

AGENT APPOINTMENT, MONITORING AND MANAGEMENT POLICY

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1.4. Agent Appointment, Monitoring and Management Policy and Procedure

Policy Content

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

Purpose

This policy ensures that the RTO engages only with reputable, ethical, and knowledgeable education agents who possess a thorough understanding of the Australian international education framework and who promote the RTO's services in a manner consistent with legislative and regulatory expectations.

Objective

The RTO maintains a systematic, transparent, and rigorous approach to the recruitment, monitoring, and management of education agents—both domestic and international—to ensure that student recruitment is honest, accurate, and consistent with the ESOS Act and National Code requirements.

Scope

This policy applies to all education agents acting on behalf of the RTO, and to all RTO personnel involved in agent engagement, onboarding, training, monitoring, or termination processes.

Procedures:

1.4.1. Agent Recruitment and Appointment

The process of appointing education agents begins when an interested agent submits a completed Agent Application Form, along with a comprehensive business profile that outlines their experience, recruitment methods, office details, staff qualifications, and proposed territories of operation.

Once the application is received, the Admissions Staff is responsible for performing an initial verification of the completeness of the documentation. They then prepare an Agent Application File, attaching a formal Agent Checklist to the file to ensure procedural consistency. This checklist tracks whether all required documents and declarations have been received and assists in maintaining quality control throughout the recruitment process.

The application and supporting documents are then passed to the RTO Manager, who reviews the agent's profile for alignment with the RTO's strategic priorities, ethical standards, and compliance obligations under the ESOS National Code. This includes verifying whether the agent demonstrates:

- An understanding of the Australian international education system
- Familiarity with student visa processes and compliance obligations
- A history of professional conduct and recruitment outcomes (where applicable)

If the RTO Manager finds the application satisfactory, they forward a formal recommendation to the Principal Executive Officer (PEO) for final decision-making authority. The PEO may either approve or decline the application based on the agent's demonstrated integrity, capacity, and compliance history.

Upon approval, the RTO issues two copies of the Agent Agreement, outlining the roles, responsibilities, obligations, and compliance expectations of the agent. An Agent Guide is also provided, containing operational instructions, compliance requirements, and the standards the RTO expects agents to uphold. The agent is required to sign one copy of the agreement and return it to the RTO.

Only once the signed agreement is received and filed, the agent's details are officially entered into the RTO's Agent Register, and the agent is considered active. Their contact and operational information is also maintained in internal systems and uploaded to PRISMS as required.

Finally, it is mandatory that each appointed agent demonstrates adequate knowledge of Australian education legislation, including the Education Services for Overseas Students (ESOS) Framework and adheres strictly to the Australian International Education and Training Agent Code of Ethics. This ensures the agent can represent the RTO with professionalism, honesty, and compliance

1.4.2. Updating Agent Information

Once an education agent is formally appointed, it is essential that the RTO ensures all information provided to and by the agent remains current, accurate, and compliant. This procedure ensures that agents always operate with the most up-to-date and approved course and provider information.

The RTO Manager or their delegate is responsible for providing agents with any new or revised documentation relating to course offerings, fees, delivery

locations, intake dates, entry requirements, and changes in policies or procedures. Updated documents may include marketing brochures, course flyers, fee schedules, or policy summaries.

These updates are provided to agents either:

- Directly in printed or digital format, or
- By directing agents to the relevant section of the RTO's official website, where the latest documents can be downloaded securely.

In return, agents are required to promptly notify the RTO if there are any changes to their contact details, staffing, office addresses, or other operational aspects that may affect how they represent the RTO or interact with prospective students.

To ensure consistency and accuracy in marketing, the RTO mandates that:

- All agents must use only the latest approved marketing materials issued by the RTO.
- Any outdated or superseded materials must be immediately destroyed or withdrawn from use.
- Agents are not permitted to make unauthorised modifications to promotional materials.

The RTO maintains a record of all versions of materials distributed and ensures version control to support monitoring, audit, and compliance processes.

This proactive information-sharing ensures that agents act in accordance with the Standards for RTOs and the ESOS National Code, and that students receive accurate, transparent, and current information when making decisions about their training and study.

1.4.3. Written Agreement Requirements

Before an education agent is permitted to promote the RTO or recruit students on its behalf, the RTO must formalise the relationship through a legally binding written agreement. This agreement outlines the obligations of both the RTO and the agent and is required under the ESOS National Code Standard 4.

The RTO Manager is responsible for preparing the agreement and ensuring all clauses are compliant with legislation and internal policy. Once both parties have signed, the agreement becomes legally enforceable, and the agent's

details are entered into PRISMS (Provider Registration and International Student Management System) as a registered representative of the RTO.

The written agreement must explicitly state the following:

- The responsibilities of the RTO, including its accountability for compliance with the ESOS Act and National Code, regardless of the agent's actions.
- The agent's obligations, such as promoting only approved courses, providing accurate and ethical advice to students, and not engaging in dishonest or misleading practices.
- The RTO's monitoring mechanisms, which ensure the agent gives students current, truthful, and transparent information about the RTO, its services, and its obligations.
- The corrective actions the RTO may implement if the agent fails to comply with the terms of the agreement. These may include issuing formal warnings, suspending the agent, or providing additional training.
- The grounds for termination of the agreement, including repeated breaches of ethical standards, student complaints, or findings of false or misleading conduct by the agent or its staff.
- A clear explanation of how the agent's details may be disclosed to Commonwealth, State, or Territory authorities as part of compliance and monitoring obligations.

By entering into the written agreement, the agent accepts full responsibility for understanding and complying with Australian international education laws and agrees to act with honesty, integrity, and transparency when representing the RTO to prospective students.

This formal agreement is also used to support ongoing agent monitoring, reviews, and renewals, ensuring the RTO only continues relationships with compliant and ethical agents.

1.4.4. Advertising on Behalf of the RTO

Education agents who are formally appointed by the RTO through a signed agreement are permitted to market and promote the RTO's courses and services. However, this activity must be conducted under strict supervision and with prior written approval from the RTO.

Before initiating any advertising or promotional campaign, the agent must present a clear outline of the proposed activities to the RTO Manager or PEO. This includes draft advertisements, flyers, social media posts, and any other promotional material or messaging intended for student recruitment.

The RTO will review these materials to ensure compliance with:

- The Standards for RTOs 2025, specifically those related to marketing accuracy.
- The ESOS National Code 2018, particularly Standard 4 and 1 which outline the responsibilities of providers and their agents in ensuring accurate and ethical promotion.
- The Australian Consumer Law, to ensure no misleading or deceptive conduct occurs.

Once approved, the agent may proceed to publish or distribute the material. It is mandatory that all approved advertisements clearly represent:

- The RTO's full legal name and CRICOS provider code.
- Accurate descriptions of the courses and services.
- Entry requirements, fees, duration, and any conditions relevant to international students.

To maintain transparency and compliance, the RTO retains copies of all advertising and marketing materials used by the agent. This documentation is stored securely in the agent's file and on the RTO's data management system. These records serve as audit evidence for regulatory bodies like ASQA or the Department of Education, and are referenced in the event of a student complaint or non-compliance investigation.

Agents are strictly prohibited from using outdated marketing materials. To support this, the RTO provides agents with updated marketing collateral whenever changes are made—such as updated course brochures, revised tuition fees, or new course codes. It is the responsibility of the agent to destroy any obsolete promotional items and ensure only the most recent approved versions are used.

In summary, while agents may undertake marketing on behalf of the RTO, it must be done in close coordination with RTO management, with full documentation, regular updates, and strict compliance with advertising regulations to uphold the RTO's reputation and regulatory standing.

1.4.5. Co-operating with the Regulator (Detailed Explanation)

Education agents who are formally engaged by the RTO must commit to full cooperation with regulatory authorities, particularly the Australian Skills Quality Authority (ASQA) and, where relevant, the Department of Education, Skills and Employment, or TEQSA.

By signing the Agent Agreement, the agent explicitly agrees to:

- Provide any requested information or documentation to ASQA or relevant regulators regarding the RTO's operations or the agent's role in student recruitment and promotion.
- Participate in audits or reviews conducted by ASQA or another authority, including virtual or on-site inspections if required.
- Allow access to records that relate to marketing, student referrals, and communications conducted on behalf of the RTO.

This cooperation clause ensures transparency, integrity, and alignment with ESOS National Code Standard 4.1(e) and Standard 4.6, which require that education agents do not impede regulators' ability to monitor compliance with the ESOS Act and National Code.

The RTO Manager or PEO is responsible for informing agents of their regulatory cooperation obligations during the onboarding process and reinforcing them through written communication when needed.

Failure by the agent to cooperate with the regulator—whether by refusing to share required information, delaying responses, or obstructing the regulator's access—constitutes a breach of the Agent Agreement. Such behaviour may result in immediate disciplinary action, including:

- Formal warning letters
- Suspension of agency activities
- Termination of the Agent Agreement

The RTO will retain a written record of any regulatory communication involving the agent and will maintain detailed documentation to demonstrate that the agent has been made aware of, and agreed to, these responsibilities.

This requirement reflects the RTO's overarching commitment to regulatory compliance, transparency, and the ethical conduct of all third-party representatives.

1.4.6. Conducting Tests on Behalf of the RTO

Where authorised, education agents may be permitted to conduct placement tests on behalf of the RTO, but only under strict oversight and control. These tests are usually English language proficiency or academic placement tests that assist the RTO in assigning students to the correct course or level before their arrival in Australia.

Key procedural details include:

- **Testing Requirement:** The RTO mandates placement testing as part of the enrolment process for international students. This ensures students are assigned to the correct course based on their current skills and language proficiency.
- **Agent Responsibility:** Where an agent is approved to administer such tests, they must use only the materials, systems, and instructions provided directly by the RTO. Under no circumstances are agents permitted to use unauthorised materials or methods.
- **Use of Official Test Platforms:**
 - The RTO may use a recognised online placement test system, such as the Oxford Online Placement Test (OOPT).
 - Agents will be issued access credentials and must conduct tests strictly within the permitted framework.
- **Security and Integrity:**
 - Agents must preserve the confidentiality, integrity, and security of the testing process.
 - This includes preventing unauthorised access, coaching during tests, or manipulating results in any way.
 - Breaches of testing integrity may result in immediate termination of the Agent Agreement.
- **Instruction and Training:**
 - The RTO provides agents with detailed written instructions, protocols, and training for conducting tests.
 - These may include how to verify student identity, test invigilation procedures, system login guidance, and reporting requirements.

- **Retesting Notice:**
 - Students must be clearly informed by the agent that they may be retested upon arrival in Australia.
 - This retesting ensures the initial result was accurate and that students are enrolled in the correct course level.
- **RTO Oversight:**
 - The RTO Manager retains overall responsibility for authorising agents to conduct tests.
 - The RTO may audit the agent's testing processes and outcomes at any time to confirm compliance.
- **Consequences of Non-compliance:**
 - Any agent found to have compromised the integrity of the test (e.g., by falsifying scores or breaching protocols) may be:
 - Suspended from testing duties
 - Issued a warning letter
 - Subject to immediate termination of the Agent Agreement

1.4.7. Monitoring Agent Progress

The RTO maintains responsibility for ensuring its education agents continue to represent the organisation ethically, professionally, and in compliance with the ESOS National Code and VET Quality Framework. To meet this responsibility, the RTO implements a structured agent monitoring process.

Key procedural details include:

- **Agreement to Annual Review:**
Upon signing the Agent Agreement, all agents commit to undergoing an annual performance review. This process evaluates the agent's conduct, quality of service, and effectiveness in recruiting and supporting students.
- **Monitoring Tools and Data Collection:**
The RTO uses multiple methods to assess the performance of its agents:

- **New Student Agent Feedback Forms:** Distributed during orientation to students who were recruited by an agent, gathering their experiences with and opinions about the agent.
- **Annual Agent Application Reports:** These detail the agent's recruitment numbers, conversion rates, and overall performance.
- **General Interactions:** The RTO monitors day-to-day communications with the agent to assess responsiveness, professionalism, and regulatory knowledge.
- **Student Feedback Forms:** Collected quarterly to assess ongoing agent support experienced by enrolled students.
- **Direct Feedback from Agents:** The RTO collects feedback from the agents themselves regarding the RTO's support, services, and processes.
- **Agent Performance Indicators:**
The annual analysis evaluates:
 - Number of applicants referred
 - Conversion rate of applicants to enrolments
 - Retention of students referred by the agent
 - Student satisfaction levels
 - Agent's compliance with agreement terms and ESOS/National Code requirements
- **Review Outcomes:**
Based on performance data, the agent may receive:
 - Positive recognition, including incentives (e.g. increased commissions or promotional bonuses)
 - Warnings for non-compliance, low conversion, or misconduct
 - Termination of the agreement if severe or recurring issues are identified
- **Inactive Status:**
Agents with no active enrolments during a 12-month period are marked as inactive in the RTO's data management system. Their agreement is not automatically renewed unless a valid reason is provided.

- **Continuous Improvement Link:**
All agent-related feedback, including complaints and performance issues, is logged in the Continuous Improvement Register for management review and used to inform training, marketing, and policy updates.
- **RTO Oversight:**
The PEO and RTO Manager are jointly responsible for conducting these reviews and ensuring decisions made are supported by documentation and compliant with regulatory requirements.

1.4.8. Ethical Standards for Agents

The RTO upholds the highest standards of integrity and compliance in its operations and expects the same from its education agents. All agents must operate ethically and professionally, strictly in line with the Education Services for Overseas Students (ESOS) National Code and the Agent Agreement.

Key expectations and obligations under this standard include:

- **Prohibited Behaviours:**
Agents must not:
 - Engage in dishonest or misleading conduct during recruitment.
 - Suggest to students that they can obtain a student visa for reasons other than genuine full-time study.
 - Assist or encourage students to breach visa conditions or transfer to another institution improperly.
 - Make any guarantees about visa outcomes, employment, or migration pathways.
 - Provide immigration advice unless authorised under the Migration Act 1958.
 - Commit or imply RTO's approval of any enrolment or CoE without written consent.
 - Use RTO's branding or materials without prior authorisation.
 - Collect, receive, or withhold tuition fees on behalf of the RTO.

- Use PRISMS to create CoEs for non-genuine students or for purposes outside agreed arrangements.
- **Consequences of Misconduct:**
Breaching any of these ethical standards can lead to:
 - Immediate review of the agent's conduct.
 - Formal warning letters.
 - Termination of the Agent Agreement following internal investigation and, if required, external reporting.
- **Positive Obligations:**
Agents are required to:
 - **Declare Conflicts of Interest:** In writing, and take reasonable steps to avoid situations where their personal interest's conflict with those of students or the RTO.
 - **Maintain Confidentiality and Transparency:** In all interactions with prospective and current students.
 - **Act Honestly and in Good Faith:** Ensuring students receive truthful, clear, and accurate information always.
 - **Have Appropriate Knowledge of the Australian International Education Sector:** Including understanding the Australian International Education and Training Agent Code of Ethics, ESOS Act, and responsibilities under the National Code.
- **Monitoring and Accountability:**
The RTO regularly monitors agents' ethical behaviour through:
 - Student and agent feedback.
 - Complaints or concerns received from students, regulators, or internal stakeholders.
 - Ongoing review of agent activities, particularly those involving marketing, recruitment, and enrolment.
- **Corrective Actions:**
When breaches occur, the RTO may:
 - Issue a formal warning.
 - Place the agent under close monitoring.

- **Require retraining on regulatory compliance.**
- **Suspend or terminate the agreement, particularly in cases involving false, misleading, or harmful conduct.**

1.4.9. Annual/Unethical Behaviour Review

This step outlines the process for systematically reviewing the performance and ethical conduct of education agents engaged by the RTO. The review is designed to ensure that all agents continuously meet regulatory requirements, uphold integrity, and align with the RTO's expectations.

Key Elements of the Review Process:

- **Biannual Review Schedule:**
 - **Reviews are conducted twice a year.**
 - **These reviews cover all agents whose agreements are due for renewal within the preceding six months.**
 - **The review dates are recorded in the RTO's Annual Planner to ensure consistency and transparency.**
- **Review Initiation:**
 - **Marketing staff are responsible for initiating the review process.**
 - **A review can also be triggered immediately if unethical conduct is suspected regardless of the agent's agreement anniversary date.**
- **Suspension During Investigation:**
 - **If serious misconduct is suspected, the agent may be suspended while the review is being conducted.**
 - **In such cases, a formal review meeting must be held within 10 working days.**
 - **If the agent fails to attend the review without valid reason, the RTO proceeds with the review in their absence.**
- **Review Meeting:**
 - **Preferably conducted face-to-face, either at the RTO's office or the agent's premises.**
 - **For overseas agents, a video conference may be used when a site visit is not feasible.**

- The review is documented using an Agent Review Form, which is filed in the agent's records for compliance tracking.

1.4.10. Actions Following a Review

This section outlines the decisive actions the RTO takes after completing the performance and ethical review of an education agent. These actions are based on the review findings and are designed to ensure continued quality, compliance, and integrity in agent partnerships.

a. Renewal of Agreement

- If an agent performs satisfactorily during the review and wishes to continue representing the RTO:
 - A formal confirmation email is sent to the agent, stating that their existing agreement has been renewed for another 12 months.
 - The following systems and records are immediately updated to reflect the renewal:
 - RTO Agents Register
 - Agent's hard file
 - RTO's website listing of authorised agents
 - PRISMS (Provider Registration and International Student Management System) to reflect the agent's active status

b. Issuing of Warnings

- If an agent is found to have underperformed or breached expectations, but not severely enough to justify termination:
 - A formal warning letter is issued, outlining specific areas of concern and the expectations for improvement.
 - The warning does not prevent renewal at this stage, but places the agent under closer observation.
- Escalation policy:
 - Three (3) warning letters over time result in the agent being deemed incompetent or non-compliant.
 - This will trigger automatic termination of the agreement.

- Each warning letter details the areas requiring improvement and sets expectations for corrective action.
- RTO management discretion applies:
 - If the agent provides a strong justification for their conduct or poor performance, management may opt to continue the partnership under special conditions.

c. Termination of Agreement

- Termination occurs under the following circumstances:
 - If the agent, their employee, or subcontractor is found engaging in false or misleading recruitment practices.
 - If an agent has committed a serious breach of their responsibilities or the Agent Agreement.
 - If an agent has received three or more warning letters and continues to fail compliance requirements.
- Termination procedure:
 - A termination letter is issued, informing the agent of the decision and providing a chance to respond.
 - After the response is reviewed, if the agent is still deemed unsuitable, the agreement is officially terminated.
 - The agent is deactivated in PRISMS, and all future applications from the agent are rejected.
 - Any pending or future commissions are withheld if misconduct or financial irregularities are confirmed.

d. Financial and Legal Provisions

- Where financial misconduct is identified (e.g., collecting fees from students on behalf of the RTO without authority):
 - No further payments are made to the agent, regardless of new or existing student applications.
- Legal and Governing Framework:
 - All agreements and disputes are subject to the laws of the State of Victoria, Australia.

- Parties agree to submit to the non-exclusive jurisdiction of Victorian courts for legal proceedings.

e. Dispute Resolution and Mediation

- In case of disputes or grievances:
 - The agent has access to the RTO's Complaints and Appeals Policy.
 - If the matter is unresolved internally, it may be escalated legally under Victorian law.

f. Variation of Agreement

- Any modification to the Agent Agreement must:
 - Be documented in writing, and
 - Be signed by both parties.
- No verbal variations or side agreements are accepted.

Roles and Responsibilities

Role	Responsibilities
Chief Executive Officer (PEO)	<ul style="list-style-type: none"> - Approves or rejects agent applications based on recommendations. - Oversees agent agreements, terminations, and renewals. - Authorises corrective or disciplinary action following reviews. - Ensures compliance with ESOS Standard 4 and ethical standards.
RTO Manager	<ul style="list-style-type: none"> - Reviews agent applications and business profiles. - Makes recommendations for approval or rejection to the PEO. - Oversees day-to-day agent management and monitoring. - Maintains PRISMS agent records.

	<ul style="list-style-type: none"> - Ensures agents receive up-to-date marketing and course materials. - Manages warning and termination processes.
Marketing Department	<ul style="list-style-type: none"> - Conducts annual and biannual agent reviews. - Schedules and records agent meetings and review outcomes. - Issues agent feedback requests. - Coordinates distribution of updated promotional materials. - Identifies agents for reward or disciplinary action.
Admissions Staff	<ul style="list-style-type: none"> - Prepares agent folders and application checklists. - Communicates with agents during application and agreement process. - Issues Agent Guides and agreement documents. - Ensures data entry of active agents in internal records.
Compliance Officer	<ul style="list-style-type: none"> - Verifies agent conduct aligns with ESOS and RTO standards. - Ensures agent advertising and promotional materials meet regulatory compliance. - Reviews and files student feedback and agent performance reports. - Raises potential misconduct to RTO Manager for investigation.
Education Agents	<ul style="list-style-type: none"> - Submit completed applications and supporting documentation. - Maintain accurate and ethical conduct as per Agent Agreement. - Promote RTO courses using approved materials only.

	<ul style="list-style-type: none"> - Cooperate during audits, reviews, and PRISMS updates - Avoid conflicts of interest and observe confidentiality and good faith.
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Confidentiality and Privacy

- The RTO ensures that all personal and operational information exchanged with education agents is treated as confidential and handled in accordance with the Privacy Act 1988 and relevant legislative requirements.
- Education agents must declare in writing their commitment to maintaining the confidentiality of student information, business records, marketing strategies, and contractual terms with the RTO.
- Confidential records such as agent applications, agreements, student feedback, and performance evaluations are securely stored in password-protected databases or locked filing systems accessible only by authorised personnel.
- Any breach of confidentiality by an agent or staff member will result in immediate investigation and may lead to suspension, termination of agreement, or further legal action depending on the severity of the breach.

Continuous Improvement

- The RTO reviews agent performance data, student feedback, complaints, and compliance audit outcomes as part of its Continuous Improvement Policy.
- Data collected from:
 - Agent reviews (annual and biannual),
 - Student Feedback Forms (orientation and quarterly),
 - Marketing analysis reports, and
 - PRISMS agent records
is collated and discussed during quarterly compliance or management review meetings.

- Trends identified in agent conduct, marketing practices, visa compliance, or student feedback will inform future improvements to agent selection criteria, monitoring procedures, and staff training.
- Required corrective or preventative actions are documented in the Continuous Improvement Register and tracked for resolution.
- Updated versions of this policy are shared with relevant staff and agents as part of the continuous improvement communication strategy.

Record Retention and Access

- All agent-related records including:
 - Agent Application Forms,
 - Business profiles,
 - Signed agreements and contract variations,
 - Performance reviews,
 - Feedback forms,
 - Warning letters or termination notices,
 - PRISMS logs and communication
are retained securely for a minimum of 7 years after the last date of engagement or termination, in accordance with regulatory requirements for contractual and audit documentation.
- Records are stored in secure digital systems with restricted access and in physical files within locked cabinets, maintained by the Admissions and Compliance teams.
- Access to these records is only granted to authorised RTO personnel, auditors, or regulators such as ASQA or the Department of Education, as required by law.
- Upon termination of an agent, their files are marked as closed and archived, with digital access rights adjusted accordingly.