

Third Party Arrangements Policy and Procedures

POLICY

CODE:

CR

3.17

Related Compliance Section 17

NATIONAL CODE OF PRACTICE FOR PROVIDERS OF EDUCATION AND TRAINING TO OVERSEAS STUDENTS 2018 (CTH). STANDARD 4

- Purpose

This policy ensures that all third-party arrangements entered into by MCBT for the deliveries of services are compliant, transparent, and managed in accordance with regulatory requirements. It ensures written agreements are in place and notifiable, and that the quality of services delivered by third parties is effectively monitored.

Legislative Background

Compliance Requirements, Division 3 Accountability– Third Party Arrangement (Compliance Standards for NVR Registered Training Organisations and Fit and Proper Person Requirements) Instrument 2025 (Cth).

National code of practice for providers of education and training to overseas students 2018 (cth). Standard 11

Scope

This policy applies to all MCBT staff and all third parties including but not limited to education and recruitment agents.

Policy Statement

MCBT is committed to ensuring that all services delivered by third parties on its behalf are governed by a written agreement entered into prior to the delivery of services. The MCBT will ensure:

- All third-party agreements are compliant and notifiable to the National VET Regulator
- The agreement contains mandatory provisions, including obligations, monitoring rights, and cooperation with audits
- The third party is prohibited from issuing AQF certification, using MCBT branding or the Nationally Recognised Training (NRT) Logo
- MCBT monitors the quality of services and retains responsibility for compliance.

MCBT will strive to work only with reputable Education Agents who:

- have up to date knowledge and understanding of the Australian international education sector.
- have completed the Education Agents Training Course (EATC) offered by PIER (Professional International Education Resources) or a recognised equivalent.



- adhere to the ESOS Act, National Code 2018, and the Australian International Education and Training Agent Code of Ethics.
- belong to a professional association representing Education Agents where one exists.

MCBT maintains responsibility for the actions of its education agents and ensures:

- Each agent signs a written agreement outlining responsibilities and conditions,
- Performance is monitored regularly, Having regular meeting
- Prompt corrective action is taken in response to non-compliance or misconduct,
- ASQA is notified of any agent agreement commencements or terminations within thirty (30) calendar days.

Procedures

○ Establishing a Third-Party Agreement

- The RTO Manager identifies the need for third-party service delivery and assesses suitability.

The Marketing Manager completes reference checks to support MCBT's ongoing assessment of each education agent's suitability. The checks verify the agent's qualifications, experience, professional conduct and capacity to represent MCBT appropriately. Reference check outcomes are documented, monitored and retained as evidence to support compliance with applicable ASQA and ESOS requirements and the effective management of education agent relationships.

- A Third-Party Service Agreement is drafted and reviewed by the Marketing Manager for inclusion of:
 - Business names and scope of services
 - Commencement and end dates
 - Obligations of each party
 - Cooperation with audit requirements
 - Monitoring rights for MCBT
 - Prohibitions on branding, certification, and logo usage
- Where the application is incomplete, inform the education agent of the additional information required within 60 days or the application will no longer be valid.
- Applications are assessed based on the responses from referees, the location that the agent will recruit from, the demonstrated understanding of Australian laws regarding international student recruitment, ethical history and experience in the recruitment of international students.



- The CEO approves and signs the agreement before services commence.
- The **Education Agent Written Agreement** will specify the following:
 - MCBT responsibilities, including that MCBT is always responsible for compliance with the Standards for Registered Training Organisations, ESOS Act and National Code 2018.
 - MCBT requirements for agents who represent them, including the requirement to:
 - i. declare in writing and take reasonable steps to avoid conflicts of interests with duties as an Education Agent of MCBT
 - ii. Observe appropriate levels of confidentiality and transparency in dealing with international students or prospective international students.
 - iii. Act honestly and in good faith, and the best interests of the international students.
 - iv. Have appropriate knowledge and understanding of the international education system in Australia, including the Australian International Education and Training Agent Code of Ethics.
 - MCBT processes for monitoring the activities of Education Agents in representing the provider and ensuring the Education Agent is giving students accurate and up-to-date information about MCBT services.
 - Corrective action that may be taken by MCBT if an Education Agent does not comply with its obligations under the written agreement.
 - MCBT's grounds for termination of the it's written agreement with the Education Agent.
 - The circumstances under which information about the Education Agent may be disclosed by MCBT and the Commonwealth or state or territory agencies.
 - Education Agent written agreement confirmation:
 - Send two copies of the written agreement to the agent for signing with one to be returned. The agreement will be valid for one year for new applications.
 - Following receipt of the signed agreement, send **Education Agent certificate** as evidence of registration with MCBT to be displayed in agents' offices and/ or website to indicate to prospective students that they have a written agreement with MCBT.
 - Add the approved agent to **Education Agent Register** and publish the details on MCBT's website. As a minimum, the details will include the agency name, legal entity, and contact details.



- Education agents are then provided with:
 - current MCBT course offerings and its details such as the course flyers.
 - accurate marketing information that meets the requirements of MCBT's Marketing & Advertising Policy and Procedures
- The MCBT Marketing Manager discusses the following with the new Education Agent representatives:
 - MCBT's student enrolment process
 - MCBT's policies and procedures.
 - Process for updating any revised marketing materials.
 - Any details required about the course offerings, the entry requirements and other obligations.
 - Process of Education Agent Agreement review and renewal.

Education Agent details are added into PRISMS. MCBT ensures details are always maintained in the event of changes.

Notification to the Regulator

The Compliance Officer notifies the National VET Regulator:

- Within 30 calendar days of the agreement being entered into or prior to service commencement (whichever occurs first); and
- Within 30 calendar days of the agreement ending.

Monitoring Third Party Services

- The Marketing Manager and RTO Manager systematically monitor the activities and performance of MCBT's education agents to ensure ongoing compliance with the ESOS Act, National Code and applicable ASQA requirements. Monitoring includes reviewing Education Agent Agreements, agent recruitment and marketing practices, marketing materials, the accuracy of information provided to prospective students, and student feedback or complaints relating to agents. Agent performance and compliance are reviewed regularly, with appropriate corrective action taken where non-compliance, misleading information or unethical conduct is identified. Records of monitoring activities, reviews and outcomes are maintained as evidence of effective oversight and continuous compliance.
- The RTO Manager or delegate conducts regular quality reviews of services delivered under the agreement (e.g., delivery, assessment, student support).
- Findings are documented in a Third-Party Services Register
- Corrective action is taken where non-compliance or quality issues are identified.

The MCBT Marketing Manager provides up to date information to education agents through:



- Flyer or Newsletters regarding important information. These marketing collaterals are version controlled.
- Emails, phone calls, text messages or other informal communication methods regarding specific updates and/ or student issues.
- Seminars and marketing events with education agents when MCBT representatives are available in the agent's region.
- **Quarterly Monitoring:** Each quarter, the Marketing Manager updates the **Education Agent Register** with performance parameters such as number of applicants, number of enrolments, quality of applications, **student experience survey** responses etc.
- **Annual Review:** The RTO Manager leads the annual performance evaluation of the education agents.
- Subject to effective performance, the education agent agreement may be renewed for a further three (3) year period and copies of renewed agreements are provided and saved as per the CR 2.9 – 2.11 AQF Certification Documentation and Records Policy and Procedures.
- Findings of the annual review and/ or incidental reviews are documented in the **Education Agent Register**. Corrective action is taken where non-compliance or quality issues are identified.
- The Marketing Manager discusses the identified issues with the education agent representative to seek their feedback. The identified issues and the agent's feedback is then discussed with the RTO Manager and the CEO to advise on the further action:
 - o If there is no major breach of agreement and there is only a lack of performance, the education agent agreement may be renewed for another one (1) year.
 - o If there is a major breach of agreement terms and conditions, the education agent agreement is terminated and the same is communicated to them.
- MCBT does not accept students from an Education Agent if MCBT knows or reasonably suspects the Education Agent to be:
 - providing migration advice unless that Education Agent is authorised to do so under the Migration Act.
 - engaged in, or to have previously engaged in, dishonest recruitment practices, including the deliberate attempt to recruit a student where this conflicts with the obligations of registered training providers under National Code 2018, Standard 7 - Overseas student transfers.



- facilitating the enrolment of a student who the Education Agent believes will not comply with the conditions of his or her visa.
- MCBT maintains accurate, complete and up-to-date records of all education agents with whom it has a written agreement. Education agent details are regularly reviewed and updated in PRISMS and the current list of MCBT's education agents is published on the organisation's website, in accordance with applicable ESOS and National Code requirements. MCBT also maintains accurate and current student records and submits required student information to PRISMS within the required timeframes. Records are regularly reviewed to ensure accuracy, currency, integrity and compliance with applicable regulatory requirements.
- The monitoring activities of MCBT identify where an agent may be involved in any of the above activities. MCBT also considers concerns raised by the students where the number of students is a reasonable proportion of the students recruited by an agent (e.g., 3 in 10 students).
- Where MCBT becomes aware or has reason to believe that the Education Agent or an employee or subcontractor of the Education Agent has not complied with the Education Agent's responsibilities, MCBT will take immediate corrective action and may terminate the agreement.
- Where MCBT becomes aware or has reason to believe that the Education Agent or an employee or subcontractor of the Education Agent is engaging in false or misleading recruitment practices, MCBT will immediately terminate its relationship with the Education Agent or require the Education Agent to terminate its relationship with the employee or subcontractor who engaged in those practices.
- Misconduct or breach of ethics leads to immediate termination and possible reporting to the National VET Regulator, ASQA.

Termination and Review

- Agreements are reviewed annually and may be terminated early if the third party fails to meet obligations.
- The Compliance Officer maintains a Register of Third-Party Agreements for audit readiness.