

What are my employment rights?

Am I being treated fairly at work?

Where do I go for help?



**employment
law**

2016

Annual Report

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Our Work

JobWatch is an Employment Rights Community Legal Centre providing assistance to Victorian workers about their employment and rights at work. We are an independent, not-for-profit organisation funded by Victoria Legal Aid and the Victorian and Federal Governments.

All JobWatch services are provided free to Victorian workers. JobWatch is an active member of the Federation of Community Legal Centres.

Our Services

Employment
Law
Publications

Telephone
Information
Service



Legal
Representation

Law Reform



Community
Legal
Education

Clinical
Legal
Education



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Our Vision

To improve the lives of workers—particularly those most disadvantaged—by informing, educating, advocating and campaigning for law reform and social change.

Our Mission

JobWatch aims to improve the quality of Victorian workers' lives and strives for a fair and just working environment for all Victorians.

Our People

Committee of Management

Frances O'Brien (SC), Chair
Dianne Cullen, Secretary
Terry McGann, Treasurer
Barney Cooney, Regular Member
Sandra Crabb, Regular Member
Elise Paynter, Regular Member

Office Staff

Zana Bytheway, Executive Director
Gabrielle Marchetti, Senior Lawyer
Ian Scott, Senior Lawyer
Fiona Warner, Lawyer
Melissa Favasuli, Lawyer/Administrative Officer
Carol Owen, Accountant

TIS Staff

Alan Hawkey
Geoff Charles

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Chair's Report

It is with pleasure that I present the JobWatch Annual Report 2015/2016.

JobWatch provides essential services to the Victorian community via the provision of employment law information, legal representation and law reform activity. There is much to report this year as the hard work of passionate and industrious staff, student interns and volunteers has yielded exceptional results in the assistance of vulnerable workers.

A highlight of the year has been the introduction of the Wednesday Night Telephone Information Service, made possible by a grant from the Collier Charitable Fund. The new after hours service has been well utilised, improving access to justice for the Victorian community by helping to minimise unmet demand for the service.

The legal practice has continued to do an exemplary job in assisting disadvantaged workers exercise their rights in 2015/2016. The case studies produced later in this report are a testament to their excellent work.

The legal practice also conducts community legal education including training, seminars, and the production of a variety of publications on employment law and workers' rights.

JobWatch has also continued to engage in law reform activity. In the 2015/2016 year JobWatch compiled submissions to:- both the Economic, Education, Jobs and Skills Committee and the Senate Education and Employment References Committee Inquiries into the portability of long service leave, the

Victorian Law Reform Commission (on the infiltration of organised crime groups into lawful occupations and industries), the Productivity Commission (on the Workplace Relations Framework Inquiry) and others listed later in this report. Through its submissions, JobWatch aims to inform and effect positive change and outcomes for disadvantaged Victorian workers.

I take the opportunity to thank my fellow Committee members who come from diverse backgrounds and each bring valuable perspectives and experience to their roles in addition to availing JobWatch of their commitment and time.

I would also like to thank Zana Bytheway, our long-serving Executive Director for her tenacity and strong leadership.

Many thanks also to JobWatch staff, interns and volunteers, who all contribute to the organisation in many different ways, each invaluable.



Fran O'Brien
JobWatch Chair

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Executive Director's Report

A year of unsurpassed productivity, JobWatch enhanced service delivery, attended to important housekeeping and developed new programs.

With the ongoing success of the JobWatch Student Intern/Volunteer Programs JobWatch once again exceeded its KPIs with the Telephone Information Service (TIS) responding to 10,000 calls for the year. The TIS delivery was further enhanced with the introduction of the Wednesday Night TIS in April 2016. Still in its formative stages, the Wednesday Night Service has enjoyed unprecedented success with the demand for the service increasing each month including a 500% increase in the first 2 months.

The introduction of the JobWatch Employment Rights Information App in February 2016 also provided Victorian workers with greater access to tailored workplace information through a question and answer format.

New programs have also been developed in partnership with community legal centres. JobWatch and Springvale Monash Legal Service provide a Duty Lawyer at the Fair Work Commission (FWC) as part of the FWC's Workplace Advice Clinic (WAC).

JobWatch, Study Melbourne and Inner Melbourne Community Legal are delivering the International Students Work Rights Legal Service providing free legal advice to international students for work related matters. Funded by the Victorian State

Government and administered by the Department of Economic Development, Jobs, Transport and Resources this service is a recognition of the particular needs of international students experiencing exploitation in the workplace.

JobWatch highlighted the prevalence of sexual harassment in the workplace at the annual National Association of Community Legal Centres (NACLC) conference utilizing its own database and case studies and welcomes the Australian Human Rights Commission (AHRC) survey of experiences of sexual assault and harassment at universities.

Domestic violence and the role of the workplace dominated the year with JobWatch succeeding in an unfair dismissal application to the Fair Work Commission.

- ◆ Our Client a skilled migrant worker worked for the same firm as her husband
- ◆ After an alleged incident of domestic violence, an Intervention Order was obtained by the police on behalf of our client
- ◆ Our client advised her employer of the existence of the Intervention Order
- ◆ The husband retained his employment
- ◆ Our client maintained that her employment was terminated
- ◆ JobWatch filed an Unfair Dismissal claim on behalf of its client
- ◆ The Fair Work Commission found that our client's employment was terminated
- ◆ The Fair Work Commission found there was no valid reason for her dismissal

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JobWatch recognises that the workplace has a key role to play in the protection and support of women affected by domestic violence and has made recommendations for the implementation of robust, effective workplace responses in its paper, *"Domestic and Family Violence and the Role of the Workplace"*.

Internally JobWatch attended to all important matters such as updating the JobWatch Inc Rules and signing off on the 2016 JobWatch Enterprise Agreement. Our indebtedness to Alastair Keith and Elise Paynter from Maddocks for their invaluable work on the Rules and Enterprise Agreement respectively.

I would like to express my gratitude to the Victorian State Government, Victoria Legal Aid, the Federal Government and the Office of the Fair Work Ombudsman for their continued funding and support as a result of which JobWatch remains a viable and sound organisation. Special thanks to the Collier Foundation for their financial contributions to the work of JobWatch.

Many thanks to our Chair Fran O'Brien and the JobWatch Committee of Management for

their invaluable experience and support.

I am of course deeply grateful for the outstanding work of JobWatch staff, never wavering from their commitment to the work of the organisation and aspiring to the highest standard of service delivery. A cohesive, hardworking team has ensured stability and a high level of productivity for another year.



Zana Bytheway
Executive Director

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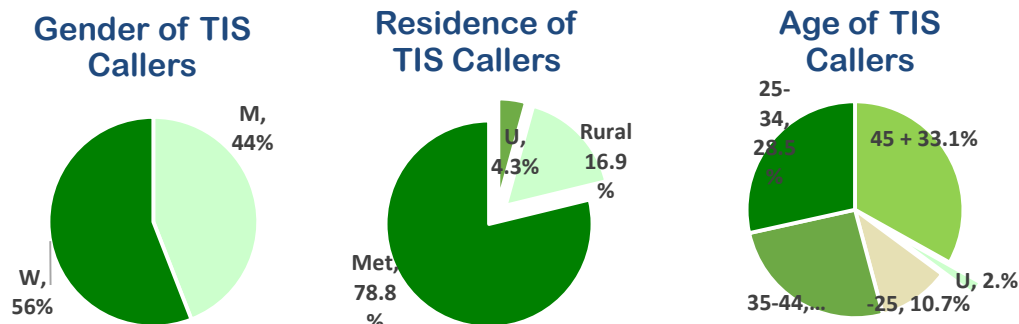
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Telephone Information Service (TIS) - Overview

The JobWatch Telephone Information Service (TIS) provides vital assistance to Victorian workers who encounter difficulties with their employment. There was a continued high level of demand for this service and access to the TIS remained difficult due to the funding shortfalls JobWatch has experienced since 2012.

However with the introduction and subsequent expansion of JobWatch Student Intern/Volunteer Programs, the number of callers assisted has steadily increased. This financial year we responded to 9,994 enquiries compared to 9,860 in the previous year.

Who's calling JobWatch?



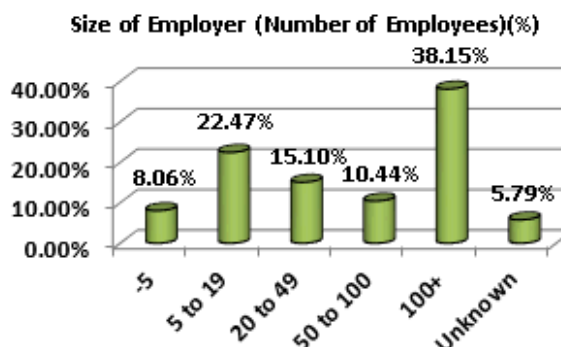
The gender, residence, and age of JobWatch callers are all comparable to the previous year.

Where our callers work

JobWatch callers are employed predominantly in Health & Community Services (14.60%), Retail Trade (13.34%), Property and Business Services (8.78%), Personal and Other Services (8.22%), and Accommodation, Cafes and Restaurants (7.54%). The most significant variances when compared to the previous year were: Property and Business Services (-1.27%), Retail Trade (+0.86%), Personal and Other Services (+0.70%), Accommodation, Cafes and Restaurants (+0.61%), Government Administration and Defence (-0.56) and Health and Community Services (+0.56).

Size of Employer

The percentages across all 'Size of Employer' categories are comparable to the previous year. Minor deviations are as follows: between 1 and 19 employees (+1%), between 20 and 100 employees (+0.41%), over 100 employees (-1.24%) and unknown (-0.16%).



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Employment Status

Overall, 78.21% of callers to JobWatch were employed on a permanent basis with 60.65% permanent full-time and 17.56% permanent part-time. A total of 13.56% of callers were employed on a casual basis. This data remains very similar to that reported in the last financial year.

Employment Status	%
Apprentice/Trainee	1.32
Casual Full-Time	4.86
Casual Part-Time	8.70
Fixed Term Contract	1.37
Fixed Term Contract (extended)	0.29
Independent Contractor	2.59
Job Seeker	0.99
Not Applicable	1.68
Permanent Full-Time	60.65
Permanent Part-Time	17.56
Total	100

Problem Type

The most prevalent problems affecting callers were: Unfair Dismissal (16.53%), General Protections Dispute (Termination) Claims (9.87%), Wage Issues (including Under/Non-Payment and Overpayment) (9.84%), Discrimination (various forms) (7.78%), Redundancy (7.09%) and Harassment (including Bullying and Sexual Harassment) (6.35%).

The reported percentages were reasonably comparative to the previous year with the largest variation occurring in the Discrimination problem type which fell by 1.42%.

Problem Type	%	Problem Type	%
Common Law Contract Issues	5.46	Notice Issues	2.98
Constructive Dismissal	3.13	Occupational Health and Safety	0.44
Discrimination	7.78	Other/Various (<1% = 39 categories)	5.88
General Inquiry	7.74	Redundancy Issues	7.09
General Protection (Non-Termination)	5.08	Resignation	1.29
General Protections (Termination)	9.87	Superannuation	1.1
Harassment Issues (Bullying. Also Includes Sexual Harassment)	6.35	Unfair Dismissal	16.53
Independent Contracting Arrangements	1.11	Wages Issues (Including Under/Non Payment and Overpayment)	9.84
Leave issues	2.1	Warnings/Procedural fairness	1.62
Maternity	0.74	WorkCover	2.15

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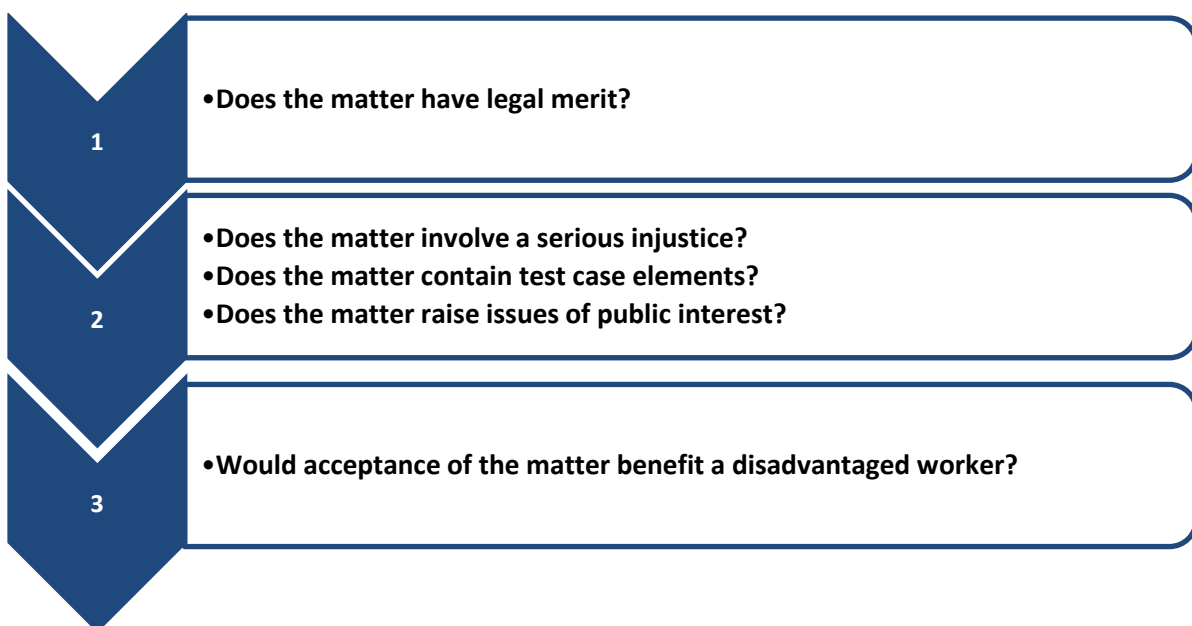
Our Legal Practice

JobWatch's Legal Practice has had a challenging but rewarding year managing a diverse caseload involving proceedings in courts and tribunals. In addition, the Legal Practice has participated in the Workplace Advice Clinic at the Fair Work Commission, a program run in conjunction with the Fair Work Commission and the Springvale Monash Legal Service. The Legal Practice has also operated the International Students Work Rights Legal Service in conjunction with the Study Melbourne Student Centre and Inner Melbourne Community Legal.

Beyond casework, JobWatch's lawyers are involved in training and supervising student interns and volunteers and delivering community legal education. Our lawyers are also engaged in law reform work and play an active role in delivering our TIS on a daily basis.

JobWatch's mission is to help disadvantaged Victorian workers. The Legal Practice broadly measures disadvantage by considering a range of factors including the person's income, their ability to speak English and their bargaining power.

Prior to opening a matter, our Legal Practice considers the following key questions:



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Legal Cases

Unfair Dismissal – *Fair Work Act 2009 (Cth)*

Our client, a young woman from rural Victoria with a learning disability, was working in retail under a disability employment scheme. Our client's employer alleged that it had overpaid her during her maternity leave totalling nearly \$10,000. Our client was unaware of the alleged overpayments until after they had ceased. The employer demanded our client either pay back the amount in full or work for free until the amount had been repaid. Our client did not have the financial capacity to do either.

The disability scheme our client was employed under meant she received reduced wages but the scheme ceased to apply when she turned 21 years old. The day after our client's 21st birthday, when she was due to return to work following maternity leave, she was dismissed for purported under-performance. Her manager stated that the employer could not afford to pay her the full rate of pay. Our client's performance was also negatively compared to that of an employee who had worked there for twenty years.

Jobwatch assisted our client in filing an unfair dismissal claim. Our client successfully negotiated for a Statement of Service and for the employer to give up its claim for the overpayments.

Unfair Dismissal – *Fair Work Act 2009 (Cth)*

Our client, a customer relations officer at an educational institution, was dismissed by his employer for serious misconduct. The employer alleged that our client intimidated a colleague.

Our client denied engaging in any conduct,

serious or otherwise which could justify dismissal and instead argued that the real reason for his dismissal was because he had taken a period of unpaid leave and because of negotiations in relation to his return to work.

Our client had taken approximately two years of unpaid leave in order to care for his terminally ill wife, who passed away during this period and to care for his very young son. Our client's health also deteriorated and he sought to extend his period of unpaid leave several times for all of these reasons.

After our client returned to work he noticed a shift in his relationship with his employer. It became evident to our client that his employer was no longer willing to accommodate his personal circumstances as the employer alleged that numerous complaints had been made about him and his conduct and performance, the final allegation being that for which he was dismissed.

On behalf of our client, JobWatch filed an Unfair Dismissal application at the Fair Work Commission and represented our client at conciliation where the matter did not settle. The matter settled just prior to hearing, following the filing of Outline of Submissions and Witness Statements. Our client received financial compensation, a Statement of Service and the classification of the termination as a resignation.

Breach of Contract

Our client was a migrant worker who was employed as a cook on a 457 visa. When he raised concerns with his employer about incorrect superannuation contributions, his employer told him that if he wanted to be sponsored and remain in Australia he would need to pay the employer. Our client continued working full-time hours but the employer stopped paying his regular wages.

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By July 2014, the employer was demanding that our client pay him \$35,000 to stay sponsored on the 457 visa.

Our client was subsequently dismissed and JobWatch assisted him to issue proceedings for non-payment of wages and superannuation, as well as a General Protections Dispute (Termination) Claim to challenge his dismissal.

The General Protections Dispute Claim was settled and the Terms of Settlement required the employer pay our client via an instalment plan. The employer failed to do this and JobWatch filed a complaint at the Victorian Magistrates' Court on behalf of our client. The employer paid the outstanding amount just before the Notice of Defence was due to be filed.

General Protections Dispute (Termination) Claim – *Fair Work Act 2009* (Cth)

Our client was employed on a maximum term contract for six months as a store manager of a lingerie store (which was part of a chain of stores across Australia).

Approximately five months into her contract, she attended a function along with all the other store managers, at which she alleged that an incident occurred involving the managing director, but she did not issue proceedings in relation to that incident.

Our client also alleged that there was another incident involving the managing director the next day, but again she did not issue legal proceedings in relation to that incident.

Following the second alleged incident, our client emailed the National Retail Manager to advise that she would not attend that evening's scheduled event because of the managing director's conduct.

The National Retail Manager emailed our client that evening saying that they would discuss the matter the following day but she made no further contact with our client until her contract expired almost a month later, when she wrote to our client to advise her that her contract would not be renewed.

Our client issued proceedings alleging, among other things, a breach of s.340 of the *Fair Work Act*. She argued that the employer took adverse action against her by dismissing her because she was notified of the non-renewal one day after the expiry of the contract, when she said she was working from home or, alternatively, by refusing to re-employ her because she exercised a workplace right to make a complaint which comprised of the email to the National Retail Manager.

Before the substantive proceedings went to trial, the employer made two separate summary dismissal applications. Both applications were dismissed.

The employer filed and served the affidavits of 11 witnesses. Ultimately, it relied on the evidence of nine witnesses.

O'Sullivan J found that our client's contract had expired on 25 May 2014 and that our client was not legally required to perform duties beyond that date and that her employment did not continue beyond that day and she was not dismissed.

His Honour did find that the employer's failure to re-employ our client (the adverse action) was for the substantive and operative reason that she had made a complaint (exercised a workplace right).

The employer argued that it was solely the National Retail Manager's decision not to re-employ the Applicant. Accordingly, his Honour

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needed to assess her state of mind. He found that her denial that she was motivated by any prohibited reason was not determinative. In assessing what actuated her decision, it was necessary to examine the circumstances surrounding the decision.

His Honour found the National Retail Manager's evidence "wanting and generally less convincing than the Applicant's." He found that our client's complaint was indeed a factor in the National Retail Manager's refusal to re-employ her. It was found that the employer did not discharge its onus of proving that our client's complaint was not a substantive and operative factor in the taking of adverse action. Our client was awarded \$32,050 (net) and \$10,000 in costs was awarded to JobWatch.

Unfair Dismissal – Fair Work Act 2009 (Cth)

Our client was employed as a casual employee in the business owned by her de facto partner.

One evening our client's partner assaulted her and threatened to kill her. Our client reported the assault to the police and an Intervention Order was taken out against her partner.

Our client felt unable to return to work following the assault as she was frightened of her partner. She was also unable to collect her unpaid wages as a result.

JobWatch filed an unfair dismissal application at the Fair Work Commission on behalf of our client. The matter settled at conciliation with our client receiving compensation and a Statement of Service.

Unfair Dismissal – Fair Work Act 2009 (Cth)

Our clients, a married couple in their late 50s, worked for the same employer for seven years. Our clients were both migrants and spoke English as a second language. The

employer hired a new manager who moved our clients' shifts three hours earlier in the day. They raised concerns with the new manager about this but their concerns were disregarded.

Over the next year, the new manager gave our clients a series of warnings for misconduct and provided them with limited opportunities to respond to the allegations made. The warnings culminated in one of our clients being suspended from work after he cautioned a younger colleague not to mishandle stock. When our client returned from suspension, both he and his wife were given warnings regarding the incident, despite his wife not being present or involved. The manager then continued to be verbally abusive and repeatedly assigned the couple to different duties outside their normal scope of employment.

Our clients wrote a letter to the owner of the company, outlining their concerns and asked their son to translate it into English. Our clients were then called into a meeting, without a translator and were summarily dismissed for making 'false accusations' of racial discrimination and theft of stock. Our clients' son indicated that it seemed like the manager had misinterpreted part of his translation as our clients did not intend to make any accusations and had only meant to discuss the situation.

Our clients had filed an unfair dismissal claim and had attended the conciliation with their son. A tentative offer was made and our clients came to JobWatch to confirm whether the offer was satisfactory.

JobWatch assisted our clients to negotiate a settlement including pay in lieu of notice, retrospective resignation, a statement of service and a positive reference for each.

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Our Resources

JobWatch produces a number of employment law related publications which are regularly updated to reflect relevant State or Federal legislative changes and changes to organisational names. At the end of the 2015/2016 financial year, the following information sheets and kits were freely available on our website (www.jobwatch.org.au).

- ◆ Casual Employment
- ◆ Constructive Dismissal
- ◆ Employment Contracts
- ◆ Employment Contracts: Changes to Existing Contracts
- ◆ Getting Paid and Payslips
- ◆ General Protections Dispute, Non-Termination Claim
- ◆ General Protections Dispute - Termination Claim
- ◆ Hazards of Door to Door Selling
- ◆ Independent Contracting Traps
- ◆ Making a Small Claim under the Fair Work Act 2009 – Self-Representation Kit
- ◆ Maternity Leave and Redundancy
- ◆ Medical Divulgence, During Employment
- ◆ Medical Divulgence, Pre-Employment
- ◆ Misleading Employment Advertising
- ◆ Modelling and Acting
- ◆ Notice of Termination
- ◆ Parental Leave
- ◆ Private Training Courses
- ◆ Redundancy and Retrenchment
- ◆ Sexual Harassment
- ◆ Social Media
- ◆ Superannuation
- ◆ Unpaid Trial Work
- ◆ Unfair Dismissal
- ◆ Unfair Dismissal - Conciliation Self-Representation Kit
- ◆ Unlawful Wage Deductions
- ◆ Warnings
- ◆ Working Overseas
- ◆ Workplace Bullying in Victoria











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Law Reform Work: Submissions

	Submission to the Economic, Education, Jobs and Skills Committee Inquiry into Portability of Long Service Leave Entitlements (August 2015).
	Submission to the Victorian Law Reform Commission – The Infiltration of Organised Crime Groups into Lawful Occupations and Industries (August 2015).
	2 nd Submission to the Productivity Commission – Workplace Relations Framework Inquiry (September 2015).
	Submission to the Australian Law Reform Commission – Traditional Rights & Freedoms – Encroachments by Commonwealth Laws (Interim Report 127) (September 2015).
	Submission to the Victorian Inquiry into the Labour Hire Industry and Insecure Work (November 2015).
	Submission to the Senate Education and Employment References Committee Inquiry into the Feasibility of Portability of Long Service Leave Entitlements (December 2015).
	Submission to the Senate Inquiry into the <i>Fair Work Amendment (Gender Pay Gap) Bill 2015</i> (February 2016).
	Submission to The Hon Brendan O'Connor MP in relation to the Private Member's Protecting Rights at Work Bill (March 2016).

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JobWatch Media Work

JobWatch continued to promote community awareness of important workplace issues through the media this year. Interviews and reports featured amongst other topics included domestic violence and the workplace, discrimination on the basis of pregnancy, underpayments and issues faced by migrant workers (including International Students).



Workplace Express /OHS Alert

- ◆ 'Employer wrong to remove domestic violence victim' - (24 July 2016)(re Ms Leyla Moghimi v Eliana Construction T/A Eliana Group [2015] FWC 4864 (23 July 2016))

Thompson Reuters

- ◆ Ms Leyla Moghimi v Eliana Construction T/A Eliana Group [2015] FWC 4864 (23 July 2016) (27 July 2016)

Workforce Daily

- ◆ Ms Leyla Moghimi v Eliana Construction T/A Eliana Group [2015] FWC 4864 (23 July 2016) (27 July 2016)

The Age

- ◆ 'Push to give equal opportunity watchdog more power to fight discrimination' – Farrah Tomazin (6 September 2015)
- ◆ 'Domestic Violence victim told 'keeping you both in the office is a no' – Cara Waters (27 November 2015)
- ◆ 'Victim of violence unfairly sacked' – Cara Waters (28 November 2015)

Herald Sun

- ◆ Interview regarding pregnancy discrimination – Sarah Marinos (9 October 2015)
- ◆ 'Melbourne woman beaten up, then sacked' - Susie O'Brien (28 November 2015)

CTLYST (Magazine of RMIT University Student Union)

- ◆ 'Bouncers or What They Can And Can't Get Away With' – Hugo Hodge (July 2015)

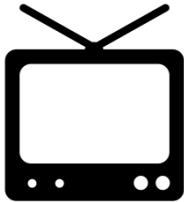
Law Institute of Victoria Journal

- ◆ 'Mentoring Q & A – Zana Bytheway' (September 2015)

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The Project

- ◆ Grill'd Burgers – Underpayments (27 July 2015)



774 ABC Radio

- ◆ Interview with Leon Compton in relation to Keenan v Leighton Boral Amey Joint Venture [2015] FWC 3156 (26 June 2015) (The matter involved an employee who was dismissed for poor behaviour at a Christmas party) (2 July 2015)
- ◆ Interview with Simon Lauder – 'Landmark Fair Work Ruling over family violence victim sacked after husband allegedly abused her' (25 July 2015)
- ◆ Interview regarding McDonalds underpayments (20 May 2016)
- ◆ Assistance with program regarding the exploitation of international students - Ann Arnold (May/June 2016)

SBS Radio (93.1 FM)

- ◆ Interview in relation to the NOMIT Forum regarding the employment rights issues of Italian migrant workers (27 April 2016)
- ◆ Interview in relation to the NOMIT Forum regarding the employment rights issues of Italian migrant workers (2 May 2016)

JobWatch also generated significant media in promotion of its Wednesday Night Telephone Information Service Pilot Program. Community Service Announcements were aired on television via Channel 31, radio via numerous community radio stations and advertisements were also placed in the public notices section of newspapers including the Herald Sun.

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Thank You

Organisations

JobWatch would like to thank the following people, organisations and businesses who have worked with us throughout the year to improve the quality of workers' lives, especially the most disadvantaged in the community.

- ◆ The Victorian Government – Department of Economic Development, Jobs, Transport & Resources
- ◆ Victoria Legal Aid
- ◆ Federal Government - Department of Employment
- ◆ The Office of the Fair Work Ombudsman
- ◆ Collier Charitable Fund
- ◆ Fair Work Commission
- ◆ Justice Connect
- ◆ University of Melbourne
- ◆ Monash University
- ◆ RMIT University
- ◆ Australian Catholic University
- ◆ Deakin University
- ◆ La Trobe University
- ◆ Study Melbourne Student Centre
- ◆ Finrea-IT Consultants
- ◆ MECU-Banking Institution
- ◆ Digital Bridge-Website development
- ◆ Springvale Monash Legal Service
- ◆ Inner Melbourne Community Legal
- ◆ Print, radio and T.V. media

Interns and Volunteers

JobWatch hosts student interns and volunteers, providing students with the opportunity to gain practical legal experience. Students assist on the TIS, with legal casework, research and administration. JobWatch would like to thank the following student interns and volunteers for their contributions during 2015/2016.

- | | | |
|--------------------|-------------------|-----------------------|
| ◆ Adrian Faelli | ◆ Anne Serrurier | ◆ Ayse Aldemir |
| ◆ Alexandra Roso | ◆ Annina Tropea | ◆ Bethany Willoughby |
| ◆ Alice Mikhman | ◆ Anthony Taylor | ◆ Bianca Chiodo |
| ◆ Alina El-Jawhari | ◆ Antonia Kalcina | ◆ Bridget Stafford |
| ◆ Andrea Tran | ◆ Aras Mollison | ◆ Caroline Mense |
| ◆ Andrew Rankin | ◆ Arthur Hambas | ◆ Christina Candiloro |
| ◆ Andrew Yau | ◆ Ashley Sherr | ◆ Cynthia Mercuri |
| ◆ Angus McKenzie | ◆ Avital Grossman | ◆ Dale Ayres |

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- | | | |
|-----------------------|--------------------------|---------------------------|
| ◆ Dan Tran | ◆ Juan-Patricio Villegas | ◆ Nicola Martin |
| ◆ Di Miao | ◆ Keenan Chiu | ◆ Nikola Stupar |
| ◆ Disha Kamal | ◆ Krisian Rodriguez | ◆ Oliver Wahlstrom-Schatt |
| ◆ Dominique Logan | ◆ Konrad Przybyszewski | ◆ Philippa Anstey |
| ◆ Ebtihal Ahmed | ◆ Leon Harper | ◆ Patrick Burke |
| ◆ Emma Swiatlo | ◆ Louisa Ashton | ◆ Pooja Khushalani |
| ◆ Erin Molan | ◆ Lucy Nihill | ◆ Raynal Kapadia |
| ◆ Erin Prout | ◆ Madeleine Barlow | ◆ Rebekah Smart |
| ◆ Euan Flett | ◆ Madeleine Ellwood | ◆ Riva Mounif |
| ◆ Ewa Lobaza | ◆ Madeline van | ◆ Ruby Curtin |
| ◆ Hannah Pelka-Caven | Wayenburg | ◆ Sarah Whelan |
| ◆ Hee-Sung Shin | ◆ Maria Korakas | ◆ Sasha Watkins |
| ◆ Holly Dennis | ◆ Maria Pham | ◆ Sean Carville |
| ◆ Jandre Ljubicic | ◆ Mark Gibson | ◆ Sophia Charles |
| ◆ Jasma Johnson-Singh | ◆ Matthew Capannolo | ◆ Stephanie Schuler |
| ◆ Jay Jeyabala | ◆ Matthew Cramer | ◆ Susian Teh |
| ◆ Jay Kim | ◆ Matthew Harper | ◆ Tania Arambage |
| ◆ Jenny Nguyen | ◆ Meghana Sharma | ◆ Tharindu Jayabuodi |
| ◆ Jenny Nguyen | ◆ Melinda Waduge | ◆ Thomas Hampel |
| ◆ Jenny Zhou | ◆ Melville Miranda | ◆ Thomas Pierce |
| ◆ Jessica Jane | ◆ Midhush Illesinghe | ◆ Todd Herskope |
| ◆ Jessica Voong | ◆ Mohammad Jafferri | ◆ Tonia Neal |
| ◆ Jigyasa Sharma | ◆ Morgan Zhou | ◆ Trevor Jones |
| ◆ Joanna Lau | ◆ Natasha Kandi | ◆ Ujjesha Singh |
| ◆ John Jacob | ◆ Nathan Di Vito | ◆ William McCann |
| ◆ John O'Hagan | ◆ Nathan Steinkoler | ◆ Xiaofang Ou |
| ◆ Jonathon Taylor | ◆ Nathan Van As | ◆ Yin Lim |
| ◆ Josephine Mammone | ◆ Nicholas Heng | ◆ Yeru Chen |
| ◆ Juliana Frizziero | ◆ Nicholas Phibbs | ◆ Zara Fasso-Opie |

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Financials – Audit Letter

Sean Denham & Associates Accountants & Auditors

INDEPENDENT AUDIT REPORT TO THE MEMBERS OF JOB WATCH INC.

Report on the Financial Report

We have audited the accompanying financial report, being a special purpose financial report, of Job Watch Inc., which comprises the assets and liabilities statement as at 30 June 2016, statement of cash flows as at 30 June 2016, and the income and expenditure statement for the year then ended, a summary of significant accounting policies, other explanatory notes and the statement by members of the committee.

Committee's Responsibility for the Financial Report

The committee of the association is responsible for the preparation and fair presentation of the financial report and has determined that the accounting policies described in Note 1 to the financial statement, which form part of the financial report, are appropriate to meet the requirements of the Associations Incorporation Reform Act 2012 (Vic) and are appropriate to meet the needs of the members. The committee's responsibilities also include establishing and maintaining internal control as the committee determines is necessary to enable the preparation and fair presentation of the financial that is free from material misstatement, whether due to fraud or error; selecting and applying appropriate accounting policies; and making accounting estimates that are reasonable in the circumstances.

Auditor's Responsibility

Our responsibility is to express an opinion on the financial report based on our audit. We have conducted our audit in accordance with Australian Auditing Standards. Those Auditing Standards require that we comply with relevant ethical requirements relating to audit engagements and plan and perform the audit to obtain reasonable assurance whether the financial report is free from material misstatement.

An audit involves performing procedures to obtain audit evidence about amounts and disclosures in the financial report. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial report, whether due to fraud or error. In making those assessments, the auditor considers internal control relevant to the association's preparation and fair presentation of the financial report that gives a true and fair view, in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by the committee, as well as evaluating the overall presentation of the financial report.

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We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Opinion

In our opinion, financial report gives a true and fair view of the financial position of Job Watch Inc. as at 30 June 2016 and its financial performance for the year then ended in accordance with the accounting policies described in Note 1 to the financial statements, and the Associations Incorporation Reform Act 2012 (Vic).

Basis of Accounting and Restriction on Distribution

Without modifying our opinion, we draw attention to Note 1 to the financial report, which describes the basis of accounting. The financial report has been prepared to assist Job Watch Inc. to meet the requirements of the Associations Incorporation Reform Act 2012 (Vic). As a result, the financial report may not be suitable for another purpose.



Sean Denham

Dated: 16th November 2016
Suite 1, 707 Mt Alexander Road
Moonee Ponds VIC 3039

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Financials – Income & Expenditure

JOB WATCH INC
ABN 74 615 132 361

INCOME AND EXPENDITURE STATEMENT FOR THE YEAR ENDED 30th JUNE 2016

	2016 \$	2015 \$
INCOME	Note	
Grants - Project Funds:		
DBI / VLA (State Funding)	452,679	389,317
OFWO (C'wealth Funding)	372,000	373,365
Miscellaneous Income	57,421	33,486
Interest	23,754	23,696
TOTAL INCOME	905,855	819,864
EXPENDITURE		
<u>Salary & On-Costs:</u>		
Salaries	338,549	229,976
Salaries - Salary Packaging	114,139	99,595
Salaries - Employee Meal Ent & Ent Facility Leasing Exps	72,030	67,994
Annual Leave Provision	25,228	6,622
Long Service Leave Provision	26,607	9,008
Superannuation	41,577	41,440
Workcover	6,576	9,240
Professional Development, Training & Seminars	492	1,220
Payroll Costs	939	826
Car Parking	3,818	3,818
	629,955	469,739
<u>Operating Expenses:</u>		
Accounting Fees	16,241	16,695
Audit Fees	2,700	2,700
Client Disbursements & Costs	391	4,875
Conferences (inc. Fees, Travel & Accom)	3,332	1,445
Consultants fees	3,450	7,280
Legal fees	37	-

The accompanying notes form part of these financial statements

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JOB WATCH INC
ABN 74 615 132 361

INCOME AND EXPENDITURE STATEMENT
FOR THE YEAR ENDED 30th JUNE 2016

	2016 \$	2015 \$
Depreciation	6,849	2,633
Equipment Repair	1,485	-
IT Support & Software	14,135	5,892
Insurances	3,017	1,034
Marketing & Promotion	3,472	789
Memberships	6,909	6,170
Photocopier Lease / Charges	6,302	7,995
Postage	-	366
Cab Charge	155	359
Rent & Outgoings	94,864	97,362
Library	741	1,267
Practice Certificates	757	2,178
Stationery & Office Supplies	8,869	6,646
Staff Amenities	8,389	3,536
Telephones	26,252	28,530
Donations	240	200
Assets Purchased / Disposed	-	1,214
	<u>208,586</u>	<u>199,166</u>
<u>TOTAL EXPENDITURE</u>	838,541	668,905
 Operating Profit / (Loss) before Income Tax	 67,313	 150,959
Income tax Expense	2 -	-
Operating Profit / (Loss) after Income Tax	67,313	150,959
 Retained Profits at the beginning of the Financial Year	 440,934	 289,975
 Retained Profits at the end of the Financial Year	 <u>508,247</u>	 <u>440,934</u>

The accompanying notes form part of these financial statements

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Financials – Assets & Liabilities

JOB WATCH INC ABN 74 615 132 361

ASSETS AND LIABILITIES STATEMENT FOR THE YEAR ENDED 30th JUNE 2016

	Note	2016 \$	2015 \$
CURRENT ASSETS			
Cash and cash equivalents	3	1,012,263	722,290
Trade and other receivables	4	12,452	9,455
TOTAL CURRENT ASSETS		<u>1,024,715</u>	<u>731,745</u>
NON CURRENT ASSETS			
Financial Assets	5	5	5
Property, plant and equipment	6	4,314	8,267
TOTAL NON CURRENT ASSETS		<u>4,319</u>	<u>8,272</u>
TOTAL ASSETS		<u>1,029,034</u>	<u>740,017</u>
CURRENT LIABILITIES			
Trade and other payables	7	166,631	43,227
Amounts Received in Advance	8	155,418	108,953
Provisions	9	184,242	137,284
TOTAL CURRENT LIABILITIES		<u>506,291</u>	<u>289,464</u>
NON CURRENT LIABILITIES			
Provisions	9	14,496	9,618
TOTAL NON CURRENT LIABILITIES		<u>14,496</u>	<u>9,618</u>
TOTAL LIABILITIES		<u>520,787</u>	<u>299,082</u>
NET ASSETS		<u>508,247</u>	<u>440,934</u>
MEMBERS' FUNDS			
Retained Profits	10	508,247	440,934
		<u>508,247</u>	<u>440,934</u>

The accompanying notes form part of these financial statements

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Financials – Statement of Cash Flows

JOB WATCH INC
ABN 74 615 132 361

STATEMENT OF CASH FLOWS **FOR THE YEAR ENDED 30th JUNE 2016**

	Note	2016 \$	2015 \$
Cash Flows From Operating Activities			
Receipts from Gov't Grants - recurrent		871,144	820,030
Receipts from Other Sources		57,421	33,486
Interest received		23,754	22,250
Payments to Suppliers and Employees		<u>(659,450)</u>	<u>(685,301)</u>
Net cash provided by (used in) operating activities	11	<u>292,869</u>	<u>190,465</u>
Cash Flows From Investing Activities			
Purchase of Property, plant and equipment		<u>(2,896)</u>	<u>-</u>
Net cash provided by (used) in investing activities		<u>(2,896)</u>	<u>-</u>
Net increase in cash held		289,973	190,465
Cash at the beginning of the financial year		<u>722,290</u>	<u>531,825</u>
Cash at the end of the financial year	3	<u><u>1,012,263</u></u>	<u><u>722,290</u></u>

The accompanying notes form part of these financial statements

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Financials – Notes to Accounts

JOB WATCH INC
ABN 74 615 132 361

NOTES TO AND FORMING PART OF THE ACCOUNTS FOR THE YEAR ENDED 30th JUNE 2016

Note 1: Statement of Significant Accounting Policies

This Special Purpose Financial Report, has been prepared in order to satisfy the financial reporting requirements of the Associations Incorporation Reform Act 2012 (Vic). The committee has determined that the association is not a reporting entity.

The Financial Reports have been prepared on an accruals basis, based on historical costs and have not taken into account changing money values or, except where specifically stated, current valuation of non-current assets.

The following significant accounting policies, which are consistent with the previous period unless otherwise stated, have been adopted in the preparation of this financial report.

a. Cash and Cash Equivalents

Cash and cash equivalents includes cash on hand, deposits held at call with banks and other short-term highly investment with original maturities of three months or less.

b. Income Tax

The Association is exempt from paying income tax by virtue of Section 50-45 of the Income Tax Assessment Act, 1997. Accordingly, tax effect accounting has not been adopted.

c. Property, Plant and Equipment

Leasehold improvements and office equipment are carried at cost less, where applicable, any accumulated depreciation.

The depreciable amount of all property, plant and equipment is depreciated over the useful lives of the assets to the Association commencing from the time the asset is held ready for use. Leasehold improvements are amortised over the shorter of either the unexpired period of the lease or the estimated useful lives of the improvements.

d. Employee Entitlements

Provision is made for the Association's liability for employee benefits arising from services rendered by employees to the end of the reporting period. Employee benefits have been measured at the amounts expected to be paid when the liability is settled.

Provision is made for the Association's liability for long service leave from commencement of employment.

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JOB WATCH INC
ABN 74 615 132 361

**NOTES TO AND FORMING PART OF THE ACCOUNTS
FOR THE YEAR ENDED 30th JUNE 2016**

Note 1: Statement of Significant Accounting Policies

e. Provisions

Provisions are recognised when the Association has a legal or constructive obligation, as a result of past events, for which it is probable that an outflow of economic benefits will result and that outflow can be reliably measured. Provisions are measured at the best estimate of the amounts required to settle the obligation at the end of the reporting period.

f. Impairment of Assets

At the end of each reporting period, the entity reviews the carrying values of its tangible and intangible assets to determine whether there is an indication that those assets have been impaired. If such an indication exists, the recoverable amount of the asset, being the higher of the asset's fair value less costs to sell and value in use, is compared to the asset's carrying value. Any excess of the asset's carrying value over its recoverable amount is recognised in the income and expenditure statement.

g. Revenue

Revenue is brought to account when received and to the extent that it relates to the subsequent period it is disclosed as a liability.

Grant Income

Grant income received, other than for specific purposes, is brought to account over the period to which the grant relates.

Deferred Income

Unspent grant income received in relation to specific projects and events is not brought to account as revenue in the current year but deferred as a liability in the financial statements until spent for the purpose received.

Capital Grants

Grant income received relating to the purchase of capital items is shown as Unamortised Capital Grant and brought to account over the expected life of the asset in proportion to the related depreciation charge.

Interest Revenue

Interest revenue is recognised using the effective interest rate method, which for floating rate financial assets is the rate inherent in the instrument.

Donations

Donation income is recognised when the entity obtains control over the funds which is generally at the time of receipt.

All revenue is stated net of the amount of goods and services tax (GST).

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JOB WATCH INC
ABN 74 615 132 361

**NOTES TO AND FORMING PART OF THE ACCOUNTS
FOR THE YEAR ENDED 30th JUNE 2016**

Note 1: Statement of Significant Accounting Policies

h. Goods and Services Tax (GST)

Revenues, expenses and assets are recognised net of the amount of GST, except where the amount of GST incurred is not recoverable from the Australian Taxation Office (ATO). Receivables and payables are stated inclusive of the amount of GST receivable or payable. The net amount of GST recoverable from, or payable to the ATO is included with other receivables or payables in the assets and liabilities statement.

i. Economic Dependence

Job Watch Inc. has recorded a surplus for this financial year. A surplus was achieved in the previous two financial year after experiencing significant losses in prior financial years due to reduced funding. The entity is dependent upon funding received from both the State and Federal Government's to operate. Funding is received from the Fair Work Ombudsman, (Commonwealth) and the funding is committed until 31 December 2016. The Victorian Legal Aid (State) current transitional funding is committed until 30 June 2017 and is applied for on an annual basis. The decision made by the Job Watch Inc. Committee of Management, in June 2013, to restructure the organisation has enabled it to continue to operate within the current funding limitations. The structure has been in effect since 1st November 2013 and no further reductions are planned.

j. Operating Lease Commitments

Being for rent of office at Level 10, 21 Victoria Street, Melbourne, 3000
The current property lease has been extended for a further 12 months, expiring on 31st July 2017.

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JOB WATCH INC
ABN 74 615 132 361

NOTES TO AND FORMING PART OF THE ACCOUNTS
FOR THE YEAR ENDED 30th JUNE 2016

	2016 \$	2015 \$
NOTE 2: Income Tax Expense		
Prima facie tax payable on operating profit before income tax at 30% (2015: 30%)	(28,106)	(60,384)
Less tax effect of:		
- Non taxable member income arising from principle of mutuality	28,106	60,384
Income Tax Expense	-	-
NOTE 3: Cash and Cash Equivalents		
Cash on Hand	500	500
Cash at Bank	1,011,763	721,790
	<u>1,012,263</u>	<u>722,290</u>
NOTE 4: Trade and Other Receivables		
Prepayments	6,785	3,788
Bond - Security Deposits	5,467	5,467
Cabcharge Bond	200	200
	<u>12,452</u>	<u>9,455</u>
NOTE 5: Financial Assets		
Shares - at cost	5	5
NOTE 6: Property, Plant and Equipment		
Computers - at Cost	53,956	52,559
Less: Accumulated Depreciation	50,391	44,292
	<u>3,564</u>	<u>8,267</u>
Furniture & Equipment - at Cost	129,971	128,471
Less: Accumulated Depreciation	129,221	128,471
	<u>750</u>	<u>-</u>
Total Property, Plant and Equipment	<u>4,314</u>	<u>8,267</u>

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JOB WATCH INC
ABN 74 615 132 361

NOTES TO AND FORMING PART OF THE ACCOUNTS
FOR THE YEAR ENDED 30th JUNE 2016

	2016 \$	2015 \$
NOTE 7: Trade and Other Payables		
Trade and Other Payables	29,357	8,554
Group Tax	2,418	2,158
Superannuation Payable	-	2,726
Accrued Expenses	134,838	15,274
Employee Deductions - Salary Packaging / Meal Ent.	-	-
GST Payable	17	14,515
	<u>166,631</u>	<u>43,227</u>
NOTE 8: Amounts Received In Advance		
Funding Grants in Advance - VLA*	135,418	108,953
Other Funding in Advance - Non Govt	20,000	-
	<u>155,418</u>	<u>108,953</u>
NOTE 9: Provisions		
Current		
Provision for Annual Leave	78,343	53,115
Provision for Long Service Leave	105,899	84,169
	<u>184,242</u>	<u>137,284</u>
Non Current		
Provision for Long Service Leave	14,496	9,618
	<u>14,496</u>	<u>9,618</u>
NOTE: 10 RETAINED PROFITS		
Opening Balance	440,934	289,975
Current year surplus	67,313	150,959
Closing Balance	<u>508,247</u>	<u>440,934</u>

* VLA Includes VLA ERO Extra of \$68,105 (2016: \$25,933, 2015:\$22,169, 2014:\$15,090, 2013: \$4,913) and VLA ERO State of \$31,874

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JOB WATCH INC
ABN 74 615 132 361

NOTES TO AND FORMING PART OF THE ACCOUNTS
FOR THE YEAR ENDED 30th JUNE 2016

	2016 \$	2015 \$
NOTE 11: Cash Flow Information		
Reconciliation of Cash Flow from Operations with Profit from ordinary activities		
Profit / (Loss) after Income Tax	67,313	150,959
Non-cash flows in operating profit:		
- Depreciation	6,849	-
Changes in Assets and Liabilities		
- Decrease / (increase) in Trade and other receivables	(2,999)	8,056
- Increase / (decrease) in Trade and other payables	123,405	27,322
- Increase / (decrease) in Amounts in advance	46,465	(26,035)
- Increase / (decrease) in Provisions	51,836	(90,074)
	<u>292,869</u>	<u>70,228</u>

NOTE 12: GOING CONCERN

The members of the Committee believe that the application of the going concern basis of accounting, is appropriate due to the expected cash flows and positive net assets of the association and through the ongoing support of members of the association.

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JOB WATCH INC
ABN 74 615 132 361

**STATEMENT BY MEMBERS OF THE COMMITTEE
FOR THE YEAR ENDED 30th JUNE 2016**

The Committee has determined that the association is not a reporting entity and that this Special Purpose Financial Report should be prepared in accordance with the accounting policies outlined in Note 1, to the financial statements.

In the opinion of the Committee the financial report as set out on pages 1 to 10:

1. Presents a true and fair view of the financial position of Job Watch Inc. as at 30th June 2016 and its performance for the year ended on that date.
2. At the date of this statement, there are reasonable grounds to believe that Job Watch Inc. will be able to pay its debts as and when they fall due.

This statement is made in accordance with Job Watch Inc. Rules of Association, and is signed for and on behalf of the Committee by:



Chairperson

9th November 2016

Dated:

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www.jobwatch.org.au

(03) 9662 1933 (Metro)
1800 331 617 (Regional)