



<b>Institution</b>	Mercury Institute of Victoria
<b>Policy Name</b>	Education Agent Policy and Procedure
<b>Policy Governance</b>	Compliance Manager
<b>Reference to Standards</b>	Standards for RTO 2015 - Standard 4 Clause 4.1 National Code 2018 - Standard 4 Education agents
<b>Date of Approval</b>	June 2020
<b>Review Date</b>	June 2021
<b>Version No.</b>	4.0

## PURPOSE

Mercury Institute of Victoria's agents are often the first point of contact between prospective students and the Australian international education industry. Their activities and ethics are important to Mercury Institute of Victoria's and Australia's reputation as a desirable destination for students. Mercury Institute of Victoria is therefore committed to ensuring its agents act ethically and appropriately.

To this end, Mercury Institute of Victoria requires its agents to have appropriate knowledge and understanding of the Australian international education industry and to act honestly and with integrity.

Mercury Institute of Victoria establishes this policy and procedure to:

- Comply with the requirements of Standards for RTO 2015 - Standard 4 Clause 4.1
- Comply with the requirements of the National Code 2018 – Standard 4 Education agents

## SCOPE

- Agents of Mercury Institute of Victoria, and
- Staff of Mercury Institute of Victoria involved in the recruitment, and monitoring of

agents for the Institute.

## 1. POLICY

This policy aims to ensure that the actions of its appointed agents are ethical and comply with the Institute obligations under the:

- ESOS Act;
- ESOS Regulations;
- National Code;
- Migration Act; and
- Migration Regulation

Mercury Institute of Victoria has established practices in place to monitor and if necessary terminate education agents domestically and internationally to ensure honest and professional representation of the Institute with the highest integrity.

## 2. PROCEDURE

Agent Appointment Process

	STEPS	WHO IS RESPONSIBLE?	COMMENTS
1.	Education Agent Application Form and Agent Information documents sent to prospective Agent	Marketing Manager	
2.	Completed forms with documentation required attached and returned to Mercury Institute of Victoria	Prospective Agent	Business Profile etc. to be attached.



3.	If determined to be suitable to appoint, contact referees for completion of Agent Reference Check Form.	Marketing Manager	In cases where referees refuse to complete the Agent Reference Check in writing then there are two options: <ul style="list-style-type: none"><li>• Marketing Manager to telephone the referee and complete the form</li><li>• Provide supporting statement documenting reasons why the agent was appointed (i.e. office visit or recommendation from another reliable source)</li></ul>
4.	Once Agent Reference Check Form has been completed reassess to determine if suitable to appoint.	Marketing Manager/ Compliance Manager/ CEO	
5.	Complete Education Agent Written Agreement	Marketing Manager	Ensure correct details are inserted, i.e. title of Agent, company registration number (if any); country of representation, address is listed in agreement
6.	Education Agent Written Agreement approved	Compliance Manager/ CEO	
7.	Copies of Education Agent Written Agreement sent to office of Agent	Marketing Manager	
8.	Agent returns signed original copies of Education Agent Written Agreement	Agent	



9.	Education Agent Written Agreement signed by Compliance Manager/ CEO	Marketing Manager/Compliance Manager/ CEO	
10.	Soft Copy retained in Student Management System in agent's file and countersigned copy returned to the Agent together with Agency Certificate of Representation(s). A corresponding hardcopy folder for every agent is maintained	Marketing Manager	
11.	Details of Agent listed on Mercury Institute of Victoria website and reporting Third Party declaration on ASQAnet	Marketing Manager/ Compliance Manager	

### Agent Agreements

- Any person who is formally engaged by Mercury Institute of Victoria to promote its courses with the intention of recruiting students for Mercury Institute of Victoria will be required to be approved by the Marketing Manager/Compliance Manager/ CEO who will initiate an Agent's Agreement.
- All persons approved as an Agent shall be required to sign an 'Education Agent Written Agreement' prior to undertaking any promotional activities on behalf of Mercury Institute of Victoria.
- Mercury Institute of Victoria will **not** enter into an agreement with any education agent or potential education agent if it knows or reasonably suspects the education agent 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- Overseas Student Transfer;
  - Facilitating the enrolment of a student who the education agent believes will not comply with the conditions of his or her student visa



- Using Provider Registration and International Students Management System (PRISMS) to create Confirmations of Enrolment for other than bona fide students; or
- Providing immigration advice where not authorised under the Migration Act 1958 to do so.
- All agents who are approved by Mercury Institute of Victoria and have a signed agreement as an agent shall be paid an agents commissions as outlined in their specific agreement.
- The agreement, conditions, and authorisation to promote Mercury Institute of Victoria relates to the 'agent' named in the agreement, and any sub-contractors or employees of the agent must be authorised by Mercury Institute of Victoria.
- The original signed agent agreement shall be kept in the Agent's file and the agent will also receive a copy.

### **Monitoring Agent activities**

To ensure that Mercury Institute of Victoria is using reputable agents, Mercury Institute of Victoria will initiate a monitoring procedure with all active agents. This monitoring process is outlined as follows:

- **Agent Student Appraisals:** On the day of orientation, all the new students are required to fill out an Education Agent Feedback Form, allowing the marketing team ensure that the student's decision to study with the Mercury Institute of Victoria was an informed decision based on accurate information given by Education Agent.

- **Agents Annual Performance Review:**

Mercury Institute of Victoria will monitor Education Agent's performance and Activities using a variety of methods, which include but are not limited to:

- Informal and formal feedback
- Agent visits and meetings
- Reports from Education Agents and other External Stakeholders
- Annual performance reviews
- Mercury Institute of Victoria Marketing Manager will conduct an annual performance

review for its Agents.

- Annual Agents Performance Review Form will be completed and kept on the Agent's file.
- Where any practices of the education agent are identified as being negligent, careless or incompetent, or being engaged in false, misleading or unethical advertising and recruitment practices, including practices that could harm the integrity of Mercury Institute of Victoria or the Australian education and training, Mercury Institute of Victoria will take immediate action in cancelling their agreement and reporting them to the relevant authorities.
- Where the above practice(s) by an agent is identified, the Marketing Manager/Compliance Manager/ CEO is responsible for ensuring there is a change of the practices causing concern through counselling the agent or terminating the agreement. Any counselling or termination of agreements will be documented within the agent's file.
- The agent files must be reviewed through the internal continuous improvement policy.

#### **Renewal/ Non – renewal of Agent Agreement**

- Based on the Annual Performance review outcome, the Marketing Manager suggests renewal/ non-renewal of the agent's agreement with Mercury Institute of Victoria.
- The Compliance Manager/ CEO approves the decision.
- The Marketing Manager communicates the decision in writing to the agent.
- In case of renewal of the agent agreement, the Marketing Manager shall use the *'Template for Renewal of Education Agent Written Agreement'* and send it to the agent along with the new agreement.
- In case of non-renewal of the agent agreement, the Marketing Manager shall use the *'Template for Non- renewal of Education Agent Written Agreement'* and send it to the agent marketing

#### **Termination of Education Agent Agreement**

Mercury Institute of Victoria may terminate an agent's appointment where Mercury

Institute of Victoria knows or reasonably believes that an agent has been engaged in unprofessional conduct. Mercury Institute of Victoria retains the right to any Agent activity that in the Mercury Institute of Victoria's opinion is not compliant with:

- The Education Agent Written Agreement; or
- Any Relevant Legislation; or
- Any information provided to the Agent by Mercury Institute of Victoria.

If Mercury Institute of Victoria is aware, or reasonably suspects that the Education Agent, or an employee or sub-contractors of the Education Agent has acted in breach of the conduct set out in Education Agent Agreement and the National Code, Mercury Institute of Victoria will terminate the agreement immediately (use the *'Template for Education Agent Termination Letter'*).

Either party giving one month's notice in writing may terminate Mercury Institute of Victoria's Education Agent Agreement. Mercury Institute of Victoria will terminate the agent agreement if it is shown, or Mercury Institute of Victoria reasonably suspects, that the Education Agent is:

- Engaged in dishonest practices, including suggesting to overseas students that they come to Australia on a student visa with a primary purpose other than full-time study;
- Facilitating the enrolment of overseas students who do not comply with the conditions of their student visas;
- Engaging in false or misleading advertising and recruitment practices; or
- Providing migration advice when not authorised to do so.

### **Continuous Improvement**

Regular on-going meetings/interactions will be conducted with the agents.

The following matters will be discussed at these meetings:

- Feedback outcomes from Education Agent Feedback Form
- Communication strategies to ensure the Education Agent is giving accurate and



current information to prospective students

- All aspects of the quality assurance process
- Administrative issues
- Marketing material
- Any other issues as identified during the period

Compliance Manager will ensure all records are kept under the *Continuous Improvement Register*, and evidence of improvement is saved.

### **Updating Information**

- Mercury Institute of Victoria will ensure that the agent is provided with current information regarding the provider and the courses offered.
- New course documents and detailed information will be provided to agents whenever such documents are amended.
- Agents are required to notify Mercury Institute of Victoria if any details related to the agent or its operations are altered.
- Marketing Manager is responsible for informing the agents about the updated information.

Compliance Manager will ensure all records are kept under the *Education Agent Register*.