

Am I being treated fairly at work?

What are my employment rights?

Where do I go for help?



**employment
law**



2017

Annual Report

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Our Work

JobWatch is an Employment Rights Community Legal Centre providing assistance to Victorian, Queensland and Tasmanian 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.

JobWatch services are provided free to Victorian, Queensland and Tasmanian workers. JobWatch is an active member of the Federation of Community Legal Centres and is accredited by the National Association of Community Legal Centres (NACLC).

Our Services

VICTORIA

Telephone Information Service
Legal Representation
Employment Law Publications
Lawapp
Community Legal Education
Self-Representation Assistance
Clinical Legal Education
Law Reform

QUEENSLAND

Telephone Information Service
Employment Law Publications
Lawapp
Self-Representation Assistance
Law Reform

TASMANIA

Telephone Information Service
Employment Law Publications
Lawapp
Self-Representation Assistance
Law Reform

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Our Vision

JobWatch is committed to improving the lives of workers, particularly those most disadvantaged—by advising, representing, informing, educating and empowering, advocating and campaigning for law reform and social change.

Our Mission

JobWatch aims to improve the working conditions and workplace outcomes for Victorian, Queensland and Tasmanian workers' and strives for a fair and just working environment for all Victorian, Queensland and Tasmanian workers.

Our People

Committee of Management

Sandrah Crabbe, Chair
Dianne Cullen, Deputy Chair
Terry McGann, Secretary
Adrian Chevalier, Treasurer
Barney Cooney, Regular Member
Elise Paynter, Regular Member
Joanna Fitch, Regular Member
Rosemary Shaw, Regular Member

Office Staff

Zana Bytheway, Executive Director
Gabrielle Marchetti, Senior Lawyer
Ian Scott, Senior Lawyer
Melissa Favasuli, Lawyer/Administrative Officer
Fiona Warner - Lawyer
John O'Hagan - Lawyer
Priscilla Tung, 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 2016-2017.

JobWatch provides essential services to Victorian, Queensland and Tasmanian workers via the provision of employment law information. Legal representation is also provided to Victorian workers. Additionally, JobWatch engages in community education and law reform activities.

JobWatch has produced phenomenal results over the last year as the hard work of skilled and dedicated staff, student interns and volunteers has come to fruition, assisting thousands of vulnerable workers in a multitude of different ways.

The main highlight of the year has been the extension of the JobWatch Telephone Information Service, along with website services, to Queensland and Tasmania in January 2017. A great deal of work was involved in the establishment and promotion of these extended services, all of which was done promptly and professionally extending the ambit of these excellent services to include thousands of additional workers in those states.

Further, the Wednesday Night Telephone Information Service has continued to be well utilised and provides an alternative for those who are unable to access assistance during business hours, improving access to justice by helping to minimise unmet demand for the service.

The legal practice has done a consummate job in assisting disadvantaged workers during 2016/2017, including the operation of the International Students Work Rights Legal Service at the Study Melbourne Student Centre and participation in the Workplace

Advice Clinic at the Fair Work Commission. 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.

I take the opportunity to thank my fellow Committee members for their time, commitment and invaluable contribution to the organisation. I also take the opportunity to formally welcome new members Adrian Chevalier, Rosemary Shaw and Joanna Fitch to the JobWatch Committee of Management.

I would also like to thank Zana Bytheway, our long-serving Executive Director for her strong and decisive management which continues to steer the organisation in a positive direction.

Many thanks also to JobWatch staff, interns and volunteers for their tireless commitment and invaluable contributions to the service. We all look forward to another productive year ahead, continuing to support vulnerable workers and advancing employment law rights.



Sandrah Crabb
JobWatch Chair

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Executive Director's Report

The 2016/2017 financial year was a very auspicious and eventful one for JobWatch.

I am most grateful for funding received from the Federal Government, via the Office of the Fair Work Ombudsman, which allowed JobWatch to expand its Telephone Information Service (TIS) and other online based services to workers in Queensland and Tasmania.

The expansion necessitated a great deal of work which included shoring up internal resources. This included the complex and time consuming implementation of sophisticated new telephone software and equipment of great importance to the longevity of the service.

A host of resources, including the JobWatch Manual, fact sheets, self-representation kits and the JobWatch Lawapp were also updated to take into account new users from Queensland and Tasmania.

Further, 3 workstations were created to accommodate additional interns to assist in meeting new caller demand as well as increased demand from students seeking to intern at JobWatch. We were delighted to host more interns this year than in previous years as demand continues to increase.

With the ongoing success of the JobWatch Student Intern/Volunteer Programs, JobWatch exceeded its TIS KPI very strongly with the TIS responding to 11,752 calls. The TIS service delivery was further enhanced with the continuation of the Wednesday Night Service.

The Legal Practice also emphatically exceeded its KPI, particularly as key programs, namely the International Students Work Rights Legal Service and the Fair Work Commission's Workplace Advice Clinic, continued to flourish. Legal practice case studies are outlined in this report highlighting their outstanding achievements. An example of a favourable outcome is embodied in the following case:-

JobWatch acted for J, a young international student from Colombia, who was employed by a telecommunications company. She was paid a flat rate of \$20 per hour to work as a web designer. J was owed more than \$7,000 in outstanding wages and superannuation entitlements.

After a co-worker posted a comment on the company's Facebook page complaining about not being paid his outstanding wages, the company director spoke in a loud voice on the phone in front of J and other employees, apparently giving orders to someone to "find that person and break his legs... I want you to video this. I also want you to find his wife and kid."

JobWatch filed an application in the small claims jurisdiction of the Federal Circuit Court of Australia seeking payments of outstanding entitlements and represented J at the hearing on 17 May 2017.

Judge McNab accepted J's evidence in support of her claim. He ordered that she be paid her Award entitlements to wages and superannuation. He noted that "[t]he allegations which I have found to be proven in relation to the conduct of the company and Mr Griffiths are very serious ones and indicate conduct which involves a scheme of exploiting vulnerable employees, in particular, reasonably young international students who are working in Australia subject to work

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restrictions on their visas. It would appear that the conduct is part of a business plan."

JobWatch highlighted a number of pertinent workplace issues in submissions produced over the last financial year. Superannuation, vulnerable workers, corporate avoidance of the Fair Work Act and modern slavery were amongst the topics covered.

I would like to express my gratitude to the Federal Government, the Office of the Fair Work Ombudsman, the Victorian State Government and Victoria Legal Aid for their continued funding and support as a result of which JobWatch remains a secure and financially viable organisation.

My gratitude to our Chair Sandrah Crabb and the entire JobWatch Committee of Management for their commitment, invaluable experience and support which is vital to the operation of the organisation.

I am of course incredibly thankful and proud of JobWatch staff for their outstanding work over the last year. A wealth of experience and passion guarantees the highest standard of service delivery year in and year out and we look forward to another exceptional year ahead.



Zana Bytheway
Executive Director

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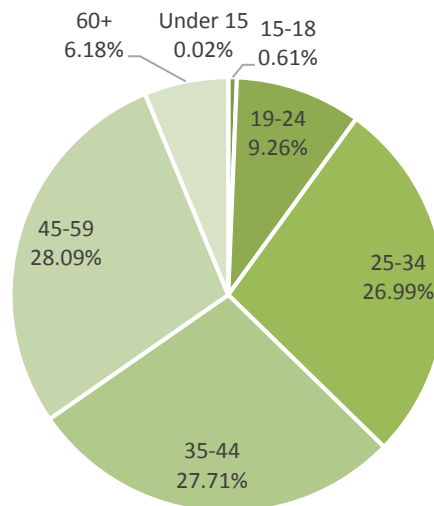
Where do I go for help?

Telephone Information Service (TIS) - Overview

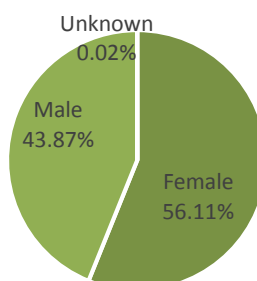
The JobWatch Telephone Information Service (TIS) provides vital assistance to Victorian, Queensland and Tasmanian workers who encounter difficulties with their employment. There was a continued high level of demand for this service, particularly given the expansion of the service into Queensland and Tasmania from January 2017. The number of caller responses increased over this financial year, rising from 9,994 responses to 11,754 responses.

Who's calling JobWatch?

Age of TIS Callers



Gender of TIS Callers

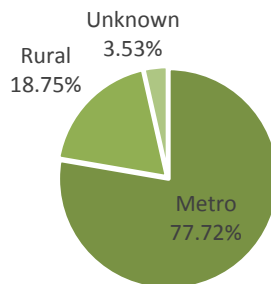


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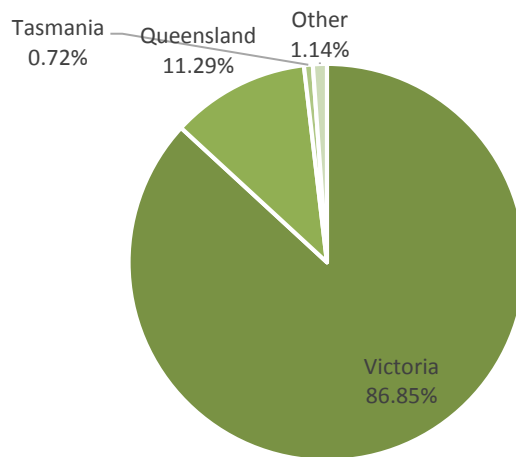
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Residence of TIS Callers - Victorian



Residence of TIS Callers - State



The gender and age of JobWatch callers are all comparable to the previous year. The residence of callers has altered compared to last year with the expansion of the TIS into Queensland and Tasmania.

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Where our callers work

JobWatch callers are employed predominantly in Health and Community Services (13.85%), Retail Trade (11.99%), Property and Business Services (7.27%), Transport and Storage (7.09%) and Accommodation, Cafes and Restaurants (7.06%). The most significant variances when compared to the previous year were: Other Services (+4.94%), Professional, Scientific and Technical Services (+3.66%), Property and Business Services (-1.51%), Personal and Other Services (-1.40%) and Retail Trade (-1.35%).

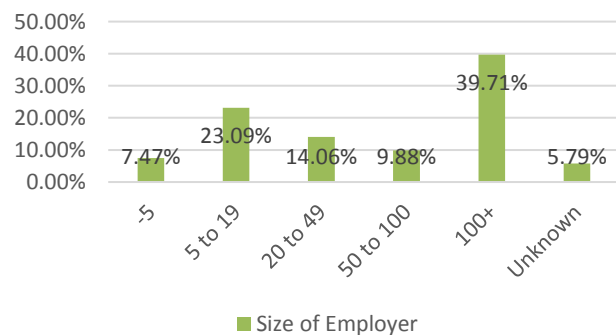
Top 5 Industries TIS Callers Work In



Size of Employer

The percentages across all 'Size of Employer' categories are comparable to the previous year. Minor deviations are as follows: less than 5 employees (-0.59%), between 5 and 19 employees (+0.62%), between 20 and 49 employees (-1.04%), between 50 and 100 employees (-0.56%), 100+ employees (+1.56%).

Size of Employer



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Employment Status

Overall, 76.44% of callers to JobWatch were employed on a permanent basis with 58.84% permanent full-time and 17.60% permanent part-time. A total of 13.87% 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	5.05
Casual Part-Time	8.82
Fixed Term Contract	1.92
Fixed Term Contract (extended)	0.22
Independent Contractor	2.62
Job Seeker	0.97
Not Applicable	1.51
Permanent Full-Time	58.84
Permanent Part-Time	17.60
Unknown	1.13
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	6.02	Notice Issues	2.43
Constructive Dismissal	3.66	Occupational Health and Safety	0.35
Discrimination	8.18	Other/Various (<1% = 39 categories)	8.48
General Inquiry	6.02	Redundancy Issues	6.08
General Protection (Non-Termination)	5.24	Resignation	1.36
General Protections (Termination)	9.11	Superannuation	1.00
Harassment Issues (Bullying. Also Includes Sexual Harassment)	6.56	Unfair Dismissal	15.95
Independent Contracting Arrangements	1.15	Wages Issues (Including Under/Non Payment and Overpayment)	10.40
Leave issues	2.31	Warnings/Procedural fairness	1.62
Maternity	1.02	WorkCover	2.49

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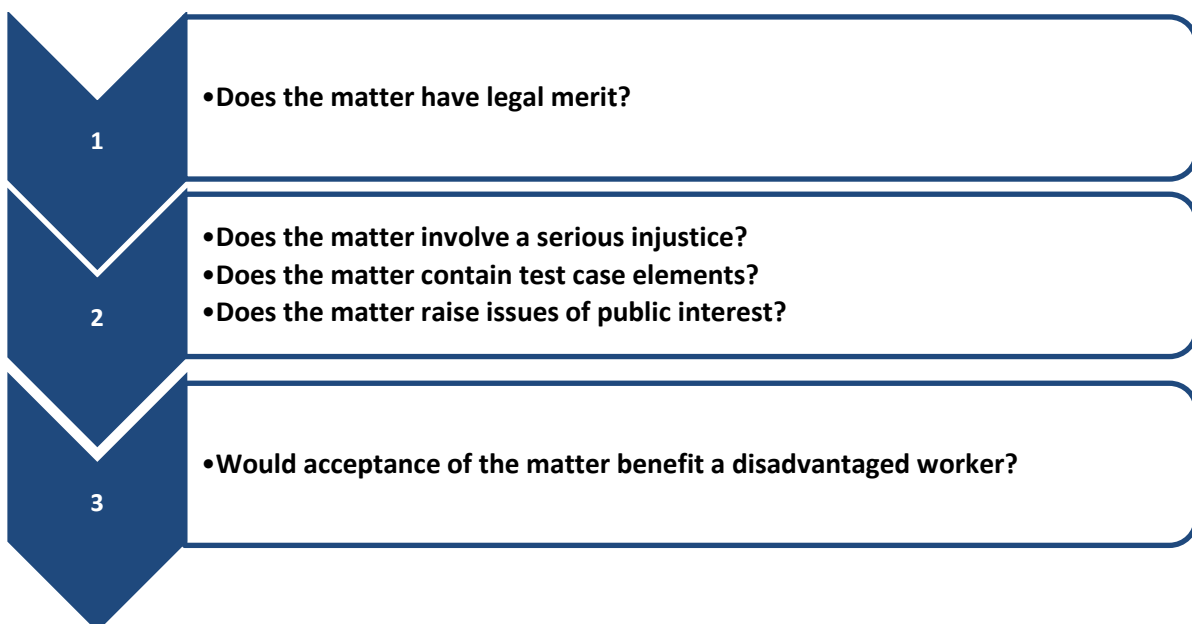
Our Legal Practice

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.

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 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

Underpayments & systemic exploitation

Our client was an international student who found an advertisement in a Japanese newspaper for a job picking strawberries on a farm. The advertisement also offered accommodation in a share-house on the farm for a weekly fee and initial deposit. The advertisement clearly stated that 3 or 4 people would share each bedroom. However, there were 6 people in the first bedroom, 6 in the 2nd bedroom, and 10 in the 3rd.

Our client signed a basic contract with the landlord, but not with the farm. It's possible that the landlord was a labour hire operator and supplied workers to the farm(s). Our client worked for one week at the same farm and was paid \$2.50 for each kilogram of strawberries picked on a cash-in-hand basis.

The farm supervisor drove the workers to the farm each day. Our client and the other workers had to pay a daily fee for being driven to and from the farm. Our client did not receive payslips, a payment summary, or any superannuation contributions. Our client was only given breaks on two of the days she worked.

Our client quit after working at the strawberry farm for one week. The landlord took \$50 from our client's bond.

JobWatch is investigating the identities of the landlord and the farm owners with a view to recovering our client's wages and bond money and ascertaining any systemic exploitation.

General Protections Dispute (Termination) Claim – *Fair Work Act 2009* (Cth) / Extension of Time / Conference

Our client attended the Workplace Advisory Clinic (WAC) that JobWatch runs at the Fair Work Commission every Wednesday. Our client, a non-English speaking Filipino Citizen, 43 years of age with a wife and 6 children all of school age in the Philippines, was the only breadwinner for his family.

Our client commenced working in the construction industry for his employer who brought him to Australia as his sponsor on a subclass 457 visa.

A few months after our client started work, he attended a union induction. At the induction, the Union representative asked our client about his pay and whether he wanted to join the Union. Our client told the Union representative his pay rate and showed him a payslip. The Union representative asked the employer why our client was being paid less than that required by the enterprise agreement. The employer then approached our client and asked him why he showed his payslip to the Union. The employer was angry and told our client to report to the office where he informed our client that he would be buying him a ticket to return to the Philippines because he had talked to the Union about his wages. Our client begged to keep his job but his employment was terminated.

Our client was referred to the Fair Work Commission who arranged an appointment with JobWatch at the Workplace Advice Clinic. Our client had missed the 21 day time limit for filing his General Protections application at FWC.

JobWatch completed his General

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Protections application and filed it immediately. The employer made a jurisdictional objection on the basis that our client's application was out of time and the matter was listed for a jurisdictional hearing.

JobWatch drafted our client's witness statement and submissions as to law and represented our client at the Jurisdictional Hearing with the assistance of counsel obtained via Justice Connect. Our client was successful at the Jurisdictional Hearing and obtained an extension of time to file his General Protections claim.

The matter was then listed for mandatory conference. JobWatch represented our client at the conference and the matter settled confidentially in our client's favour.

Unfair Dismissal– *Fair Work Act 2009 (Cth)* & Underpayment of Wages

Our client was a young migrant worker from Italy. In 2015 he was offered a job as a landscape gardener under a 457 visa. The employer required our client to sign a contract for wages of \$50,000 per year, but openly told him that this figure was only in the contract in order to satisfy the requirements of the visa. His real rate of pay was to be much lower.

Our client felt that this was unfair and that he should be entitled to what was stated in the contract, but he desperately needed a job and did not understand Australian law. He did not feel that he was in a position to argue the point, and signed the contract.

More than a year later, our client's relationship with his employer had deteriorated and he was dismissed. He approached JobWatch, and was given

assistance with a successful Unfair Dismissal claim.

JobWatch also successfully assisted our client in claiming the amount owed under the Contract in the Federal Circuit Court.

Long Service Leave Entitlement

Our client was in her late 60s, and retired in 2015 after more than 20 years working in an aged care facility. She was shocked to discover that her employer had paid her only about half of what she had expected for her long service leave (LSL) entitlements. Despite having paid LSL according to the applicable award in the past, the employer was now relying on what they claimed was a loophole in the award.

Our client did not understand the technical arguments her employer was making, but felt cheated and betrayed by an employer whom she had served loyally for so many years.

JobWatch took on our client's case, which depended on the interpretation of a single clause in the historical award which was the key to our client's long service leave entitlement. After researching the origins of the clause in awards dating back to the 1960s and consulting with the Fair Work Ombudsman, JobWatch was confident it had a good argument against the employer and recently filed her claim in the Federal Circuit Court to recover our client's entitlement.

Modern Slavery & Exploitation

Our client was a primary school teacher in a village in Papua New Guinea (PNG). From the late 1990s, the village became the scene of "trouble fights" – ongoing revenge assaults and killings, often involving family rivalries. Due to our client's position at school, he was

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threatened and believed he was at risk of becoming a target. Increasingly in fear for his life, he moved to Port Moresby and looked for work there.

In Port Moresby he met an Indian man who offered to provide him with work in Australia, visa sponsorship, travel costs and enrolment in a TAFE course in exchange for work on a banana farm in North Queensland. Our client travelled to Australia on a three month tourist visa and was taught how to operate the farm machinery and perform the other tasks required.

Our client worked on the farm from 6am to 6pm daily. He was never paid a cent for his work. For most of the time he was alone on the farm and he was very isolated. He had no idea about his geographical location and no access to transportation. Once he walked for several hours to the nearest town to discover that he was near Innisfail in North Queensland. The manager of the farm was very angry when he found out about this and threatened to send our client back to PNG if he left the farm again.

When our client requested payment, he was driven to the TAFE in the nearest town and promised that his wages were being put towards his TAFE fees.

Our client's visa expired and he returned to PNG but he was soon granted another tourist visa so he returned to work on the farm for a second time in June 2011. Towards the end of his second stay, he again asked about his payment of wages. This time he was given \$300 in cash. He was also promised that he could enrol in a TAFE course on his next trip to Australia. Our client realised that he would not be paid and that he had in fact been lured to work on the farm on the basis of a false promise.

Instead of returning to PNG, our client stayed in Australia and, in September 2011 he began working for two labour-hire contractors in Mildura. He only knew them by their first names. He was given \$30 to buy food and then taken to a farm house where he stayed with many other workers.

Between November 2011 and January 2013, our client worked on approximately 11 farms in/around Mildura. The labour hire providers usually called our client and the others daily to confirm where they would be working the next day and they would drive them to the farms.

Our client was paid \$12-13 per hour but then amounts were deducted for food, fuel for transport to work and accommodation. He was left with approximately \$60-70 per week. Our client believes that at least two checks were done by law enforcement agencies while he was working on the farms around Mildura. The workers were all woken up in the early hours (2:00 am) of the morning told to hide or they were driven around until the next afternoon to avoid being found.

JobWatch assisted our client in making a complaint to the Fair Work Ombudsman in 2016.

In 2016 our client was notified that the Indian man who had lured him to come to Australia was jailed in Queensland for breaches of the Migration Act. As far as we know, that man was never charged with any slavery-related offences in the Cth Criminal Code Act.

Underpayment of Wages & WorkCover Claim

JobWatch advised and represented a young South American man with very limited English who worked as a cleaner through a labour hire provider. He worked at night and over

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the weekends and was paid a flat rate of \$16 per hour on a cash- in- hand basis.

Our client suffered a serious workplace injury and was accompanied to see a doctor by his supervisor. Before the medical examination took place our client was told by the supervisor to take off his work uniform and tell the doctor that he had sustained the injury at home.

JobWatch assisted our client with a WorkCover claim, which was eventually accepted and enabled him to cover his medical expenses and be compensated for his time out of work.

We also negotiated with the labour hire provider to have our client's underpayment of wages rectified.

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

JobWatch represented a 45 year old woman with cognitive difficulties in an unfair dismissal hearing. We instructed counsel who acted on a pro bono basis.

Our client had been employed by Coles on the cash registers for almost 25 years in total when her employment came to an end. She claimed that she had been dismissed whereas Coles argued that she had resigned. She had not completed VCE and this had been her only job since leaving school. She relied heavily on her mother, who described our client's job at Coles as "her whole life."

The termination of employment took place in the context of a disciplinary meeting regarding alleged customer complaints. The day before the meeting, our client had been notified by the store manager that he wanted to meet with her to discuss her customer service. He did not say it was to be a

disciplinary meeting but he handed her an SDA union representative's card and suggested that our client come to the meeting with that representative. The store manager and the union representative already knew each other. Our client, on the other hand, had never met this union representative. When she phoned the representative, it became apparent that the store manager had already called the union representative to tell her about the meeting.

Our client's evidence was that the union representative told her during the meeting that if she didn't resign she would be dismissed. She did not want to resign but followed her representative's instructions, so wrote out a 1-line resignation letter that was dictated to her by the representative. She wrote this with the store manager and the support manager both standing in the room.

DP Anderson of the Fair Work Commission found that it was the union representative, not the Coles managers, who told our client that if she did not resign she would be dismissed. Accordingly, it was not Coles' conduct that compelled our client's resignation and, therefore, our client was not dismissed within the meaning of the Fair Work Act.

Despite this result, we remain of the view that it was in the public interest for us to take on this matter. We wanted to test, among other things, whether a resignation which was the product of an employer's comments to a third party representative could still be said to be a resignation which was *forced* because of the employer's conduct.

Sex Discrimination – *Equal Opportunity Act 2010 (Vic)*

Our client was a 25-year-old international

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student from the Philippines who worked for an international telco selling Filipino-language entertainment packages. Along with 25 other employees, her fixed-term contract came to an end on 31 December 2016.

However, our client discovered that 14 of her former colleagues had been offered renewed contracts for 2017, and all of those were male. Of the 11 employees, including our client, whose contracts were not renewed, all were female.

Our client felt that she and the other female employees had been discriminated against by the employer because of their sex. She made written complaints to her employer, who denied they had discriminated against her, although they were unable to explain why only the male employees had been re-hired. They did not claim that the female employees had performed any worse than the males, and in fact, our client had evidence that her own performance was of a higher than average standard.

Our client heard from sympathetic staff of her former employer that her suspicions were correct: there was an unofficial policy issued

from headquarters in the UK that male sales staff were to be preferred.

JobWatch assisted our client to lodge a sex discrimination complaint under the *Equal Opportunity Act 2010* (Vic). The first step was a conciliation conference at VEOHRC, where our client was represented by JobWatch.

At the conference, the employer insisted there was no discrimination and that our client's contract had merely expired. JobWatch argued that the inference that discrimination had occurred, from the number and gender of those re-hired alone, was irrefutable. In fact, the odds of randomly selecting all 14 male staff from a group of 25 were about 4.5 million to one. After several hours of negotiation, the employer's final offer of a settlement amount was still unacceptable to our client.

Post conference, armed with additional information, JobWatch made a counter-offer **higher** than our last offer, citing increased confidence in the likely success of our client's claim. The employer responded with an increased offer which was acceptable to our client and the matter was resolved.

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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 2016/2017 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
- ◆ International Students: What are your Rights at work?
- ◆ 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 Senate Standing Committee on Education and Employment – Inquiry into Corporate Avoidance of the <i>Fair Work Act 2009</i> (November 2016).
	Submission to the Parliamentary Joint Committee on Human Rights – Freedom of Speech in Australia (December 2016).
	Submission to the Senate Standing Committee on Economics – Inquiry into the Superannuation Guarantee Non-Payment (February 2017).
	Submission to the Senate Education and Employment Legislation Committee on the <i>Fair Work (Vulnerable Workers) Bill 2017</i> (April 2017).
	Submission to the Parliament of Victoria Select Committee – Inquiry into Penalty Rates and Fair Pay (May 2017).
	Submission to the Joint Standing Committee on Foreign Affairs, Defence and Trade – Should Australia Adopt a Modern Slavery Act Comparable to the UK's 2015 Legislation? (May 2017).
	Submission to the Commonwealth Government – Reforms to Address Corporate Misuse of the Fair Entitlements Guarantee Scheme (June 2017).

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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 included domestic violence and the workplace, discrimination on the basis of pregnancy, underpayments and issues faced by migrant workers (including International Students).



Guardian

- ◆ Interview regarding JobWatch Service Delivery in Queensland (January 2017)

Il Globo (Italian Newspaper)

- ◆ Article regarding JobWatch Work for Migrant Workers (2 March 2017)
- ◆ Interview regarding Underpayment of International Students who work in hospitality (3 May 2017)



774 ABC Radio

- ◆ Interview in relation to a single mother's request for flexible working arrangements to care for her child (7 October 2016)

3AW Radio

- ◆ Interview in relation to Unpaid Interns (18 January 2017)

Melton Radio

- ◆ Interview in relation to the work of JobWatch (7 October 2016)

SBS Radio (93.1 FM)

- ◆ Interview in relation to the International Students Work Rights Legal Service (27 January 2017)

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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.

- ◆ Federal Government - Department of Employment
- ◆ The Office of the Fair Work Ombudsman
- ◆ The Victorian Government – Department of Justice
- ◆ Victoria Legal Aid
- ◆ The Victorian Government – Department of Economic Development, Jobs, Transport & Resources
- ◆ 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
- ◆ Inner Melbourne Community Legal
- ◆ Finrea-IT Consultants
- ◆ CPS Technology Group
- ◆ Digital Bridge-Website development
- ◆ Springvale Monash Legal Service
- ◆ Web and Design Bros
- ◆ 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 2016/2017.

- ◆ Adrian Faelli
- ◆ Alexander Welsh
- ◆ Alicia Eng
- ◆ Adrian Ziccone
- ◆ Alexandra Callahan
- ◆ Anchal Uppal
- ◆ Alex Morison
- ◆ Alexandra Consiglio
- ◆ Andreas Kotsimbos
- ◆ Alexander Bevacqua
- ◆ Alexandra Roso
- ◆ Angie Wong
- ◆ Alexander Bolitho
- ◆ Alexandria Anthony
- ◆ Anissy Karam
- ◆ Alexander Carew
- ◆ Alexis Reinheimer
- ◆ Annika McInerney

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- | | | |
|-------------------------|--------------------------|---------------------------|
| ◆ Anthea McGurty | ◆ Gerard Papas | ◆ Lachlan Macfarlane |
| ◆ Anthony Taylor | ◆ Hannah Scott | ◆ Laura Campanaro |
| ◆ Audrey Capasso | ◆ Harley Ng | ◆ Leon Harper |
| ◆ Beini Wu | ◆ Harsha Balaji | ◆ Lilian Tang |
| ◆ Cailin Farrell | ◆ Heloise Williams | ◆ Lucia Williams |
| ◆ Calypso Strauss | ◆ Henry Carlson | ◆ Lucy Ryan |
| ◆ Caroline Konya | ◆ Henry McMenomy | ◆ Madeleine Barlow |
| ◆ Cassandra Delcielo | ◆ Ian Khor | ◆ Madeline Shipley |
| ◆ Caterina Molluso | ◆ Jacinta Kenward | ◆ Maria Korakas |
| ◆ Charles Haszler | ◆ Jack Baring | ◆ Maria Pham |
| ◆ Charlotte Johnston | ◆ Jack Trainor | ◆ Matilda Schoeffel |
| ◆ Cheyann de Jong | ◆ Jackson Hurley | ◆ Matthew Capannolo |
| ◆ Christopher Bevacqua | ◆ Jake Cripps | ◆ Matthew Hall |
| ◆ Cristina Sgarbossa | ◆ James Aridas | ◆ Maxwell Wilkins |
| ◆ Daniel Wright-Neville | ◆ Jasminde Kaur | ◆ Midhush Illesinghe |
| ◆ Darius Teo | ◆ Jessica Jane | ◆ Miriam Williams |
| ◆ Deanna Carlon | ◆ Jessie Fernandez | ◆ Na Pan |
| ◆ Dimity Payten | ◆ Jiaxi Wei | ◆ Nathan Di Vito |
| ◆ Dorsa Salehzadeh | ◆ John O'Hagan | ◆ Nathan Steinkoler |
| ◆ Duncan Willis | ◆ John Townsend | ◆ Nicola Martin |
| ◆ Dylan Evans | ◆ Jonathon Taylor | ◆ Oliver Wahlstrom-Schatt |
| ◆ Eleni Angeletos | ◆ Joseph Moore | ◆ Oriana Torcasio |
| ◆ Elizabeth Hong | ◆ Josephine Mammone | ◆ Patrick Burke |
| ◆ Ella Chen | ◆ Juliana Frizziero | ◆ Paul Kim |
| ◆ Emma Backhouse | ◆ Juan-Patricio Villegas | ◆ Pavel Sraj |
| ◆ Euan Flett | ◆ Julia Kerry | ◆ Philippa Anstey |
| ◆ Fanfan Song | ◆ Katy Hampson | ◆ Phoebe Lin |
| ◆ Gabrielle Paino | ◆ Kismet Kaur | ◆ Pooja Khushalani |
| ◆ Gavin Rees | ◆ Konrad Przybyszewski | ◆ Rachael Hammond |

What are my employment rights?

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- | | | |
|-------------------|-----------------------|-------------------|
| ◆ Robert Hall | ◆ Stephanie Cheong | ◆ Trevor Jones |
| ◆ Robert Hennessy | ◆ Stephanie Suntovski | ◆ Tristan Hocking |
| ◆ Rui Lee | ◆ Tarryn Jeffery | ◆ Ujjesha Singh |
| ◆ Sara Demetrios | ◆ Taylor Burt | ◆ Vivienne Zhu |
| ◆ Sarah Christie | ◆ Tess Chappell | ◆ William McCann |
| ◆ Sean Carville | ◆ Tim Nilsson | ◆ Whye Yen Tan |
| ◆ Simon Halstead | ◆ Toby Silcock | ◆ Yen Tran |
| ◆ Sharman Gronow | ◆ Todd Herskope | ◆ Yiwen Hu |
| ◆ Sophie Vassallo | ◆ Tom Cunningham | |
| ◆ Stefanie Blake | ◆ Tom Mason | |

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Financials – Audit Letter

Sean Denham & Associates Accountants & Auditors

INDEPENDENT AUDIT REPORT TO THE MEMBERS OF JOB WATCH

Opinion

I have audited the accompanying financial report, of Job Watch Inc., which comprises the assets and liabilities statement as at 30 June 2017, statement of changes in equity, statement of cash flows and the income and expenditure statement for the year then ended, notes comprising a summary of significant accounting policies and the certification by members of the committee.

In my opinion, the accompanying financial report of Job Watch Inc.:

- a) gives a true and fair view of the association's financial position as at 30 June 2017 and of its financial performance for the year then ended; and
- b) complies with Australian Accounting Standards to the extent described in Note 1 to the financial statements, and the requirements of the Associations Incorporation Reform Act 2012 (Vic).

Basis for Opinion

I conducted my audit in accordance with Australian Auditing Standards. My responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Financial Report section of my report. I am independent of the association in accordance with the Associations Incorporation Reform Act 2012 (Vic) and the ethical requirements of the Accounting Professional and Ethical Standards Board's APES 110 Code of Ethics for Professional Accountants (the Code) that are relevant to my audit of the financial report in Australia. I have also fulfilled my other ethical responsibilities in accordance with the Code.

I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.

Emphasis of Matter - Basis of Accounting

We draw attention to Note 1 to the financial report, which describes the basis of accounting. The financial report has been prepared for the purpose of fulfilling the association's reporting responsibilities under the Associations Incorporation Reform Act 2012 (Vic). As a result, the financial report may not be suitable for another purpose. My opinion is not modified in respect of this matter.

Responsibility of the Committee for the Financial Report

The committee of the association are responsible for the preparation of the financial report that gives a true and fair view and have determined that the basis of preparation described in Note 1 of the financial report is appropriate to meet the requirements of the Associations Incorporation Reform Act 2012 (Vic) and the needs of the members. The committee's responsibility also includes such internal control as the committee determine is necessary to enable the preparation of a financial report that gives a true and fair view and is free from material misstatement, whether due to fraud or error.

In preparing the financial report, the committee are responsible for assessing the association's ability to continue as a going concern, disclosing, as applicable, matters relating to going concern and using the going concern basis of accounting unless the committee either intend to liquidate the association or to cease operations, or have no realistic alternative but to do so.

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Auditor's Responsibility for the Audit of the Financial Report

My objectives are to obtain reasonable assurance about whether the financial report as a whole is free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes my opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with Australian Auditing Standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of the financial report.

As part of an audit in accordance with Australian Auditing Standards, I exercise professional judgement and maintain professional scepticism throughout the audit. I also:

- Identify and assess the risks of material misstatement of the financial report, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for my opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- Obtain an understanding of internal control relevant to the audit 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 association's internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the committee.
- Conclude on the appropriateness of responsible entities' use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the association's ability to continue as a going concern. If I conclude that a material uncertainty exists, I am required to draw attention in our auditor's report to the related disclosures in the financial report or, if such disclosures are inadequate, to modify my opinion. My conclusions are based on the audit evidence obtained up to the date of my auditor's report. However, future events or conditions that may cause the to cease to continue as a going concern.
- Evaluate the overall presentation, structure and content of the financial report, including the disclosures, and whether the financial report represents the underlying transactions and events in a manner that achieves fair presentation.

I communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that I identify during my audit.


Sean Denham

Dated: 27th September 2017
Suite 1, 707 Mt Alexander Road
Moonee Ponds VIC 3039

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Financials – Income & Expenditure

JOB WATCH
ABN 74 615 132 361

**INCOME AND EXPENDITURE STATEMENT
FOR THE YEAR ENDED
30 JUNE 2017**

	Note	2017 \$	2016 \$
INCOME			
Grants- Project Funds:			
DBI/VLA (State Funding)	7	504,941	452,679
OFWO (C'wealth Funding)		408,455	372,000
Miscellaneous Income		340,961	57,421
Interest		27,469	23,754
		<u>1,281,826</u>	<u>905,855</u>
EXPENDITURE			
Salary & On-Costs:			
Salaries		400,576	338,549
Salaries- Salary Packaging		134,976	186,169
Leave Provisions		40,181	51,835
Superannuation		62,031	41,577
Other employment related costs		18,077	11,825
		<u>655,841</u>	<u>629,955</u>
Operating Expenses			
Accounting Fees and audit fees		21,516	18,941
Client Disbursements and Costs		4,980	391
Conferences (Inc. Fees, Travel and Accom)		3,044	3,332
Consultants		40,750	3,450
Sundry expenses		2,204	1,172
Depreciation		7,928	6,849
Equipment Repair		3,357	1,485
IT Support and Software		16,000	14,135
Insurances		2,995	3,017
Marketing and Promotion		357	3,472
Memberships		6,417	6,909
Printing, Stationary and Postage		13,792	15,171
Rent and Outgoings		97,281	94,864
Practice Certificates		2,153	757
Staff Amenities		8,381	8,389
Telephones		38,762	26,252
		<u>269,917</u>	<u>208,586</u>
TOTAL EXPENDITURE		<u>925,758</u>	<u>838,541</u>
Surplus/(Loss) before income tax		356,068	67,314
Income tax expense		-	-
Surplus/(Loss) after income tax		<u>356,068</u>	<u>67,314</u>

The accompanying notes form part of these financial statements.

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Financials – Assets & Liabilities

JOB WATCH
ABN 74 615 132 361

ASSETS AND LIABILITIES STATEMENT **30 JUNE 2017**

	Note	2017 \$	2016 \$
CURRENT ASSETS			
Cash and cash equivalents	2	1,193,750	1,012,263
Trade and other receivables	3	59,685	12,452
Financial assets	4	-	5
TOTAL CURRENT ASSETS		<u>1,253,435</u>	<u>1,024,720</u>
NON-CURRENT ASSETS			
Property, plant and equipment	5	33,436	4,315
TOTAL NON-CURRENT ASSETS		<u>33,436</u>	<u>4,315</u>
TOTAL ASSETS		<u>1,286,871</u>	<u>1,029,035</u>
CURRENT LIABILITIES			
Trade and other payables	6	73,536	166,631
Amounts received in advance	7	110,100	155,418
Provisions	8	227,835	184,242
TOTAL CURRENT LIABILITIES		<u>411,471</u>	<u>506,291</u>
NON-CURRENT LIABILITIES			
Provisions	8	11,084	14,496
TOTAL LIABILITIES		<u>422,555</u>	<u>520,787</u>
NET ASSETS		<u>864,316</u>	<u>508,248</u>
MEMBERS' FUNDS			
Retained Profits		864,316	508,248
TOTAL MEMBERS' FUNDS		<u>864,316</u>	<u>508,248</u>

The accompanying notes form part of these financial statements.

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Financials – Statement of Changes in Equity

JOB WATCH
ABN 74 615 132 361

STATEMENT OF CHANGES IN EQUITY FOR THE YEAR ENDED 30 JUNE 2017

	Note	Retained Earnings \$	Total \$
Balance at 1 July 2015		440,934	440,934
Surplus attributable to the entity		67,314	67,314
Other comprehensive income		-	-
Balance at 30 June 2016		508,248	508,248
Surplus attributable to the entity		356,068	356,068
Other comprehensive income		-	-
Balance at 30 June 2017		<u>864,316</u>	<u>864,316</u>

The accompanying notes form part of these financial statements.

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Financials – Statement of Cash Flows

JOB WATCH
ABN 74 615 132 361

STATEMENT OF CASH FLOWS FOR THE YEAR ENDED 30 JUNE 2017

	Note	2017 \$	2016 \$
CASH FLOWS FROM OPERATING ACTIVITIES			
Receipts from Government Grants - recurrent		840,078	871,144
Receipts from Other Sources		320,961	57,421
Interest Received		27,469	23,754
Payments to Suppliers and Employees		(969,977)	(659,450)
Net Cash provided by operating activities	8	218,531	292,869
CASH FLOWS FROM INVESTING ACTIVITIES			
Purchase of Property, Plant and Equipment		(37,044)	(2,896)
Net Cash provided by (used in) investing activities		(37,044)	(2,896)
Net increase (decrease) in cash held		181,487	289,973
Cash at the beginning of the year		1,012,263	722,290
Cash at the end of the year	2	1,193,750	1,012,263

The accompanying notes form part of these financial statements.

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Financials – Notes to Accounts

JOB WATCH
ABN 74 615 132 361

NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2017

Note 1: Statement of Significant Accounting Policies

This financial report is special purpose financial report 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 report has been prepared on an accruals basis and is based on historical costs and does not take 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 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 liquid investments with original maturities of three months or less.

b. 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.

c. 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 service with the Association.

d. 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.

e. 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 amount. Any excess of the asset's carrying value over its recoverable amount is recognised in the income and expenditure statement.

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**NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED
30 JUNE 2017**

Note 1: Statement of Significant Accounting Policies (cont.)

f. 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.

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).

g. 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.

h. Economic Dependence

Job Watch Inc. has recorded a surplus for this financial year. A surplus was achieved in the previous two financial years 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 2020. The Victorian Legal Aid (State) current transitional funding is committed until 30 June 2018 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. 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.

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NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED
30 JUNE 2017

	2017 \$	2016 \$
Note 2: Cash and cash equivalents		
Cash on Hand	241	500
Cash at Bank	1,193,509	1,011,763
	<u>1,193,750</u>	<u>1,012,263</u>
Note 3: Trade and other receivables		
Trade debtors	48,000	-
Prepayments	6,018	6,785
Bond- Security Deposits	5,467	5,467
Cabcharge Bond	200	200
	<u>59,685</u>	<u>12,452</u>
Note 4: Financial Assets		
Shares-at Cost	-	5
Note 5: Property, plant and equipment		
Computers - at cost	89,725	53,956
Less accumulated depreciation	(57,456)	(50,391)
	<u>32,269</u>	<u>3,565</u>
Furniture & Equipment - at cost	131,250	129,971
Less accumulated depreciation	(130,083)	(129,221)
	<u>1,167</u>	<u>750</u>
	<u>33,436</u>	<u>4,315</u>
Note 6: Trade and other payables		
Current		
Trades and Other Payables	20,502	29,357
PAYG Withholding Payable	6,073	2,418
Accrued Expenses	16,191	134,838
GST Payable	30,770	18
	<u>73,536</u>	<u>166,631</u>

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JOB WATCH
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NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED
30 JUNE 2017

	2017 \$	2016 \$
Note 7: Amounts Received in Advance		
Funding Grants in Advance - VLA*	110,100	135,418
Other Funding in Advance- Non Govt	-	20,000
	<u>110,100</u>	<u>155,418</u>

<i>Reconciliation of VLA Funds received</i>	VLA	VLA SACS ERO State	VLA SACS ERO Extra	Total
Opening balance	35,439	31,874	68,105	135,418
Funds received	400,647	78,976	-	479,623
Funds utilised (net of interest)	(425,965)	(78,976)	-	(504,941)
Balance Funds Carried Forward	<u>10,121</u>	<u>31,874</u>	<u>68,105</u>	<u>110,100</u>

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

Note 8: Provisions**Current**

Provision for Annual Leave	69,346	78,343
Provision for Long Service Leave	158,489	105,899
	<u>227,835</u>	<u>184,242</u>

Non-Current

Provision for Long Service Leave	<u>11,084</u>	<u>14,496</u>
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Note 10: Cash Flow Information**Reconciliation of Cash Flow from Operations with Profit from Ordinary Activities**

Profit after income tax	356,068	67,314
Non-cash flows in profit		
- Depreciation	7,928	6,849
Changes in assets and liabilities;		
- (Increase)/decrease in trade and other receivables	(47,233)	(2,999)
- Increase/(decrease) in trade and other payables	(93,095)	123,404
- Increase/(decrease) in grants in advance	(45,318)	46,465
- Increase/(decrease) in provisions	40,181	51,836
Net cash provided by Operating Activities	<u>218,531</u>	<u>292,869</u>

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JOB WATCH
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NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED
30 JUNE 2017

	2017 \$	2016 \$
Note 11: Operating Lease Commitments		
Operating leases contracted for but not recognised in the financial statements		
Payable - minimum lease payments:		
- no later than 12 months	6,535	-
- between 12 months and five years	-	-
- greater than five years	-	-
	<u>6,535</u>	<u>-</u>

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
ABN 74 615 132 361

**STATEMENT BY MEMBERS OF THE COMMITTEE
FOR THE YEAR ENDED
30 JUNE 2017**

The committee has determined that the association is not a reporting entity and that this special purpose 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 9:

1. Presents a true and fair view of the financial position of Job Watch Inc. as at 30 June 2017 and its performance for the year ended on that date.
2. At the date of this statement, there are reasonable grounds to believe that the Job Watch Inc. will be able to pay its debts as and when they fall due.

This statement is made in accordance with a resolution of the Committee and is signed for and on behalf of the Committee by:


Chairperson

Dated: 19 Sept 2017

Treasurer

Dated:

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www.jobwatch.org.au

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