



## ASSOCIATION OF AUSTRALIAN EDUCATION REPRESENTATIVES IN INDIA

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## **Inquiry into the Education Services for Overseas Students Amendment (Quality and Integrity) Bill 2024 [Provisions]**

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**Introduction:** Thank you for the opportunity to send our opinions and proposals in writing. The **Association of Australian Education Representatives in India (AAERI)** was formed in October 1996 to assure the integrity and credibility of education agents who are recruiting students on behalf of Australian education and training institutions. The establishment of AAERI was an initiative of Australian Education International (AEI) although AAERI is an independent organisation, registered under the Societies Registration Act of India. AAERI's mission is to assure the integrity and credibility of agents who are recruiting students on behalf of Australian education and training institutions. We have a strong Code of Ethical Practices in line with the ESOS framework and the Agent Code of Ethics (ACE) for our members to follow. AAERI self-regulates and continues to work with all stakeholders for a coordinated approach.

### **Background: National Code Standard 4 (Agents)**

Australian education is renowned worldwide for its high standards and quality, making it one of the sought-after destinations for international students. It's a known fact that Education agents play a pivotal role in this ecosystem, acting as intermediaries between prospective students and Australian educational institutions.

Almost all universities/institutes appoint their agents after taking into account their profile, nearly all institutes conduct due diligence and reference checks etc. In addition to this, Agents are fully trained by their institutes and its necessary that all agents have thorough knowledge of the Australian international education system, courses, admission requirements, ESOS framework and the ACE. On the other hand, prospective students would expect the agent to have detailed first-hand information on all aspects of the destination country, the institute and admission processes.

In relation to the "agent" definition being proposed under the ESOS changes, AAERI believes that the definition is too broad and captures anyone dealing with an intending or current overseas student; in particular proposed changes 6BA(ii) and (iii). Accommodation providers, overseas health cover providers, travel agents and school student career counsellors would be unintentionally caught in the definition and are not agents but are "associates" of both institutions and the agent network who "deal" with them. The "agents" and "associates" involved with international students need to be differentiated and defined properly.

## Aggregator appointed agents (or sub-agents)

Specific regulation under the **Standard 4** of the **National Code** clearly states that:

*4.1: The provider has a written agreement with each education agent it engages to recruit students on its behalf". Providers must enter and maintain the details of education agents with whom they have a written agreement in PRISMS*

*4.2.3: 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 general understanding is that all CRICOS registered institutions must have a written agreement with their agents and must monitor the activities of education agencies. The institutions are also required to publish the list of their contracted agent representatives. Many Australian institutions also rely on their appointed agents to screen students, conduct the necessary background checks to ensure that the applicants are genuine. It's also a requirement that agents recruit students in a transparent and ethical manner, acting in good faith and in the best interest of the student. Agents play a key role as intermediary between the prospective student and institution.

In the last few years, there has been a huge increase in the number of "Aggregators" (new age EdTech companies) operating offshore. Most such EdTech are nothing but a growing number of online platforms being used as "window dressing" to give the appearance of a B2B arrangement and that allows unauthorised sub-agents to route student applications through a principal agency. It is common in such recruitment model that is dependant on subagents that the principal agent contracted to the institution is never in touch with the student and the student is often unaware of who the principal agent is. We believe there are insufficient checks or due-diligence undertaken prior to the appointment of the sub-agents by the principal agent or by the institute. While institutions may appoint "agents" the work of such "aggregators" is more like a "distributor" that holds little to no accountability for the actions of their participating subagents.

On the other hand, it's a known fact that 'subagents or third-parties' play a role in referral generation and that such referrals are an established part of the recruitment industry. AAERI believes that if the principal agent is using subagent services, then those services must be limited to referrals only and all contract services including personal dealings with the students should be conducted by the authorised agent who is then fully accountable. Any outsourcing of specific agent services should be formally approved by the institution and the relationship listed on the institution website and the subagent appropriately trained. Institutions and agents should not engage with faceless subagents who act as an intermediary for communications and agent services with students.



We believe that limiting or regulating subagent use will result in a decline of academic and visa integrity related issues.

The industry should not work with subagents who make misrepresentation claims or who have been found to be negligent or unethical. These untrained subagents are unable to provide an excellent student experience as they are likely to lack knowledge to provide accurate course, application or study information Australia.

Engaging with subagents encourages unethical, dishonest marketing practices with no accountability to anyone. Institutions have little to no control over such sub-agent. AAERI strongly believes that continued reliance on the subagent model will damage the industry.

### **Seeking clarity the following:**

We have been getting different interpretations related to Standard 4 of the ESOS framework, while there is enough confusion on **“agent responsibilities”**, we seek some clarification as a result of the new Education Agent definition:

**1)As per the regulations under the ESOS framework/National Code, can un-contracted agents (subagents) conduct student counselling and recruit students on behalf of the Australian institutes?**

**2)Will it be compulsory for Australian institutions to contract and publish the list of each and every sub-agent facilitating or “dealing” with international students?**

**3)Will it be compulsory for agents to declare and for institutions to contract everyone who “deals” with international student including but not limited to school career counsellors, OSHC providers, accommodation services, travel agents, travel insurance providers and Australian Government student visa processors?**

Thanking You for your consideration

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