

EDUCATION AGENT AND MANAGEMENT POLICY & PROCEDURE

Introduction

This policy ensures that Kings Own International College (the College) manages its education agents effectively and in compliance with the Education Services for Overseas Students Act 2000 (ESOS Act), the Education Services for Overseas Students Amendment (Integrity Measures) Regulations 2025, the National Code of Practice for Providers of Education and Training to Overseas Students 2018 (National Code), and the Standards for RTOs 2025.

It establishes governance, integrity and compliance controls for the appointment, monitoring and management of education agents, ensuring ethical recruitment practices, protection of overseas students, and provider accountability for recruitment decisions.

Purpose

The purpose of this policy and procedure is to establish clear guidelines for the engagement, management and performance monitoring of Education Agents engaged by KOIC. This ensures effective collaboration, ethical practices and alignment with KOIC's strategic goals while complying with the ESOS Act and the National Code 2018.

Scope

This policy applies to all education agents appointed by Kings Own International College and covers:

- appointment and due diligence;
- contractual obligations;
- recruitment activity and ethical conduct;
- commission arrangements and prohibitions;
- monitoring, corrective action and termination; and
- record-keeping and disclosure obligations.

Policy Statement

Kings Own International College (KOIC) will appoint Education Agents to be non-exclusive representatives and to perform the services for the terms set out in an agreement referred to as an Education Agent Agreement. Each Agreement will be a non-exclusive Agreement and the Education Agent acknowledges that Kings Own International College may appoint other representatives as it so chooses.

KOIC is committed to working only with reputable and ethical education agents who act honestly and in the best interests of students. All education agents must adhere to the ESOS Act and associated Regulations, the Migration Act 1958, the National Code 2018, and the Australian International Education and Training Education Code of Ethics.

KOIC retains full responsibility for recruitment decisions, including student suitability, English language proficiency, Genuine Student considerations, and compliance with ESOS requirements. Engagement of an education agent does not transfer or diminish this responsibility.

KOIC will:

- Appoint agents through a formal Education Agreement.
- Provide education agents with accurate and up-to-date information.
- Ensure agents comply with all regulatory and legal obligations.
- Conduct regular monitoring and performance reviews.

- Take corrective action, including termination, if agents fail to meet requirements.
- Prohibit and actively prevent the payment of education agent commissions in circumstances not permitted under the ESOS integrity framework

Kings Own International College does not pay, give, or offer any education agent commission, benefit, incentive or consideration, whether monetary or non-monetary, in connection with the recruitment of an overseas student who has commenced study onshore with another registered provider.

Definitions

Education Agent	Means an entity (whether in or outside Australia) that engages in one or more of the following activities in relation to a registered provider: • the recruitment of overseas students or intending overseas students; • providing information, advice or assistance to overseas students or intending overseas students in relation to enrolment; or • otherwise dealing with overseas students or intending overseas students and is not a permanent full-time or part-time officer or employee of the provider. Casual employees or contractors are included where they undertake these activities.
Agent Agreement	A legally binding contract between KOIC and the agent outlining roles, responsibilities and compliance expectations.
Education Agent Commission	Means any consideration or benefit, whether monetary or non-monetary, that is or will be 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 overseas students or intending overseas students; or • providing information, advice or assistance to overseas students or intending overseas students in relation to enrolment; or • otherwise dealing with overseas students or intending overseas students.
CRICOS	The Commonwealth Register of Institutions and Courses for Overseas Students.
ELICOS	English Language Intensive Courses for Overseas Students
ESOS	Education Services for Overseas Students
ESOS Act	The Education Services for Overseas Students Act 2000, which regulates the education and training services delivered to international students on student visas in Australia.
Genuine Student (GS) requirement	A requirement that international students must have a genuine intention to enter Australia temporarily for study purposes only.
National Code	The National Code of Practice for Providers of Education and Training to Overseas Students 2018, which sets standards for registered education providers.

Non-Progressing Student	A student identified as not meeting academic progression standards.
PRISMS	The Provider Registration and International Student Management System used to issue electronic Confirmations of Enrolment (eCoEs)
Recruitment Activity	Means any activity mentioned in paragraph (a) of the definition of <i>education agent</i> in section 6BA of the Education Services for Overseas Students Act 2000, including activities undertaken for the purpose of recruiting overseas students or intending overseas students to a provider.
VET	Vocational Education and Training, a sector of education providing practical and skills-based training.

Regulatory and Legislative Requirements

This policy aligns with the following regulatory and legislative requirements:

Standards for RTOs 2025:

2.1 Standard 2.1 – Information

- (1) Prospective VET students are provided with accurate and accessible information to support their decision to enrol in a training product.
- (2) An NVR registered training organisation demonstrates:
 - (a) it provides prospective VET students with accurate and accessible information about each training product;
 - (c) where the NVR registered training organisation uses a third party to deliver services on its behalf:
 - (i) details of any third party arrangements that apply to the delivery of the training are made available to prospective VET students.

Compliance Requirements Policy

Clause 7 – Marketing and Recruitment

An NVR registered training organisation must ensure its marketing and promotional activities are ethical and accurate, and must not make false or misleading claims or comparisons. This includes activities conducted by third parties on behalf of the organisation.

Clause 17 – Third party arrangements

If an NVR registered training organisation uses a third party to deliver services on its behalf, the organisation must:

- (a) ensure the arrangement is documented in a written agreement,
- (b) ensure students are informed, and
- (c) be able to demonstrate how the arrangement complies with all relevant Standards.

ESOS Act 2000: Requires education agents to provide accurate and transparent information to students.

National Code 2018 Standard 4: Requires RTOs to have a formal agreement with education agents and to take action against misleading or unethical behaviour.

Migration Act 1958: Educations must not provide immigration advice unless separately registered as a Migration Education.

ESOS Integrity Measures 2025 - Prohibition on Onshore Transfer Commissions

- Explicit prohibition on onshore transfer commissions
- Expanded transparency and record-keeping expectations
- Stronger emphasis on provider responsibility for recruitment decisions, not just agent conduct

Education Agent Engagement and Management Procedure

1. Appointment of Education Agents

Education Agents are appointed through a formal Education Agent Agreement, which must be signed by both parties.

The agreement outlines:

- Scope of representation.
- Education agent responsibilities.
- Compliance with ESOS legislative and National Code 2018 regulatory requirements.
- Prohibition on unlawful education agent commissions, including onshore transfer commissions;
- Monitoring, audit and reporting obligations; and
- Termination conditions.

2. Education Agent Obligations

Under the agreement, education agents must:

- engage in recruitment activity honestly, ethically and transparently;
- promote Kings Own International College courses accurately using only approved materials;
- act in the best interests of students;
- declare conflicts of interest;
- maintain confidentiality and transparency;
- have appropriate knowledge of the Australian international education system, including the Australian International Education and Training Agent Code of Ethics ([Link](#));
- not misrepresent English language requirements, test results, or student eligibility;
- not coach or assist students to circumvent entry, Genuine Student or visa requirements;
- take reasonable steps to confirm the accuracy of information provided by prospective overseas students in the application
- submit only complete, signed and genuine applications;
- ensure that relevant fees, charges and supporting documentation accompany each application and acceptance of offer documents
- provide offer documents to students within 48 hours of receipt.

3. Prohibited Practices

Educations must not:

- Engage in misleading advertising or false comparisons with other providers.
- Provide immigration advice unless they are registered migration agents.
- Receive or be offered any education agent commission for recruiting an overseas student who has commenced study onshore with another provider

- Recruit students already enrolled with another Australian provider.
- Encourage visa fraud or applications from ineligible students.
- Give false or misleading information relating to course fees payable or acceptance into a course
- Accept or process student fees on behalf of Kings Own International College.
- Make guarantees regarding visa approvals.
- Sign official documents on behalf of students.
- Use PRISMS without prior written consent from Kings Own International College.

4. Onshore Transfer Commission Prohibition

Kings Own International College does not pay, give or offer any education agent commission, incentive or benefit, whether monetary or non-monetary, in connection with the recruitment of an overseas student who has commenced study onshore with another registered provider

Internal controls are implemented to verify student study history prior to commission approval and to prevent unlawful payments.

5. Monitoring and Compliance

Kings Own International College will:

- conduct regular education agent performance reviews;
- monitor recruitment quality, transfer patterns and integrity indicators;
- collect student feedback;
- investigate complaints promptly;
- implement corrective action, including additional training, suspension or termination;
- maintain an Education Agent Register; and
- review PRISMS records for accuracy and integrity.

6. Corrective Actions

If an agent fails to meet obligations, Kings Own International College may:

- issue a written notice of breach;
- require corrective action or training;
- suspend recruitment activity; or
- immediately terminate the agreement for serious misconduct or integrity breaches.

7. Termination

Education Agent Agreements may be terminated:

- by either party with 30 days' written notice; or
- immediately for serious breaches, including unethical recruitment practices, integrity breaches, misuse of PRISMS, visa fraud, or unlawful commission arrangements.

Following termination, the education agent must:

- cease representing Kings Own International College;
- return all materials;
- cease use of branding; and
- finalise outstanding applications as directed.

Education Agent Management Procedure

This procedure outlines the step-by-step process for managing education agents at Kings Own International College. It ensures compliance with the Education Services for Overseas Students Act 2000 (ESOS Act), the Education Services for Overseas Students Amendment (Integrity Measures) Regulations 2025, the National Code of Practice for Providers of Education and Training to Overseas Students 2018, and the Standards for RTOs 2025, and supports ethical, transparent and integrity-based recruitment practices.

Recruitment of Education Agents

Step	Action	Person Responsible
1. Expression of Interest	Assess the education agent's profile upon receipt of an expression of interest, including preliminary integrity screening.	Marketing Manager with support of Student Services Officer (SSO)
2. Application Form	Provide the Education Agent Application Form, including declarations regarding compliance with ESOS integrity obligations and commission prohibitions.	
3. Reference and Integrity Check	Conduct reference checks and confirm the education agent understands and agrees to the prohibition on onshore transfer commissions and integrity obligations relating to recruitment activity.	
4. Education Agreement	If approved, both parties sign an Education Agent Agreement incorporating integrity, commission prohibition, monitoring and termination clauses.	
5. Marketing Materials	Provide approved marketing materials and confirm the education agent may only use provider approved information.	
6. Education Agent Induction	Conduct an induction covering: - Education responsibilities and scope of recruitment activity - Obligations under the Education Agent Agreement - Overview of the ESOS Act, Integrity Measure and National Code - Absolute prohibition on onshore transfer commissions - Expectations regarding English language evidence, Genuine Student considerations and ethical recruitment - Australian International Education and Training Education Agent Code of Ethics - Explanation of KOIC's monitoring and review processes and schedule	

Maintaining Accurate Records of Education Agents

Step	Action	Person Responsible
1. Maintain Education Agent Register	Maintain a register of current and past education agents, including agreement dates, scope and status.	Student Services Officer (SSO)
2. PRISMS and Regulatory Updates	Ensure education agent details are correctly recorded in PRISMS, ASQA and updated as required.	Student Services Officer (SSO)
3. Website Disclosure	Maintain an up-to-date list of approved education agents on the website.	Marketing Manager

4. Monthly Compliance Review	Conduct a monthly review of PRISMS entries and website disclosures for accuracy and integrity.	
5. Quarterly Website and Social Media Review	Review education agent websites, social media and promotional activities for accuracy and compliance.	Marketing Manager
6. Recruitment Activity Records	Maintain records demonstrating whether an education agent engaged in recruitment activity in relation to each accepted student and confirmation that no unlawful commission arrangements apply.	Student Services Officer (SSO)
7. Timely Updates	Update the website within 1 business day of: New education agent agreements signed and approved in PRISMS Termination of an education agent and PRISMS record updates	Marketing Manager

Assignment and Sub-contracting

Step	Action	Person Responsible
1. Approval for Sub-contracting	Education agents must not assign or sub-contract obligations without prior written approval from Kings Own International College.	Marketing Manager, Student Services Officer (SSO)
2. Responsibility for Obligations	Even where approval is granted, the education agent remains fully responsible for all obligations and integrity compliance.	

Monitoring Education Agents

Step	Action	Person Responsible
1. Biannual Education Review	Conduct a review every 6 months using the Education Agent Performance Review Checklist. Meetings with meetings held via video or teleconference.	Marketing Manager
2. Student Feedback	Collect and review feedback from students regarding their education agent's recruitment practices.	
3. Integrity and Compliance Checks	Monitor recruitment patterns, transfer activity, English language evidence integrity and compliance with commission prohibitions and ESOS obligations.	

Disclosure of Information About Education Agents

Kings Own International College may disclose education agent information to regulatory or government bodies where:

- the education agent is suspected of negligence, incompetence, unethical conduct or integrity breaches;
- a written request is received from a Commonwealth or State authority; or
- disclosure is required for audit, investigation or compliance purposes.

Corrective Action

Step	Action	Person Responsible
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1. Investigation	Investigate any suspected misconduct, integrity breach or non-compliance by an education agent.	Marketing Manager with support from Compliance Officer
2. Corrective Actions for Minor Breach	Where appropriate, require corrective action such as: performance counselling. additional training.	
3. Termination for Serious Breach	Immediately terminate the Education Agent Agreement for serious misconduct, including integrity breaches, unlawful commission arrangements, non-genuine recruitment practices or misuse of PRISMS.	

Termination of Education Agreement

Step	Action	Person Responsible
1. Voluntary Termination	Either party may terminate the agreement with 30 days' written notice.	Education Agent, CEO
2. Immediate Termination	Immediate termination applies where an education agent engages in: False or misleading advertising Unethical or non-genuine recruitment practices Misuse of PRISMS Fraudulent visa assistance Breach of ESOS integrity or commission prohibition requirements	CEO
3. Post Termination Obligations	Upon termination, the education agent must: - cease representing KOIC - cease use of branding and materials - return promotional materials - finalise outstanding applications as directed	Marketing Manager

Dispute Resolution and Mediation

Step	Action	Person Responsible
1. Internal Complaints Process	Education agents can raise disputes via KOIC's Complaints and Appeals Policy.	Marketing Manager
2. External Legal Action	If unresolved, either party may seek resolution through the courts of New South Wales.	

Documenting and Record-Keeping

Step	Action	Person Responsible
1. Retention of Education Records	Maintain education agent records in accordance with KOIC's Records Retention and Management Policy and ESOS requirements, including recruitment activity and commission records.	Marketing Manager, SSO & Compliance Officer

2. Policy Alignment	Ensure records align with: - Legislative Requirements Policy - Records Retention and Management Policy - Reporting Obligations Policy	
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Roles and Responsibilities

Role	Responsibility
CEO	Approves and/or cancels agent agreements. Ensures compliance with ESOS Act and National Code. Makes final decisions on agent renewals, terminations, and corrective actions.
Compliance Officer	Monitor agent compliance and ensures adherence to education agent agreements. Oversees corrective and preventative actions.
Director of Studies VET / Director of Studies ELICOS	Ensures agents provide accurate information about KOIC's courses and compliance with visa and academic progression requirements. Provides feedback on student progression rates.
Student Services Officer (SSO)	Acts as the main communication channel between KOIC and agents. Assists in agent recruitment, agreement processing, and updates PRISMS. Handles enquiries from agents and students.
Marketing Manager	Implements and oversees this policy, conducts education agent training, monitors and evaluates education agent performance.

Policy Implementation

This Policy and Procedure is implemented through a structured, integrity-focused process for appointing, monitoring and reviewing education agents to ensure ethical recruitment practices and ongoing compliance with the ESOS Act, the National Code 2018, the Education Services for Overseas Students Amendment (Integrity Measures) Regulations 2025, and the Standards for RTOs 2025.

Kings Own International College (KOIC) retains responsibility for recruitment decisions and the management of education agents, and ensures that engagement of education agents does not diminish its accountability under the ESOS framework.

Key implementation measures include:

- Formalising all education agent relationships through a written Education Agent Agreement that incorporates integrity, commission prohibition and termination provisions;
- Conducting due diligence and integrity checks prior to the appointment of education agents;
- Maintaining a Register of Approved Education Agents;
- Providing accurate, current marketing materials and compliance briefings to education agents;
 - Monitoring education agent performance and recruitment activity through regular reviews, student feedback and risk-based integrity checks;
 - Taking timely corrective action where education agents breach contractual or regulatory obligations, including integrity requirements;

- Recording the engagement of education agents and recruitment activity and confirmation of compliance with education agent commission prohibitions in student files and PRISMS, as required;
- Publishing and maintaining a current list of approved education agents on the RTO website; and
- Maintaining records of all education agent agreements, training, monitoring activities, communications and corrective actions to support audit readiness, regulatory compliance and continuous improvement.

Monitoring and Review

This Policy and Procedure is reviewed every two years, or earlier where required, to ensure it remains effective, current and aligned with legislative, regulatory and operational requirements, including changes to the ESOS framework and integrity obligations.

Feedback and performance information relating to education agents, including recruitment outcomes, integrity risks, complaints, monitoring results and audit findings, are collated and reviewed as part of KOIC's continuous improvement processes.

Matters requiring action are discussed at management meetings and documented using the Continuous Improvement Form and recorded in the Continuous Improvement Register. Where necessary, improvements are implemented to strengthen education agent management, recruitment integrity and compliance outcomes.

Version Control

Version	Date	Description	Approved by	Approval date	Author	Review date
V1.0	Jan 2024	New policy for AAC. Formerly Approval and Cancellation of Agent Agreement Policy and Commission Structure and Commission Claiming Policy and Procedure	CEO	Jan 2024	Compliance Officer	Jan 2025
V2.0	July 2025	Updated reference to Standards for RTOs 2025, added in procedure summary tables.	CEO	28 July 2025	Compliance Officer	July 2027
V2.1	Dec 2025	Updated definition of Education Agent under ESOS amendments and increased provider accountability for agent-supplied evidence.	CEO	13 Jan 2026	Compliance Officer	Dec 2027
V3.0	Jan 2026	Updated to incorporate ESOS Integrity Measures	CEO	10 Feb 2026	Compliance Officer	Feb 2028

		2025 - Prohibition on Onshore Transfer Commissions				
V3.1	Apr 2026	Re-brand of policy to KOIC	CEO	1 Apr 2026	Compliance Officer	Apr 2028

Policy and Document Information

Author:	Compliance Officer
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