

Overseas Student Factsheet: Problems with Education Agents

Introduction

An education agent is an experienced professional who helps international students to apply for and enrol in courses with an education provider. They act as representatives of the education provider. Some education agents also help with student visa applications.

You **do not have to** use an education agent. However, you may wish to do so.

All education agents and education providers must comply with the *Education Services for Overseas Students Act 2000* (Cth) (**ESOS Act**) and the *National Code of Practice for Providers of Education and Training to Overseas Students 2018* (**National Code**).

Education agents in Australia

All education agents must have a written agreement with the education provider(s) which they represent (National Code, 4.1). Educational providers must ensure their agents (National Code, 4.3):

- act honestly, in good faith, and for the student's best interests;
- deal with international students in an ethical manner;

- maintain appropriate confidentiality and transparency in their dealings with students;
- have in-depth knowledge of the Australian education system; and
- understand and comply with the ESOS Act and National Code.

Obligations of education providers who use education agents

When using education agents, education providers must (National Code, 4.2/4.6):

- ensure that all parties helping international students follow the ESOS Act and the National Code;
- have a process in place to monitor the activities of the education agent;
- not accept students from education agents who they reasonably suspect to have engaged in dishonest practices;
- not accept students from an education agent who does not believe the student will comply with the conditions of their student visa;
- not accept students from an education agent who provided migration advice when they were not allowed to give migration advice;

- take immediate action when they become aware that an education agent has been negligent, careless, incompetent, or engaged in false, misleading, or unethical advertising or recruitment practices.

Education agents and consumer law

When you pay for your education in Australia, the *Australian Consumer Law* gives you protection from:

- unfair or very harsh written student agreements;
- misleading comments or statements made by the education agent;
- unsafe products or services; and
- unfair behaviour from education agents or education providers.

What if I have concerns about my education agent?

If you think that the education provider or agent has been sketchy or something does not feel right about their practices, have a chat with Redfern Legal Centre, and/or your educational provider.

If your education provider breaches its obligations, you can make a formal complaint with your education provider. If you think that your education provider or education agent has breached consumer protection laws by being misleading, untruthful or offering you terms or conditions which are very unfair, you may be able to complain to the local state or territory agency that protects consumers.

For a list of consumer protection agencies see: <https://bit.ly/3qkn3Ze>. You can also make a consumer complaint against the education provider for the actions of its authorised agents.

What if my education agent is based overseas?

If your education agent is based overseas and does not have an office in Australia, there are limited options to resolve a dispute in Australia.

The laws that protect consumers generally only apply to people and businesses based in Australia.

You may need to consult your country's embassy or consulate, or a lawyer from your home country, for legal advice about a dispute with an overseas-based education agent.

General tips

- Do not use an education agent for migration advice, unless they are also a Registered Migration Agent.
- Check if your education provider is listed on the **official Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS)**, available at: <https://bit.ly/3LIffNyN>. Registered providers have been assessed as suitable to teach courses in Australia.
- Make sure you read and understand any agreement or contract before you sign, and remember to keep a copy.

- **Do not** pay any money before you sign the written agreement with the education provider – the written agreement will include information about the course, conditions, payments, fees, or refund arrangements.
- Try to work with education agents that specialise in the Australian education system for international students – If you can, try to make sure they have an office in Australia.
- If you can, compare more than one agent. Always choose an agent that is the right fit for you.

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This factsheet is not a substitute for legal advice. If you have a problem, please contact RLC's International Student Legal Service NSW at www.rlc.org.au/contact or phone 02 9698 7645.