SKILLSNEST

Sourcing & Supply of Skilled Workers for Regional Australian Employers

Anti-Bribery and Corruption Policy

Prohibitions, thresholds, reporting obligations, and accountability framework governing bribery, corruption, facilitation payments, gifts, and conflicts of interest.

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Policy owner	Director, SkillsNest Pty Ltd
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Audience	All staff, directors, contractors, RMAs, overseas sourcing partners, supplier partners, employer clients
Associated docs	Ethical Recruitment Policy v1.0 · Gifts Register (operational document) · Whistleblower Procedure · Conflicts of Interest Register

This is a controlled document. Uncontrolled copies must not be circulated.

1. Purpose and Statement of Zero Tolerance

SkillsNest operates at the intersection of migration, employment and government decision-making. Every visa grant, DAMA endorsement, Labour Market Testing outcome, Standard Business Sponsorship approval, and Nomination decision is a government act. Government acts that can be influenced by money create bribery risk. This is the industry SkillsNest is in, and SkillsNest will not pretend otherwise.

SkillsNest has zero tolerance for bribery and corruption in any form, in any jurisdiction, by any person acting on SkillsNest's behalf. This is not a compliance posture adopted for appearances. It is a commercial, legal, and ethical necessity. The businesses that dominate this industry in the long run are the ones that do not cut corners with government officials, offshore partners, or employer clients. The businesses that do cut corners lose their licences, their contracts, their RMA registrations, and sometimes their liberty.

This Policy establishes what bribery and corruption mean in the specific context of SkillsNest's business, what conduct is prohibited, what thresholds apply to gifts and hospitality, what to do when facing a request for a bribe, and how to report concerns without fear of reprisal.

> **The headline commitment**
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> SkillsNest does not offer, promise, give, request, agree to receive, or accept any bribe or corrupt payment — in cash or in any other form — to or from any person, organisation, or government official, in Australia or overseas, for any purpose, including to win or retain business, to influence a government decision, or to speed up an administrative process.
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> This prohibition applies regardless of local custom or practice, the amount involved, whether it is described as a 'facilitation payment', 'commission', 'handling fee', 'gift', or any other label, and whether it is made directly or through a third party.

2. Scope

This Policy applies without exception to:

- **SkillsNest staff and directors:** all employees, officers and directors of SkillsNest Pty Ltd, wherever located and whatever their seniority.
- **Contractors and professional advisers:** all Registered Migration Agents, legal counsel, accountants, IT contractors and other persons engaged under contract to perform work for SkillsNest.
- **Overseas sourcing partners:** POEA-licensed agencies in the Philippines, NSDC/RA-registered agencies in India, and any other overseas recruitment intermediary engaged by SkillsNest.
- **Supplier and referral partners:** Registered Training Organisations, English-test providers, accommodation providers, settlement services, and any party who refers or is referred by SkillsNest in connection with any business engagement.
- **Employer clients:** Australian businesses engaging SkillsNest for sourcing, sponsorship, or offshore-staffing services, to the extent that they interact with government processes on SkillsNest's referral or facilitated by SkillsNest.

The Policy operates in every jurisdiction in which SkillsNest does business. Where local law in a source country imposes stronger anti-bribery standards, local law prevails. Where local law or practice permits conduct that this Policy prohibits, this Policy prevails and the relevant conduct is prohibited regardless of local custom.

> **Why local custom is not a defence**
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> A common rationalisation in cross-border recruitment is that small payments to government officials are 'just how things work' in certain countries. Under the Criminal Code Act 1995 (Cth) Division 70, it is a federal criminal offence for an Australian company or person connected with it to bribe a foreign public official — regardless of whether the payment is customary in that jurisdiction, regardless of the amount, and regardless of whether the purpose was to benefit SkillsNest or to benefit a candidate. The defence of 'it is minor' or 'everyone does it' does not exist in Australian law or in this Policy.

3. Legal Framework

SkillsNest's ABC obligations arise from a stack of intersecting Australian federal laws, international conventions, and migration-specific statutes. Every person to whom this Policy applies should understand the laws that underpin it. Ignorance of the law is not a defence to prosecution, and it is not a defence under this Policy.

3.1 Core criminal provisions

Legislation	Relevance to SkillsNest
Criminal Code Act 1995 (Cth) — Div. 141: Bribery of Commonwealth officials	Makes it a criminal offence to bribe a Commonwealth public official (including Department of Home Affairs officers, Australian Border Force officers, Fair Work Inspectors, OMARA staff). Up to 10 years' imprisonment.
Criminal Code Act 1995 (Cth) — Div. 142: Corrupting Benefits	Broader than Div.141 — captures benefits given to any public official with the intention of influencing them, even where no specific act is requested. Up to 10 years' imprisonment.
Criminal Code Act 1995 (Cth) — Div. 70: Foreign Bribery	Criminalises bribing foreign public officials — including POEA staff in the Philippines, Indian Ministry of External Affairs officials, Pacific government PALM scheme administrators, or any other overseas government officer. Up to 10 years' imprisonment and unlimited fines for corporations.
Migration Act 1958 (Cth) — s.245AR: Payment for visa sponsorship	A specific bribery-adjacent offence: asking for or receiving any benefit in return for sponsoring, nominating, or otherwise supporting a person's visa application. Criminal penalties + 240 penalty unit civil penalty per contravention (~$79,200). Also addressed in the Ethical Recruitment Policy.
Corporations Act 2001 (Cth) — s.184: Improper use of position	Criminal liability for a director or officer who uses their position dishonestly to gain an advantage or cause detriment. Applicable to any SkillsNest director who authorises or turns a blind eye to a corrupt payment.
Proceeds of Crime Act 2002 (Cth)	Assets derived from a criminal offence — including a bribery offence — are subject to confiscation. Property, bank accounts, and business assets may be frozen or forfeited.
State/territory ICAC and CCC legislation (NSW, SA, WA, QLD, VIC)	State anti-corruption commissions have jurisdiction over conduct involving state public officials (e.g. state WorkSafe inspectors, state licensing bodies). SkillsNest's regional employer focus means it interacts with multiple state government bodies.
Crimes Act 1900 (NSW) and equivalents	State fraud and corruption offences may apply concurrently with Commonwealth offences.

3.2 International frameworks

Australia is a signatory to the OECD Anti-Bribery Convention (Convention on Combating Bribery of Foreign Public Officials in International Business Transactions) and the United Nations Convention Against Corruption (UNCAC). These frameworks shape the interpretation of Division 70 of the Criminal Code and are reflected in AUSTRAC's financial intelligence and law enforcement cooperation with counterpart agencies in the Philippines, India and Pacific nations.

3.3 Interaction with the Ethical Recruitment Policy

The Ethical Recruitment Policy prohibits charging candidates for sponsorship-related events (Migration Act s.245AR). This Policy extends that prohibition to cover the full range of bribery and corruption risk across SkillsNest's operations. The two policies should be read together. Where there is any inconsistency, the more restrictive provision prevails.

4. Absolute Prohibitions

The following are prohibited without exception. There is no minimum-amount threshold, no local-custom exception, no commercial-necessity defence, and no authorisation that overrides these prohibitions. Any person who breaches them may face criminal prosecution, civil penalty, termination and reporting to regulators.

4.1 Bribing public officials — Australian

- Offering, promising, giving, or authorising any payment, gift, hospitality, or other benefit to any Australian Commonwealth, state or territory public official in connection with any government decision that affects SkillsNest's business or a candidate's visa or employment
- This includes, but is not limited to, Department of Home Affairs officers, Australian Border Force officers, Fair Work Inspectors, OMARA officers, Designated Area Migration Agreement administrators, Labour Hire Authority inspectors, state WorkSafe inspectors, ASQA officers, AHPRA registration officers, ACECQA assessment officers, and court or tribunal officers
- It includes conduct directed at an official's spouse, family member, or associate where the benefit is intended to influence the official

4.2 Bribing foreign public officials

- Offering, promising, giving, or authorising any payment, gift, or benefit to any foreign public official — including POEA staff in the Philippines, RA/MEA officers in India, Pacific Island government officers administering the PALM scheme, or any official of any foreign government — in order to obtain or retain business, to obtain an improper advantage, or to speed up a legitimate administrative process
- This applies to direct payments and to payments routed through a third party (a partner agency, an agent, a subcontractor, or any other intermediary)

4.3 Receiving bribes

- Soliciting, accepting, or agreeing to accept any financial advantage or other benefit from any person — government official, employer client, partner, candidate, or other — that is intended to, or could reasonably be seen to, influence SkillsNest's decisions or actions
- This includes undisclosed commissions, kickbacks, referral fees, or rebates from RTOs, accommodation providers, visa-fee processors, insurance providers, or any other supplier

4.4 Facilitation payments — zero tolerance

What is a facilitation payment, and why zero tolerance?

A facilitation payment is a small payment made to a government official to speed up a routine administrative action that the official would otherwise be required to do as part of their duties — for example, a payment to expedite a passport office, a police clearance, a POEA licence processing, or a port-of-entry formality.

In many countries in which SkillsNest's offshore partners operate, facilitation payments are de facto normal. They are not normal under Australian law. Division 70.2 of the Criminal Code Act 1995 explicitly states that a payment is not excused merely because it was made to expedite routine action. The OECD Anti-Bribery Convention, to which Australia is a signatory, calls for their elimination.

SkillsNest's position is that no facilitation payment, however small and however routine, is acceptable. This is not merely because they are illegal. It is because tolerating 'small' facilitation payments creates a culture in which larger corrupt payments follow, and because it exposes candidates — who depend on those government processes — to a system that is ultimately more unpredictable and less fair when payments replace due process.

If a government process in a source country cannot be completed without a facilitation payment, the sourcing operation in that country is suspended and escalated to the Director, who determines whether alternative processes exist or whether operations in that country should be wound down.

4.5 Corrupt conduct in migration-specific contexts

- Paying, arranging, or facilitating any payment to any person in connection with a Standard Business Sponsorship approval, Nomination approval, Labour Market Testing outcome, DAMA endorsement, visa grant, or any other migration-related government decision
- Providing, obtaining, or facilitating false or misleading information — including false Labour Market Testing evidence, false job descriptions, inflated salary figures, fabricated qualification documents, or fraudulent police clearances — in connection with any visa or labour agreement application
- Knowingly placing a candidate in a role that does not match the approved Nomination, or advising an employer to do so
- Introducing or receiving any gift, hospitality, or entertainment from a DAMA Designated Area Representative that goes beyond token courtesies and that could reasonably be seen to be intended to influence the endorsement decision

4.6 Private-sector bribery

- Offering or giving a kickback, rebate, or undisclosed commission to any employee, director, officer, agent, or representative of an employer client, in order to win or retain recruitment or sponsorship business or to obtain preferential treatment
- Soliciting or accepting any such payment or benefit from a supplier, subcontractor, or partner
- Giving gifts, entertainment, or hospitality to any employer contact that exceed the thresholds in Section 5 of this Policy, or that are given at times that could create, or give the appearance of creating, improper influence

5. Gifts, Hospitality, and Entertainment

Not all gifts and hospitality are corrupt. Reasonable, proportionate, transparent, and properly recorded hospitality is a normal part of business development. The risk is at the margins — where the value, timing, frequency, or recipient creates an actual or perceived obligation. This section sets thresholds and processes that keep SkillsNest on the right side of that line.

5.1 The test

Before giving or accepting any gift, hospitality, or entertainment, the person involved asks three questions:

1. Would I be comfortable if this were reported in a newspaper, described to a regulator, or disclosed to the Board? If not, do not proceed.
2. Is the value, timing, or circumstance of this gift such that a reasonable observer would conclude it was intended to influence a business decision? If yes, do not proceed.
3. Is this accurately recorded in the Gifts Register? If it has not been or cannot be, do not proceed.

5.2 Permitted — giving

Category	Threshold	Conditions
Promotional items (branded merchandise, small token gifts)	Up to $75 per item / per occasion	Openly branded with SkillsNest name; not cash or cash-equivalent; not given to government officials.
Business meals (working lunches, dinners)	Up to $150 per person per meal	For legitimate business discussion; not a government official's personal meal; paid by SkillsNest and receipted; recorded in Gifts Register.
Industry events, conferences, site visits	Reasonable ticket/registration cost, up to $400 per person	Attended by SkillsNest representative; open invitation (not exclusive to the recipient); business purpose documented.
Seasonal/celebratory gifts (employer clients only)	Up to $100 per recipient per calendar year	No cash, gift cards or vouchers; not government officials; approved by Director; recorded in Gifts Register.
Anything above thresholds	Requires Director pre-approval	Pre-approval in writing; recorded in Gifts Register with reason; automatically reviewed at next quarterly ABC review.

5.3 Permitted — receiving

Category	Threshold	Conditions
Token items (branded merchandise from employer clients / partners)	Up to $75	Declared to the Director within 5 business days; recorded in Gifts Register.
Business meals (paid by employer client or partner)	Up to $150 per person	Attended in course of legitimate business; declared within 5 business days; recorded.
Anything above thresholds	Must be declined or returned with a written explanation, OR approved by Director if declining would cause serious offence (e.g. a significant cultural gift in the Philippines or India)	If approved, recorded in Gifts Register; gift remains property of SkillsNest (held in the office); rationale documented.

5.4 Absolute prohibitions in gifts and hospitality

- Cash, cheques, gift cards, or any cash-equivalent gift — regardless of amount
- Any gift to or from a government official (Commonwealth, state, or foreign) beyond a nominal, openly branded promotional item worth no more than $20 — and only then where it is consistent with the official's own agency rules
- Any gift, benefit, or hospitality where the giver's purpose is, or could be perceived to be, to obtain or retain business or to influence a business or government decision
- Gifts that are sexual in nature, that demean the recipient, or that are otherwise inappropriate in a professional context
- Gifts given to a government official's family member, friend, or associate where the intention is to indirectly benefit the official
- Any gift or entertainment during an active procurement, tender, or contract-renewal process with the recipient

5.5 The Gifts Register

SkillsNest maintains a Gifts Register as an operational document, separate from this Policy. Every gift or item of hospitality given or received that has a value above $20, or that involves a government official of any value, must be recorded in the Gifts Register within five business days. The Register records:

- Date of gift or hospitality
- Nature of the gift or hospitality
- Estimated value
- Giver and recipient (names, organisations, and whether a public official is involved)
- Business justification
- Who approved it (Director sign-off for above-threshold items)

The Gifts Register is reviewed by the Director at each Quarterly ABC Review (Section 13). Any pattern that suggests systematic gift-giving for improper purposes is escalated to the Board.

6. Political Contributions and Charitable Donations

6.1 Political contributions

SkillsNest does not make donations — in cash or any other form — to any political party, candidate for political office, political campaign, or political action committee, in Australia or overseas. This prohibition applies regardless of the legitimate political opinions of the founders or any director.

Personal political donations made by individual founders or staff from their own funds are their private right as citizens. They are not relevant to this Policy provided they involve no SkillsNest resources and create no appearance that SkillsNest is seeking to influence government policy for business advantage.

Attendance at industry association events where political speakers are present is permitted and is not a political contribution. SkillsNest will not, however, pay for a private table at a political fundraiser, sponsor a party conference, or pay for advertising in party-affiliated publications.

6.2 Charitable donations

SkillsNest may make modest charitable donations (to Australian-registered charities or equivalent) as part of corporate social responsibility, provided:

- The donation is approved by the Director, documented, and reported to the Board at the next meeting
- The charity is not associated with any government official, employer client, or sourcing partner in a way that could give the appearance of an indirect benefit to that person
- The donation is not made at the specific request of a government official or as a condition of any government decision
- A receipt is obtained and the amount is reflected in SkillsNest's accounts without concealment

Charitable donations that are made in lieu of a prohibited direct payment to an official — a classic corruption mechanism — are prohibited with the same vigour as the direct payment.

7. Third Parties, Agents, and Offshore Partners

Most bribery involving Australian companies occurs not through direct payments but through intermediaries — agents, partners, joint-venture participants, and subcontractors who make payments on the company's behalf or who facilitate payments that the company then reimburses or ignores. This structure does not insulate SkillsNest from liability. Under Division 70.3 of the Criminal Code, a body corporate commits an offence if an employee, agent, or contractor engaged by it bribes a foreign public official, and the body corporate did not take adequate precautions to prevent it.

7.1 Anti-bribery due diligence on partners

Before engaging any third party — and particularly any overseas sourcing partner — SkillsNest conducts anti-bribery due diligence proportionate to the risk of the engagement:

- Verification of the partner's local licence and regulatory standing (POEA, MEA/RA, or equivalent)
- Adverse-media screening for bribery, corruption, trafficking, or labour exploitation
- Director and beneficial-ownership identification
- A questionnaire requiring the partner to confirm: (a) they have their own anti-bribery policy or acknowledge SkillsNest's; (b) they do not make facilitation payments in connection with SkillsNest engagements; (c) they have not been investigated or sanctioned for corruption; (d) they will not pay sub-agents without SkillsNest's written approval
- A reference check with at least one independent party who has worked with the partner in a similar capacity
- For higher-risk partners (see Section 7.3), a video walkthrough or site visit of operations

7.2 Mandatory contract clauses

Every third-party contract includes, as a minimum, the following anti-bribery provisions:

- A warranty that the partner has not and will not offer, give, request, or accept any bribe or facilitation payment in connection with the SkillsNest engagement
- An obligation to comply with SkillsNest's ABC Policy, attached as a schedule
- An obligation to maintain accurate records of all payments made in connection with the engagement
- An obligation to notify SkillsNest immediately of any bribery allegation, investigation, or government inquiry involving the partner
- A right of audit by SkillsNest or its nominated independent auditor
- Immediate termination for any proven or admitted breach, without liability to the partner
- An indemnity from the partner to SkillsNest for losses arising from the partner's corrupt conduct

7.3 Risk-based partner classification

Risk tier	Profile	Additional controls
High	Overseas sourcing partners in jurisdictions with high Transparency International CPI score of concern (Philippines CPI rank ~115/180; India ~96/180). Partners who interact with government document offices, police-clearance bureaus, or POEA processing on SkillsNest's behalf.	Annual onsite or video audit. ABC questionnaire completed annually. Individual payments above USD $500 reviewed by Director. No payment to sub-agents without prior written approval. Partner to certify annually no facilitation payments made.
Medium	Australian-based contractors (RMAs, lawyers) who interact with Department of Home Affairs, OMARA, Fair Work. RTOs holding government-funded places (CRICOS, VET Student Loans).	ABC clause in contract. Self-certification on engagement. Notification obligation on any government inquiry. Gifts register cross-check.
Lower	IT contractors, accommodation providers, English-test providers, settlement services with no government interaction in connection with SkillsNest.	ABC clause in contract. Standard due diligence (adverse-media check, director ID).

7.4 Suspicious payment structures — red flags

The following structures in a partner relationship are red flags that require immediate escalation to the Director and, where the Director is implicated, to the Chair of the Board:

- Requests to pay invoices in cash or to a different bank account from the contracted one
- Requests to split invoices or label payments as 'consulting fees', 'success fees', or 'facilitation' without a genuine description of services
- Unusual commission structures where part of the fee appears disproportionately large relative to the service described
- Payments requested through a third country that has no connection to the underlying service
- A partner who requests payment for services to government officials or 'expediting fees' in connection with processing of documents
- A partner who claims they need to 'handle' government contacts on SkillsNest's behalf without transparent explanation
- A partner who cannot or will not provide proper invoices or receipts

8. Conflicts of Interest

A conflict of interest exists when a person's private interests — financial, personal, or professional — could influence, or could reasonably be seen to influence, the decisions they make in their capacity at SkillsNest. Conflicts of interest are not automatically corrupt. Undisclosed conflicts are the problem. SkillsNest manages them through disclosure, documentation, and managed separation of decision-making.

8.1 What must be disclosed

Every director, staff member, and contractor discloses, at the commencement of engagement and as soon as a new conflict arises:

- Any financial interest — direct or through an associate — in an employer client, partner, RTO, or supplier of SkillsNest
- Any personal relationship (family, close friendship, romantic relationship) with an individual who is a decision-maker at an employer client, partner, or supplier
- Any directorship, shareholding, or beneficial interest in another recruitment, migration, or labour-hire business
- Any gift or benefit received from, or given to, an employer client, partner, candidate, or government official above the thresholds in Section 5
- Any outside employment or advisory role that could compete with SkillsNest or compromise the person's obligations to it
- Any prior employment by, or consulting engagement with, a government body that may be interacting with SkillsNest files (the 'revolving door' risk)

8.2 Conflicts of Interest Register

Disclosures are recorded in a Conflicts of Interest Register maintained by the Director. The Register records the nature of the conflict, the date disclosed, what management action was taken, and by whom. The Register is reviewed at each Quarterly ABC Review and is available to the Board on request.

8.3 Management of conflicts

Once disclosed, a conflict is managed by one of the following mechanisms, chosen proportionate to the risk:

- Recusal: the person steps back from the specific decision, file, or process to which the conflict is relevant
- Enhanced oversight: a second decision-maker (the Director, or where the Director is conflicted, the Board) reviews and approves the decision
- Disclosure to the counterparty: the conflicted relationship is disclosed to the employer client or candidate and their written acknowledgement is obtained

- Termination of the conflicting relationship: where the conflict cannot be managed, the person ceases the private relationship (e.g. resigns a directorship in a competing business)

8.4 RMA-specific conflicts

Conflicts of interest for Registered Migration Agents operating on SkillsNest files are governed additionally by the OMARA Code of Conduct (Migration Agents Code of Conduct Regulations 2021). The Code imposes specific disclosure obligations. These obligations are satisfied by the RMA's own conflict-of-interest framework, and compliance with the Code is a contractual requirement of the RMA's engagement with SkillsNest. The Code's requirements are not reduced or substituted by this Policy.

9. Accurate Books, Records, and Financial Controls

Bribery is often concealed through false accounting. Corrupt payments are described as 'consulting fees', 'commissions', 'marketing costs', or 'facilitation'. SkillsNest's financial controls are designed to prevent this, to detect it if it occurs, and to ensure that SkillsNest's books reflect reality.

9.1 Accurate recording

Every payment made by or on behalf of SkillsNest is recorded accurately in SkillsNest's accounting system, with:

- A genuine description of the purpose and the recipient
- A proper invoice or payment authority from the payee
- A receipt, where applicable
- Approval from the Director (or both directors, for amounts above $5,000)
- Correct GST treatment

Payments must not be described by a false or misleading label. If there is no genuine service behind a payment, the payment does not happen. If a partner cannot provide a proper tax invoice describing the services rendered, the payment is suspended until they can.

9.2 No off-book accounts

SkillsNest does not maintain any off-book accounts, petty-cash floats not reflected in the general ledger, or any other financial mechanism designed to conceal payments. All bank accounts held in SkillsNest's name or on its behalf are disclosed to and known by both directors.

9.3 Expense claims

Personal expense claims by staff and contractors are approved by the Director (or, for the Director's own expenses, by the second director). Claims must be supported by original receipts, must describe the genuine business purpose, and must not include any item that is prohibited under Section 4 or 5 of this Policy. Suspicious or unusually described expenses are escalated for review before payment.

9.4 Payment controls

- No payment above $5,000 is made from a single authority — both directors must approve
- No new payee is added to the payment system without Director approval and identity verification
- Payments to offshore partners are made in agreed currencies to contracted bank accounts only; any change-of-bank-account request triggers identity re-verification and a one-week processing hold
- SkillsNest does not make payments in cryptocurrency, prepaid cards, gift cards, or any other value instrument that obscures the recipient

- The annual accounts are prepared by an independent registered tax agent; any concern raised by the accountant about a payment or account entry is addressed by the Director in writing and the resolution documented

10. What to Do When Asked for a Bribe

The most important section of any ABC policy is often the most neglected: the practical guidance for the person on the front line who has just been asked for a payment they should not make. This section is written for that person.

The standard response to a bribe request

If you are asked to make a payment, provide a benefit, or do anything that you believe is, or might be, a bribe or facilitation payment — whether by a government official, a partner agency representative, an employer contact, or anyone else — follow these four steps:

1. Do not agree to anything on the spot. Say: 'I am not authorised to discuss that. I will need to check with my director before I can respond in any way.' This is always true and never gives offence.

2. Do not make any payment, commit to any benefit, or take any action in response to the request.

3. Report to the Director as soon as practical after the interaction — the same day where possible. Write down exactly what was said or communicated, by whom, when, and in what context.

4. The Director determines the response. Options include: declining the request and proceeding through proper channels; suspending the engagement with the official, partner, or employer; engaging a lawyer; reporting to the relevant authority.

10.1 Overseas contexts — when the system is broken

There will be situations where the only way to complete a legitimate administrative process (police clearance, document apostille, POEA processing) in a source country is to make a facilitation payment. In those situations, the right answer for SkillsNest is not to make the payment. The right answer is to report to the Director, document the situation, and consider whether to:

- Use a different authorised service provider who processes the same document without informal payments
- Accept a longer processing time through official channels
- Assist the candidate to process the document themselves through official channels, without SkillsNest as an intermediary
- Suspend sourcing operations in that jurisdiction pending a review of whether ethical sourcing is possible

10.2 Pressure from employer clients

Employer clients occasionally make suggestions that SkillsNest should 'do whatever it takes' to get a visa approved, or 'find a way around' a Labour Market Testing requirement. Such suggestions — even when framed as jokes or as commercial pressure — are addressed directly:

- SkillsNest staff explain, clearly and without apology, that the process is the process and that SkillsNest does not take shortcuts that involve government officials

- The Director is informed of the conversation
- If the employer client persists or makes a specific request for improper conduct, SkillsNest terminates the engagement

10.3 'It was just a gift'

A government official who accepts a gift and later makes a decision favourable to the giver may be the subject of criminal investigation regardless of the giver's intent. SkillsNest does not make gifts to government officials above the nominal promotional-item threshold in Section 5, precisely because 'it was just a gift' is not a defence once the gift has influenced a decision.

11. Reporting Concerns — Speak Up Without Fear

11.1 The obligation to report

Every person to whom this Policy applies has an obligation — not merely a right — to report any reasonable suspicion of bribery, corruption, facilitation payment, falsified records, or conflict of interest that has not been properly disclosed. Silence in the face of known or suspected wrongdoing is not neutral. It creates liability for the organisation and for the individual who stayed silent.

11.2 How to report

Concerns may be raised through any of the following channels, in order of preference for the nature of the concern:

- The Director — for any concern not involving the Director personally
- The second director or Chair of the Board — for concerns involving the Director
- SkillsNest's external lawyer — where the reporter believes internal channels are compromised
- External authorities — including the Australian Federal Police (Commonwealth bribery and foreign bribery), AUSTRAC (financial crime), the relevant state ICAC or CCC (state corruption), or the Australian Border Force / Department of Home Affairs (migration-related corruption) — at any time, without obligation to first report internally

Contact details for all internal reporting channels are published on SkillsNest's intranet and in the staff handbook. Contact details for external authorities are maintained on SkillsNest's website.

11.3 No retaliation — ever

Protected disclosure — the rule is absolute

Any person who reports a concern in good faith — even if the concern turns out to be unfounded — is protected from any form of retaliation: dismissal, demotion, reduction in pay, change of duties, intimidation, harassment, exclusion, or any other adverse treatment.

Retaliation against a person who reports a concern in good faith is itself a breach of this Policy and is grounds for termination of the retaliator's employment or engagement, regardless of that person's seniority.

SkillsNest is also subject to the whistleblower-protection regime of the Corporations Act 2001 (Cth) and the Taxation Administration Act 1953 (Cth), which provide statutory protections for eligible disclosures. The Whistleblower Procedure (a companion document) sets out those protections in detail.

11.4 Anonymous reporting

Where a person is uncomfortable reporting under their own name, anonymous reports may be submitted by post addressed to the Director or, where the Director is implicated, to the Chair of the

Board. Anonymous reports are investigated to the extent possible given the information provided. While SkillsNest cannot guarantee anonymity in all circumstances — particularly where external regulators become involved — it does not take steps to identify anonymous reporters.

11.5 What happens after a report

Every report triggers:

4. Acknowledgement within three business days (where the reporter is identifiable)
5. Appointment of an investigator who is independent of the subject matter — if the concern involves the Director, the investigator is an independent external person
6. Documented investigation, proportionate to the seriousness of the concern
7. A written outcome communicated to the reporter (where identifiable) within 30 business days, or an interim update where the matter is more complex
8. Where the concern is upheld: appropriate action, which may include termination, contract cancellation, self-reporting to regulators, repayment of any improper gain, and implementation of controls to prevent recurrence
9. Where the concern is not upheld: a record on file, and a review of whether the circumstances that gave rise to the concern should be addressed systemically

12. Migration and Visa Fraud — A Specific Category of Corruption

Visa and migration fraud is a distinct corruption category that deserves its own section, because it is the most direct reputational and legal risk for a business in SkillsNest's position. It encompasses bribery (influencing a government decision) but extends further to document fraud and misrepresentation.

12.1 What migration fraud includes

In the context of SkillsNest's business, migration fraud includes, without limitation:

- Fabricating or procuring fabricated qualification certificates, transcripts, reference letters, employment records, or police clearances
- Creating or presenting a false Labour Market Testing record — for example, evidence of job advertisements that were not genuinely placed, or applications that were not genuinely received
- Describing a role in a Nomination application in terms that do not accurately reflect the actual role the candidate will perform ('role inflation')
- Placing a candidate in a role materially different from the Nominated occupation after visa grant
- Overstating a candidate's skills, qualifications, experience, or English-language proficiency in documents submitted to the Department of Home Affairs
- Submitting a Nomination or visa application knowing the supporting employer has no genuine ongoing need for the role
- Assisting an employer to restructure an engagement to avoid labour-hire licensing obligations
- Creating the appearance of an independent employer-candidate relationship where the practical arrangement is a labour-hire arrangement not authorised under a labour agreement

12.2 The consequences

Migration and visa fraud exposes the candidate (whose visa may be cancelled and who may be barred from Australia), the employer (whose Standard Business Sponsorship may be revoked and who may face criminal prosecution), and SkillsNest (whose business may be shut down, whose directors may be personally prosecuted, and whose contracted RMAs may lose their registration). There is no version of this outcome that is good for anyone involved. The only durable protection is never to do it.

12.3 SkillsNest's obligations when fraud is discovered

If at any point SkillsNest becomes aware — or has reasonable grounds to believe — that a document submitted to the Department of Home Affairs or any other government body in connection with a

SkillsNest-facilitated engagement is fraudulent or materially misleading, the Director is notified immediately and takes legal advice on the obligation to self-report. SkillsNest does not continue to act on a file known to contain fraudulent material.

13. Governance, Training, and Accountability

13.1 Accountability

Role	ABC accountability
Board of Directors	Approve this Policy; receive the annual ABC Report; approve material amendments; act as alternative reporting channel for concerns involving the Director.
Director (Policy Owner)	Maintain and implement this Policy. Chair the Quarterly ABC Review. Sign off on above-threshold gifts and payments. Receive and investigate reports. Personally accountable for the adequacy of SkillsNest's ABC programme.
Director — Operations	Day-to-day ABC compliance: partner due diligence, contract clauses, Gifts Register, Conflicts Register, expense review, LMT documentation integrity.
Contracted RMAs	Comply with OMARA Code; disclose any approach from a government official that appears improper; not submit any document they believe to be fraudulent; report any ABC concern to SkillsNest as well as OMARA.
All staff and contractors	Read this Policy at commencement; complete annual training; report concerns; not make or accept any payment or gift that breaches this Policy without Director approval.

13.2 Training

All staff and contractors complete ABC induction training on commencement and annual refresher training thereafter. Training is scenario-based and covers: what bribery looks like in SkillsNest's specific context (immigration, offshore sourcing, DAMA endorsements, employer relationships), what a facilitation payment is and why it is prohibited, how to respond when asked for a payment, how to use the Gifts Register, and how to make a report. Completion is tracked and non-completion is escalated to the Director.

Overseas sourcing partners receive an ABC briefing pack on engagement and at annual contract renewal. The briefing is translated into Filipino (Tagalog) and Hindi where the partner's primary operational language warrants it.

13.3 Quarterly ABC Review

The Director chairs a Quarterly Anti-Bribery and Corruption Review with the following standing agenda:

- Reports received and their status (investigation outcome, action taken)
- Gifts Register review — any pattern, any above-threshold items requiring Board notification
- Conflicts of Interest Register review — any undisclosed or newly identified conflicts

- Partner compliance — any red flags from partner monitoring, any payment anomaly, any government inquiry involving a partner
- Books and records — any expense, payment, or accounting entry that the Director or accountant has queried
- Regulatory updates — any change to the Criminal Code, Migration Act, OMARA Code, or international ABC standards that affects SkillsNest's obligations
- Training completion status
- Recommended amendments to this Policy

13.4 Annual ABC Report

The Director prepares an Annual Anti-Bribery and Corruption Report for the Board at each year-end. The Report covers: the number and nature of reports received; investigation outcomes; Gifts Register and Conflicts Register summaries; partner audit findings; training completion; any regulatory contact or investigation involving SkillsNest; and any recommended changes to the programme. The Report is tabled at the Board's first meeting of the new financial year.

13.5 External assurance

From year two, SkillsNest commissions an annual independent review of its ABC programme, conducted by a suitably qualified legal or compliance practitioner who is not otherwise engaged by SkillsNest. The review covers: adequacy of this Policy against current legal requirements; effectiveness of the Gifts Register and Conflicts Register; quality of partner due diligence; and whether reported concerns were appropriately investigated and resolved. The review report is provided to the Board. A summary is incorporated into the Annual ABC Report.

13.6 Sanctions for breach

Breach of this Policy is treated as serious misconduct. Consequences are calibrated to the severity of the breach and the seniority of the person involved:

Severity	Potential consequences
Administrative or procedural breach (e.g. late Gifts Register entry, failure to seek prior approval for an above-threshold gift that was not otherwise corrupt)	Formal reminder; additional training; enhanced monitoring for 12 months.
Material breach (e.g. undisclosed conflict of interest affecting a business decision, acceptance of a gift above the threshold without disclosure,	Formal warning; suspension; termination of employment or contract; repayment of any gain; reporting to relevant regulator (OMARA, ASIC, Department of Home Affairs).

Severity	Potential consequences
payment of a facilitation payment without reporting)	
Serious or criminal breach (e.g. direct bribery of a public official, foreign bribery, authorising or concealing a corrupt payment, submitting or facilitating fraudulent migration documents)	Immediate suspension; termination; self-reporting to the Australian Federal Police, AUSTRAC, and/or Department of Home Affairs; full cooperation with any resulting criminal investigation.

SkillsNest will not indemnify any person for fines, penalties, or legal costs arising from deliberate corrupt conduct, regardless of whether that conduct was intended to benefit SkillsNest.

14. Definitions

Term	Meaning in this Policy
Bribe / Bribery	Offering, promising, giving, requesting, agreeing to receive, or accepting a financial or other advantage in order to induce or reward a person for improperly performing a function or activity, or for exercising influence in a decision.
Corruption	The misuse of entrusted power for private gain, including bribery, extortion, fraud, embezzlement, nepotism, and conflict of interest that is not properly managed.
Facilitation payment	A small payment (also called a 'grease payment') made to a government official to speed up a routine administrative process that the official has a legal duty to perform regardless. Prohibited under this Policy regardless of amount.
Public official (Australian)	A Commonwealth, state or territory public official as defined in s.130.1 of the Criminal Code Act 1995, including employees of government agencies, departmental officers, inspectors, tribunal members, and court officers.
Foreign public official	A person defined in s.70.1 of the Criminal Code Act 1995, including officials of foreign governments, foreign government enterprises, public international organisations, and candidates for foreign political office.
Conflict of interest	A situation in which a person's private interests (financial, personal, or professional) could influence, or could be seen to influence, the decisions they make on behalf of SkillsNest.
Gift	Any item of value given or received without full market-rate payment in exchange, including physical goods, hospitality, entertainment, travel, accommodation, discounts, or favours.
Migration fraud	Any deliberate misrepresentation or fabrication of documents, information, or circumstances in connection with a visa, sponsorship, nomination, or labour agreement application.
Associated person	Any person acting on behalf of SkillsNest — employee, director, contractor, partner, agent, or any other intermediary.
ABC	Anti-Bribery and Corruption — used as a shorthand throughout this Policy.

14.1 Legal references

- Criminal Code Act 1995 (Cth): Division 70 (foreign bribery), Division 141 (bribery of Commonwealth officials), Division 142 (corrupting benefits)
- Migration Act 1958 (Cth): s.245AR (payment for sponsorship-related event), s.493 (false or misleading information to the Minister)
- Migration Regulations 1994 (Cth): Regulation 2.87A (cost recovery from sponsored workers)
- Corporations Act 2001 (Cth): s.184 (criminal liability for improper use of position/information)

- Proceeds of Crime Act 2002 (Cth): confiscation of proceeds of offences
- AUSTRAC Anti-Money Laundering and Counter-Terrorism Financing Act 2006 (Cth): financial intelligence obligations
- NSW ICAC Act 1988 (NSW); Crime and Corruption Act 2001 (QLD); Independent Broad-based Anti-corruption Commission Act 2011 (VIC); Corruption, Crime and Misconduct Act 2003 (WA); Independent Commissioner Against Corruption Act 2012 (SA)
- OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (1997) — Australia is a signatory
- United Nations Convention Against Corruption (UNCAC) — Australia is a signatory
- Transparency International Corruption Perceptions Index — used to inform partner risk classification
- Corporations Act 2001 (Cth) and Taxation Administration Act 1953 (Cth): whistleblower protections

15. Acknowledgement

This page is to be signed by every person to whom this Policy applies — staff on commencement, contractors on engagement, offshore partners on contract execution, and employer clients on signing the engagement letter — and held on file by SkillsNest. Re-acknowledgement is required at each annual training and on any material amendment.

Acknowledgement

I confirm that I have read and understood the SkillsNest Anti-Bribery and Corruption Policy. I agree to comply with it in all my conduct for, or on behalf of, SkillsNest Pty Ltd. I understand that breach of this Policy — including offering, giving, soliciting, or accepting a bribe, making or authorising a facilitation payment, or failing to report a concern in good faith — may result in immediate termination of my employment or engagement, personal liability for criminal prosecution, and reporting to the relevant regulatory authority.

I also confirm that I am not currently aware of any actual or potential conflict of interest or any matter that should be reported under this Policy, except as separately disclosed to the Director in writing.

Name (printed):	**Role / Organisation:**
Signature:	**Date:**

— End of SkillsNest Anti-Bribery and Corruption Policy, Version 1.0 —