicly available materials and resources, meetings and discussions with agents and their staff, observations of events and interactions with prospective students, and feedback from individuals.

(30) When monitoring processes indicate a deficiency or non-compliance, action will be taken in accordance with the agent agreement, and may include further counselling or training, corrective action, non-renewal of agreements or termination of the agreement.

(31) The monitoring and review of agents will be used to assess the status of the relationship and inform renewals and terminations.

(32) Where the University becomes aware that, or has reason to believe, the agent or an employee or subcontractor of that agent has not complied with the agent's responsibilities under the [National Code](#), agent agreement, or the University's policies, the University will take immediate corrective action. Corrective action may include:

- a. legal action for any loss or damage incurred by the University
- b. termination of the agreement
- c. suspension of the agreement in one or all territories
- d. non-renewal of the Agreement or future agent agreements
- e. additional targeted training or counselling provided to the agent (costs to be agreed between the parties), and
- f. any other corrective action at the University's discretion.

(33) Where the University becomes aware, or has reason to believe, that the agent or an employee or subcontractor of the agent is engaging in false or misleading recruitment practices, the University will immediately terminate its relationship with the agent, or require the agent to terminate its relationship with the employee or subcontractor who engaged in those practices.

(34) Following the annual review of each agent, or identification of a deficiency or non-compliance through ongoing monitoring, OGE will provide a report summarising the performance of each agent and recommended actions to the Pro Vice-Chancellor (International). The Pro Vice-Chancellor (International) will approve one of the following actions:

- a. continuation of agreement
- b. renewal of agreement
- c. non-renewal of agreement
- d. termination of agreement, or
- e. further training or corrective action.

(35) OGE will communicate with the agent as part of monitoring and review processes. Should the University propose

to take adverse corrective action, or non-renewal or termination of the agent agreement, the agent may be provided with an opportunity to respond on the proposed action.

Records and compliance

(36) To ensure compliance with the [National Code](#), OGE and the University's third parties will keep appropriate records of all agents engaged by the University to formally represent it in the recruitment of international students, including:

- a. a signed written and current agreement in the form of either a physically signed document, an electronically signed document, an agreement executed via acceptance in an online portal, or any other reasonable means which constitute a formally written and executed agreement
- b. evidence of agent monitoring activity undertaken by the University
- c. copies of agreements that have been terminated, where applicable, and
- d. evidence of immediate corrective and preventative action (for example, record of telephone conversations, emails or letters) taken when the University becomes aware that the agent has or may become negligent, careless or incompetent, or has or may be engaged in false, misleading or unethical advertising and recruitment practices.

Reporting

(37) OGE will report to the Pro Vice-Chancellor (International):

- a. new agents appointed
- b. monitoring undertaken including any complaints and issues
- c. findings from agent performance reviews with recommendations, and
- d. terminated and non-renewed agents, including where the termination or non-renewal has been initiated by the agent.

Payments to agents

(38) The International Office will maintain a documented process to ensure that the University will only pay lawful commissions and incentives to education agents. This will include provisions to ensure that every invoice undergoes a comprehensive review before approval to ensure compliance with legislative and contractual obligations.

(39) All payments to agents that are in addition to contractually defined commission, for example, payments made for marketing support, participation in agent led recruitment events or subscriptions to services provided by agents (for example IDP Connect) must be approved by the Director, Global Engagement.

(40) Where the University provides additional payment to agents for marketing purposes, a record must be kept in University systems outlining the specifics and deliverables and associated with this payment and the outcomes achieved.

Status and Details

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