



## Education Agents Policy

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## Policy Statement

St Michael's Collegiate School (the School) engages education agents under formal written agreements to support the recruitment of overseas students in accordance with the ESOS Act 2000 (Cth), the National Code of Practice for Providers of Education and Training to Overseas Students 2018, and related regulatory requirements.

This policy applies to staff, contractors, representatives and education agents engaged by the School who are involved in international student recruitment for or on behalf of the School.

## Purpose

The purpose of this policy is to set out the School's approach to engaging, monitoring and managing education agents.

This policy supports the School to manage risks associated with:

- non-compliant recruitment practices,
- misleading or inaccurate representation of the School,
- prohibited or inappropriate commission arrangements, and
- breaches of ESOS requirements.

It also supports the School to:

- meet its obligations under the ESOS Act and National Code, and
- maintain the integrity of its international student program.

## Scope

This policy applies to:

- staff involved in international student recruitment and admissions,
- education agents engaged by the School,
- contractors or third parties undertaking recruitment activities for or on behalf of the School, and
- overseas student applications submitted through education agents.

This policy applies to onshore and offshore international student recruitment undertaken for or on behalf of the School.

## Definitions

### Education agent

Means a person or organisation (including an individual, company, partnership or other entity) who recruits or refers overseas students to the School, directly or indirectly, for enrolment in a course, in return for a commission or other benefit.

This may include individuals or entities engaged on a casual, fixed-term, part-time or contractual basis who undertake recruitment activities. Permanent employees of the School are not considered education agents.

### Education agent commission

Means any payment, fee, reward or other benefit (whether monetary or non-monetary), provided directly or indirectly to an education agent for recruiting or referring an overseas student to the School.

### Overseas student

A student who holds a student visa for the purpose of studying in Australia.

## Principal course

The main course of study to be undertaken by an overseas student where a student visa has been granted.

## Objectives

The objective of this Policy is to:

- ensure compliance with the ESOS Act and National Code,
- promote ethical and accurate recruitment practices,
- ensure transparency and accountability in agent engagement and commission arrangements,
- protect overseas students from misleading or inappropriate recruitment practices, and
- maintain the integrity and reputation of the School.

## Roles, Rights and Responsibilities

**The School** is responsible for:

- engaging education agents under formal written agreements,
- monitoring agent performance and compliance,
- maintaining a current list of approved education agents,
- providing approved marketing materials to agents, and
- taking appropriate action where concerns are identified.

**Staff involved in recruitment and admissions** are responsible for:

- following this policy and relevant procedures,
- confirming an agent is appropriately engaged before treating the agent as acting on behalf of the School,
- escalating concerns about agent conduct, and
- checking commission payments are consistent with this policy.

**Education agents** are responsible for:

- complying with applicable ESOS requirements and the agency agreement,
- acting honestly, ethically and in the interests of prospective students,
- providing accurate and current information about the School,
- using approved marketing materials and current information, and
- cooperating with monitoring and corrective actions.

## Policy Requirements

### Engagement of Education Agents

The School engages education agents under a formal written agreement that sets out relevant:

- roles and responsibilities,
- compliance requirements,
- monitoring and review processes, and
- termination provisions.

The School may decline to engage, suspend or terminate an education agent where there are substantiated concerns about dishonest, unethical, misleading or non-compliant conduct.

## **Agent Conduct and Monitoring**

Education agents engaged by the School are required to:

- use current and approved marketing materials,
- provide accurate and truthful information,
- comply with applicable ESOS requirements and the agency agreement, and
- respond appropriately to monitoring, corrective and preventative actions.

## **Restrictions on Education Agent Commissions**

From 1 April 2026, the School must not pay a commission or provide any benefit to an education agent for recruiting an overseas student who has already commenced study with another registered provider, except where permitted under this policy.

The School may pay an education agent commission only in the following circumstances:

- where the student accepted a written offer of enrolment on or before 31 March 2026;
- where the student is enrolling in courses listed on the student's Confirmation(s) of Enrolment (CoEs) for which their visa was granted (including packaged courses); or
- where the course commences after the student has completed their principal course with another provider.

Students may transfer between registered providers in accordance with [Transfer Between Registered Providers Policy](#) and Standard 7 of the National Code. The School does not pay education agent commissions for such recruitment unless permitted under this policy

## **Use of Contractors and Non-Permanent Staff**

Individuals or entities engaged on a casual, fixed-term, part-time or contractual basis who undertake recruitment activities may fall within the definition of an education agent.

Payments or benefits connected with recruitment activities must be consistent with this policy and the National Code.

## **Applications from Non-Engaged Agents**

Where the School receives an application through an education agent who does not have a current written agreement with the School, the agent is not regarded as acting for or on behalf of the School. The agent will only be treated as an education agent of the School once a formal written agreement is in place.

## **Publication of Approved Agents**

The School publishes a current list of approved education agents on its website. The list is reviewed and updated as required by the School Registrar and Head of International Relations.

## **Review of Agent Agreements**

Agent agreements are reviewed by the Registrar and Head of International Relations. Agreements may be renewed where agents demonstrate compliance. Agreements may be updated as required to reflect legislative or regulatory changes

## Compliance

Persons covered by this policy are expected to comply with it. Breaches or concerns may result in appropriate action, which may include:

- review, suspension or termination of agent agreements;
- action for staff under the [Disciplinary Policy](#) and [Disciplinary Procedure](#);;
- review or termination of contractor arrangements; and
- reporting to relevant regulatory authorities where required.

## Related and Supporting Documents and References

### Internal documentation policies and procedures:

- [Gifts and Benefits Policy](#)
- [Privacy Policy](#)
- [Safeguarding Children Policy](#)
- [Safeguarding Practices and Behaviour Guidelines and Procedures](#)
- [Transfer Between Registered Providers Policy](#)
- [Workplace Behaviour Policy](#)

### External documentation and legislation:

- ESOS Act 2000 (Cth)
- National Code of Practice for Providers of Education and Training to Overseas Students 2018 (as amended)
- Migration Act 1958 (Cth)

## Review and Version Control

| Date     | Version | Description of changes                                                                                                                                                                                                                                                                                                                                                                                                                         |
|----------|---------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| May 2026 | 3       | <p>Full reformat and rewrite in to clarify restrictions on education agent commissions for onshore transfers, including the post-31 March 2026 prohibition, the limited exceptions under Standard 4.8, and the interaction with Standard 7 student transfers.</p> <p>Update references to definitions now contained in the ESOS Act, including education agent commissions and the potential inclusion of casual or contracted recruiters.</p> |

This policy is to be retained for a period of five years, until its next scheduled review, unless legislative or organisational change require an earlier review.

The most recent version of this policy is found on myCollegiate and the School's [Website](#).

Printed copies of this policy are considered uncontrolled and may not reflect the most current version.