



<b>AAPoly Policy and Procedure</b>		
HESF: 7	<b>Title: Appointment, Monitoring and Termination of Representation</b>	
Standards for RTOs: 2.3, 2.4, 4.1		
NC: 4		
<b>Rev #: 6.1</b>	<b>Approved By: Gabriela Rodriguez</b>	<b>Date: 14/02/2024</b>

<b>REVISION HISTORY</b>			
<b>Rev</b>	<b>Description of Change</b>	<b>Author</b>	<b>Effective Date</b>
3.4	Updated references by removing HESF 2011 and adding National Code 2018 Conducted editing and general review to ensure currency	General Manager, Operations & Risk Management Quality Assurance Support Officer	11/12/2017
3.5	Changed DIBP to Department of Home Affairs (DHA) Added 3.e.(REP visa refusal monitoring) under "Representative monitoring and corrective and preventive actions"	General Manager, Operations & Risk Management	12/11/2018
4	<ul style="list-style-type: none"> <li>• Adapted ACA's policy and procedure template.</li> <li>• Added the following: <ul style="list-style-type: none"> <li>– Training, monitoring, re-appointment, and termination in the purpose and scope of the policy and procedure</li> <li>– Representative Selection Criteria</li> <li>– Key Agents and Certificate of Appreciation</li> </ul> </li> </ul>	Compliance Officer	8/4/2021
5	<ul style="list-style-type: none"> <li>• Added reference to the new HESF 2021.</li> <li>• Added clause 3.6.</li> </ul>	Compliance Manager	6/8/2021
6	<ul style="list-style-type: none"> <li>• Policy purpose has been updated to align with regulatory and organisational requirements.</li> <li>• Updated the procedure to include: <ul style="list-style-type: none"> <li>○ clarification on training and information session per year for representatives.</li> <li>○ analysis of PRISMS data on referred students' completion rate.</li> </ul> </li> <li>• new grounds for termination of representative agreement</li> </ul>	CEO	26/10/2023
6.1	<ul style="list-style-type: none"> <li>• Added Perth references.</li> </ul>	Compliance Department	14/02/2024

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## 1.0 Purpose


- 1.1** Academies Australasia Polytechnic (AAPoly) is committed to appointing and working with representatives demonstrating:
- A comprehensive understanding of students' recruitment, Australian education system and having appropriate legislative knowledge, and
  - Extensive knowledge of AAPoly's programs, policies and requirements, and
  - Honesty, integrity, and highest ethical standards.
- 1.2** This policy and procedure describes the systematic process used to identify, select, appoint, train, monitor, re-appoint or terminate representatives to ensure that it complies with Education Services for Overseas Students (ESOS) Act 2019, the National Code 2018, Standards for Registered Training Organisations (RTOs) 2015 and The Australian International Education and Training Agent Code of Ethics.
- 1.3** The procedure outlines the criteria for appointing and re-appointing representatives to ensure that only reliable and credible representative is engaged to recruit student for AAPoly.
- 1.4** This policy and procedure is also in place to regularly monitor representative's activities and, if required, take immediate corrective and preventative action, including termination of Representative Agreement in circumstances outlined in the National Code 2018.

## 2.0 Scope

- 2.1** The policy and procedure applies to the Marketing staff involved in the selection, appointment, training, monitoring and re-appointment or termination of representatives.
- 2.2** This policy and procedure also applies to representatives who recruit students on behalf of AAPoly.

## 3.0 Definitions

- 3.1 Agent Agreement Compliance Action Plan** – The action plan that reflects all the responsibilities of AAPoly and the representative and outlines associated actions to ensure compliance.
- 3.2 Monitor** – To keep track systematically with a view to collecting information to inform decision-making.

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**3.3 Representative (REP)** – Individual or company who recruits students on behalf of AAPoly. REP is also referred to as agent.

**3.4 Representative Agreement** – Mutually agreed contract between representative and AAPoly valid for one year or two years.

**3.5 Termination** – A coming to an end of a contractual agreement.

**3.6 PRISMS** – Provider Registration and International Students Management System

## 4.0 Responsibilities

**4.1 Marketing Manager (MM)** – Identifies, evaluates and makes recommendations for the appointment and re-appointment of REPs. Provides documents defined in this procedure and updates the REP database. Monitors REP’s activities and ensures that student is admitted into AAPoly only from approved REP. Provides timely training and updates to REP when there are changes to courses, admissions criteria, Department of Home Affairs’ rulings, legislation etc.

**4.2 Designated Marketing Officer (DMO)** – Conducts reference checks, liaises with the Designated Head (Marketing) regarding the approval or rejection of the appointment and re-appointment of REPs based on feedback received from references and completion of REP evaluation. Checks the Australian Business Number (ABN) provided by REP before issuing the agreement for appointed REPs. Updates the College website, Paradigm, PRISMS and ASQAnet.


**4.3 Designated Head (Marketing) (DH)** – Signs Representative Agreement upon recommendation of MM. Reviews REP’s activities and takes appropriate corrective and preventative action.

## 5.0 Procedure

### 5.1 Selection and Appointment of Representative

**5.1.1** MM identifies potential REP for the recruitment of students to AAPoly. REP can also show interest to be an authorised REP of AAPoly.

The AAPoly MM checks with other MMs in Melbourne, Sydney, Brisbane, Perth and at other colleges in the Academies Australasia Group whether the potential

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REP is a REP of theirs or if there is a record outlining whether the REP has been archived or rejected previously.

If the REP is a current REP in the Academies Australasia Group, the AAPoly MM shall request, use and upload the other college MM's reference reports and recommendation and their Representative Application Form with supporting documents. Skip to 5.1.4.

If the REP has previously represented any college within the Academies Australasia Group, the reason why the agreement was terminated or not renewed needs to be taken into consideration for a possible appointment or re-appointment, or otherwise.

**5.1.2** REP completes Representative Application Form, providing contact details of two Australian referees and forwards it to MM with a copy of Certificate of Registration of the Company and/or ABN details (applicable if agent is onshore).


**5.1.3** The DMO contacts at least one of the references provided by the REP in the Representative Application Form to complete the New Representative Evaluation Form. The intention is to ensure that REP is not engaged in dishonest practices as specified in the National Code 2018.

**5.1.4** DMO evaluates feedback from referee and seeks approval of REP appointment from DH. For Australian based applications, DMO checks the ABN provided by the REP before issuing the Representative Agreement. DMO then emails it to the relevant MM.

New agreements are generally granted for one year. Two-year agreements can be granted if the REP and/or MM have made a strong case based on factors such as working history, reputation of REP as a strong performer or the development of a marketing plan that covers more than one year.

DMO uploads the completed Representative Application form, New Representative Evaluation form, referee report(s), and ABN lookup evidence in Paradigm.

**5.1.5** MM obtains signature from DH and emails REP the signed Representative Agreement. REP signs and emails the Representative Agreement. By signing and returning the agreement, REP accepts the offer to act as a REP of AAPoly. The agreement is a one (or in exceptional cases two) year renewable contract.

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**5.1.6** MM emails signed Representative Agreement to DMO. DMO uploads a copy of the signed Representative Agreement to Paradigm and ensures the college website, Paradigm, PRISMS and ASQAnet are updated.

**5.1.7** MM provides training to appointed REP and completes and uploads the Training Record for Representative Form.

AAPoly does not accept student applications from agents that do not have a Representative Agreement with AAPoly.

## **5.2 Training and/or Updating Representative**

**5.2.1.A** Upon appointment/re-appointment of REP or if required, MM provides training and relevant materials to REP. The training includes all the areas stated in the Training Requirements for Representative under clause 6.3 as a minimum and MM carries out other training sessions with REP as and when necessary. MM completes and uploads Training Record for Representative Form on Paradigm.

**5.2.1.B** Where practicable, REP is invited to AAPoly premises for a campus tour.


**5.2.1.C** When changes occur to course, admission criteria, or when new courses are added on scope of registration, or new regulations are introduced that requires changes in the Student Agreement, AAPoly notifies changes and provides REP with up-to-date and accurate marketing information and materials as set out in National Code Standard 1. MM consolidates and sends up-to-date information to REP within 5 working days and records action in the notes section on Paradigm. Information sessions for these changes may be organised as well.

**5.2.2** All REPs are required to participate in at least one information and training session per year. This can be done in person or virtually.

**5.2.3** Any changes to legislation, visa requirements, policies and procedures, etc. are communicated to the agent via regular email newsletters.

## **5.3 Monitoring of Representative**

**5.3.1** MM monitors REP activities at least every six months by analysing data including feedback collected from REP surveys conducted with new students

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at the start of each term. This data is used as a basis to determine the performance of the REP.

**5.3.2** Monitoring activities are conducted according to the Agent Agreement Compliance Action Plan and include:

- Review REP performance and agreement before renewal
- Performance benchmarked against agreement responsibilities as per the Agent Agreement Compliance Action Plan
- Analysis of the results of student survey conducted during Orientation
- Complete and accurate applications and supporting documents submitted
- Regular communication (visits to offices, telephone, video conferencing such as Zoom) in regard to marketing and admissions of applications sent by REP
- Regular reports from REP, particularly on performance against any mutually agreed marketing plans
- Analysis of PRISMS data on REP visa grant/refusal rates
- Analysis of PRISMS data on referred students' completion rate (including withdrawals, cancellations for breach of visa conditions, non-commencement, transfers between providers)
- Performance of REP at expos or seminars
- Conversion rates of successful enrolment from Offer to COE
- Recommendations and/or information feedback from within the industry
- Review of REP promotional materials including websites and on social media
- Mystery consumer calls


### **5.3.3 Corrective and Preventative Action**

**5.3.3.1** If a REP scores below 50% positive feedback from surveys conducted in 2 consecutive terms\* and/or a breach of the Representative Agreement is suspected, MM investigates the issue and advise DH of the investigation result.

\*Condition: minimum of 5 respondents or above.

**5.3.3.2** If a REP Visa Refusal rate in the 'Agency Performance by Institution Summary' PRISMS report is above 50%\*\* for a period of 6 months, MM investigates the issue and advise DH of the investigation result.

\*\*Condition: minimum of 10 students or above.

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**5.3.3.3** DH reviews MM’s recommendations and makes decision on whether corrective and/or preventive action is required. Depending on the type of breaches or concerns, DH may take one or more of the following, but not limited to, corrective and/or preventive actions:

- Provision of additional training to relevant REP
- Provision of information in relation to the expectations of the College
- Issuance of warning to the REP based on the reasons for corrective or preventive actions
- Impose conditions on the Representative Agreement
- Review of the Representative Agreement
- Termination of the Representative Agreement

**5.3.3.4** All communications / meetings must be recorded under the notes section in the Paradigm with a brief description of the event. If no action is required, MM must also enter the reason and decision in the Paradigm and provide feedback to REP (if necessary) and continue the monitoring cycle again.

### **5.3.4 Key Representative and Certificate of Appreciation**

MMs can nominate high performing REPs (according to the quantitative and qualitative measures stated under Section 5.3) as “Key Agents”.

Key REPs can be issued with a Certificate of Appreciation valid for the term of the Representative Agreement.


## **5.4 Re-appointment of Representative**

**5.4.1** Representative Agreement is reviewed at least one month before the expiry of the current contract, or when found that the REP has breached the terms of the contract.

**5.4.2** MM evaluates REP using REP mastersheet which includes REP performance data, according to Agent Agreement Compliance Action Plan.

**5.4.3** The agreement may not be renewed when the MM deems the REP to no longer be an effective REP of AAPoly as per the evaluation. DMO sends a



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termination notification email to REP and uploads the terminated email to Paradigm and archives the REP. DMO also ensures the REP is removed from the college website, and ASQANET.

**5.4.4** MM indicates renewal of REP in the REP mastersheet and requests the DH to approve and DMO to issue a new agreement. DMO checks if the ABN provided by the REP is still active before issuing the new Representative Agreement.

**5.4.5** Upon approval by DH, REP is sent the new Representative Agreement. By signing and returning the agreement, REP accepts the offer to act as a REP of AAPoly. The agreement is a one year or two-year renewable contract. A two-year agreement can be granted if the REP and/or MM have made a strong case based on factors such as strong performance and/or a 'key agent' status.

**5.4.6** DMO updates the Paradigm with the new agreement expiry date. DMO also sends the final REP mastersheet to all MMs.

## 5.5 Termination of Appointment


**5.5.1** AAPoly may, by notice to the REP, terminate the Representative Agreement forthwith at any point during the period of appointment, if AAPoly believes or reasonably suspects that the REP, or an employee or sub-contractor of that REP, is negligent, careless or incompetent, or is engaged in false, misleading or unethical advertising or recruitment practices, or commits a serious breach of the Representative Agreement.

Where it is proven that an individual employee or sub-contractor of the REP was responsible for the breach and the REP has terminated the relationship with that individual employee or sub-contractor, termination of the agreement is not required as set out in National Code Standard 4.5.

**5.5.2.** Termination or non-renewal of REP Agreement may occur in cases of:

- Evidence of non-compliance with REP Agreement; ESOS Act and the National Code 2018;
- Unsatisfactory number of students recruited low conversion, visa rejection rate and student success rates;
- Unacceptable levels of student satisfaction with REP performance after corrective actions were implemented;
- Evidence of unethical, unprofessional and/or criminal conduct in representing AAPoly.



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**5.5.3** If the MM and DH have jointly decided to terminate or non-renew a REP's appointment, the MM should write to the REP to advise that their appointment has been terminated in accordance with the Representative Agreement by providing one month's notice.

**5.5.4.** When the Representative Agreement is terminated, the DH must:

- Arrange for its termination notification to the Australian Skills Quality Authority (ASQA) through ASQANet update.
- Notify the Marketing Team of the termination of the REP and advise the DMO that no further applications are to be accepted from the REP.
- Arrange for the Paradigm to be updated (agent is archived) with the information on the termination of REP appointment and the reason(s) for such cessation. Also update the college website and PRISMS.

**5.5.5** When a REP's appointment is terminated, the DH may disclose the decision and the reason(s) for termination to other people, organisations, bodies or professional association if required by law. Any disclosure must be made in accordance with AAPoly's Information Privacy Policy and Procedure.

## 6.0 General Guidelines


### 6.1 Representative Selection Criteria

AAPoly must not accept students from a REP or enter into an agreement with a REP if it knows or reasonably suspects the REP to be:

- engaged in, or to have previously been engaged in, dishonest practices, including the deliberate attempt to recruit a student where this clearly conflicts with the obligations of registered providers under Standard 7 of the National Code 2018 (Overseas Student Transfers);
- facilitating the enrolment of a student who the REP believes will not comply with the conditions of the student visa;
- providing immigration advice where not authorised under the Migration Act 1958 to do so.

### 6.2 Representative Agreement

The Representative Agreement covers the following details:


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- Contract period of maximum one or two years
- Contract parties
- Recitals
- Appointment of REP
- Promotion of AAPoly
- Obligations of AAPoly
- Payment obligations of AAPoly
- Expenses of REP
- Monitoring of REP's activities
- Corrective action
- Termination
- No partnership or agency
- Governing law and jurisdiction
- Counterparts
- Confidentiality
- Agreement Checklist
- Signatures

### 6.3 Training Requirements for Representative

Contents of REP training include:

- AAPoly location and general description of its facilities and infrastructure
- Outline of AAPoly and Academies Australasia Group structures and member entities
- Key selling points
- Admission procedures and entry requirements including academic and English language proficiency as well as any applicable exemptions
- Genuine Temporary Entrant requirements
- Course counselling to match the aspiration of the prospective students with the course learning outcomes
- Course duration, modules, outlines and assessment schedules
- Promotion and award criteria
- Types of certification awarded at the end of the course
- Further education opportunities after graduation
- Job prospects after graduation
- Total payable fee throughout the course duration
- Student fee payment method and schedule
- Student agreement clauses
- Refund, transfer and withdrawal policy
- Student support services
- Reference to AAPoly website for more details

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- Relevant Australian laws, legislation and regulations
- Visa requirements and procedures
- Advice on medical insurance, accommodation and the cost of living
- General healthcare services in Australia

#### **6.4 Representative's Record in Paradigm**

DMO must record the following REP details on Paradigm:

- ABN or ACN.
- Migration Agents Registration Number.
- If the REP is a body corporate, the names of the body corporate's directors and registered office.
- REP's employee's name, email address and Migration Agents Registration Number.

#### **6.5 Representative's Record in PRISMS**


DMO provides information on the REP's Director and their employees in PRISMS.

### **7.0 Appendices**

- 7.1 Representative Application Form
- 7.2 New Representative Evaluation Form
- 7.3 Training Record for Representative Form
- 7.4 Representative Agreement
- 7.5 Mastersheet of Agents (*titled as Master AAP Paradigm Prisms*)
- 7.6 Representative Certificate
- 7.7 Representative Survey Form

### **FEEDBACK**

Queries or feedback about this procedure should be directed to the DH-M through [g.rodriquez@academies.edu.au](mailto:g.rodriquez@academies.edu.au). The DH-M will respond in writing to the feedback or enquiries within two weeks, unless an extenuating circumstance requires an immediate response or action. Any changes to this procedure because of the queries or feedback will be documented in the version control register and used as part of continuous improvement and quality assurance of AAPoly.

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## REFERENCES

Source	Document Title
Internal	Agent Agreement Compliance Action Plan
	Information Privacy Policy and Procedure
	Marketing Information and Practices Policy and Procedure
External	Higher Education Standards Framework (Threshold Standards) 2021
	Standards for Registered Training Organisations 2015
	National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students
	Education Services for Overseas Students (ESOS) Act 2000