

International Education Agent Policy

Section 1 - Purpose

(1) This Policy sets out Macquarie University's approach to the appointment, management, and termination of international education agents (Agents).

(2) The objective of the Policy is to ensure the University complies with the following legislation when appointing, managing, and reviewing suitable Agents to represent the University locally and internationally:

- a. [Education Services for Overseas Students Act 2000](#);
- b. [National Code of Practice for Providers of Education and Training to Overseas Students 2018](#);
- c. [Higher Education Standards Framework \(Threshold Standards\) 2021](#);
- d. [Higher Education Support Act 2003](#);
- e. [Migration Act 1958](#);
- f. [Tertiary Education Quality and Standards Agency Act 2011](#); and
- g. [Australia's Foreign Relations \(State and Territory Arrangements\) Act 2020](#).

Scope

(3) This Policy applies to all University staff, contractors, and Agents who recruit international students on the University's behalf.

Section 2 - Policy

Responsibility

(4) Future Students is responsible for the appointment, management, and termination of Agents. The responsibilities include:

- a. selection, assessment, and appointment of Agents;
- b. provision of assistance to Agents;
- c. development and issuing of Agent Agreements;
- d. management and contractual oversight of Agents, including contract signing, extension, and termination;
- e. ensuring compliance of Agent activities with the [Education Services for Overseas Students Act 2000](#), [National Code of Practice for Providers of Education and Training to Overseas Students 2018](#), [Higher Education Standards Framework \(Threshold Standards\) 2021](#), [Migration Act 1958](#), Agent Agreement and University policies;
- f. ensuring student applications received via Agents are only accepted from Agents with a current signed Agent Agreement in place;
- g. taking corrective action (which may include termination of an agreement) with any Agents that do not have satisfactory performance or do not comply with the terms and conditions of the Agent Agreement;
- h. conducting annual Agent performance reviews;

- i. managing Agent relationships in a professional and responsible manner; and
- j. managing and mitigating reputational and other risks associated with Agents.

(5) The role of an Agent includes providing prospective students with accurate and comprehensive information about the University and its courses, submitting applications supported by genuine and complete documentation, and, following the issuance of an offer, assisting with student visa preparation, lodgments, and pre-departure arrangements. Only Agents authorised under the [Migration Act 1958](#) are permitted to provide migration advice.

(6) The University will ensure that:

- a. Agents are of high quality, meet the University's strategic goals, and are committed to abiding by the standards specified in the [Education Services for Overseas Students Act 2000](#) and [National Code of Practice for Providers of Education and Training to Overseas Students 2018](#). Regular reviews and reporting will be undertaken by the Future Students team to monitor Agents' performance and activities and to ensure ongoing alignment with the definition of an Agent under relevant legislation;
- b. communication to Agents on matters such as courses, admission requirements, policies, training, complaints, and issues requiring corrective action is timely and relevant;
- c. relationship building activities with Agents are ethical, and abide by University policy and the [National Code of Practice for Providers of Education and Training to Overseas Students 2018](#);
- d. students are only accepted from Agents with a current formal agreement in place;
- e. breaches of an Agent Agreement are dealt with in accordance with that agreement and the requirements of the [National Code of Practice for Providers of Education and Training to Overseas Students 2018](#); and
- f. it will comply with its obligations under the [Education Services for Overseas Students Act 2000](#) and the [National Code of Practice for Providers of Education and Training to Overseas Students 2018](#), including restrictions on the payment of education agent commissions in relation to onshore student transfers.

Section 3 - Procedures

Appointment of Agents

(7) Agents are generally referred by the University's Regional Directors for consideration by the University for appointment. Prospective Agents may be invited to complete the agent application form and submit all required documents for consideration by the University.

(8) Before an Agent is appointed, Future Students will conduct and document due diligence and assess the prospective Agent's suitability to represent the University in accordance with the [International Education Agent Management Procedure](#) against the following factors:

- a. company registration (ABN confirmation or registration number if a foreign company; business registry on government website);
- b. location of the head office, branches, and the territory/ies the Agent will recruit students from;
- c. company website;
- d. agency structure, such as whether the Agent is a company or individual;
- e. evidence of agent knowledge in relation to the Australian education framework and relevant legislation, for example Qualified Education Agent Counsellor (QEAC);
- f. experience/profile of the company director (Director's Curriculum Vitae);
- g. Company profile and business plan, including recruitment and marketing strategies;
- h. fees and charges for clients, where applicable;

- i. two (2) referee's reports (as nominated by the agent); and
- j. recruitment performance for the nominated institutions.

(9) In relation to clause 8(d), foreign corporations that operate on a commercial basis are exempt from the notification requirements of the [Australia's Foreign Relations \(State and Territory Arrangements\) Act 2020](#). This includes international education agents when they are commercial entities operating on a commercial basis. If a written arrangement is contemplated with an Agent that is not a commercial entity operating commercially, compliance advice will be sought from the National Security and Defence Coordinator (Research Support Services) via foreign.relations@mq.edu.au prior to the execution of any written arrangements with this entity.

(10) The University will not enter into an Agent Agreement with any agent that it knows or reasonably suspects to be:

- a. engaged in, or to have previously engaged in, dishonest recruitment 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 of Practice for Providers of Education and Training to Overseas Students 2018](#) (Overseas student transfers);
- b. facilitating the enrolment of a student that the Agent believes, or should know, would not comply with the conditions of their student visa;
- c. negligent, careless, incompetent or engaged in false, misleading or unethical advertising and recruitment practices, including practices that could harm the reputation of the University or the Australian international education industry;
- d. misusing [PRISMS](#) to create Confirmations of Enrolment for other than bona fide students; or
- e. providing migration advice, unless that Agent is authorised to do so under the [Migration Act 1958](#).

(11) Agents who are assessed as meeting the University's expectations for a quality Agent and the [Australian International Education And Training Agent Code of Ethics](#), will be appointed with a written Agent Agreement that is in a form approved by the Office of General Counsel to represent the University and promote courses with the intention of recruiting quality students who meet admissions, visa and Genuine Student requirements, on a non-exclusive basis.

(12) Future Students will publish an up-to-date list of appointed Agents on the [Find a Representative](#) webpage, maintain records of Agent Agreements and due diligence undertaken, and enter and maintain each Agent's details in [PRISMS](#). If requested by the Agent, the University will provide a certificate confirming the Agent Agreement.

Agent Training and Information

(13) The University will maintain regular contact with Agents via telephone, written communication, virtual meetings, webinars and office visits to provide training, up-to-date and accurate information on courses, and marketing materials to enable Agents to conduct their business, including advice on:

- a. course changes;
- b. changes to the legal or regulatory conditions for Australian student visa requirements;
- c. enrolment dates, admissions, and application processing requirements;
- d. news, events, and other relevant information about the University;
- e. changes to any privacy requirements consistent with the obligations of the University under any applicable privacy legislation;
- f. the use of any electronic and online systems used to process applications; and
- g. taking corrective action to address any issues that may have been identified.

(14) Future Students will provide training to Agents during visits and through online forums as required. Agents will be encouraged to visit the University to undertake training sessions and familiarise themselves with the University and its facilities.

(15) Agents will be expected to co-operate with the University in undertaking regular training on relevant topics and provide the University with evidence of any external training undertaken. As a minimum requirement, Agents must have appropriate knowledge and understanding of the [Australian International Education And Training Agent Code of Ethics](#).

(16) The University will endeavour to provide information and training in an accurate and timely manner. However, Agents are expected to be proactive in undertaking their own training and familiarising themselves with changes to courses, policies, admissions, marketing materials, application processes, visa rules, and international education regulations and legislation.

Monitoring and Review

(17) Future Students will monitor the performance and activities of all Agents recruiting students into the University's courses, on an ongoing basis, to ensure that the University is only using reputable and productive Agents.

(18) The University will carry out a formal performance review of each Agent in accordance with the [International Education Agent Management Procedure](#) at least annually.

(19) The University may also conduct an audit of Agents' compliance with the Agent Agreement and this Policy at any time.

(20) Ongoing monitoring and formal performance reviews will be undertaken in accordance with the terms of the Agent Agreement and this Policy, and may include but not be limited to:

- a. analysis of quality and quantity of applications on behalf of prospective students;
- b. analysis of conversion rates from application to offer, offer to acceptance, and acceptance to commencement;
- c. student academic progress, performance, and attrition;
- d. analysis of visa grants, refusals, and cancellations for the University and for other institutions where possible;
- e. adherence to the University's admissions processes and completeness of applications;
- f. analysis of instances where students claim to have been misinformed by the Agent about their studies at the University;
- g. analysis of instances where the Agent has shown a lack of knowledge of the University, student visa requirements or other matters relating to a student's stay in Australia;
- h. consideration of feedback from prospective students, staff, and third parties regarding the Agent;
- i. review of the quality of information provided by Agents through websites, student communications, events, brochures, and other channels;
- j. analysis of the agent performance versus costs to the University of engaging the Agent, such as commission, training, and promotional activities;
- k. review of Agent compliance with the [Education Services for Overseas Students Act 2000](#), [National Code of Practice for Providers of Education and Training to Overseas Students 2018](#) and Agent Agreement; and
- l. any other information which becomes lawfully available to the University which is considered relevant in the review of Agent performance.

(21) The University will maintain, where practical, confidential guidelines on the minimum required benchmarks Agents must achieve in the relevant performance indicators in clause 20 in order for their performance to be deemed satisfactory.

(22) Information and data for the review and monitoring of Agent performance will be collected through qualitative and quantitative mechanisms. This includes, but is not limited to, internal University data, [PRISMS](#) data, student surveys and questionnaires, reviews of publicly- and non-publicly available materials and resources, meetings and discussions with Agents and their staff, observations of events and interactions with prospective students, and feedback from individuals. This also includes feedback from relevant stakeholders, such as Admissions and Scholarships, Shared Services, or Faculties.

(23) When monitoring processes indicate a deficiency or the University becomes aware, or has reason to believe, that the Agent or an employee or subcontractor of that Agent has not complied with the agent's responsibilities under the Agent Agreement or when it is identified that the Agent has been negligent, careless or incompetent or engaged in false, misleading or unethical advertising or recruitment practices, the University will investigate into the matter in accordance with the [International Education Agent Management Procedure](#) and take immediate corrective action. This may include:

- a. issuing an informal warning which may include further counselling, training, corrective advice;
- b. issuing a formal warning letter which may include corrective action or requiring the Agent to terminate its relationship with the employee or subcontractor who engaged in the non-compliant activity; or
- c. suspension, non-renewal, or termination of the agreement.

(24) The monitoring and review of agents will be used to assess the status of the relationship and inform renewals and terminations.

(25) Following the annual review of each Agent, or identification of a deficiency or non-compliance through ongoing monitoring, Future Students will provide a report summarising the performance of each Agent and recommended actions to the Pro Vice-Chancellor (Future Students) who will approve one of the following actions:

- a. renewal of Agent Agreement; or
- b. non-renewal of Agent Agreement.

(26) Future Students will communicate with the Agent as part of monitoring and review processes. Should the University propose to take adverse corrective action, or not renew or terminate the Agent Agreement, the Agent will be provided with an opportunity to respond on the proposed action.

Renewal, extension, and termination

(27) The University may invite an Agent to renew or extend their relationship with the University in accordance with the terms in the Agent Agreement.

(28) The University may terminate an Agent Agreement with any Agents in accordance with the provisions of clauses 4g, 23, and 26 of this Policy and the [International Education Agent Management Procedure](#).

Records and Compliance

(29) To ensure compliance with the [National Code of Practice for Providers of Education and Training to Overseas Students 2018](#), the University will keep appropriate records of all Agents engaged by the University to formally represent it in the recruitment of international students, including:

- a. a signed written and current Agent Agreement in the form of either a physically signed document, an electronically signed document, or any other reasonable means which constitute a formally written and executed Agent Agreement;
- b. a Novation Deed, which transfers one party's rights obligations under an existing Agent Agreement to a new third party;

- c. evidence of Agent monitoring activity undertaken by the University;
- d. copies of agreements that have been terminated, where applicable; and
- e. evidence of immediate corrective and preventative action (for example, record of telephone conversations, emails or letters) taken when the University becomes aware that the Agent has or may become negligent, careless, or incompetent, or has or may be engaged in false, misleading, or unethical advertising and recruitment practices.

(30) The University acknowledges that, under the [Education Services for Overseas Students Act 2000](#), the Secretary of the Department of Education may request information requiring the University to report on all agent commissions (monetary and non-monetary) paid to an Agent in connection with the recruitment of accepted students of the University, and the University will comply with any such request.

Section 4 - Guidelines

(31) Nil.

Section 5 - Definitions

(32) The following definitions apply for the purpose of this Policy:

- a. Agent (international education agent) means an entity that:
 - i. engages in any of the following activities in relation to a 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;
 - otherwise dealing with overseas students, or intending overseas students; and
 - ii. is not a permanent full-time or part-time officer or employee of the provider*.
- b. Agent Agreement (international education agent agreement) means the formal contract between the University and the Agent outlining the terms and conditions under which the services of the Agent are provided.

*For the purposes of this Policy, the following groups are not considered to fall within the definition of an Education Agent:

- a. onshore casual staff of the University; and
- b. offshore-based contractors engaged by the University.

This position is supported by Department of Education guidance indicating that activities of a general nature, not connected to any individual overseas student or intending overseas student, may fall outside the definition of an education agent, and that exceptions may include overseas or senior staff engaged on long-term contracts with a provider.

Status and Details

Status	Current
Effective Date	16th June 2026
Review Date	16th June 2031
Approval Authority	Deputy Vice-Chancellor (People and Operations)
Approval Date	10th June 2026
Expiry Date	Not Applicable
Responsible Executive	Eric Knight Deputy Vice-Chancellor (People and Operations)
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