

Education Agent Policy

Document Name	Education Agent Policy		
Approved by:	Board of Directors	Date of Review	1 May 2028
Responsible Officer	Education Centre of Australia – Private Higher Education Providers, General Manager, Higher Education Operations		
Document No:	ECA P&P – ESOS 4 – 03.03 – 2024.4		
Applicable to	All staff, contractors and Education Agents who recruit students on behalf of the Education Centre of Australia Private Higher Education Providers: - Asia Pacific International College Pty Ltd ABN 48 061 01 488 (CRICOS Provider Code 03048D) - ECA Higher Education Institute Pty Ltd ABN 31 627 475 790 (CRICOS Provider Code 03932J) - Higher Education Leadership Institute Pty Ltd ABN 71 606 961 451 (CRICOS Provider Code 03845H)		
Related Documents	ECA-PHE Education Agent Agreement - Asia Pacific International College Pty Ltd website - ECA Higher Education Institute Pty Ltd website - Higher Education Leadership Institute Pty Ltd website ECA-PHE Marketing Policies and Procedures ECA-PHE Policies and Procedures (Recruitment, Enrolment, Complaints and Appeals)		
Relevant Legislation and References:	Australian International Education and Training Agent Code of Ethics Department of Home Affairs Genuine Student (GS) requirement (including Ministerial Direction 69 and subsequent updates) Education Legislation Amendment (Provider Integrity and Other Measures) Act 2017 Education Services for Overseas Students Act 2000 (ESOS Act 2000) Education Services for Overseas Students Regulation 2019 Education Services for Overseas Students Legislation Amendment (Tuition Protection and Other Measures) Act 2011 Higher Education Standards Framework (Threshold Standards) 2021 Migration Act 1958 and Migration (Education) Act (2007) Modern Slavery Act 2018 National Code of Practice for Providers of Education and Training to Overseas Students 2018 (The National Code 2018) Privacy Act 1988		

Tertiary Education Quality and Standards Agency Act 2011			
Version	Change description	Approved	Effective Date
V2025v1.0	PHE Policy developed. Includes comprehensive Review to align with National Standards and TEQSA Guidelines	BOD	28 February 2025
V2026v1.0	Policy updated- alignment with industry standards, increased regulatory compliance and reporting requirements	BOD: 1 May 2026	5 May 2026

DEFINITIONS

Addendum:	An addendum is an agreed-upon change signed by all parties to the original Education Agent Agreement. It details the specific terms, clauses, sections, and definitions to be changed in the original agreement but otherwise leaves it in full force and effect.
Education Agent	Education agent means an entity (whether in or outside Australia) that: a) engages in any of the following activities in relation to a provider: - the recruitment of overseas students, or intending overseas students; - providing information, advice or assistance to overseas students, or intending overseas students, in relation to enrolment; - otherwise dealing with overseas students, or intending overseas students; - and b) is not a permanent full-time or part-time officer or employee of the provider. Casual employees or contractors are included in the definition of education agent if they undertake any of the activities listed above.
Education Agent Risk Rating	A classification assigned to an Education Agent based on performance, compliance history, visa outcomes, and student trends, used to determine monitoring intensity and corrective actions.
Agent Agreement:	Agreement between ECA PHE and the Education Agent, that defines the terms, responsibilities, compliance obligations, and performance expectations, including responsibility for any sub-agents engaged by the Education Agent.

ECA-PHE Head of Acquisition	The Head of Acquisition is a senior manager of ECA-PHE who oversees and is responsible for student recruitment, marketing and admissions – both international and domestic. The role is also responsible for the oversight of Education Agents, including performance monitoring, compliance oversight, and reporting obligations.
CRICOS:	Commonwealth Register of Institutions and Courses for Overseas Students.
ESOS Act:	Education Services for Overseas Students Act 2000 of the Commonwealth of Australia.
ESOS Regulations:	Regulations made according to the Education Services for Overseas Students Act 2000 of the Commonwealth of Australia.
International Student:	A person who holds an Australian Student Visa and is an 'Overseas Student' as defined by the ESOS Act
National Code 2018:	National Code of Practice for Providers of Education and Training to Overseas Students 2018.
Genuine Student:	A Genuine Student is an applicant who satisfies the requirements set by the Department of Home Affairs, and whose primary purpose for coming to Australia is to study. ECA PHE is responsible for assessing and evidencing this requirement at the point of application and throughout the student lifecycle, in accordance with applicable migration legislation and policy.
PRISMS:	The Australian Government Provider Registration and International Student Management System, used to manage international student data and reporting. PRISMS provides Australian education providers with the Confirmation of Enrolment (COE) facilities required for compliance with the ESOS Act. ECA PHE is responsible for ensuring the accuracy, timeliness, and integrity of all PRISMS data in accordance with ESOS legislation.
Prospective Student:	A person who intends to become, or who has taken any steps towards becoming, a student an 'overseas student' or 'intending overseas student' as defined by the ESOS Act.
Student Management System (SMS):	ECA PHE's Student Management System used by: • Asia Pacific International College Pty Ltd • ECA Higher Education Institute Pty Ltd • Higher Education Leadership Institute Pty Ltd
Territory:	The geographical location in which the Education Agent operates. An Education Agent's Territory is identified in the Agent Agreement.

Contents

DEFINITIONS.....	3
1. PURPOSE AND SCOPE.....	6
2. POLICY PRINCIPLES.....	6
3. AGENT FUNCTION	7
4. APPOINTMENT OF AGENTS.....	7
5. TRAINING OF INTERNATIONAL EDUCATION AGENTS	8
6. MONITORING AND REVIEW	9
7. RENEWAL OF AN EDUCATION AGENT AGREEMENT	11
8. SUSPENSION OF EDUCATION AGENT AGREEMENTS	13
9. TERMINATION OF EDUCATION AGENTS	13
10. EDUCATION AGENT PAYMENT.....	14
11. COMPLAINTS AND APPEALS.....	14
12. RECORD KEEPING	15

1. PURPOSE AND SCOPE

- 1.1 This Policy outlines the Education Centre of Australia Private Higher Education providers (ECA PHE) approach to appointing, supporting, managing and, where applicable, terminating its Education Agents (Agents), in line with the ESOS Framework.
- 1.2 ECA PHE is committed to appointing and working only with Agents who demonstrate the following:
 - a. A comprehensive understanding of Genuine Student requirements (GS), Australian culture, and the education sector, as well as appropriate legislative knowledge.
 - b. In-depth knowledge of the nature of ECA PHE and associated providers' programs, courses, policies, and requirements.
 - c. Honesty, integrity, and the highest ethical standards.
- 1.3 ECA PHE's Education Agent Policy and Procedure is designed to ensure compliance with all legislative and regulatory requirements listed under "Relevant Legislation and References" on page 1 above.
- 1.4 This Policy and Procedure applies to all ECA PHE staff, contractors and Education Agents who market and recruit students on behalf of ECA PHE.

2. POLICY PRINCIPLES

ECA PHE will:

- 2.1. Only appoint reputable Education Agents and support them in acting honestly, with integrity, and in the student's best interests.
- 2.2. Communicate with ECA PHE Education Agents regularly, professionally, and appropriately.
- 2.3. Enter into a written Agreement with all approved PHE Education Agents once the Agent assessment process described in Section 4 below has been completed.
- 2.4. Publish and maintain an accurate list of the ECA PHE approved Education Agents on the respective ECA PHE providers' websites (listed on page 1 above).
- 2.5. Require and support Education Agents to have appropriate knowledge and understanding of the Australian education industry.
- 2.6. Regularly conduct Education Agent performance reviews and implement corrective action as and when required. Agent performance reports will be monitored by ECA PHE senior management and reported to the appropriate governance committees/boards as required.
- 2.7. Provide appropriate training, information and guidance to Education Agents regarding their obligations under this Policy, their Agent Agreement and changes to appropriate legislative and regulatory requirements.
- 2.8. Provide Education Agents with access to current, accurate and non-misleading marketing information.
- 2.9. Only accept students from an Education Agent whose students meet Genuine Student requirements.
- 2.10. Take immediate corrective action when an Agent (or their subcontractor) has not complied with this Policy and the Agent Agreement. If the Agent has been found to have engaged in false or misleading recruitment practices, their relationship with ECA PHE will be terminated.
- 2.11. ECA PHE retains full responsibility for compliance with the ESOS act and other legislative requirements, regardless of Education Agent involvement.

3. AGENT FUNCTION

The role of the Education Agent is to:

- 3.1. Assist ECA PHE in recruiting students as agreed in the Agent Agreement signed by both parties.
- 3.2. Represent ECA PHEs for the duration and within the terms of their signed Agent Agreement.
- 3.3. Abide by the principles of the National Code and their signed Agent Agreement. An Agent **must not**:
 - a. Be engaged in, or have previously been engaged in, dishonest practices, including the deliberate attempt to recruit students that conflict with the obligations of registered providers under Standard 7 of the National Code.
 - b. Use ECA PHE Provider Registration and International Students Management System (PRISMS) to create Confirmations of Enrolment (CoE) for non-genuine students.
 - c. Provide immigration advice to students which is not authorised under the Migration Act 1958.

4. APPOINTMENT OF AGENTS

- 4.1. ECA PHE has approved Education Agents to represent its interests in defined areas and may approach prospective organisations to apply to become authorised Education Agents. ECA PHE will primarily source agents but is open to receiving applications from agents who are seeking an appointment as authorised Agents and meet ECA PHE appointment processes.
- 4.2. Prospective Education Agents will be sourced from:
 - a. Participation in ECA PHE workshops/events
 - b. Recommendation from the ECA PHE Recruitment Team
 - c. Recommendations from partner institutions
 - d. Recommendations from Austrade or equivalent entities.
- 4.2. Education Agents will be appointed on an ongoing basis and will be subject to an annual performance review.
- 4.4. All Education Agents interested in becoming an ECA PHE approved Agent must follow the following procedures:
 - a. Apply online via the ECA PHE Agent Portal (at www.eca.edu.au/agent-portal/) and submit a completed ECA PHE Education Agent Application Form available in [How to Become an ECA PHE Education Agent](#). The form must be completed honestly and accurately, and two references from other Australian international education providers must be provided, together with supporting documentation.
 - b. Due diligence checks are to be conducted on the information provided by the prospective Education Agent, including contacting the two nominated referees. ECA PHE reserves the right to request the prospective Agent to provide additional referees and/or clarify the information provided.
 - c. The ECA PHE Head of Acquisition (or delegate) is responsible for assessing the prospective Education Agent's application and evaluating their suitability for appointment. Reasons for the recommended appointment (or non-appointment) will be provided. All outcomes/reasons provided will be recorded in the Education Agent Management System in the Agent profile. Education Agents will also be assessed on their understanding of Genuine Student (GS) Requirements and Australian legislative obligations.

- d. If an applicant is assessed as suitable for appointment, the ECA PHE Head of Acquisition (or their delegate) will complete the Agent Agreement (including all schedules).
 - e. The terms and conditions of the Agent Agreement include the Education Agent accepting responsibility and liability for the actions of any Education Agents acting in the capacity of the Education Agent's sub-agent.
 - f. Education Agents must not:
 - provide unauthorised migration advice
 - submit fraudulent or misleading documentation
 - recruit students who are unlikely to meet GS requirements
 - misrepresent: courses, visa outcomes or employment outcomes
 - g. A PDF copy of the **Agent Agreement** will be sent to the Head of Acquisition for signature, and another PDF copy will be sent to the prospective Education Agent.
 - h. If the Education Agent accepts the terms of the Agreement, they will sign and return the Agreement to ECA PHE.
 - i. The Head of Acquisition will update the new Education Agent details in accordance with Clause 4.1 of Standard 4 of the National Code in PRISMS within 48 hours.
 - j. The Head of Acquisition will then update the ECA PHE providers' websites and relevant student systems with the new Education Agent's details within 48 hours.
 - k. The ECA PHE Head of Acquisition may provide the Education Agent (upon request) with an **Authorised Agent Certificate** and the relevant username and password for submitting student applications through the ECA PHE StudyLink Portal.
 - l. The Education Agent will be able to access all relevant ECA PHE providers' courses and marketing materials via the ECA PHE Agent Portal (at www.eca.edu.au/agent-portal/).
- 4.5 If ECA PHE becomes aware that an Education Agent's sub-agent is acting illegally or unethically, ECA PHE will instruct the Education Agent to cease dealing with the sub-agent regarding any activities outlined in the Agent's Agreement in accordance with the National Code 2018 (Australia).

5. TRAINING OF INTERNATIONAL EDUCATION AGENTS

Newly Appointed Agent Training

- 5.1 The ECA PHE Head of Acquisition (or delegate) is responsible for providing the newly appointed Agents, within 30 days of their confirmed appointment, training which will include the following information:
- a. The legislative and regulatory requirements relating to overseas education in Australia.
 - b. Australian student visa requirements, policies and regulations.
 - c. ECA PHE relevant policies and procedures (including admission, fees, refund policies).
 - d. Terms and Conditions of the Agent Agreement
 - e. ECA PHE programs, courses, application procedures and marketing guidelines
 - f. Genuine Student requirements.
- 5.2 After such training, the ECA PHE Head of Acquisition (or delegate) will identify and communicate any possible areas for further Agent training and development to the Education Agent. Agent training and details will be recorded in the Agent Training Smartsheet.

Ongoing Agent Training

- 5.3. ECA PHE will maintain regular contact with Education Agents via electronic and written communication, virtual meetings and office visits to provide training, updates, current and accurate information on courses and study dates, news and events regarding ECA PHE providers, use of electronic and online systems, taking corrective action to address any issues identified and regulatory and legislative changes to support the Agents in conducting their business.
- 5.4. Education Agents are expected to participate in scheduled ECA PHE training sessions, engage with the ECA PHE providers and familiarise themselves with all programs, courses and facilities.
- 5.5. ECA PHE will endeavour to provide timely and accurate information and training. However, Education Agents are expected to be proactive in undertaking their own training to ensure they are familiar with any changes to ECA PHE courses, policies, admission processes, visa rules, Australian education legislation, and regulatory updates.
- 5.6. ECA PHE will maintain records of Education Agent attendance at training workshops/training sessions, visits, and scheduled marketing events to identify any potential training gaps that an Agent may have. These records will be maintained on the ECA PHE Agent Management Smartsheet, enabling Education Agent engagement to be monitored.

6. MONITORING AND REVIEW

- 6.1. ECA PHE will monitor the performance and activities of all Education Agents actively recruiting students on an ongoing basis to ensure that ECA PHE only uses reputable and accountable Education Agents.
- 6.2. ECA PHE will undertake a formal performance review of each Education Agent in accordance with the Education Agent Management Procedure on an ongoing basis, and may also conduct additional reviews of the Agents' compliance with the Agent Agreement and this Policy at any time.
- 6.3. ECA PHE will implement ongoing Education Agent performance monitoring mechanisms that may include but are not limited to:
 - a. The number of student applications and their quality and completeness, Genuine Student requirements
 - b. Analysis of conversion rates from application to offer, offer to acceptance, and acceptance to enrolment
 - c. Student retention rates post census and after 6 months.
 - d. Student academic progress and performance.
 - e. Student complaints
 - f. Analysis of instances where students have claimed that an Education Agent has provided misinformation regarding studying in Australia, student visa requirements and ECA PHE providers' courses and programs.
 - g. Identification of Education Agents who may require additional training.
- 6.4. ECA PHE will analyse available PRISMS based data entries for each Education Agent, available under Subsections 175(3) and (4) of the Education Legislation Amendment (Provider Integrity and Other Measures) Act 2017, namely information on:

- a. The number of applications for student visas made by or on behalf of students recruited or otherwise dealt with by an Education Agent that has been either granted, refused, withdrawn or deemed invalid.
 - b. The number of student visas issued to recruited students or otherwise dealt with by the Education Agent that has been cancelled or ceased to be in effect.
 - c. The number of students accepted for enrolment in courses provided by ECA PHE or by students recruited or otherwise dealt with by an Education Agent.
 - d. The completion rates of accepted students recruited by an Education Agent.
- 6.5 The ECA PHE Head of Acquisition (or delegate) is responsible for annually evaluating the Education Agents' performance against the performance criteria which include but not limited to:

Critical Compliance and Integrity

- a. Knowledge of and compliance with Australian legislative and regulatory requirements relating to recruiting international students under the ESOS Act and The National Code 2018.
- b. Analysis of Genuine Student trends, PRISMS data and Compliance/fraud breaches associated with the Education Agent.
- c. Engagement in false, misleading or unethical advertising and recruitment practices
- d. Engagement in practices that could harm the integrity of Australian education and training and/or the integrity of the ECA PHE providers
- e. Accuracy and currency of information and advice provided by the Education Agent to prospective students.
- f. Compliance with the terms and conditions of the Education Agent Agreement.
Failure to appropriately identify, declare and manage conflicts of interest resulting in actions that are to the detriment of international students.
- g. Acting in a manner which may be negligent, careless or incompetent.

Student Outcomes and Quality Indicators

- a. Student progression, retention and completion.
 - b. Student recruitment outcomes, including number of students recruited, conversion rates throughout the student lifecycle, and the visa rejection rate, student completion rates.
 - c. The reasons, where relevant, for apparently unsatisfactory application numbers, conversion and success rates.
 - d. Students' satisfaction with the performance of Education Agents will be monitored through student surveys at various stages of engagement.
 - e. The overall quality and value of the appointment to ECA PHE.
- 6.6 ECA PHE will review each Education Agent's performance annually, drawing on evidence gained from the criteria described above. The report will be presented to the ECA PHE Head of Acquisition (or delegate), who will determine that:
- a. The Agent needs to undertake additional training to address specific issues (including changes to procedural requirements). See Section 5 above.
 - b. The Agent's contract is renewed. See Section 7 below.
 - c. The Agent's contract is renewed for a specific period and is subject to identified conditions.

- d. The Agent's contract is suspended. See Section 8 below.
- e. The Agent's contract is terminated as per Section 9 below.
- f. The Agent will be notified in writing of the outcome of the annual review.

7. Genuine Student (GS) Requirement

7.1 Institutional Responsibility

ECA PHE retains full responsibility for ensuring that all prospective international students meet the Genuine Student (GS) requirement as defined by the Department of Home Affairs.

The institution will implement appropriate processes to assess whether a student's primary purpose for coming to Australia is to study, including consideration of:

- the applicant's academic background and progression
- the alignment of the proposed course with the applicant's previous studies and career goals
- the applicant's personal circumstances and study intentions
- the consistency, credibility, and completeness of information provided
- any other relevant GS indicators as required under migration legislation and policy

ECA PHE acknowledges that responsibility for assessing and evidencing the Genuine Student requirement cannot be delegated to Education Agents and remains an institutional obligation under the ESOS Framework.

7.2 Role of Education Agents

Education Agents play a supporting role in the recruitment process and are expected to:

- provide accurate, current, and non-misleading information to prospective students regarding study options, visa requirements, and Genuine Student expectations
- take reasonable steps to identify and refer prospective students who are likely to meet GS requirements
- ensure that applications submitted are complete, accurate, and supported by genuine and verifiable documentation
- Education Agents must not:
 - encourage or facilitate applications from students who are unlikely to meet the Genuine Student requirement
 - provide misleading advice regarding visa outcomes, study pathways, or employment expectations
 - submit false, incomplete, or misleading information or documentation
 - engage in practices that may compromise the integrity of the student visa program or Australian education sector

ECA PHE holds the contracted Education Agent responsible for the conduct of any sub-agents engaged in the recruitment process.

7.3 Monitoring and Risk Management

ECA PHE will monitor Education Agent performance in relation to the Genuine Student requirement on an ongoing, risk-based basis, as part of its broader agent performance and

compliance framework.

This includes the explicit integration of GS trends, PRISMS data, and compliance indicators, including:

- visa refusal rates and refusal reasons
- patterns in GS-related concerns identified at application or post-enrolment stages
- PRISMS data, including visa outcomes, cancellations, and non-commencements
- student attrition, early withdrawals, and progression outcomes linked to agent cohorts
- complaints, incidents, or identified compliance breaches relating to agent conduct
- any indicators of fraudulent, misleading, or non-compliant recruitment practices

These indicators will be used to:

- assess the integrity and quality of agent-recruited cohorts
- inform agent performance evaluations and risk ratings
- identify emerging risks and trends requiring intervention

Patterns indicating potential non-compliance with GS expectations or broader compliance obligations will be investigated and may result in:

- increased monitoring and engagement
- targeted training and compliance intervention
- implementation of a Performance Improvement Plan (PIP)
- formal corrective action
- suspension or termination of the Agent Agreement

7.4 Continuous Improvement

ECA PHE will:

- regularly review GS assessment processes to ensure alignment with current legislative and regulatory requirements, including changes to migration policy and the GS framework
- provide ongoing updates, guidance, and training to Education Agents on GS expectations and compliance obligations
- utilise data analysis, including GS trends, PRISMS reporting, and compliance breach data, to continuously improve recruitment quality and regulatory compliance
- ensure that lessons arising from monitoring, reviews, and investigations are incorporated into policy, procedure, and operational practice

8. RENEWAL OF AN EDUCATION AGENT AGREEMENT

8.1 At the successful completion of the current Agent Agreement term and if ECA PHE is satisfied that the Agent has acted ethically and professionally and enrolled high-quality students with satisfactory conversion and success rates, a renewal of the Agent Agreement may be offered to the Agent. The Agent Agreement renewal process is as follows:

- a. The Education Agent will be asked to complete a renewal form.
- b. Once the renewal form has been received, a new signed Agent Agreement will be sent to the Education Agent.

- c. If the Agent accepts the terms of the new Agreement, the countersigned Agreement will be returned to ECA PHE and placed on the Agent profile.
- d. Any necessary updates to the Agent profile detail and the Agent List available via the ECA PHE provider websites will be made.

9. SUSPENSION OF EDUCATION AGENT AGREEMENTS

- 9.1 ECA PHE may suspend an Agent Agreement immediately if it has reasonable grounds to believe that an Education Agent (or sub-agent) has:
 - a. Breached a term of the Agent Agreement.
 - b. Has been performing unsatisfactorily (see [Section 6: Monitoring and Review](#) above).
 - c. Received a complaint considered serious enough to necessitate a suspension.
 - d. Engaged in conduct that is reasonably considered detrimental to ECA PHE's reputation.
 - e. Been charged with a breach of, or subject to, an investigation regarding any Australian legislation or regulatory requirement (see Page 1 for a list of Relevant Legislation and References).
- 9.2 The ECA PHE Head of Acquisition (or delegate) will notify the Education Agent of the specific nature and the grounds for suspension.
- 9.3 The Education Agent has ten (10) business days from receiving the email to respond in writing to the suspension.
- 9.4 ECA PHE Head of Acquisition (or delegate) will lift the suspension when the Education Agent (or sub-agent) has satisfied the reasons for suspension and the matter has been resolved.
- 9.5 The ECA PHE Head of Acquisition (or delegate) will notify the Education Agent in writing that the suspension has been lifted. All information regarding the suspension will be included in the Agent Profile.
- 9.6 If the ECA PHE Head of Acquisition (or delegate) is not satisfied that the Education Agent has resolved the matter satisfactorily regarding the suspension, the Education Agent's Agreement may be terminated. (See [Section 9 below](#)).

10. TERMINATION OF EDUCATION AGENTS

- 10.1 Decisions regarding terminating an Agent's Agreement are made by the ECA PHE Head of Acquisition (or delegate), who will give the Education Agent thirty (30) days notice in writing ([Education Agent Termination Email](#)) of the termination.
- 10.2 If the decision to terminate an Agent's Agreement is based on criminal conduct, the Department of Education (DET) and the Department of Home Affairs will be notified.
- 10.3 If either party terminates the Agent's Agreement, the Agent must:
 - a. Provide ECA PHE with all application, program, and course fees from prospective students received up to the termination date.
 - b. Immediately cease any actions representing ECA PHE.
 - c. Submit no further student applications.
 - d. Claim all commission payments within the thirty (30) day notice period.
- 10.4 The Agent may appeal the decision by ECA PHE by following ECA Grievance Policy

- 10.5 ECA PHE will update the Agent Profile and ensure all Agent Management systems, PRISMS and websites are updated accordingly.
- 10.6 The Agent's students will be notified of the termination/non-renewal and invited to submit an [ECA PHE Change of Education Agent Request Form](#), identifying a new Agent from the list published on the ECA PHE provider websites.
- 10.7 The decision and reasons for terminating an Agent Agreement may be disclosed to other parties (including relevant government departments, agencies, and the Agent's employer), and all disclosures will follow privacy legislation and regulations.

11. EDUCATION AGENT PAYMENT

- 11.1 Agent commission payments will be made in accordance with the relevant Education Agent Agreement, applicable commission schedule, and current legislative and regulatory requirements.
- 11.2 ECA PHE will not pay, offer, or provide any education agent commission, monetary or non-monetary benefit, or other incentive where prohibited under the ESOS Act, ESOS Regulations, National Code, or related regulatory requirements.
- 11.3 Before a commission payment can be made, the invoice must include:
 - a. student name and Student Management System ID;
 - b. course name and relevant study period;
 - c. CoE number, where applicable;
 - d. current banking details consistent with the Agent Agreement;
 - e. the Agent's ABN and GST amount, where applicable; and
 - f. any other information reasonably required by ECA PHE to verify payment eligibility.
- 11.4 ECA PHE will inform all Agents of any change in the physical address, telephone number, or electronic mail address of ECA PHE and associated providers within five working days of such change.
- 11.5 Agent commission invoices will only be processed where:
 - a. the student is eligible for commission under the Education Agent Agreement and applicable legislation;
 - b. the student has passed the relevant census date or other payment milestone specified in the Agent Agreement;
 - c. the student's enrolment and agent details are accurately recorded in the Student Management System and PRISMS, where required; and
 - d. the payment has been reviewed for compliance with any commission restrictions, including the onshore transfer commission ban.
- 11.6 ECA PHE will maintain records of commission payments and supporting evidence sufficient to demonstrate compliance with ESOS, PRISMS, audit, financial, and contractual requirements.

ECA PHE will not accept any students referred by prospective Agents.

12. COMPLAINTS AND APPEALS

- 12.1 Any complaint made by an ECA PHE student using the Complaints and Appeals Policy and Procedure (available via the ECA PHE providers' websites) and/or any matter that relates to a suspected breach

regarding the behaviour and practices of an ECA PHE Education Agent will be investigated thoroughly, following the Complaints and Appeals Policy and Procedure.

12.2 The Agent Agreement provides details of the ECA PHE's Complaints and Appeals Policy and Procedure.

13. RECORD KEEPING

13.1 ECA PHE Head of Acquisition (or delegate) is responsible for maintaining appropriate records of all approved Agents. These records include, but are not limited to:

- a. signed and current Education Agent Agreements, including schedules and variations;
- b. Evidence of Agent monitoring activity, including the annual Agent performance report.
- c. agent contact details, territories, authorised representatives, and disclosed sub-agent arrangements;
- d. training records, attendance, updates, and communications issued to agents;
- e. agent performance reviews, risk ratings, monitoring outcomes, and annual review reports; PRISMS records, GS monitoring evidence and commission compliance evidence
- f. records of any non-payment, withholding, recovery, or adjustment of commission payments; and
- k. correspondence with agents and relevant government or regulatory bodies.
- g. Evidence of immediate corrective action taken when ECA PHE have become aware that the Agent has or may become negligent, careless, incompetent or has engaged in false, misleading or unethical recruitment practices.
- h. Where ECA PHE becomes aware that an Education Agent or sub-agent may have acted negligently, carelessly, incompetently, falsely, misleadingly, unethically, or unlawfully, records of the issue, investigation, decision, and corrective action must be retained as part of the Agent profile.

13.2 Records must be sufficient to demonstrate compliance with the ESOS Act, ESOS Regulations, National Code, PRISMS requirements, the Agent Agreement, and ECA PHE policies and procedures.