SCOTS ALL SAINTS COLLEGE



INTERNATIONAL STUDENTS MARKETING POLICY

Sources of Obligation

Standard 1.1 of the National Code requires the Scots All Saints College to ensure that the marketing and promotion of its education services in connection with the recruitment of International Students or intending International Students, including through an Education Agent, is not false or misleading, and is consistent with the Australian Consumer Law (ACL).

Sections 18 and 29 in Schedule 2 of the Competition and Consumer Act 2010 (Cth) (the Australian Consumer Law) respectively prohibit the Scots All Saints College from, in trade or commerce, engaging in conduct that is misleading or deceptive or is likely to mislead or deceive, and from making false or misleading representations about its goods or services.

This applies to the Scots All Saints College when it is conducting its marketing and promotional activities, as well as its provision of educational services to International Students.

Any breach of Standard 1 may require enforcement action by the Commonwealth Department of Education, including sanctions for non-compliance.

Under Guideline 3.4 of the Guidelines for Approved School Providers Delivering Courses to Overseas Students, the Scots All Saints College must uphold the integrity and reputation of Australia's education industry by ensuring the marketing of their courses and services is not false or misleading.

Scots All Saints College's Policy

It is the Scots All Saints College's policy that when seeking to enter into written agreements with International Students or intending International Students, we are completely honest and accurate in our communications and do not provide any false or misleading information on:

- associations with any other providers, persons or organisations the Scots All Saints College has arrangements with for the delivery of the course in which the student intends to enrol or may apply to enrol
- any work-based training a student is required to undertake as part of the course
- any prerequisites – including English language proficiency – for entry to the course
- any information relevant to the Scots All Saints College, its courses or outcomes associated with those courses.

The Scots All Saints College will not:

- claim to commit to secure for the student, or on the student or intending student's behalf, a migration outcome from undertaking any course offered by the Scots All Saints College
- guarantee a successful education assessment outcome for the student or intending student.

This Policy is made available on the Scots All Saints College's website to demonstrate our commitment to transparent and truthful communications with potential International Students.

Australian Consumer Law Protections

The Scots All Saints College ensures that we abide by the provisions of the ACL and provide information to International Students and their parents/guardians about the consumer protections afforded to International Students.

The Scots All Saints College ensures that we do not:

- in trade or commerce, engage in conduct that is misleading or deceptive or is likely to mislead or deceive

- engage in unconscionable conduct
- have unfair contract terms within our contracts with International Students
- provide false or misleading representations about goods or services provided by the Scots All Saints College.

Definitions

Trade or Commerce

In "trade or commerce" refers to conduct, which in itself, has an aspect or element of activities or transactions which are commercial in nature: Concrete Construction v Nelson (1990) 169 CLR 594.

Under the ACL, transactions between the Scots All Saints College and International Students and their parents/guardians for the purposes of enrolment and tuition payments are dealings in trade or commerce.

Misleading or Deceptive Conduct

The ACL does not define the terms “misleading” or “deceptive”.

To determine what is misleading or deceptive conduct, a court will assess an action or omission by considering whether the overall conduct induces or is capable of inducing an ordinary person in the position of an International Student or intending International Student into error.

Unconscionable Conduct

The Australian Competition and Consumer Commission (ACCC) provides guidance on unconscionable conduct.

Unconscionable conduct is described as business behaviour that is harsh or oppressive and goes beyond commercial bargaining.

To be considered unconscionable, the conduct must be more than simply unfair – it must be against conscience as judged against the norms of society.

Unfair Contract Terms

The ACCC has provided guidance on the characteristics of unfair contract terms.

Common examples of unfair contract terms include terms that:

- enable one party (but not another) to avoid or limit their obligations under the contract
- enable one party (but not another) to terminate the contract
- penalise one party (but not another) for breaching or terminating the contract
- enable one party (but not another) to vary the terms of the contract.

In the context of International Students, unfair contract terms are terms that:

- cause a significant power imbalance between the International Student and the Scots All Saints College
- are not reasonably necessary to protect the legitimate interests of the Scots All Saints College
- would cause the International Student’s detriment (financial or non-financial) if the Scots All Saints College tried to enforce it
- are not transparent.

False or Misleading

The ACCC provides guidance on what is false or misleading. It is illegal for the Scots All Saints College to make representations that are incorrect or are likely to create a false impression.

This includes any representations in print, radio, television, social media or other advertising mediums, and includes any statement made by a person representing the Scots All Saints College.

Approval of Materials

Before any marketing or pre-enrolment materials are released by the Scots All Saints College, all marketing materials must be approved by the Head of College.

The Head of College must ensure that any statements made in the Scots All Saints College's marketing materials are not false or misleading.

CRICOS Requirements

The Scots All Saints College must include the Scots All Saints College's name, Scots All Saints College's CRICOS registration number (and the name of the CRICOS registered provider, if not the Scots All Saints College) on any written or online material that it distributes or makes publicly available for the purposes of:

- providing or offering to provide a course to an International Student
- inviting an International Student to undertake or apply for a course
- indicating it is able to provide a course to International Students.

It is the Scots All Saints College's policy that our registration number is permanently displayed in the footer of our public website.

It is a criminal offence under section 107 of the ESOS Act, with a penalty of imprisonment for six months, if a person fails to include the required information in any written or online materials.

Record Keeping

The Scots All Saints College maintains evidence of compliance with this policy by maintaining records of marketing and other materials used in relation to International Students. Records will be maintained in accordance with our Overseass Records Management and Retention Policy.

Discipline for Breach of Policy

Where a staff member or representative of the Scots All Saints College breaches this Policy, the Scots All Saints College may take disciplinary action.

CRICOS provider code: 02277K — course codes: Years 7-10 041315G | Years 11-12 041314J