



## Related Parties Policy

(OHAED) RP-POL-2025:1.0

<b>Purpose:</b>	Ohana Education Ltd is committed to conducting its business in accordance with the the Ohana Education Ltd Code of Conduct, Conflicts of Interest Policy and the principles of good governance to ensure that it complies with the government funding eligibility criteria in the <i>Education (Accreditation of Non-State Schools) Act 2017</i> .	
<b>Scope:</b>	Ohana Education Ltd Board members and staff.	
<b>Status:</b>	Approved	<b>Supersedes:</b> (ARC) RP-POL-2025:1.0
<b>Authorised by:</b>	Board Chair	<b>Date of Authorisation:</b> 1st Dec. 2025
<b>References:</b>	<ul style="list-style-type: none"><li>• <i>Education (Accreditation of Non-State Schools) Act 2017</i></li><li>• <i>Education (Accreditation of Non-State Schools) Regulations 2017</i></li></ul>	
<b>Review Date:</b>	Annually	<b>Next Review Date:</b> December 2026
<b>Policy Owner:</b>	Board	

### Statement of Purpose

Pursuant to the *Education (Accreditation of Non-State Schools) Act 2017 s10(c)*, to continue to be eligible for government funding, Ohana Education Ltd cannot enter into a “prohibited arrangement” in relation to the operation of Ohana Education Ltd. Ohana Education Ltd must ensure that it must have appropriate protocols in place for managing relationships with related parties.

### Definitions

For the purposes of this policy:

**Prohibited Arrangement** – A prohibited arrangement is a contract or arrangement in relation to an Ohana Education Ltd:

- entered into by Ohana Education Ltd ’s governing body or proposed governing body and another entity not dealing with each other at arm’s length; and
- that is not, or will not be, for the benefit of the Ohana Education Ltd.

A contract or arrangement is not, or will not be, for the benefit of Ohana Education Ltd if the contract or arrangement is for property, goods or services –

- at more than reasonable market value; or
- that is not required to advance the Ohana Education Ltd ’s philosophy and aims, as stated in the Ohana Education Ltd ’s statement of philosophy and aims.

*Education (Accreditation of Non-State Ohana Education Ltds) Act 2017 s8*

**Related Party** – An entity with which there is a direct or indirect connection between the Ohana Education Ltd governing body and that entity, that could reasonably be expected to compromise the independence of the governing body when making financial decisions.

*Education (Accreditation of Non-State Schools) Act 2017 s10(d)*

**Reasonable Market Value** - Reasonable market value can be broadly defined as the amount that a knowledgeable and willing third party would pay for a specific good or service in an arm's length transaction from the seller.

It is generally expected that a reasonable business person would seek to:

- a) maximise the price received for supplying property or services, taking into account their business strategy, economic and market circumstances and minimise the costs associated with acquiring property or services; and
- b) be adequately rewarded for any activities carried out.

**Related Party Transaction** - A Related Party Transaction is any transaction (other than a Prohibited Arrangement) between Ohana Education Ltd and a related party. The term Related Party Transaction, as used in this policy, is very broad and encompasses virtually all transactions or arrangements under which Ohana Education Ltd provides a financial benefit to a Related Party. In determining whether a transaction is a Related Party Transaction, a broad interpretation should be given to who is a Related Party and to the types of transactions which may be caught.

The following should be considered in assessing whether a transaction is a Related Party Transaction:

- a. Is the transaction or arrangement with a Related Party?
- b. Is there a financial benefit being received by the Related Party?

## **Policy Statement**

In order to ensure that Ohana Education Ltd conducts its business in accordance with the *Education (Accreditation of Non-State Schools) Act 2017*, its Code of Conduct, the Conflicts of Interest Policy and the principles of good governance, Ohana Education Ltd's policy is that:

- a. All contracts and arrangements with another entity in relation to the Ohana Education Ltd should be conducted on an arm's length basis;
- b. The process surrounding contracts, arrangements and transactions must be transparent and fully documented; and
- c. Board approval must be obtained for all Related Party Transactions and payments recognising that the Board can delegate this approval in respect of a class of transactions and on such terms and conditions as the Board sees fit.
- d. Ohana Education Ltd may reimburse Ohana Education Ltd governing body members for reasonable expenses incurred as a necessary part of conducting Ohana Education Ltd business, however reimbursed expenses should be supported by appropriate documentation. Members of Ohana Education Ltd governing body who also hold a paid role within the Ohana Education Ltd, such as the principal or a teacher, are to be remunerated

exclusively in relation to their employment within the Ohana Education Ltd and not their position on the Ohana Education Ltd governing body.

### **What is a Financial Benefit?**

The concept of 'financial benefit' is very wide and extends to advantages and benefits given indirectly through other entities, informal and non-binding arrangements and benefits other than for cash.

Transactions between Ohana Education Ltd and a Related Party for which reasonable remuneration has been approved in accordance with this policy is excluded from the definition of 'financial benefit'.

A financial benefit includes (but is not limited to) the following:

- a. a party providing finance or property to a Related Party;
- b. buying or leasing an asset from or selling an asset to a Related Party;
- c. supplying or receiving services from the Related Party;
- d. taking up or releasing an obligation of the Related Party; and
- e. provision of a direct or indirect benefit to the Related Party.

### **Review**

This policy will be reviewed annually, as appropriate, to take account of new laws and technology, changes to Ohana Education Ltd operations and practices and to make sure it remains appropriate to the changing environment.

### **Related Documents**

- Board Code of Conduct
- Staff Code of Conduct
- Related Parties Procedure
- Fraud and Corruption Control Policy
- Whistleblower Policy
- Corporations Act 2001