



Code of Practice for the Members of Australian Education Consultants' Alliance (AECA)

Preamble

This Code of Practice does not intend to cover all areas of conduct. Nor does it attempt to override any legislative requirement. The spirit of the Code should be followed rather than taking any narrow interpretation.

All applicants for membership must agree before admission, to abide by this Code of Practice (which may be amended by the Executive Committee from time to time) as a condition of becoming and maintaining their membership.

1. Broad Principle

1.1 A distinguishing mark of a professional, and therefore a member of AECA, is their acceptance of the responsibility to act in their clients' best interest while acting in the public interest. A member should observe and comply with the relevant laws as well as the ethical requirements of this Code.

2. Fundamental Principles

2.1 A member is required to comply with the following fundamental principles:

- a. Integrity
- b. Objectivity
- c. Professional Competence and Due Care
- d. Confidentiality
- e. Professional Behaviour

These fundamental principles are defined below under appropriate headings.

3. Code of Practice framework



- 3.1** This Code of Practice requires a member to identify, evaluate and address threats to compliance with the Code, rather than merely complying with a set of specific rules which may be arbitrary. This Code of Practice provides a framework to assist a member to identify, evaluate and respond to threats to compliance with the Code. If the identified threat or threats are other than clearly insignificant, a member should, where appropriate, apply safeguards to eliminate the threats or reduce them to an acceptable level, such that compliance with the Code is not compromised.
- 3.2** A member has an obligation to evaluate any threats to compliance with the Code when the member knows, or could reasonably be expected to know, of circumstances or relationships that may compromise compliance with the Code.
- 3.3** A member should take qualitative as well as quantitative factors into account when considering the significance of a threat. If a member cannot implement appropriate safeguards, the member should decline or discontinue the specific service involved, or where necessary resign from servicing the client or education provider.
- 3.4** A member may inadvertently violate a provision of this Code. Such an inadvertent violation, depending on the nature and significance of the matter, may not compromise compliance with the Code provided that once the violation is discovered, the violation is corrected promptly and any necessary safeguards are applied.
- 3.5** The nature of the safeguards to be applied will vary depending on the circumstances. In exercising professional judgement, a member should consider what a reasonable and informed third party, having knowledge of all relevant information, including the significance of the threat and the safeguards applied, would conclude to be an acceptable safeguard/s.
- 3.6** The members are required to inform AECA if they are aware that another member has or potentially has acted in contravention of the Code.

Fundamental principles

4. Integrity

- 4.1** The principle of integrity imposes an obligation on all members to be straightforward and honest in professional and business relationships. Integrity implies fair dealing and truthfulness. Integrity also implies intellectual honesty and the avoidance of conflict of interest where possible, and where it is not, full and upfront explanation of any conflicts of interest that may exist.



- 4.2** A member should not be associated with reports, communications or other information where they believe that the information:
- contains a materially false or misleading statement;
 - contains statements or information furnished recklessly; or
 - omits or obscures information required to be included where such omission or obscurity would be misleading.

5. Objectivity

- 5.1** The principle of objectivity imposes an obligation on all members not to compromise their professional or business judgement because of bias, conflict of interest or undue influence of others. Objectivity requires a member to consider the truthfulness of a situation, regardless of the impact upon themselves, a client or an education provider.
- 5.2** A member may be exposed to situations that may impair objectivity. It is impracticable to define and prescribe all such situations. Relationships that bias or unduly influence the professional judgement of the member should be avoided.

6. Professional Competence and Due Care

- 6.1** The principle of professional competence and due care imposes the following obligations on members:
- to maintain professional knowledge and skill at the level required to ensure that clients and education providers receive competent professional service;
 - to act diligently when providing professional services;
 - to be honest and upfront to a client and education provider if they do not possess required knowledge in regards to a specific issue and to seek such information or services from others to address this;
 - to refrain from portraying themselves or allowing another to portray that they possess skills, knowledge, accreditation or resources that they do not possess; and;
 - to refrain from making disparaging references or unsubstantiated comparisons to the work of others or denigrating another member.
- 6.2** A member should take steps to ensure that those working under the member's authority in a professional capacity have appropriate training and supervision.
- 6.3** Where appropriate, a member should make clients, education providers and other users of the professional services aware of limitations inherent in the services to



avoid the misinterpretation of an expression of opinion as an assertion of fact. Where external expertise has been sought, such expertise should be credited.

7. Confidentiality

- 7.1** The principle of confidentiality imposes an obligation on members to refrain from:
- a. disclosing outside the member's business, confidential information acquired as a result of professional and business relationships without proper and specific authority or unless there is a legal or professional right or duty to disclose; and
 - b. using confidential information acquired as a result of professional and business relationships to their personal advantage or the advantage of third parties.
- 7.2** A member should also maintain confidentiality of information disclosed by a prospective client or education provider.
- 7.3** A member should take all reasonable steps to ensure that staff under the member's control and persons from whom advice and assistance is obtained respect the member's duty of confidentiality.
- 7.4** The need to comply with the principle of confidentiality continues even after the end of a relationship between a member and a client or education provider.

8. Professional Behaviour

- 8.1** The principle of professional behaviour imposes an obligation on members to comply with relevant laws and regulations and avoid any action that may bring discredit to the industry. This includes actions that a reasonable and informed third party, having knowledge of all relevant information, would conclude negatively affects the good reputation of the industry.
- 8.2** A registered AECA member must conduct himself or herself in accordance with the prescribed Code of Practice.
- 8.3** AECA members agree to abide by a Code of Practice which directs that they must provide professional services to international student at very high standard that truly meets the established practices of Australian education providers and protects the interests of international students.



- 8.4** AECA's Code of Practice is based on the Australian Governments' Education Services for Overseas Students Act (ESOS Act) which makes Australian education providers accountable for the activities of their agents which directs that they must provide services to students in a manner which reflects the established practices of Australian education and training institutions and which safeguards the interests of prospective students on the other.
- 8.5** The AECA's Code of Practice requires that all its members provide competent, accurate, ethical and open and honest counselling and advice to international students in Australia in the following key areas:
- a. The financial requirements for living and study expenses to study in Australia;
 - b. Advice on all Student and Student dependent visa conditions;
 - c. The scholarships available to overseas students and its requirements;
 - d. Academic requirement for enrolment criteria, admission process, living arrangements, tuition fees and refund policies and;
 - e. Disclose in advance all fees and charges of the agent and the education provider and any hidden costs if any;
- 8.6** AECA members should not be involved in assistance to its client in making fake or bogus documents for the purpose of enrolment with an Australian education provider or visa application.
- 8.7** AECA members should not make negative comments about services provided by another specific member of AECA in public or at their work place with their clients or prospects.
- 8.8** Each member of AECA should communicate with another AECA member with courtesy and respect.

Note: Code of Practice will be displayed on the website of AECA, website of all members and in the waiting area of the members' office.

- 8.9** AECA members abide by a Code of Practice, which is displayed in their office. AECA members strictly agree to abide by all its Code of Practice and agree to have their membership with AECA suspended or cancelled if there is complaint from any stake holder and if they are found to be in breach of this Code of Practice.

9. Marketing

- 9.1** In marketing and promoting themselves and their work, members should not bring the industry into disrepute. Members should be honest and truthful and should not:



- a. make exaggerated claims for the services they are able to offer, the qualifications they possess, or experience they have gained; or
- b. make disparaging references or unsubstantiated comparisons to the work of others.

9.2 Specifically, such marketing, including advertising and solicitation must not:

- a. create false, misleading, deceptive or unjustified expectations of favourable results;
- b. imply the ability to influence any court, tribunal, regulatory agency or similar body or official;
- c. consist of self-laudatory statements that are not based on verifiable facts;
- d. make comparisons with other members or other education consultants that exploit, belittle or claim superiority over them;
- e. contain misrepresentations that are likely to cause damage to the business or goodwill of a competitor;
- f. portray people or depict material in a way that discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, sex, age, marital status, sexual preference, religion, disability or political belief;
- g. contain inappropriate language and strong or obscene language;
- h. contain testimonials, endorsements or any other representations that would likely to cause a reasonable person to misunderstand or be deceived; or
- i. make unjustified claims to be an expert or specialist in a particular field.

9.3 The office-bearers of AECA will not attempt to promote their own business interests by advertising the position they hold in AECA Executive Committee. Although they will represent themselves as the office-bearers of AECA in their dealings with various government departments, education providers etc, they cannot use their title in the promotional materials of the business they own or are associated with.

9.4 Strict disciplinary action will be considered where an advertisement is published and is found to be in breach or violation of AECA's advertisement policy and norms:

- a. All advertisements should not contain any false or deceptive or misleading information.
- b. All the members should follow principles of fairness, honesty and credibility. Australia's Education services for Overseas Students Act 2000 (the ESOS Act) and its National code give clear guidance on these matters such as transfer of provider, change of subclasses etc.
- c. All advertisements should be true to the facts, lawful and compliance with ESOS Act and its National Code.



- d. Any claims that cannot be backed up with an acceptable evidence like "Best" or "No.1", "100% success rate" should not be made in the advertisements.
- e. It is recommended to use AECA logos in all members' advertisements to promote AECA.
- f. An advertisement shall not involve any of the following:
 - i. Using the names and logos of any education provider who members don't have direct agency agreement with.
 - ii. Any education providers they advertise about are appropriately registered in Australia to deliver courses to overseas students.
 - iii. Using the words which guarantees visa, admission to universities, jobs, working, employment in Australia
 - iv. If the registered AECA member should not mention anything about visa and immigration assistance without providing MARA number in their advertisement.
- g. Their advertisement should not offer discounts in tuition fee, quote tuition fees on the advertisement other than the official fees of education provider.
- h. AECA members should not mention of Scholarships unless it is a genuine Scholarship offered by the education provider publicly on their websites and brochures or officially offered to AECA members.
- i. AECA members should not mention about services related to bank loans or financial documents on their marketing materials.
- j. Members may not engage in unfair competition of any form in their advertising activities.