

Education agents

Education providers must ensure their agents adhere to the same standards as providers themselves

The Office of the Commonwealth Ombudsman (the Office) recognises that many education agents play a crucial role in recruiting and assisting overseas students to pursue their study goals in Australia. The *National Code of Practice for Providers of Education and Training to Overseas Students 2018* (the National Code) makes it obligatory for registered providers to require their education agents to:

- declare and avoid conflicts of interests
- observe confidentiality and transparency in dealings with overseas students
- act honestly, in good faith and in the best interests of the student, and
- understand the Australian International Education system, including the Australian International Education and Training Code of Ethics.

In practice, these obligations can be met by ongoing monitoring of agent activity, a robust complaints and appeals process capable of investigating complaints made about education agents, escalation of serious concerns and taking immediate corrective action when required.

Ensuring the best interests of the student

As a registered provider you should ensure:

- you do not accept tuition fees without receiving evidence that the student has accepted your written agreement
- you are aware of any additional fees charged by the education agent to the student, for example an agency fee, or Overseas Students Health Cover fee (if your institution is arranging the cover)
- any refunds are paid to the person as specified in the written agreement
- where a student's request to withdraw is received from the agent after your cut-off date, you check the date that the request was received by the agent and consider this to be the date the request was made, and
- your internal complaints policy and procedure includes immediate escalation where a student claims an education agent has behaved fraudulently.

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The Ombudsman has offices in:

- » Adelaide
- » Brisbane
- » Canberra
- » Melbourne
- » Perth
- » Sydney

The Commonwealth Ombudsman is impartial, independent and does not advocate for the student or the provider.

We use a balanced approach when investigating a dispute and look at both sides of the issue.

Investigations are conducted in private under the *Ombudsman Act 1976*.

Tips for management of education agents

These tips are to help you to comply with **Standard 4 of the National Code 2018** and manage your education agent relationship effectively:

- Enter into a written agreement with every education agent engaged to formally represent your business (see National Code s 4.2). Do not enter into an agreement with an agent you know or reasonably suspect of engaging in dishonest practices.
- Ask your agent to declare conflicts of interest, observe appropriate confidentiality and transparency, have an appropriate knowledge and understanding of Australian international education requirements and comply with the Australian Agent Code of Ethics (see National Code s 4.3).
- Enter and maintain up-to-date details of agents in the Provider Registration and International Student Management System (PRISMS).
- Take immediate corrective and preventative action as soon as you become aware of an agent being negligent, careless, and incompetent or engaged in false, misleading or unethical advertising and recruitment practices and fix any problems caused by your agents.
- Terminate your agreement with an agent who you reasonably suspect, or know, has engaged in false or misleading recruitment practices (or require the agent to terminate their relationship with the employee or sub-contractor who engaged in false or misleading recruitment practices).
- To ensure international students have the most current information when deciding to use an education agent, keep the list of agents that you work with up-to-date on your website and if you cease your arrangement with an agent, you should remove the name from the list immediately.

Read the Department of Education's [Fact Sheet on Standard 4](#) of the [National Code 2018](#) for useful compliance tips and examples for managing education agents.

Need more information?

We provide information about best practice complaint-handling to help private education providers manage internal complaints effectively. We also publish reports on problems and broader issues in international education which we have identified through investigations.

More information is available at ombudsman.gov.au.

Please note: This document is intended as a guide only. For this reason, the information should not be relied on as legal advice or regarded as a substitute for legal advice in individual cases. To the maximum extent permitted by the law, the Commonwealth Ombudsman is not liable to you for any loss or damage suffered as a result of reliance on this document. For the most up-to-date versions of cited Acts, please refer to the [Federal Register of Legislation](#).