

## **SGA Agent Management Policy**

### **1.0 Policy Statement and Purpose**

- 1.1 This document provides details of the policy and associated procedures for the appointment and management of education agents formally engaged by Study Group Australia Pty Limited (SGA) to assist with the sales and marketing of its courses and the enrolment of students into those courses.
- 1.2 The purpose of this policy and set of associated procedures is to ensure that services provided by education agents occur in accordance with the Education Services for Overseas Students Act 2000 (the ESOS Act), the National Code of Practice for Providers of Education and Training to Overseas Students 2018 (National Code 2018), the Migration Act 1958 and relevant State and Territory Acts.

### **2.0 Scope**

Standard 4 of the National Code 2018 requires SGA to enter into a written agreement with each education agent it engages to formally represent it, and enter and maintain the education agent's details on PRISMS.

- 2.1 This policy and set of associated procedures applies to the management of those education agents who are Formally Engaged by SGA to represent it.
- 2.2 SGA is part of Study Group, a global private provider of academic programs and English language courses. Study Group operates as an education provider in Australia, New Zealand, the United Kingdom & Europe, Canada and the United States of America. All divisions of Study Group work with education agents, but this document applies only to the Australian operations of Study Group Australia Pty Limited (SGA).

### **3.0 Definitions**

In the context of this policy the following definitions apply:

**SG** means Study Group, a global private provider of academic programs and English language courses. Study Group operates as an education provider in Australia (as SGA), New Zealand (as SG NZ), the United Kingdom (as SG UK), Canada (as SG Canada) and the United States of America (as SG USA).

**SGA** means Study Group Australia Pty Ltd.

**Education Agent** (hereafter generally referred to as 'agent') means a person (or organisation), in Australia or overseas, who recruits international students and refers them to education providers. In doing so, the education agent may provide advice to overseas students regarding educational options, as well as marketing and promotion services for education providers.

Education Agents do not provide immigration advice unless the agent is authorised to do so under the Migration Act 1958. "Education Agent" does not refer to an education institution with which an Australian provider has an agreement for the provision of education (that is teaching or training activities).

**SGA Agents** means those formally engaged Educations Agents, who intend to refer students to courses offered by Study Group Australia Pty Ltd.

**Active agent(s)** means those education agents who are formally engaged, who have had an arrived new student enrolment (NSE) in the two calendar years prior to the current calendar year, or who

have a student in the student recruitment pipeline (offer, confirmed, arrived) for an intake happening in the current year or a future intake year.

**Agent Agreement** is comprised of two documents (1) Partner Terms & Conditions and (2) Commercial Terms. Both documents must be accepted by the agent in order for the Agent Agreement to be considered executed. The Partner Terms & Conditions outline:

- the responsibilities of the registered provider, including that the registered provider is responsible at all times for compliance with the ESOS Act and National Code 2018
- the registered provider's requirements of the agent in representing the registered provider as outlined in Standard 4.3
- the registered provider's processes for monitoring the activities of the education agent in representing the provider, and ensuring the education agent is giving students accurate and up-to-date information on the registered provider's services
- the corrective action that may be taken by the registered provider if the education agent does not comply with its obligations under the written agreement including providing for corrective action outlined in Standard 4.4
- the registered provider's grounds for termination of the registered provider's written agreement with the education agent, including providing for termination in the circumstances outlined in Standard 4.5
- the circumstances under which information about the education agent may be disclosed by the registered provider and the Commonwealth or state or territory agencies.

**AU Visa / Regulatory Training** means training delivered by a Partner Sales Manager under the direction of GQCR Compliance on the requirements of the ESOS Act, the National Code 2018, the Migration Act 1958 and relevant Commonwealth, State and Territory legislation in the last two years, successful completion of which has been recorded in Salesforce.

**Formally Engaged** means an agent is only considered formally engaged once:

- they have received and confirmed acceptance of two documents from Study Group (1) Partner Terms & Conditions and (2) Commercial Terms. Agents receive these documents separately by email, and must confirm their acceptance of each document by clicking a hyperlink in the email; and
- they have received AU Visa / Regulatory Training, or are a Registered Migration Agent with the Office of the Migration Agents Registration Authority.

**Genuine Temporary Entrant (GTE)** is a requirement used by the Department of Home Affairs as an integrity measure to ensure the student visa program is accessed as intended and not as a way for international students to maintain ongoing residency in Australia. The GTE requirement provides a useful way to help identify those students who are using the student visa program for motives other than gaining a quality education. A student needs to show they are coming to Australia temporarily to gain a quality education.

**International Admissions Centre (IAC)** means Study Group's admissions processing department.

**Marketing** means the promotion of SGA and its courses and facilities to prospective overseas students and their parents or guardians, education agents, international organisations and other interested parties such as alumni.

**Study Group Regional Office** means an in-country office location at which Study Group staff work.

**Partner Sales Manager (PSM)** means SGA's representative at a Study Group Regional Office.

## 4.0 Policy

SGA recognises that education agents are an important part of the international education sector in Australia and that it has a responsibility to ensure its education agents act ethically, honestly and in the best interest of overseas students and uphold the reputation of Australia's international education sector.

Only an agent is Formally Engaged by SGA, it may represent SGA, promote the SGA programs and recruit prospective students on SGA's behalf.

SGA commits to:

- having a written agreement (Partner Terms & Conditions) with each education agent it engages to formally represent it;
- entering and maintaining education agent details in Provider Registration and International Student Management System (PRISMS);
- ensuring education agents have appropriate knowledge and understanding of the international education system in Australia, including the Australian International Education and Training Agent Code of Ethics;
- requiring its education agents to:
  - declare in writing and take reasonable steps to avoid conflicts of interests with its duties as an education agent of the registered provider;
  - observe appropriate levels of confidentiality and transparency in their dealings with overseas students or intending overseas students;
- act honestly and in good faith, and in the best interests of the student;
- have appropriate knowledge and understanding of the international education system in Australia, including the Australian International Education and Training Agent Code of Ethics.
- taking immediate corrective action, or terminating a relationship if an agent (or an employee or subcontractor) is not complying with the ESOS Act and National Code; and
- not accept overseas students from an education agent if it knows or suspects that the education agent is engaging in unethical recruitment processes.

## 5.0 Procedures

### 5.1 General

In order to facilitate the enrolment of overseas students, Study Group has established a global network of Regional Offices. This global network ensures closer contact with agents, more informed selection of agents, and more visits to agents to support quality service provision. SGA also utilises this in-market infrastructure to fulfil its compliance obligations under the ESOS Act 2000 and the National Code 2018. This includes taking all reasonable measures to use education agents that have an appropriate knowledge and understanding of the Australian international education industry, and to not use agents who are dishonest or lack integrity. This global network is further supported by SGA's International Admissions Centre (IAC). GTE assessment for applicants from India, Nepal and Sri Lanka is currently processed in India.

### 5.2 Agent Selection

Before entering into a formal Agreement with an agent, a Study Group Partner Sales Manager, working at the nearest Study Group Regional Office, will make every reasonable effort to ensure that the agent applicant is competent, well informed, reputable and will act at all times in the best interest of prospective students.

As one of the world's largest education providers for international students, Study Group maintains a dedicated agent portal (<https://agent.studygroup.com>) to provide extensive marketing resources and an on-line brochure ordering and booking system. Organisations interested in becoming SGA agents are able to complete an online application form, available from the homepage of the agent portal.

The application form requires information such as:

- general information about the applicant (such as business name, contact name(s), contact details, ownership, and years of experience in business as an education agent)
- size of the agency (staff numbers, number of students recruited annually)
- evidence that agency staff have completed the Education Agent Training Course (refer to <http://pieronline.org/eatc/>) or other appropriate training
- other educational institutions represented by the agency and the name(s) of referees
- services offered and market catchment area/s applicable.

The application is submitted electronically and forwarded to the nearest Study Group Regional Office for review.

The applicant assessment process comprises but is not limited to:

- visiting the applicant's premises to ensure that the appropriate infrastructures are in place;
- contacting referees and other relevant organisations to establish the bona fides of the applicant;
- interviewing the applicant to ascertain the commitment to provision of a quality service, and their level of knowledge and understanding of the requirements of the ESOS Act and National Code.

Following the assessment a decision is made in relation to the suitability of the applicant for appointment as an SGA Agent.

At the time of appointment as a formally engaged agent, Study Group Regional Office designates the Partner Sales Manager who will be the agent's first point of contact and provides their contact details. The Partner Sales Manager will perform activities outlined in the Partner Terms & Conditions, including but not limited to monitoring the services provided by the agent through such means as student and staff feedback, observing the agent at work at education fairs, regular communication and meetings with the agent and data analysis.

If approved for appointment, the agent is sent (electronically) two documents to accept; (1) Partner Terms & Conditions – which set out all the terms and conditions that the partner must agree and adhere to as an Education Agent of Study Group and (2) Commercial Terms – which sets out the payment terms and schedule for the agent. An agent is not formally engaged to represent Study Group until the agent has accepted both the Partner Terms & Conditions and the Commercial Terms. Agents receive these documents separately by email, and must confirm their acceptance of each document by clicking a hyperlink in the email.

The written Partner Terms & Conditions outline, among other details:

- SGA's responsibilities, including for compliance with the Education Services for Overseas Students Act 2000 (ESOS Act) and National Code 2018;
- the requirements of the agent in representing SGA, as outlined in Standard 4.3 of the National Code 2018;
- SGA's processes for monitoring the agent's activities and ensuring the agent gives overseas students accurate and up-to-date information on SGA's services;
- the corrective actions that may be taken and the grounds for termination of the written agreement with the education agent, including providing for termination in the circumstances outlined in Standard 4.5 of the National Code 2018;
- the circumstances under which information about the agent may be shared by the registered provider and Commonwealth or state and territory agencies; and

- SGA's expectation of education agents, including:
  - to declare and take all reasonable steps to avoid conflicts of interest<sup>1</sup> with its duties as an education agent of SGA;
  - to observe appropriate levels of confidentiality and transparency in dealings with overseas students while acting honestly and in good faith.;
  - to ensure they maintain appropriate knowledge and understanding of the overseas education system in Australia, including the Australian International Education and Training Agent Code of Ethics<sup>2</sup>;
  - to use only SGA's provided up-to-date and accurate agent materials and to continue to uphold their agreement obligations (see below for further details).

### 5.3 Agent Training

SGA's representative at Study Group Regional Offices provide regular updates to agents in regard to SGA's regulatory compliance requirements, as varied from time to time, including but not limited to:

- the Australian education system
- the National Code 2018
- the ESOS Act 2000
- Australian visa requirements and attached conditions
- Genuine Temporary Entrant (GTE) requirements and process
- the Australian International Education and Training Agent Code of Ethics<sup>2</sup>
- SGA products and facilities (including information on the local environment)

Agent Familiarisation Tours are offered to selected agents, enabling them to visit SGA campuses, meet the key staff, and further develop their knowledge of Australia and the cities in which SGA operates.

### 5.4 Agent Materials

SGA's representative at Study Group Regional Offices ensure that SGA Agents are provided with up-to-date and accurate advertising and promotional materials. These resources support SGA's comprehensive websites and address such key areas as:

- course information, entry requirements, including the required level of English proficiency
- application and enrolment procedures, including information about accessing and using the online system provided
- payment procedures, including medical insurance
- the student acceptance of offer (written agreement) template, including the refund policy
- course progression/attendance requirements; arrangements for reporting on compliance with visa requirements, complaints and appeals procedures
- key dates and details; student orientation
- student support services and other services for students such as accommodation, airport pick-up, care of under 18 year old students
- site specific information and indicative costs of living in Australia
- key staff contacts at SGA
- SGA's application and enrolment procedures, including details of all fees
- SGA's policy and procedures on attendance and the monitoring of course progress

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<sup>1</sup> Conflicts of interest include, but are not limited to: • when the agent charges services fees to both overseas students and registered providers for the same service; • where an education agent has a financial interest in a private education provider; or • where an employee of an education agent has a personal relationship with an employee of the education provider.

<sup>2</sup> The Australian International Education and Training Agent Code of Ethics is based on the London Statement. These requirements ensure education agents adhere to and practice responsible business ethics, and that education agents understand their obligations to provide current, accurate and honest information to overseas students to help them make informed decisions about study in Australia.

- SGA's academic calendar
- details of the orientation process
- SGA's policy for reporting to students to Department of Home Affairs (DHA) should they fail to meet the requirements of their visa
- details of qualifications and awards gained upon completion of each course
- the duration of each course
- teaching and assessment methods used at SGA
- academic pathways available to students upon completion of their course at SGA.

### **5.5 Agent Support**

SGA agents are provided with access to a multipurpose dedicated agent portal (<https://agent.studygroup.com>). Agents are given a dedicated Username and Password that enables them to access extensive marketing and other resources, such as new articles, online training and Brochures.

SGA regularly sends electronic bulletins to agents by email. These e-bulletins provide updates regarding educational and compliance requirements, as well as news about Study Group and its courses and other promotional resources. They ensure that agents always have access to the most current information.

At the time of appointment as a formally engaged agent, SGA's representative at Study Group Regional Office designates the Partner Sales Manager who will be the agent's first point of contact and provides their contact details.

Study Group Regional Offices provide representation at relevant international trade fairs. Australian-based staff also participate in marketing and recruiting activities and agent training programs. These staff have knowledge of the Australian education and training system, SGA's products, and the National Code 2018.

### **5.6 Agent Obligations**

An agent who has been formally engaged by SGA must comply with all the Terms and Conditions set out in the Partner Terms & Conditions document.

In accordance with those terms and conditions, a formally engaged agent will:

- promote SGA programs with integrity and accuracy and recruit prospective students in an honest, ethical and responsible manner
- undertake only promotional and marketing activities that have been approved in advance by SGA
- inform prospective students accurately about SGA program requirements
- uphold the high reputation of Study Group and the Australian education system
- abide by the requirements of the Australian ESOS Act 2000 and the National Code 2018
- counsel students accurately and comprehensively about all aspects of their chosen course, support services available, indicative living and accommodation costs, Australian societal norms, and the availability of part-time employment
- alert students to the requirements of all visa conditions and specific campus/course requirements.

### **5.7 Managing Student Applications**

Only SGA can make an offer of enrolment and admit students to its courses. An agent cannot offer or enrol a student in an SGA course. When assisting a prospective student to apply for an SGA course, an agent that has been formally engaged by SGA shall:

- ensure that the intending student is provided with the information stated in the National Code 2018, including SGA's Cancellation and Refund Policy;

- take all reasonable steps to confirm the accuracy of the information provided by prospective students in the application;
- use only the official forms and include all necessary choices and dates;
- ensure that only signed and completed Applications for Admission are submitted, that all Applications for Admission are signed by the student (and parent/guardian if the applicant is under 18 years of age) and that all the necessary applicant information is provided to SGA's IAC;
- ensure that supporting documentation accompanies each Application for Admission and relevant fees and charges accompany each Acceptance of Offer document;
- provide any "Offer" documents received from SGA's IAC to the prospective student within 24 hours of receiving the documents;
- not discount SGA's programmes further than any listed fees or special promotion fees approved by SGA, without prior written approval of SGA;
- assist prospective students to complete student visa applications, if the agent is also a registered migration agent.

All information should be sent to the IAC as early as possible to ensure accommodation choices are available. IAC officers will generally be able to confirm accommodation details two weeks before arrival.

SGA and its agents will not assist applicants who do not meet the genuine temporary entrant (GTE) and/or genuine student (GS) requirements.

#### **5.8 Collecting Fees**

SGA reserves the right to vary fees at any time without notice. Fees are subject to increase following periodic review and adjustment (normally annually). SGA will update the schedule of fees published on the website in accordance with any changes to the fees.

SGA allows agents to collect money from a student or intending student on its behalf. Any such money should be transferred to SGA as soon as possible. Any monies not immediately paid to SGA must be held in a dedicated Trust Account.

It is the SGA agent's responsibility to explain clearly to an intending student all aspects of the relevant Terms and Conditions, with particular attention to the SGA Cancellation and Refund Policy, to ensure that all bank charges and money transfer costs are borne by the student; and to ensure that the full fees are paid to SGA by the due date, and in the currency specified on the invoice, unless otherwise agreed in writing with SGA.

#### **5.9 Refunds**

It is the SGA agent's responsibility to explain clearly the SGA Cancellation and Refund policy applicable to any particular program.

#### **5.10 Overseas Student Health Cover**

It is the SGA agent's responsibility to ensure that all students have Overseas Student Health Cover before they leave home to start a course, and that each student understands that this coverage must be maintained for the entire period of the student visa.

#### **5.11 Commission**

SGA Agent Commission is paid according to commercial terms set out in the SG Agent Agreement.

#### **5.12 Monitoring Agent Activities**

The Partner Sales Manager will perform monitoring activities outlined in the Partner Terms & Conditions on behalf of SGA, including but not limited to reviewing student and staff feedback, observing the agent at work at education fairs, regular communication and meetings with the agent and data analysis.

SGA's Agent Monitoring Working Group (AMWG) meets monthly to review the performance of agents referring students to courses offered by SGA. The APMWG terms of reference provide that the APMWG has oversight of (1) monitoring agent performance and ensuring corrective action is being taken (2) Monitor visa risk rating (3) ensuring PRISMS Agent data remains accurate and aligned with SGA internal systems.

### **5.13 Corrective actions**

Where SGA becomes aware that, or has reason to believe, the education agent or an employee or subcontractor of that education agent has not complied with the education agent's responsibilities under standards 4.2 and 4.3 National Code 2018, SGA may choose to take the following corrective action with its agents (1) verbal warning (2) written warning (3) training and/or mentoring (4) temporary suspension (5) termination.

Areas of concern that would prompt SGA to take corrective action with an SGA Agent include:

- the Agent has been negligent, careless or incompetent;
- the Agent has engaged in false, misleading or unethical advertising and recruitment practices (including practices that could harm the integrity of Australian education and training);
- the Agent has engaged in, or has previously been engaged in, dishonest or fraudulent practices, including the deliberate attempt to recruit a student where this clearly conflicts with SGA's obligations under Standard 7 Transfer between registered providers;
- has facilitated the enrolment of a student who SGA believes will not comply with the conditions of his or her student visa; and/or
- has provided immigration advice where not authorised under the Migration Act 1958 to do so.

The Partner Sales Manager or their Manager will conduct an investigation into concerns arising from an agent's performance, and take appropriate corrective action dependent on the findings.

In cases where the area of concern may be minor, corrective and preventative action such as further training and/or mentoring will be provided to the SGA agent. If the same issue or other issues are subsequently identified, SGA will issue a warning letter or temporary suspension of contract as a disciplinary measure or if required terminate the Agent's Agreement.

If SGA becomes aware, or has reason to believe that an education agent or an employee or subcontractor of that education agent is engaging in false or misleading recruitment practices or has not complied with the ESOS Act and National Code 2018 and other agent requirements set out at item 4.0 herein, SGA will immediately terminate its Agreement with the agent or require the agent to terminate its relationship with the employee or subcontractor who engaged in those practices.

If false or misleading recruitment practices were engaged in by an employee or subcontractor of the education agent, SGA will request the education agent to terminate its relationship with those individuals.

SGA will not accept overseas students from education agents if SGA knows or reasonably suspects the education agent to be:

- engaging in unethical recruitment practices. This includes providing migration advice, unless that education agent is authorised to do so under the Australia's Migration Act 1958;
- 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 National Code 2018, Standard 7 (Overseas student transfers);
- facilitating the enrolment of a student who the education agent believes will not comply with the conditions of his or her visa;
- SGA will not accept students from an agent it suspects is not acting ethically.

## **5.14 Termination of an Agent Agreement**

SGA will immediately terminate its Agreement with an agent found to be in default or breach of the Partner Terms & Conditions.

Termination will not apply where an individual employee or sub-contractor of the SGA agent was responsible for the conduct and the agent has terminated the relationship with that individual employee or sub-contractor. However, if the Agent does not terminate the relationship with that party once advised of the situation, then Study Group will terminate its the agent.

SGA will notify the SGA Agent in writing of any termination decision. The Area Sales Director (or delegate) has final responsibility termination of an Agent Agreement in compliance with this policy. In all circumstances where the Agreement has been terminated this will be recorded in SGA's agent management database with the Agent being flagged as "Do Not Use".

## **6.0 Roles and Responsibilities**

The SGA designated Partner Sales Manager (or delegate) is responsible for agent screening, assessment, selection, training, support, monitoring agent activities and management of agent records.

The Sales Director – ANZ (or delegate) is responsible for agent approval, quality assurance and matters related to agent agreement (including termination decisions).

The Admissions Director ANZ (or delegate) is responsible for the management of agents information in PRISMS.

The Head of Governance, Quality and Compliance (or delegate) is responsible for:

- providing updates about relevant laws and legislative instruments regulating education in Australia to all senior staff engaged in the management of agents;
- providing PSM regulatory training and associated materials;
- ensuring compliance with all applicable laws relating to agents and agent management;
- ensuring an annual program of corporate quality assurance and risk management.

## **7.0 Supporting Documents**

SG Agent Agreement, SG Agent Code of Conduct, SGA Privacy Policy, SGA Records Management Policy, Services Agreement between Study Group Australia Pty Ltd and EDU UK Management Services Limited, SGA Agent Monitoring Working Group Terms of Reference.

## **8.0 Policy Review**

This policy is reviewed at a minimum of once every three years by the policy owner (or delegate) to ensure alignment to appropriate strategic direction and its continued relevance to current and planned operations. The next scheduled review of this document is listed in the document history section of this document.

## **9.0 Records**

Records in association with this policy will be kept in accordance with SGA's Records Management Policy. Confidential documents related to the implementation of the policy will be maintained according to relevant privacy requirements.

## **10.0 Related Regulations**

This policy has been developed in line with requirements set out in the: Education Services for Overseas (ESOS) Act 2000 (and its amendments); National Code of Practice for Providers of Education and Training to Overseas Students 2018 (National Code 2018) which complements existing

national quality assurance frameworks in education and training including the Higher Education Standards Framework (Threshold Standards), the English Language Intensive Courses for Overseas Students (ELICOS) Standards 2018, the Foundation Standards (operating adjunct to the National Code), the NSW Education Act and related regulations for NSW Education Standards Authority (NESA) registered High Schools, the Tuition Protection Service (TPS), and other Commonwealth and State legislation and regulatory frameworks and standards including the Privacy Act 1988, Corporations Act 2001; Migration Act 1958; and Competition and Consumer Act 2010.

### Document Approval

<b>Document ID</b>	SGA Agent Management Policy v8.1 – OG.GOV.03.20		
<b>Policy Owner</b>	Head of Governance, Compliance, Quality and Risk		
<b>Policy Custodian</b>	Sales Director SGANZ		
<b>Endorsed by</b>	SGA Agent Monitoring Working Group		
<b>Approved by</b>	Chief Operating Officer -ANZ	<b>Date Approved</b>	7 September 2018
		<b>Date Commencing</b>	15 September 2018

### Document History

Commencing Date	Summary of Changes	Next Review Date
29 August 2011	v1.0 Initial approval	February 2020
17 March 2016	v6.2 Review and amendment	January 2017
15 September 2018	v7.0 Review and amendment to maintain currency with business and regulatory changes.	September 2023
	v7.1 Extension of scope to include Martin College/Martin Higher Education replacing the HE Division harmonised Agent Management Policy – International (effective from 22 November 2018).	
	v7.2 Administrative amendments to footer to maintain business currency effective from 8 February 2019	
26 June 2019	v8.0 Review and amendment to maintain regulatory and business currency. Effective from 26 June 2019.	June 2024
1 September 2020	v8.1 Minor amendment to update in line with regulatory and business requirements	June 2024
18 September 2020	v8.2 Update to definition of 'formally engaged' in line with regulatory requirements	June 2024