



PP7 – Education Agent Management Policy

Version 3.1 Notice: This policy supersedes Version 3.0. It incorporates all amendments to the ESOS Act 2000 and National Code 2018 effective 1 April 2026. This version has been contextualised for this Austra College's specific operations. This Austra College does not enrol students under 18 years of age — National Code 2018 Standard 5 does not apply and is not referenced in this policy. This version also replaces the agent-completed Transfer Declaration Form with an internal Commission Eligibility Assessment System — Austra College's admin team, not the agent, determines enrolment and commission eligibility for every referred student. All statutory references are cited directly from legislation.

1. Purpose

This policy ensures Austra College only partners with ethical, compliant and informed education agents who uphold the standards of the ESOS Act 2000 and the National Code 2018. It governs the appointment, training, monitoring, corrective action, and termination of education agents, ensuring transparency and the protection of overseas student interests.

This policy has been updated to reflect amendments to the ESOS Act 2000 and the National Code 2018 that take effect from 1 April 2026, including the prohibition on paying education agent commissions for the recruitment of overseas students who are transferring from another provider after having commenced study onshore in Australia. Compliance with these amendments is a legal obligation under the ESOS Act 2000.

This policy also incorporates all compliance obligations arising from: National Code 2018 Standards 4.4, 4.5 and 4.6 (corrective action, mandatory termination and refusal to accept students); ESOS Act 2000 ss 6BA, 6BB, 7A(2)(gaa–gab), 21A and 21B; and the ASQA Onshore Transfer Commission Ban Factsheet (December 2025).

Austra College is responsible at all times for compliance with the ESOS Act 2000 and the National Code 2018, including the conduct of its education agents and any sub-agents engaged by those agents. Engaging an education agent does not diminish Austra College's own compliance obligations in any way.

2. Scope

This policy applies to:

- ✚ All education agents and sub-agents formally representing Austra College in the recruitment of overseas students
- ✚ All staff involved in agent recruitment, application assessment, induction, training, monitoring and compliance
- ✚ All domestic and international operations, including PRISMS records and agent register management
- ✚ All commission arrangements entered into, renewed or varied from 1 April 2026
- ✚ All existing commission arrangements where the relevant student was accepted for enrolment on or after 1 April 2026

Note on Student Age: This Austra College does not enrol students under 18 years of age. All applicants must be 18 years of age or older at the time of enrolment acceptance. National Code 2018 Standard 5 (Younger Overseas Students) does not apply to this Austra College and is not addressed in this policy.

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3. Definitions

Education Agent

ESOS Act 2000, s 6BA

Any person or organisation — in or outside Australia — who:

- ✚ Recruits overseas students or intending overseas students
- ✚ Provides information, advice or assistance to overseas students in relation to enrolment
- ✚ Otherwise deals with overseas students in relation to a provider

AND is **not** a permanent full-time or part-time employee of Austra College.

⚠ Casual and fixed-term contractors who engage in any of the above activities are captured by this definition and must be treated as formal education agents with a written agreement in place.

Education Agent Commission

ESOS Act 2000, s 6BB

Any monetary or non-monetary consideration or benefit given by or on behalf of Austra College to an education agent — or to any associate of the agent — in connection with:

- ✚ The recruitment of an overseas student or intending overseas student; OR
- ✚ Any other activity in relation to an overseas or intending overseas student

This includes without limitation: Fees, commissions, bonuses, performance payments, gifts, discounted or free services, rewards and incentives — regardless of the label applied.

Associates include: Related companies, business partners, family members and any third party connected to the agent. Payments structured through associates to circumvent the commission ban are captured by this definition and constitute a Major Breach of this policy.

Onshore Transfer

An overseas student who:

- ✚ Has commenced a course at another registered CRICOS provider in Australia
- ✚ Is seeking to transfer to this Austra College before completing their principal course
- ✚ Was accepted for enrolment at this Austra College on or after **1 April 2026**

This applies even if:

- ✚ The student's previous enrolment was cancelled
- ✚ The student withdrew from their previous provider
- ✚ The student is between courses within a package arrangement
- ✚ The course at this Austra College has the same name, code or similar content as the previously studied course

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Transfer Restriction Period

National Code 2018, Standard 7

The first six months of an overseas student's principal course at their current provider. During this period:

- ✚ This Austra College must not knowingly enrol a student seeking to transfer from another provider
- ✚ Agents must not actively recruit such students
- ✚ Commission is not payable for such recruitment

Exceptions — transfer may proceed only if:

1. The releasing provider or the course has ceased to be registered
2. The releasing provider has had a sanction imposed that prevents the student from continuing
3. The releasing provider has agreed to the release and recorded it in PRISMS
4. A government sponsor considers the change to be in the student's best interests and has provided written support (*National Code 2018, Standard 7.1*)

Accepted Student: An overseas student who has formally accepted an offer of enrolment from this Austra College. The date of acceptance is the critical date for applying the onshore transfer commission ban.

Movement to Further Study: Where an overseas student enrolls with this Austra College for a course that commences **after** completing their principal course at their current provider. This is **not** a transfer. Commission may be paid for such recruitment.

Packaged Course Progression: Progression through courses for which a student's visa was originally granted, as listed on the original Confirmations of Enrolment (CoEs). Commission may be paid for courses within the original CoE package only. Commission is **not** payable for any additional or substituted courses not listed on the original CoEs, even if the course has the same name or type

Commission Eligibility Assessment: The formal internal process by which Austra College's admin team — **not the education agent** — determines whether a referred student is eligible for enrolment and whether the referring agent is eligible to receive commission. The outcome is entered into Austra College's internal system, which generates a Commission Eligibility Report. Commission is only paid where the system-generated report confirms ELIGIBLE status. Full process is in Section 6, Procedure E.

Sub-Agent: A third party engaged by a principal education agent to carry out recruitment activities on behalf of that agent in relation to this Austra College. Sub-agents must be approved in writing by this Austra College before commencing any recruitment. The principal agent remains fully responsible for all conduct of approved sub-agents at all times.

Agent Agreement: A formal written contract outlining the expectations, responsibilities and legal obligations between Austra College and the education agent, as required under National Code 2018, Standard 4.1.

PRISMS: Provider Registration and International Student Management System — the database managed by the Australian Government for recording overseas student enrolments and education agent details.

CoE: Confirmation of Enrolment — an electronic document issued by Austra College to a student confirming their eligibility to enrol in a specific CRICOS-registered course. Only Austra College staff may issue CoEs via PRISMS.

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CRICOS: Commonwealth Register of Institutions and Courses for Overseas Students — the official register of Australian providers approved to teach overseas students on a student visa.

4. Legislative & Regulatory References

Legislation	Provision	Requirement
ESOS Act 2000	s 6BA	Definition of education agent — includes casual and fixed-term contractors engaging in recruitment activities
ESOS Act 2000	s 6BB	Education agent commission — includes all monetary and non-monetary benefits to agents or their associates, regardless of label
ESOS Act 2000	s 7A(2)(gaa–gab)	Fit and proper person — Austra College must assess and disclose any ownership or control links to agents; ongoing obligation throughout the agreement term
ESOS Act 2000	s 17A(4A–4B)	(NEW — 1 April 2026) Austra College must notify ASQA within 10 business days if any ownership or control relationship develops or changes between Austra College and any education agent during the agreement term
ESOS Act 2000	s 21A	Austra College must maintain and publish a current public list of all active education agents on its website
ESOS Act 2000	s 21B	Austra College must provide commission payment information to ASQA upon request; retain records for minimum 2 years or duration of investigation, whichever longer
National Code 2018	Standard 1.5	Austra College must not actively recruit students where this conflicts with Standard 7 transfer obligations
National Code 2018	Standard 4.1	Written Agreement — Austra College must have a signed written agreement with each agent; enter and maintain agent details in PRISMS
National Code 2018	Standard 4.2	Agreement must include 6 mandatory elements: Austra College responsibilities, agent responsibilities, monitoring process, corrective action, termination grounds, disclosure circumstances

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Legislation	Provision	Requirement
National Code 2018	Standard 4.3	Agent conduct — must declare conflicts of interest, observe confidentiality, act honestly and in good faith, maintain current and ongoing knowledge of Australian international education and the Agent Code of Ethics
National Code 2018	Standard 4.4	Corrective action — mandatory — where agent or employee/subcontractor breaches Standards 4.2 or 4.3, Austra College must take immediate corrective action
National Code 2018	Standard 4.5	Termination — mandatory and immediate — where agent or employee/subcontractor engages in false or misleading recruitment, Austra College must immediately terminate the agreement OR require the agent to terminate the responsible employee/subcontractor
National Code 2018	Standard 4.6	Refusal to accept — Austra College must refuse to accept students from agents who provide unauthorised migration advice, engage in dishonest recruitment, enrol students likely to breach visa conditions, or misuse PRISMS
National Code 2018	Standard 7	Transfer Restriction Period — Austra College and agents must not knowingly enrol/recruit students transferring from another provider within the first 6 months of their principal course, except in 4 prescribed circumstances
NVR Compliance Standards 2025	Clause 4.1	Austra College must comply with National Code Standard 4 and all applicable legislative requirements in relation to education agents
Migration Act 1958	—	Relevant to whether an agent is authorised to provide migration advice
Privacy Act 1988	—	Governs handling of agent and student personal information

5. Policy Statement

Austra College enters into a written agreement (Education Agent Agreement) with each education agent it formally engages to represent the organisation in the recruitment of overseas students. Austra College also

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enters and maintains each education agent's details accurately in PRISMS, as required under the ESOS Act 2000 and National Code 2018, Standard 4.1.

5.1 Roles and Responsibilities

Austra College Manager is the primary person responsible for all day-to-day compliance activities under this policy. This includes processing agent applications, delivering induction, conducting monitoring, investigating breaches, coordinating the Commission Eligibility Assessment process, and maintaining all agent records.

Admin team is responsible for all administrative activities under this policy. This includes receiving and processing agent-referred student applications, conducting the Commission Eligibility Assessment, entering determinations into Austra College's internal system, managing PRISMS updates, maintaining the Agent Register, and notifying Finance of commission eligibility outcomes.

CEO oversees the overall implementation of this policy. The CEO makes final decisions on agent application approvals and Major Breach terminations. The CEO signs all Education Agent Agreements, notifies ASQA of any ownership or control changes, and has final authority on commission eligibility disputes. Neither the CEO nor the PEO is involved in day-to-day operations — all routine activity is the responsibility of Austra College Manager and admin team.

The step-by-step procedures in Section 6 specify exactly who does what at each stage of the process.

5.2 Responsibilities of Education Agents

In being appointed as an education agent of Austra College, the agent must at all times:

- ✚ Promote Austra College and its approved training products in a manner that is not false or misleading, and consistent with Australian Consumer Law and National Code 2018, Standard 1
- ✚ Provide accurate, complete and current information to prospective students regarding courses, entry requirements, support services, fees, refund policies and enrolment processes
- ✚ Recruit only Genuine Temporary Entrants (GTEs) and Genuine Students, maintaining the integrity of the Australian student visa program
- ✚ Not actively recruit, solicit or facilitate the enrolment of any overseas student seeking to transfer from another registered provider's course prior to completing the Transfer Restriction Period (first 6 months of their principal course), except in the 4 circumstances permitted under National Code 2018, Standard 7.1 — *Legal obligation: National Code 2018, Standards 1.5, 4.6.2 and 7*
- ✚ Obtain Austra College's prior written approval before sub-contracting any recruitment activities to any third party (sub-agent). The principal agent remains fully responsible for all approved sub-agent conduct at all times
- ✚ Participate in all induction, training and knowledge update activities required by Austra College under this policy
- ✚ Comply with all applicable legislation and frameworks, including the ESOS Act 2000, the National Code 2018, the Australian International Education and Training Agent Code of Ethics, and the Migration Act 1958

5.3 Education Agent Agreement Provisions

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The Education Agent Agreement is a formal written contract required under National Code 2018, Standard 4.1. It must be signed by both parties before the agent commences any recruitment activity on behalf of Austra College. The agreement must include all 6 mandatory elements under Standard 4.2:

1. The responsibilities of Austra College, including its ongoing obligation to comply with the ESOS Act 2000 and the National Code 2018 (*Standard 4.2.1*)
2. The expectations and obligations of the education agent in representing Austra College, as outlined in Standard 4.3 (*Standard 4.2.2*)
3. Austra College's monitoring process to ensure agents provide accurate, up-to-date information and act ethically (*Standard 4.2.3*)
4. The corrective action available if the agent does not comply with its obligations, including Standard 4.4 corrective actions (*Standard 4.2.4*)
5. Austra College's grounds for termination, including the mandatory circumstances outlined in Standard 4.5 (*Standard 4.2.5*)
6. The circumstances under which agent information may be disclosed to Commonwealth, state or territory agencies (*Standard 4.2.6*)

The agreement must also include:

- ✚ The prohibition on paying any commission — monetary, non-monetary, or to any associate of the agent — in relation to the recruitment of an onshore transfer student accepted on or after 1 April 2026 (*ESOS Act 2000, s 6BB*)
- ✚ The requirement to obtain prior written Austra College approval before engaging any sub-agent
- ✚ A clear statement that Austra College's admin team — not the agent — determines enrolment and commission eligibility for every referred student via the internal Commission Eligibility Assessment System
- ✚ Acknowledgement that commission is paid only where the system-generated Commission Eligibility Report confirms ELIGIBLE status

5.4 Ethical Conduct Requirements

Under National Code 2018, Standard 4.3, Austra College requires every education agent — and their staff and approved sub-agents — to:

- ✚ Declare in writing and take all reasonable steps to avoid conflicts of interest with their duties as agent of Austra College (*Standard 4.3.1*)
- ✚ Observe appropriate levels of confidentiality and transparency in all dealings with overseas students or intending overseas students (*Standard 4.3.2*)
- ✚ Act honestly and in good faith, and always in the best interests of the student (*Standard 4.3.3*)
- ✚ Maintain appropriate and current knowledge of the Australian international education system, including the Australian International Education and Training Agent Code of Ethics — on an ongoing basis throughout the agreement term, not only at induction (*Standard 4.3.4*)

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Knowledge currency is confirmed at every monitoring review. Where gaps are identified, the agent must complete a targeted knowledge update within 30 days of written notification from Austra College Manager.

5.5 Refusal to Accept Students from Non-Compliant Agents

Legal obligation — National Code 2018, Standard 4.6. This is a proactive admissions-level prohibition that operates independently of the monitoring and corrective action framework. It applies from the moment Austra College identifies or reasonably suspects the conduct described below.

Austra College will **not** accept any student application or process any enrolment submitted by or through an education agent if Austra College knows, or reasonably suspects, the agent is:

- ✚ Providing migration advice, unless authorised to do so under the Migration Act 1958 (*Standard 4.6.1*)
- ✚ Engaged in, or has previously engaged in, dishonest recruitment practices, including deliberately attempting to recruit a student in conflict with Standard 7 obligations (*Standard 4.6.2*)
- ✚ Facilitating the enrolment of a student who the agent believes will not comply with student visa conditions (*Standard 4.6.3*)
- ✚ Using PRISMS to create Confirmations of Enrolment for non-bona fide students (*Standard 4.6.4*)

Where any of the above are identified or reasonably suspected, Austra College Manager immediately suspends acceptance of all applications from that agent and initiates a formal investigation under Procedure D. The suspension continues until the investigation is concluded and a formal decision is made by the CEO.

5.6 Monitoring, Corrective Action and Termination

Austra College conducts ongoing structured monitoring of all active education agents to ensure continuous compliance with this policy, the Education Agent Agreement, the ESOS Act 2000 and the National Code 2018. Full procedures are in Section 6, Procedure D.

Where Austra College becomes aware, or has reason to believe, that an education agent or an employee or subcontractor of that education agent has:

- ✚ Breached responsibilities under the Education Agent Agreement, Standard 4.2 or Standard 4.3
- ✚ Engaged in false or misleading recruitment practices
- ✚ Provided unauthorised migration advice
- ✚ Recruited or attempted to recruit a student during the Transfer Restriction Period in violation of Standards 7 and 1.5
- ✚ Claimed, attempted to claim, or structured commission — including through an associate — for an onshore transfer student in breach of the ESOS Act 2000 (from 1 April 2026)

Austra College will act as follows:

Standard 4.4 — Corrective Action (mandatory): Where the agent or employee/subcontractor has not complied with responsibilities under Standards 4.2 and 4.3, Austra College must take immediate corrective action. This may include a formal written warning, mandatory training, or additional conditions on the agreement.

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Standard 4.5 — Mandatory Immediate Termination: Where the agent or employee/subcontractor is engaging in false or misleading recruitment practices, Austra College must — with no discretion and no delay — do one of the following:

- ✚ (a) Immediately terminate the written agreement with the education agent; **OR**
- ✚ (b) Require the education agent to immediately terminate its relationship with the specific employee or subcontractor responsible for those practices

If Option (b) is selected and the agent fails to terminate the relevant person within **5 business days** of written notification, Austra College proceeds to Option (a) and immediately terminates the agreement.

Standard 4.5 requires action upon Austra College becoming aware — not after investigation and not after a warning. Standard 4.5 does not permit corrective action in lieu of termination where false or misleading recruitment is identified.

5.7 Agent Agreement Duration and Publishing

- ✚ All Education Agent Agreements are valid for **two years** from the date of execution, subject to satisfactory performance reviews before renewal
- ✚ Austra College publishes and maintains a **current public list** of all active education agents on its website, as required under ESOS Act 2000, s 21A. The list must include: agency name, principal contact person, legal entity name and street address
- ✚ The public list must be updated within **30 days** of any change, including new agreements, renewals and terminations
- ✚ All signed agreements and monitoring records must be retained for a **minimum of 2 years** after the agent ceases to be active, or for the duration of any ASQA or DHA investigation, whichever is longer (*ESOS Act 2000, s 21B*)

5.8 Commission and Financial Arrangements

Austra College negotiates and confirms all commission arrangements in writing as part of the Education Agent Agreement. Commission will be paid **only** where **all** of the following conditions are met:

- ✚ The student was recruited by the agent
- ✚ The student has formally enrolled in a course with Austra College
- ✚ The student has paid the required course fees
- ✚ The student has commenced training with Austra College
- ✚ A valid invoice in Austra College's approved format has been submitted by the agent
- ✚ Austra College's internal Commission Eligibility Assessment System confirms the student as ELIGIBLE (system-generated Commission Eligibility Report on file)

No commission will be paid in the following circumstances:

- ✚ Where the student was directly enrolled without agent involvement
- ✚ Where the agent was in breach of the Education Agent Agreement at the time of the student's enrolment

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- ✚ Where a valid invoice has not been submitted
- ✚ Where the Commission Eligibility Report confirms NOT ELIGIBLE — regardless of any claim or invoice submitted by the agent
- ✚ Where any payment would be made to an associate of the agent as a means of circumventing the commission ban — all associate payments are captured by ESOS Act 2000, s 6BB

Commission payment records must be retained for the longer of 2 years after the student ceases to be an accepted student, or the duration of any ASQA or DHA investigation (*ESOS Act 2000, s 21B*).

5.9 Onshore Transfer Commission Ban

Legal obligation — ESOS Act 2000, s 6BB, as amended, effective 1 April 2026. Non-compliance may result in suspension or cancellation of CRICOS registration and financial penalties.

Austra College must not pay, give, or allow to be paid or given, any education agent commission — whether monetary or non-monetary, and whether paid directly to the agent or to any associate of the agent — in connection with the recruitment of an overseas student where:

- ✚ The student has commenced a course onshore with another registered CRICOS provider; AND
- ✚ The student is transferring to Austra College before completing their principal course; AND
- ✚ The student was accepted for enrolment at Austra College on or after 1 April 2026

This ban applies even where the commission is described as a "service fee", "marketing fee", "referral fee", "gift", "incentive" or any other label. The ESOS Act 2000, s 6BB captures all monetary and non-monetary benefits regardless of how they are labelled or structured.

Students Can Still Access Agent Assistance for Transfers

The commission ban does not prevent an overseas student from seeking or receiving assistance from an education agent in relation to a transfer. The student may still access agent services. The prohibition applies solely to Austra College paying commission to the agent for that recruitment. Austra College may still enrol an eligible transfer student in accordance with Standard 7 of the National Code 2018, subject to the Transfer Restriction Period and all other applicable requirements.

Commission Eligibility — Quick Reference

Situation	Commission Payable?
Student accepted at Austra College on or before 31 March 2026 (transition rule)	✓ YES
Offshore student — has not commenced any Australian course	✓ YES
Student has fully completed their principal course at previous provider	✓ YES

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Situation	Commission Payable?
Movement to Further Study — student's Austra College course commences after completing current course	✓ YES
Packaged Course Progression — progressing through original visa CoE package (listed courses only)	✓ YES — listed courses only
Any course not listed on original CoEs, even same name or type	✗ NO
Student is an onshore transfer — accepted at Austra College on/after 1 April 2026	✗ NO
Commission structured as payment to an associate of the agent for ineligible student	✗ NO
Student between courses in a package but has already commenced onshore	✗ NO
Previous enrolment cancelled or student withdrew — but commenced onshore; accepted 1 April 2026+	✗ NO

Clawback of Non-Compliant Commission Payments

Where Austra College identifies that commission — or any other benefit, including payments to associates — has been paid in breach of the onshore transfer commission ban, the agent must repay the full amount to Austra College within **14 days** of written notification. Failure to repay within 14 days is treated as a Major Breach and the Education Agent Agreement is immediately terminated. Austra College may also report the matter to ASQA, DHA, PIER Online or the relevant Embassy or Consulate.

5.10 Internal Commission Eligibility Assessment System

This is Austra College's central compliance mechanism for the onshore transfer commission ban under ESOS Act 2000, s 6BB. The admin team — not the education agent — makes all determinations regarding enrolment eligibility and commission eligibility for every agent-referred student.

When an education agent refers a prospective student, the agent's role is to provide all relevant student documents to Austra College. The admin team then independently assesses whether the student is eligible for enrolment and whether commission is payable, based on the documents provided and the eligibility criteria set out in this policy. The outcome is entered into Austra College's internal system, which generates a Commission Eligibility Report. This report is the only authority for commission payment. Finance processes commission invoices only where the corresponding system report confirms ELIGIBLE status.

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This process removes any conflict of interest or self-determination by the agent and ensures all eligibility decisions are made objectively by trained Austra College staff based on legislatively accurate criteria. The full step-by-step process is set out in Procedure E of Section 6.

5.11 Fit and Proper — Ownership and Control Disclosure

Legal obligation — ESOS Act 2000, ss 7A(2)(gaa–gab) and 17A(4A–4B). This is an ongoing obligation throughout the agreement term — not a one-time assessment at application or renewal.

Austra College must disclose to ASQA any ownership or control interest — whether direct or indirect — between Austra College and any education agent. This includes any interest of 15% or more in the shares of a company.

This disclosure obligation applies:

- ✚ **At the point of agent application assessment** — before the agreement is executed
- ✚ **At each agreement renewal** — before the renewed agreement is executed
- ✚ **During any active agreement** — if any ownership or control interest develops, increases, decreases or otherwise changes at any point, the CEO must notify ASQA within 10 business days and the agent must suspend all recruitment activities pending ASQA's assessment

5.12 Access and Restrictions

- ✚ Education agents do not receive access to PRISMS under any circumstances
- ✚ Education agents must not issue Confirmations of Enrolment (CoEs) on behalf of Austra College
- ✚ Austra College ensures up-to-date and accurate marketing material is available to all current agents at all times, in line with National Code 2018, Standard 1
- ✚ Austra College maintains a current public list of all active agents on its website as required under ESOS Act 2000, s 21A
- ✚ All signed agreements, monitoring records, Commission Eligibility Reports, commission records and agent correspondence must be retained for the longer of 2 years after the agent ceases to be active, or the duration of any ASQA or DHA investigation (*ESOS Act 2000, s 21B*)

6. Step-by-Step Procedures

A. Process New Education Agent Application

Step	Procedure	Who
1	Prospective agent makes enquiry. Send the agent the Education Agent Application Form and Information Kit. Advise that the process takes 4–6 weeks from receipt of a complete application.	RTO Manager
2	Check application completeness within 5 working days of receipt. Confirm all sections are completed and all supporting documents are attached (ID, ABN, referee contacts, bank details). If incomplete: email agent identifying missing	RTO Manager

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	items; allow 28 days to respond. If no response after 28 days: close and archive the application.	
3	Contact a minimum of 2 referees within 7 working days of a complete application. Ask: (a) How long have you known this agent? (b) How would you describe their professionalism in dealing with students? (c) Do you have any concerns about their honesty, ethics or conduct? (d) Are you aware of any prior breaches of agreements or regulatory requirements? Record all responses on the Reference Check Form.	RTO Manager
4	Conduct Fit and Proper Assessment (<i>ESOS Act 2000, s 7A(2)(gaa–gab)</i>): Assess: (a) legal and regulatory history; (b) financial record; (c) management history; (d) accuracy of information provided; (e) conduct history; (f) ownership or control links to this Austra College— if any interest of 15% or more exists, it must be disclosed to ASQA before the agreement is executed. Document all findings in a written Fit and Proper Assessment Report.	RTO Manager
5	Prepare written recommendation for the CEO: application is complete; referee feedback summary; fit and proper outcome; recommended decision (approve or refuse with reasons). Forward to CEO with all supporting documentation.	RTO Manager
6	CEO decision: CEO approves or refuses the application. If approved: proceed to Step 7. If refused: notify agent in writing with reasons within 10 working days; archive file.	CEO
7	Prepare Education Agent Agreement (<i>National Code 2018, Standard 4.2</i>): Include all 6 mandatory elements; the onshore transfer commission ban (<i>ESOS Act s 6BB</i>); associate payment prohibition; sub-agent approval requirement; Commission Eligibility Assessment System provisions (admin team determines eligibility — not the agent); and acknowledgement that commission is paid only on a system-generated eligible report.	RTO Manager (prepared) → CEO (signs)
8	Send agreement to agent: Send 2 copies. Cover letter explains: both must be signed by an authorised officer of the agent; one signed copy to be returned within 14 days; agent will be added to the public list on execution; induction is required before recruitment commences.	RTO Manager

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Step	Procedure	Who
9	Execute agreement: Check both copies signed correctly by an authorised person. CEO countersigns. Agent retains one copy; Austra College files the original in the agent's file.	CEO
10	Update systems: Add agent to Agent Register (name, contact, legal entity, street address, agreement date, 2-year expiry). Enter agent details in PRISMS and ASQAnet within 30 days (<i>ESOS Act 2000, s 21A; National Code 2018, Standard 4.1</i>). Publish agent details on Austra College website.	Admin Officer
11	Send certificate of registration to agent as evidence of their formal agreement with Austra College. Agent displays this in their office so prospective students can verify the agent's authority.	RTO Manager
12	Schedule and deliver induction training — see Procedure C. Agent must complete all modules before commencing any recruitment. Agent signs Induction Completion Form at end of training. Copy filed in agent file. Agent added to Active Agents Register only after written confirmation of induction completion.	RTO Manager

B. Confirm Agreement & Renewals

Step	Procedure	Who
1	All agreements are valid for 2 years. Schedule renewal review 60 days before expiry to avoid lapse.	RTO Manager
2	Before renewal: reassess fit and proper status (<i>ESOS Act 2000, s 7A(2)</i>); reassess ownership/control links; confirm no unresolved breaches; confirm satisfactory performance. Issue renewed agreement incorporating all current legislative amendments. CEO signs renewed agreement.	RTO Manager → CEO
3	Ownership or control change during agreement term (<i>ESOS Act 2000, s 17A(4A–4B)</i>): If any ownership or control relationship develops or changes between this Austra College and any agent at any point during the agreement — CEO notifies ASQA in writing within 10 business days. Agent suspends all recruitment pending ASQA assessment. Document change and outcome in agent file.	RTO Manager (identifies) → CEO (notifies ASQA)

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Step	Procedure	Who
4	Process any updates to agent contact details using the Agent Information Update Form. Update PRISMS and website within 30 days of any change.	Admin Officer

C. Implement Agent Agreement — Induction Training

MANDATORY: Agent must complete all 5 modules before commencing any recruitment activity. Delivery may be in-person, video conference or telephone. Duration: 2–3 hours. Agent signs Induction Completion Form at the end of training. Agent is added to the Active Agents Register only after completion is confirmed in writing.

Module 1 — Austra College Training Products & Marketing (30 minutes)

- ✚ All CRICOS-registered courses: codes, durations, fees (tuition and non-tuition), prerequisites, English language requirements and entry assessment criteria
- ✚ Course delivery modes; facilities; student support services available
- ✚ Current Austra College -approved marketing materials — agent must use **only** current materials and must not produce their own promotional content about Austra College
- ✚ What constitutes false or misleading marketing under Australian Consumer Law and National Code 2018, Standard 1
- ✚ How to request updated materials from Austra College (contact RTO Manager)
- ✚ Austra College sends material updates to all active agents whenever courses, fees or policies change — agents must read and acknowledge all updates

Module 2 — National Code 2018 Standards 4 and 7 (45 minutes)

Standards 4.1–4.3 — Agent conduct requirements (*National Code 2018, Standard 4.3*)

Agents must at all times:

- ✚ Declare in writing and take reasonable steps to avoid conflicts of interest (*Standard 4.3.1*)
- ✚ Observe confidentiality and transparency in all dealings with students (*Standard 4.3.2*)
- ✚ Act honestly, in good faith and in the student's best interests (*Standard 4.3.3*)
- ✚ Maintain current and ongoing knowledge of the Australian international education system and the Agent Code of Ethics (*Standard 4.3.4*) — this is a continuous obligation; knowledge currency is confirmed at every monitoring review

Standard 7 — Transfer Restriction Period

Agents must **not** actively recruit any prospective student who is currently enrolled at another Australian provider and has **not** yet completed 6 months of their principal course.

How to identify if the restriction applies:

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- ✚ Ask: "Are you currently enrolled with any other Australian education provider?"
- ✚ If YES: "When did you commence your course?"
- ✚ If less than 6 months ago: **Do not recruit this student.** Advise them they must complete 6 months before a transfer can be assessed.

Exceptions — agent may refer the student only if: the releasing provider has ceased to be registered; the releasing provider has had a sanction imposed; the releasing provider has agreed to release in PRISMS; or a government sponsor has provided written approval. Supporting documentation must accompany any such referral.

- ✚ **Standards 4.4–4.5 — Monitoring and termination consequences:**
- ✚ Austra College monitors agent conduct every 12 months (new agents and breach-warning agents: every 3 months)
- ✚ Minor breach: formal written warning; corrective action required within 14 days
- ✚ Major breach (false/misleading recruitment): Agreement **TERMINATED IMMEDIATELY**. No warning. No corrective action period.

Module 3 — Onshore Transfer Commission Ban (45 minutes)

New law effective 1 April 2026 — ESOS Act 2000, s 6BB

(a) What is an onshore transfer student?

A student who has commenced a course in Australia at another provider and is now seeking to transfer to this Austra College before completing their principal course — accepted by this Austra College on or after 1 April 2026.

(b) What counts as commission?

Any monetary or non-monetary benefit — to the agent **or any associate of the agent** — regardless of label. Service fees, marketing fees, referral fees, gifts and incentives are all captured.

(c) Can agents still help transfer students?

Yes — the ban is on Austra College paying commission, not on the student receiving agent assistance. Austra College can still enrol eligible transfer students under Standard 7. Commission will simply not be paid for such recruitment.

(d) How is commission eligibility determined?

The agent does not determine or declare commission eligibility. When the agent refers a student, they provide all relevant documents. Austra College's admin team independently assesses whether the student is eligible for enrolment and whether commission is payable. The determination is entered into Austra College's system, which generates a Commission Eligibility Report. Commission is paid **only** if the report confirms ELIGIBLE.

(e) What documents must the agent provide with every referral?

- ✚ Student's full name, date of birth, nationality, passport copy
- ✚ Any previous or current Australian CoEs or enrolment confirmations

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- ✚ Current study transcripts or records (if student has studied in Australia before)
- ✚ Agent's name and agreement number

(f) What happens if an agent claims commission for an ineligible student?

Finance checks system → finds NOT ELIGIBLE → rejects invoice → notifies Austra College Manager → treated as Major Breach → agreement may be immediately terminated → matter may be reported to ASQA, DHA or PIER Online.

Module 4 — Sub-Agent Arrangements (20 minutes)

- ✚ Agent must not engage any sub-agent without prior written approval from this Austra College
- ✚ To request approval: provide Austra College Manager with sub-agent name, location, experience and references
- ✚ Austra College Manager assesses sub-agent using the same fit and proper criteria as principal agents
- ✚ Approved sub-agent receives a written approval letter
- ✚ The principal agent remains fully responsible for all sub-agent conduct at all times
- ✚ A sub-agent breach may result in termination of both the sub-agent arrangement and the principal agent's agreement

Module 5 — Administrative Processes (20 minutes)

- ✚ CoEs are issued only by Austra College staff via PRISMS — the agent has no PRISMS access under any circumstances
- ✚ Enrolment process: Agent refers student with documents → Admin team assesses eligibility → Determination entered in system → Student receives enrolment decision → CoE issued upon acceptance
- ✚ Commission invoices must be submitted only after the student has enrolled, paid fees and commenced study
- ✚ The Commission Eligibility Report in the system is the only authority for commission payment — invoices without a corresponding eligible system record will not be paid
- ✚ Contact detail changes (address, email, phone, business structure): must notify RTO Manager within 7 days
- ✚ Privacy Act 1988: All student information must remain strictly confidential and must not be shared with third parties without written consent

D. Monitoring Education Agents

Monitoring Frequency:

Agent Type	Frequency
Standard active agents	Every 12 months

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Agent Type	Frequency
Agents with an active Minor Breach warning	Every 3 months for minimum 12 months

Step	Procedure	Who
1	Send monitoring reminder 2 weeks before the scheduled review. Include: agent name, last review date, scheduled review date and monitoring checklist.	Admin Officer→ RTO Manager
2	Request agent Self-Assessment Form 1 week before the review. Agent certifies: no changes to contact or business details; all recruitment conducted in compliance with the agreement; no undisclosed conflicts of interest; knowledge maintained and current; any issues to disclose.	RTO Manager
3	Prepare monitoring evidence package 5 days before the review: all student applications submitted by this agent in the review period; conversion rate (applications to commencements); Commission Eligibility Reports — any rejections or disputes?; student satisfaction survey results relating to this agent; any student complaints; agent's website and social media reviewed for accuracy; any knowledge update communications sent since last review — has agent acknowledged receipt?	RTO Manager
4	Conduct monitoring review meeting (face-to-face, video or phone). Discuss: application quality and conversion rates; Commission Eligibility Report outcomes; advertising accuracy and use of current materials; student feedback; knowledge currency (including onshore transfer commission ban); Transfer Restriction Period compliance; any sub-agent issues. Document all findings in the Monitoring Report.	RTO Manager
5	Determine outcome and act accordingly:	
	COMPLIANT: Agent is meeting all obligations. Send written Compliant Letter confirming meeting all terms; monitoring complete; next review date scheduled; any knowledge updates attached.	RTO Manager
	MINOR BREACH: Agent has breached the agreement or Standards 4.2/4.3 but no false/misleading recruitment. Issue formal written Minor Breach Notice	RTO Manager (prepares) →

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Step	Procedure	Who
	specifying nature of breach; corrective action required; deadline (no more than 14 days); warning that failure to implement corrective action will result in immediate termination; monitoring escalated to quarterly for 12 months. Agent signs acknowledgment. If corrective action is NOT completed by the deadline: treat as Major Breach.	CEO (issues notice)
	MAJOR BREACH: Agent or employee/subcontractor engaged in false/misleading recruitment, claimed commission for an ineligible onshore transfer student, violated Standard 7, misused PRISMS, or provided unauthorised migration advice. RTO Manager submits investigation report to CEO. CEO issues Termination Notice specifying agreement terminated immediately; nature of breach with legislative reference; all recruitment must cease immediately; all outstanding invoices rejected; Austra College may report to ASQA, DHA, PIER Online or relevant Embassy. Immediate post-termination actions: remove from website; mark Terminated in register with date and reason; update PRISMS; notify Finance (no further payments); archive all records securely.	RTO Manager (investigation) → CEO (issues notice, authorises)

Major Breach — Examples:

Breach Type	Example
False/misleading recruitment	Agent falsely claims course guarantees PR outcome; misrepresents fees, course content or employment outcomes
Transfer Restriction Period violation	Agent actively recruits student within first 6 months of another provider's course (outside Standard 7 exceptions)
Onshore transfer commission claimed	Agent submits invoice for transfer student accepted 1 April 2026+; commission claimed through associate of agent
Dishonest conduct	Agent submits applications for non-existent students; colludes on false documentation
PRISMS misuse	Agent accesses PRISMS without authorisation; creates CoEs for non-bona fide students

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Breach Type	Example
Unauthorised migration advice	Agent provides visa/migration advice without MARA registration or equivalent authorisation

Dual-Option for Employee/Subcontractor Breach (*National Code 2018, Standard 4.5*):

Where the breach was committed by an employee or subcontractor of the agent (not the principal agent), Austra College may:

- ✚ **Option A:** Immediately terminate the Education Agent Agreement with the principal agent; OR
- ✚ **Option B:** Require the principal agent to immediately terminate the relationship with the specific employee or subcontractor — within 5 business days of written notification

If Option B is chosen and the agent fails to terminate within 5 business days, Austra College proceeds to Option A.

E. Commission Eligibility Assessment — Internal Process

The admin team — not the agent — makes all eligibility determinations for every agent-referred student. The system-generated Commission Eligibility Report is the only authority for commission payment.

Step	Procedure	Who
1	Agent refers student. Agent submits application and all supporting documents: student name, DOB, nationality, passport copy; all current and previous Australian CoEs or enrolment confirmations; current study transcripts (if applicable); agent name and agreement number. The agent does not determine or declare transfer status — the admin team makes this determination independently.	Agent → Admin
2	Assess enrolment eligibility within 3 working days of receiving all documents: (a) Does student meet entry requirements? (b) Is student currently enrolled at another Australian provider? If yes: When did they commence? Have they completed 6 months? Does any Standard 7 exception apply? Document findings on Student management system or IT system.	RTO Manager
3	Assess commission eligibility simultaneously with Step 2. Apply the Commission Eligibility Quick Reference table in Section 5.9. Determine: ELIGIBLE or NOT ELIGIBLE. Record determination with reason in Student management system or IT system.	RTO Manager

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Step	Procedure	Who
4	Enter determination into Austra College's internal system within 2 working days of assessment. System automatically generates the Commission Eligibility Report upon entry.	RTO Manager
5	Notify relevant parties within 1 working day of system entry: (a) Student — notified of enrolment decision; (b) Agent — notified whether student has been accepted or refused (commission determination is NOT disclosed to agent at this stage); (c) Finance — Commission Eligibility Report shared, confirming whether commission will or will not be payable for this student.	Admin Officer
6	Commission invoice received (after student commences). Finance retrieves the Commission Eligibility Report from the system for this student. If ELIGIBLE: verify invoice details match system record (agent, student, course, amount); process payment within 30 days. If NOT ELIGIBLE: reject invoice; notify RTO Manager/BDM; send written rejection notice to agent citing reason (e.g., "This student is an onshore transfer accepted on [date]. Commission is not payable under ESOS Act 2000, s 6BB").	Agent (submits invoice) → Finance (processes or rejects)
7	If agent disputes rejection: Agent submits written dispute to RTO Manager within 14 days of receiving the rejection notice. RTO Manager reviews and refers to CEO for final decision within 10 business days. CEO's decision is final. If agent submits an invoice knowing the student is ineligible: treat as Major Breach under Procedure D.	Agent → RTO Manager → CEO

7. Related Documents

- ✚ Education Agent Agreement (Version 3.3)
- ✚ Education Agent Application Form
- ✚ Reference Check Form
- ✚ Fit and Proper Assessment Report Template
- ✚ Education Agent Information Kit
- ✚ Induction Completion Form (5 modules)
- ✚ Agent Self-Assessment Form
- ✚ Monitoring Report Template
- ✚ Monitoring Evidence Checklist

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- ✚ Compliant Letter Template
- ✚ Minor Breach Notice Template
- ✚ Termination Notice Template
- ✚ Commission Rejection Notice Template
- ✚ Enrolment Eligibility Assessment Form
- ✚ Commission Eligibility Report (system-generated)
- ✚ Sub-Agent Approval Form
- ✚ Agent Register (spreadsheet)
- ✚ PRISMS Entry Checklist
- ✚ ASQA Ownership/Control Notification Template

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8. Flow Chart

A.

Process New Education Agent Application

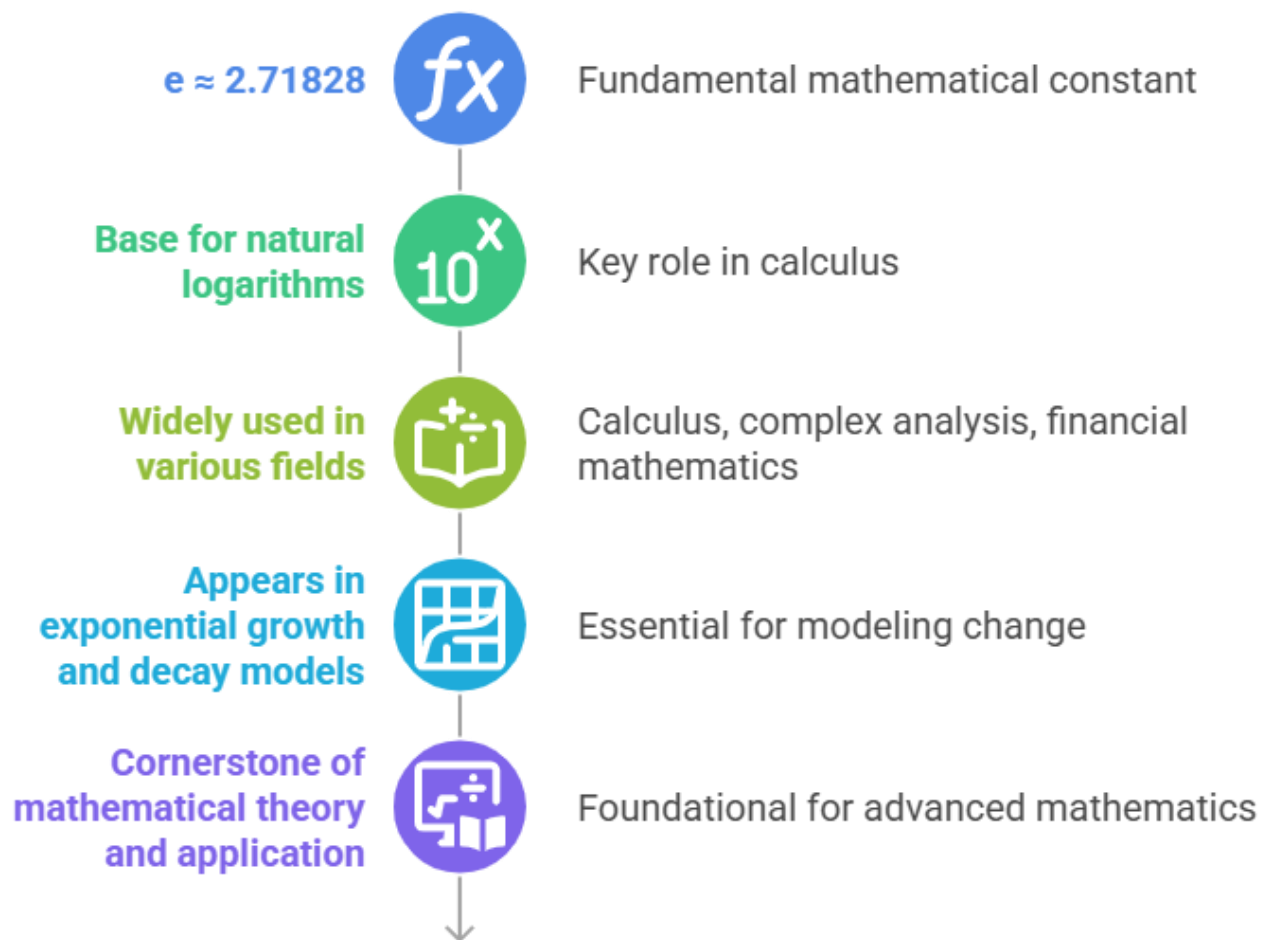


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B.

Confirm Agreement & Renewals



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D.

Monitoring Education Agents



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E.

Commission Eligibility Assessment – Internal Process



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