



**Education Agent Ethical Conduct &  
Performance Monitoring Policy**

## Education Agent Ethical Conduct & Performance Monitoring Policy

### Policy Content

Aspect	Details
Regulator	Australian Skills Quality Authority (ASQA)
Standards Referenced	
Legislation / Requirements	

### 1. Purpose

To ensure education agents engaged by the organisation act ethically, professionally, and in accordance with legislative requirements. This policy ensures systematic monitoring of agent performance, recruitment integrity and compliance with statutory obligations under the ESOS Act and associated regulations.

### 2. Scope

This policy applies to:

- All approved education agents and their authorised representatives
- All staff responsible for agent recruitment, management, compliance oversight and monitoring
- All activities relating to the promotion of CRICOS courses and recruitment of overseas students

### 3. Policy Statement

The organisation requires all education agents to uphold ethical standards in student recruitment. Agents must not engage in misleading, deceptive, or coercive conduct and must strictly comply with:

- ESOS Act 2000 and 2025 amendments
- National Code requirements
- Commission and ownership disclosure rules (Sections 6BA, 6BB and 17A)
- Information reporting obligations (Section 21B)
- Organisational marketing and student support policies

Any breached requirement may result in suspension, termination, or regulatory reporting.

### 4. Objectives

- Ensure agent recruitment activities protect student interests
- Minimise regulatory risk from non-compliant agent conduct

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- Monitor and assess agent performance using evidence-based criteria
- Respond promptly to misconduct and compliance concerns
- Maintain accurate governance records for audit purposes

## **5. Procedure**

### **5.1 Ethical Conduct Requirements**

This procedure establishes the minimum ethical standards that all education agents must follow when representing the organisation. It ensures that overseas students receive accurate, lawful, and student-centred information throughout the recruitment process.

These requirements align with obligations under:

- ESOS Act 2000 (as amended 2025 - Sections 6BA, 6BB and 17A)
- National Code Standards relating to marketing, enrolment integrity and student support
- Provider responsibilities under ESOS regulatory governance principles

#### **5.1.1 Information Accuracy**

Agents must provide:

- Honest, verified, and current information about courses, fees, duration, delivery mode, entry requirements and career pathways
- Clear disclosure of any conditions or limitations impacting student eligibility
- Accurate visa information drawn from official sources only

Agents must not exaggerate employment, migration or permanent residency outcomes.

#### **5.1.2 Student Interest as Priority**

Recommendations to students must be:

- Based on genuine suitability
- Reflect the student's study goals, financial capacity, academic readiness and personal circumstances
- Free from financial influence or coercion

Commission or incentives must never override student best interests.

#### **5.1.3 Use of Approved Marketing Material**

Agents must:

- Use only official resources provided or approved by the organisation
- Immediately remove outdated or superseded marketing materials
- Ensure CRICOS codes and campus locations are displayed correctly

Independent promotional material must receive prior written approval.

#### **5.1.4 Disclosure of Conflicts and Control Interests**

Agents must:

- Disclose any direct or indirect ownership or control relation with the provider
- Notify changes immediately as required under **Section 17A(4A–4B)**
- Be transparent about any commercial interests that may influence guidance to students

Non-disclosure will be treated as a serious breach.

#### **5.1.5 Student Recruitment Integrity**

Agents must:

- Not encourage enrolment transfers from other CRICOS providers
- Not target students to withdraw early for commission gain
- Ensure all application documentation is legitimate and verifiable
- Provide accurate explanation of student rights and responsibilities

Recruitment conduct must support student continuity and success, not conversion for profit.

#### **5.1.6 Staff Competence and Supervision**

Agents must ensure that:

- Recruitment staff are trained on ESOS and National Code requirements
- Misconduct behaviour by any representative results in corrective action
- The organisation is informed of any staff changes affecting recruitment integrity

Training completion records must be available for audit.

#### **5.1.7 Student Welfare Duty**

Agents must:

- Provide transparent disclosure of fees, living costs and external expenses
- Inform students of support services and wellbeing obligations
- Encourage informed decision-making with written documentation

Conduct must reinforce the provider's duty of care to overseas students.

#### **5.1.8 Reporting of Unethical Conduct**

Any breach or suspected breach of ethical requirements must be:

- Reported immediately to the Compliance Manager
- Investigated in accordance with compliance incident procedures
- Documented and assessed for severity and corrective actions

Failure to report known misconduct is treated as non-compliance.

## **5.2 Prohibited Practices**

This procedure establishes behaviours and recruitment practices that are strictly prohibited due to the legislative, ethical, and compliance risks they create for the organisation and overseas students. Any breach triggers immediate investigation and potential enforcement action as permitted under ESOS Part 6.

These prohibitions specifically support strengthened governance reforms introduced in the **ESOS Act 2000 Amendments 2025**, including controls over commissions, ownership, and agent influence.

### **5.2.1 Misleading or False Information**

Agents must not provide:

- Inaccurate or unverifiable claims about courses, entry requirements, or training outcomes
- False visa eligibility or migration advice
- Statements implying guaranteed employment, permanent residency or sponsorship

All messaging must be based solely on approved documentation and official regulatory sources.

### **5.2.2 Illegal or Improper Fees and Inducements**

Agents must not:

- Charge unlawful fees to students
- Offer cash payments, discounts or gifts to influence enrolment decisions
- Provide rebates or secret commissions to unauthorised parties

Any such inducements are treated as high-risk misconduct.

### **5.2.3 Document Fraud**

Agents must not engage in or assist with:

- Alteration or fabrication of academic records or identity documents
- Submission of incomplete, misleading or unverifiable applications
- Collusion with third parties to produce fraudulent material

The organisation will rescind any enrolment reliant on fraudulent documentation and report misconduct to regulators.

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#### **5.2.4 Prohibited Commission Activity**

Under **Section 6BB** and compliance restrictions introduced by the 2025 amendments, agents must not:

- Seek or accept commissions for students transferred onshore from another CRICOS provider
- Encourage course-to-course transfers for the purpose of gaining commission
- Pay or receive commission from individuals who are not bona fide education agents

These protections reinforce student continuity and prevent market manipulation.

#### **5.2.5 Misrepresentation of Provider Authority**

Agents must not:

- Claim to represent the organisation beyond authorised status
- Modify or create marketing materials without approval
- Guarantee enrolment, COEs, or visa outcomes based on agency influence

Brand integrity and legal compliance must be preserved at all times.

#### **5.2.6 Legal and Migration Advice Without Licence**

Agents must not:

- Offer migration services unless licensed under the OMARA regulatory framework
- Provide legal advice beyond basic course and enrolment guidance

If students request migration advice, agents must refer them to qualified practitioners.

#### **5.2.7 Immediate Compliance Response**

Any identified prohibited conduct will:

- Be recorded as a compliance incident
- Trigger immediate review by the Compliance Manager
- Result in temporary suspension during investigation
- Be escalated for enforcement action if verified

Intentional or high-risk violations normally result in agreement termination and regulator notification.

### **5.3 Performance Monitoring Framework**

This procedure outlines how the organisation systematically evaluates the ethical conduct and recruitment performance of education agents to ensure full compliance with ESOS Act requirements, student welfare protections, and organisational standards.

This framework supports:

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- Provider accountability as required under ESOS governance
- Transparency of agent effectiveness
- Early detection of misconduct or poor-quality recruitment

Each agent is monitored and given a **Performance Risk Rating**: **Low, Medium, or High**, based on the indicators below.

### **5.3.1 Student Compliance and Progression Outcomes**

Performance indicators include:

- Course progression rates
- Withdrawal or cancellation trends
- Visa compliance and attendance integrity
- Complaints relating to agent influence on student behaviour

A high withdrawal or non-progression pattern may indicate unethical or unsuitable recruitment.

### **5.3.2 Quality of Student Applications**

Assessment includes:

- Completeness and accuracy of application documents submitted
- Incidence of fraudulent or unverifiable information
- Suitability of students for selected courses based on LLND, academic and financial capacity

Repeated documentation issues result in increased monitoring and performance downgrading.

### **5.3.3 Complaint Data and Student Feedback**

Monitoring includes:

- Formal complaints from students regarding misleading recruitment
- Feedback showing dissatisfaction with advice or guidance provided
- External regulatory concerns regarding the agent

Complaint outcomes must be analysed for risk trends.

### **5.3.4 Responsiveness to Compliance Requirements**

Agents must:

- Respond promptly to requests for documentation or data
- Cooperate with monitoring and investigations
- Maintain full transparency of their operations

Delays or resistance are recognised as compliance risk factors.

### **5.3.5 Record Validation and Audit Results**

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Agents must demonstrate:

- Accurate recruitment reporting
- Valid consent documentation
- Authentic evidence supporting student eligibility

Audit findings impact risk assessment and contractual authority.

### 5.3.6 Marketing Conduct

Agents are assessed on:

- Adherence to approved marketing content and CRICOS requirements
- Proper use of branding and no modification without approval
- Truthfulness of all promotional messages delivered to students

Any non-compliant promotion may trigger immediate enforcement action.

### 5.3.7 Recurrence and Behavioural History

Historical behaviour is reviewed to determine:

- Past instances of non-compliance or required corrective actions
- Performance improvement over review periods
- Persistence or repetition of known risks

Repeated breaches elevate risk rating to **High**.

### Performance Rating Determination

Based on all indicators:

Rating	Conditions	Actions
Low	Fully compliant with positive outcomes	Routine monitoring
Medium	Minor concerns requiring tracking	Increased monitoring and corrective plan
High	Serious or recurring concerns	Suspension, investigation or termination

Risk ratings must be documented in the **Agent Performance Register** and reviewed at least annually.

### 5.4 Monitoring Activities

This procedure defines the operational activities used to continually monitor and verify education agent compliance with ethical recruitment standards, performance expectations, and ESOS legislation.

Monitoring must be risk-based and documented to demonstrate regulatory accountability.

#### 5.4.1 Scheduled Reviews

The Compliance Manager must conduct scheduled monitoring:

- **Annually** for low-risk agents
- **Every 6 months** for medium-risk agents
- **Quarterly or more frequently** for high-risk agents

Review schedules must be recorded in the **Agent Performance Register**.

#### 5.4.2 Document Quality and Verification Audits

Audits may include:

- Reviewing sample applications for accuracy and authenticity
- Verifying evidence of student eligibility (LLND, GTE, financial capacity)
- Reviewing recruitment records and agent communications
- Ensuring PRISMS acceptance aligns with genuine enrolment intent

Audit outcomes must be documented with corrective actions assigned where needed.

#### 5.4.3 Student Feedback and Complaints Analysis

Monitoring includes:

- Reviewing any complaints alleging misconduct or inaccurate advice
- Conducting targeted student interviews if patterns of concern emerge
- Monitoring student welfare outcomes linked to particular agents

Feedback trends are analysed for emerging integrity risks.

#### 5.4.4 Marketing and Promotion Compliance Checks

The organisation must:

- Inspect agent promotional activities, websites and advertisements
- Review for unauthorised or misleading content
- Confirm correct course names, CRICOS codes and approved branding are used

Immediate corrective instructions must be issued for non-compliant marketing.

#### 5.4.5 Cooperation with Regulatory Information Requests

Agents must respond promptly to compliance inquiries regarding:

- Commission arrangements (for Section 21B reporting)
- Ownership or control declarations (Section 17A compliance)
- Evidence required for risk investigations

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Failure to respond is recorded as non-compliance and may result in suspension.

#### **5.4.6 Triggered Reviews**

Unscheduled monitoring must occur in response to:

- Sudden increase in refusal, cancellation or default rates
- Submission of fraudulent documentation
- Patterns indicating inducement to transfer providers
- External alerts from ESOS agencies

Triggered reviews must be initiated within 5 business days of issue identification.

#### **5.4.7 Evidence Capture and Audit Recordkeeping**

All monitoring activities must include:

- Written review reports
- Evidence gathered
- Risk assessments
- Compliance outcomes
- Decisions and actions implemented

Records must be stored securely for **no less than 7 years** and must be readily available during external audits.

### **5.5 Corrective Action and Improvement**

This procedure ensures that where issues or risks are identified through monitoring, the organisation implements corrective action measures to restore compliance, improve agent performance and protect student interests. This supports ongoing adherence to ESOS legislative obligations.

#### **5.5.1 Trigger for Corrective Action**

Corrective action is required when:

- Performance monitoring identifies risk indicators
- Complaints or misconduct concerns are validated
- Documentation deficiencies or misinformation are observed
- Marketing breaches or unauthorised statements are detected
- Any non-compliance affecting recruitment integrity is recorded

All issues must be logged in the **Agent Compliance Register**.

#### **5.5.2 Written Corrective Action Notice**

When corrective action is required:

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- The Compliance Manager must issue a written notice outlining:
  - Non-compliance or concern identified
  - Evidence supporting the concern
  - Required corrective actions
  - Timeframe for implementation (normally 5–10 business days)
- The agent must acknowledge receipt in writing

Failure to acknowledge will escalate the matter immediately.

### **5.5.3 Corrective Action Plan Development**

The agent must submit a corrective action plan detailing:

- Steps they will take to address concerns
- Evidence of internal policy, process or training changes
- Responsible person(s) and implementation dates
- Measures to prevent recurrence

The Compliance Manager must approve the plan before actions commence.

### **5.5.4 Additional Support and Controls**

Depending on the concern, the organisation may:

- Require targeted compliance training
- Impose closer monitoring or restricted recruitment scope
- Suspend commission payments on active applications until compliance is verified
- Supervisor approval for all new applications

Controls remain in place until satisfactory improvement is demonstrated.

### **5.5.5 Compliance Verification and Closure**

On completion of corrective actions:

- The organisation must verify evidence of implementation
- A follow-up review must confirm the risk has been eliminated
- If satisfactory, the Compliance Manager may close the issue in the register
- If unresolved, enforcement actions under 5.6 must be triggered

Records of improvements must be retained for **minimum 7 years** to show compliance action history.

## **5.6 Enforcement Actions**

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This procedure outlines the enforcement measures that must be implemented when corrective action fails, or where an agent's conduct represents a significant or immediate risk to students, the organisation, or ESOS compliance.

Enforcement is applied in accordance with:

- ESOS Act 2000 Part 6
- Contractual obligations under the Education Agent Agreement
- Internal compliance and risk management frameworks

All enforcement actions must be authorised by the CEO/PEO and documented for audit purposes.

### **5.6.1 Enforcement Triggers**

Enforcement action is initiated when:

- A corrective action plan is not submitted or implemented satisfactorily
- A violation is considered significant or intentional
- Fraud, false information or breach of trust occurs
- Prohibited commission conduct occurs under **Section 6BB**
- Student recruitment integrity is compromised
- Risks of regulatory sanctions are identified

Serious breaches may bypass corrective action and proceed directly to termination.

### **5.6.2 Types of Enforcement Actions**

#### **A. Temporary Suspension**

- Agent recruitment activities are halted
- Marketing permissions revoked
- Pending applications placed on hold
- Commission payments paused during investigation

Suspension remains in effect until compliance is re-established.

#### **B. Contract Variation**

- Recruitment scope may be restricted (region, course level, student type)
- Enhanced reporting or oversight applied
- Probation period may be introduced

This may occur where partial compliance is maintained but risks persist.

#### **C. Termination of Agreement**

Immediate termination applies where breaches include:

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- Knowingly providing fraudulent documentation
- Misleading conduct or coercion of students
- Undisclosed conflicts of interest or ownership
- Prohibited commission activity
- Repeat or serious ethical violations

Termination must be formally communicated in writing with reasons recorded.

#### **D. Regulatory Notification**

Where required under **ESOS Act Part 6**:

- The organisation must notify relevant ESOS agencies regarding actions taken
- Supporting documentation must accompany the submission
- Notifications must occur **without delay** where student safety or regulatory compliance is threatened

This demonstrates active governance and risk containment.

#### **5.6.3 Evidence Requirements**

Every enforcement decision must be supported by:

- Documentation of the breach
- Correspondence with the agent
- Completed monitoring and investigation reports
- Authorisation approval record (CEO/PEO signature or digital validation)

All enforcement files must be stored securely and retained for a **minimum of 7 years**.

#### **5.6.4 Post-Enforcement Review**

Following enforcement:

- The incident must be analysed to identify systemic risk contributors
- Learnings must inform future monitoring and training arrangements
- Risk classification for similar agents or regions may be updated

This satisfies continuous improvement obligations.

### **6. Roles and Responsibilities**

<b>Role/Position</b>	<b>Responsibilities</b>
CEO / PEO	Approves enforcement actions and high-risk agent decisions
Compliance Manager	Manages monitoring, audits, investigations and regulator notifications

Admissions Manager	Oversees application quality and identifies misconduct indicators
Marketing Manager	Ensures all materials and agent branding remain compliant
Education Agents	Maintain ethical conduct and provide accurate, lawful recruitment activities

## 7. Continuous Improvement

- Lessons from monitoring, audits and complaints must inform updates to policies and training
- Compliance data will be reviewed annually to identify systemic risks
- The organisation must adapt to any regulatory changes issued by ESOS agencies

## 8. Records and Retention Requirements

The organisation must maintain:

- Performance monitoring reports
- Audit findings and risk assessments
- Correspondence issued regarding misconduct
- Corrective action documents and termination decisions

All records must be securely stored and accessible for a **minimum of 7 years**.

## 9. Publication and Communication

- This policy is issued to all education agents at the time of agreement
- Agents will be informed in writing of any changes or new compliance requirements
- Staff will receive compliance briefings and training as required

## 10. Confidentiality and Privacy

All monitoring outcomes and compliance documentation must be:

- Restricted to authorised personnel
- Managed in accordance with the Privacy Act 1988
- Securely stored and protected from unauthorised access

Commercial and personal information will only be released where required by law.