

Agent Procedure

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Policy Supported:

[Admission and Support of International Students Policy](#)

Audience:

Staff, Students, public

Scope:

This procedure applies to all staff involved in appointing and managing Agents.

Objectives:

- To ensure Agents act ethically, honestly, in the best interest of International Students, and uphold the reputation of Murdoch University.
- To ensure compliance with:
 - The [Education Services for Overseas Students Act 2000](#) (ESOS Act),
 - The [National Code of Practice for Providers of Education and Training to Overseas Students 2018](#) (National Code)
 - The [Higher Education Standards Framework 2015](#) (HES)as may be updated from time to time.

Definitions:

The definition of common terms appears in the Murdoch University Dictionary of Terms. Any defined terms below are specific to this document.

- “Agent” means a person or organisation (in or outside Australia) who recruits International Students and refers them to the University. In doing so, the Agent may provide education counselling to International Students as well as marketing and promotion services to the University. However, “Agent” does not refer to an education institution with whom the University has an agreement for the provision of education (that is teaching activities).
- “Agreement” means a written agreement between the University and an Agent under which the Agent recruits International Students and refers them to the University.

- “CRICOS” is the Commonwealth Register of Institutions and Courses for Overseas Students.
- “International Student” means a person (in or outside Australia) who requires a temporary visa to study in Australia or would otherwise be required to pay international student fees to study in Australia.
- “PRISMS” means the Provider Registration and International Student Management System. PRISMS is used to process information given to the Federal Government by registered providers, including the University.

Procedure:

General

1. Pro Vice Chancellor International (PVCI) International (PVCI) will ensure that:
 - 1.1 Agent details are up to date in PRISMS, on the University’s website and in other communications
 - 1.2 relevant staff are informed of updates to Agent details.
2. Director Academic Quality, Curriculum Management and Policy (DAQCMP) is responsible for ensuring that Agent details are monitored within:
 - 2.1 PRISMS
 - 2.2 University communications including the University’s website.
3. PVCI is responsible for ensuring that suitable Agents are recruited, and Agents are managed, trained and reviewed, so that they:
 - 3.1 act honestly, ethically, professionally, and in applicants’ best interests
 - 3.2 have appropriate knowledge and understanding of the Australian education and regulatory requirements for recruitment and admission of International Students.

Appointing a new Agent

4. PVCI is responsible for ensuring a proposed Agent’s suitability is assessed, including that:
 - 4.1 A due diligence check has been conducted, which confirms that the following criteria (and any additional criteria established by the PVCI) have been met:
 - 4.1.1 the appointment would meet relevant requirements specified in *Standard 4* of the National Code
 - 4.1.2 the Agent has appropriate knowledge and capability to act as an Agent
 - 4.1.3 the appointment would meet the University’s operational requirements
 - 4.1.4 the appointment aligns with market viability
 - 4.1.5 the appointment aligns with the University’s objectives.

- 4.2 A minimum of two reference checks have been conducted:
 - 4.2.1 with CRICOS-registered providers
 - 4.2.2 where an Agent has not worked with an Australian provider, with reputable international institutions.
5. PPCI is responsible for recommending the appointment of an Agent.
6. The following have authority to approve the appointment of an Agent:
 - 6.1 Deputy Vice Chancellor Colleges
 - 6.2 PPCI (but only renewals),and such persons also have authority to sign the associated Agreements. In addition, the PPCI has authority to sign an Agreement for a new Agent if Deputy Vice Chancellor Colleges has approved the associated appointment.
7. Each Agreement must:
 - 7.1 contain all relevant requirements set out in *Standard 4* of the National Code
 - 7.2 be for a fixed term of no longer than three years
 - 7.3 be reviewed by the Director of Legal Services or nominee prior to it being signed.
8. Only Agents who have a current Agreement with the University can recruit International Students on behalf of the University.

Working with Agents

9. PPCI must ensure Agents are required by their Agreements to:
 - 9.1 declare in writing any potential conflict of interest in relation to their work for the University and must take reasonable steps to avoid any conflict of interest at any point in their engagement with the University
 - 9.2 observe appropriate levels of confidentiality and transparency in their dealings with prospective or current International Students
 - 9.3 act honestly and in good faith, and in the best interests of International students
 - 9.4 have appropriate knowledge and understanding of the international education system in Australia, including the [Australian International Education and Training Agent Code of Ethics](#)
 - 9.5 comply with the [Australian International Education and Training Agent Code of Ethics](#).
10. PPCI has authority to provide written consent for Agents to subcontract obligations under their Agreements to a third party.

Agent Monitoring and Reporting

11. Associate Director, Strategy, Quality and Analytics is responsible for ensuring relevant data relating to International Students is collated to inform monitoring of Agent performance.

12. Director Student and Library Services is responsible for collecting ad hoc feedback on Agent performance gathered through the admissions process and reporting issues to the PPCI.
13. PPCI is responsible for establishing a schedule for Agent reviews and reviewing each Agent.
14. Each agent must be reviewed annually.
15. PPCI is responsible for assessing the outcome of each Agent review and reporting the outcome to International Committee.
16. Where Agent non-compliance is identified the PPCI is responsible for:
 - 16.1 determining and managing the application of corrective actions
 - 16.2 where termination is required, commencing the termination process
 - 16.3 reporting non-compliance and corrective actions to International Committee
 - 16.4 advising the DAQCMC of non-compliance, corrective actions and any restrictions applied to an Agent
 - 16.5 advising the Director Student and Library Services of any admissions restrictions applied to an Agent.
17. DAQCMC must ensure that:
 - 17.1 Agent performance is monitored on an ongoing basis
 - 17.2 outcomes of monitoring are reported to International Committee biannually in line with the annual review schedule.
18. If a staff member suspects or knows an Agent has breached an Agreement or has engaged in behaviour that could put the University at risk of non-compliance with regulatory requirements, they must immediately report this to the DAQCMC.
19. Where an issue with an Agent is identified or reasonably suspected, the DAQCMC, in consultation with the PPCI must:
 - 19.1 ensure the Agent's performance is assessed
 - 19.2 unless the Agreement with that Agent is terminated, ensure:
 - 19.2.1 necessary immediate corrective action(s) and timeframes for completion are identified
 - 19.2.2 the Agent's compliance with any directed corrective action is monitored
 - 19.2.3 findings and actions are reported to International Committee.
20. DAQCMC must ensure that the Director, Student and Library Services is advised where an issue with an Agent is identified or reasonably suspected that:
 - 20.1 requires the University to not accept students from that Agent (for example as specified in *Standard 4* of the National Code)
 - 20.2 constitutes grounds for not accepting students from that Agent (for example, as recommended by the PPCI).

21. International Committee must oversee the review and monitoring of Agent performance on a biannual basis by reviewing relevant data relating to International Students including:
 - 21.1 reporting from annual Agent reviews
 - 21.2 reporting from ongoing monitoring.
22. DAQCMP must ensure that Agent performance findings are reported to
 - 22.1 Senior Executive Group on an annual basis
 - 22.2 Audit and Risk Committee on an annual basis.

Termination

23. Grounds for termination of an Agreement are as set out in that Agreement and would typically include where the Agent has:
 - 23.1 not applied corrective action within a directed timeframe
 - 23.2 provided fraudulent, false or misleading information
 - 23.3 engaged in false or misleading recruitment practices
 - 23.4 has breached an Agreement and does not remedy that breach within seven business days
 - 23.5 engaged in dishonest or unethical conduct
 - 23.6 engaged in behaviour that could put the University at risk of non-compliance with regulatory requirements.
24. PPCI is responsible for approving the termination of an Agreement or requiring an Agent to terminate its relationship with an employee or subcontractor under the Agreement.
25. Where an Agreement is terminated, the PPCI is responsible for ensuring the Deputy Vice Chancellor Colleges is advised.

Variation to an Agreement

26. PPCI may seek legal advice from the Director Legal Services or nominee as to how to effect:
 - 26.1 variations to, or novations of, an existing Agreement
 - 26.2 the replacement of an existing Agreement with a new Agreement.
27. PPCI is responsible for approving any variations to Agreements, and the Deputy Vice Chancellor Colleges is responsible for approving any novations of Agreements, in consultation with DAQCMP.

Renewal of an Agreement

28. PPCI is responsible for ensuring that Agent Agreements are only recommended for renewal to the Deputy Vice Chancellor Colleges where a due diligence check has been conducted that determines the following criteria (and any additional criteria established by the PPCI) have been met:
 - 28.1 the Agent has appropriate knowledge and capability to act as an Agent
 - 28.2 the appointment would meet operational requirements

28.3 the appointment aligns with market viability

28.4 the appointment aligns with the University's strategic objectives.

29. For the avoidance of doubt, paragraphs 5, 6 and 7 of this Procedure relating to the appointment of Agents will apply to renewal of Agreements.

Related Documents:

[Assessment and Award of Advanced Standing Procedure](#)

[Enrolments \(Coursework\) Procedure](#)

[International Student Transfer Procedure](#)

[International Student Admissions Procedure](#)

Approval and Implementation:

Approval Authority:	Director Academic Quality, Curriculum Management and Policy
Responsible Officer(s):	Pro Vice Chancellor International
Committee with oversight:	International Committee
Contact Officer:	Senior Manager Quality and Enhancement

Revision History:

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