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HEALTH

Deputy Chair
Senator Deborah O'Neill
PO Box 6100
Parliament House
Canberra ACT 2600

Cc Committee Secretary
Corporations.joint@aph.gov.au

Dear Senator,

I am writing to you in your capacity as Deputy Chair of the Parliamentary Joint Committee on Corporations and Financial Services in relation to the Committee's inquiry into the operation and effectiveness of the Franchising Code of Conduct.

My name is Andy Ross and I am a NZ Franchisee with 3 locations in Auckland (in partnership with Jason Smith) of Motion Health, which is the NZ branch of Back in Motion.

It is with great concern that I write to you following the allegations that have been made about Back in Motion. I have been involved with Jason and the team at Back in Motion for about two years now and have worked closely with them in preparation for our launch in NZ. You can imagine that getting a new business concept off the ground in a new country is difficult at the best of times, especially with Physiotherapists being quite conservative in their approach to business and with the franchise model in healthcare being relatively new to NZ. Unfortunately, the negative media coverage has made its way across to NZ and I have no doubt that it will have a negative impact on our goal, which is to establish a network of Physiotherapy practices across NZ providing high quality Physiotherapy and related services to help our clients achieve optimal lifelong health.

As a group, our mission is to be *loved* and *trusted*.

'Loved' speaks to not just the quality of care we provide for our clients, but also the support and work environment we provide for our practice directors and their employees.

'Trusted' speaks not just to the clinical outcomes we achieve for our clients, but to the fact that everything we do as a group is for the benefit of our clients, practices and our team.

A bit of background to myself and the reason I joined Motion Health/Back in Motion.

I have been a Physiotherapist for 14 years and a practice owner/director of a small group of practices for the majority of those years.

I made the decision to join Back in Motion and partner with Jason Smith in launching Motion Health in NZ because I wanted the support of a franchise network as well as the support from the other practice directors (Franchisees).



When making the decision to join the group, the thing that was apparent straight away was the culture that has not only been developed amongst Back in Motion physios and practice Directors but at the Group's National Support Office in every single function from HR to IT to Marketing to Finance. Every team member is absolutely dedicated to and passionate about ensuring the success of every physio and franchise in the network.

Another strong motivator to work with Back in Motion was their proven strategies for not only running successful practices, but for getting amazing clinical outcomes for their patients. They have a strong philosophy that underpins their holistic approach to treatment and challenges the quick-fix approach that is far too common in our industry

But possibly my strongest motivator for joining Back in Motion Health Group was the large network of colleagues, the team environment and the amazing professional development opportunities available because of that network.

This is a genuinely open group of Directors and physios who are more than happy to share their stories of success, how they got there and to help you achieve the same results.

As well as the professional development within the group of directors, the Support Office put on annual Directors' Conference, Symposiums, Think Tanks, Group Advisory Panels and leadership courses.

My practices have only been operating under the Motion Health/Back in Motion model for 12 months now, but with the systems and support provided I have seen practice growth and also personal growth in terms of my ability to be a better leader of my team.

In my experience, the key aspects of the business model that I have found beneficial are:

1. Business coaching: I have (as does every director) been provided with a personal business performance coach to assist with budgeting, planning and execution of local area marketing strategies and holding me accountable to tasks set.
2. Marketing: Having been a practice owner prior to joining the group and having been responsible for producing marketing collateral, managing adwords, SEO, website and marketing strategy; it has been a huge benefit to have this all done as one of the functions of the franchise support office.
3. Financial literacy support: It is not uncommon for Physiotherapists and even practice owners to have very poor financial literacy. Ours is a very easy profession to fall into business ownership without the right tools to really understand how to own a business.

Through the business performance function and finance function of the franchise, there is a huge emphasis placed on improving the financial literacy of the directors and setting up reports to further help the directors understand their business.

4. Leadership: Jason Smith is an extremely well-respected leader of the group. He has a clear vision for the group, which is articulated with passion by Jason himself at the various forums where he addresses the directors and the wider group, and also by the other members of the support office team and the more senior practice directors.

Strong leadership is also encouraged and supported by the group. All physios have access to and are encouraged to attend the Iceberg Leadership courses.

Strong leadership is also developed through the group via the Group Advisory Panel whereby practice directors on the panel (representing their fellow practice director constituents) have the ability to help steer the direction of the group.



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I do hope that by writing this to you I can help bring some balance to the conversation and that you will share my story with other members of the committee.

Yours sincerely,

Andy Ross

NZ Director – Motion Health Group

Practice Director – Motion Health [REDACTED]



Deputy Chair
Senator Deborah O'Neill
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Cc Committee Secretary
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Dear Senator,

This letter from me comes to you in your capacity as Deputy Chair of the Parliamentary Joint Committee on Corporations and Financial Services in relation to the Committee's inquiry into the operation and effectiveness of the Franchising Code of Conduct.

I've been a Physio for over 30 years, the last 8 years have been part of the Franchise going under the name of the Back In Motion Health Group.

I run a medium size clinic at [REDACTED] along [REDACTED] Road servicing the local community. We are a team of 11 hard-working and fun-loving individuals looking after the community including Afghan and African refugees who get referred to us by local medical practices who know of our services quite well.

Till recently I also held a second franchise which with the help of the national support office I was able to successfully hand over to a fellow Franchisee.

This letter comes to you on the back of my discovering; thru negative social media, that there is a submission that paints the Back In Motion franchise quite differently to the one I have experienced these last 8 years. I'm quite confused by the whole submission.

I did speak to a few of my fellow franchisees who shared my views as well. Having been with this group over the last 8 years and having experienced life out-side this franchise prior to this, it's been the best thing that has ever happened to me. So the submission I read had me strongly surprised.

This franchise as a Business Model

1. As a successful sole practice owner running not one but two practices I made the decision to join the Back In Motion group after due diligence in 2009.
 - a. I was at a point where I wanted to grow and found that this group had systems in place that was way ahead of what I could achieve in a short space of time.





- b. At the time my combined turnover of two practices was around \$300,000.
 - c. Upon joining Back In Motion I achieved close to 1 Million in [REDACTED] alone within the first 3-4 years.
 - d. I traded time, effort and the finance required to re-write my own business engine for the one Back In Motion model had developed.
2. Having been part of this group all this time I've enjoyed -
- a. the highs and lows of owning a business which was now shared with peers like my-self, meaning support has always been at hand via the National Support Office of the Franchisor and my fellow peers who have been very open in sharing their Business 'secrets'.
 - b. The all-inclusiveness of the group makes me feel very accepted in the wider Back In Motion family. Something I have never experienced as a member of the Australian Physiotherapy Association during any of the APA run business or professional conferences locally or nationally for nearly 30 years.
 - c. The marketing and HR support in ensuring we pay all our employees fairly has been invaluable.
 - d. The National Support Office [NSO] are a constant link and not a day goes by without a communication by the members of that team be it finance, marketing or a leadership comment by the senior leadership lead by Jason Smith.
 - e. I and my business partner who is also my spouse constantly contact the Support Office for advice as each day presents its challenges.
 - f. What I have found is that we have been able to use not just one source but several sources thru fellow franchisees for business input to stay viable.
 - i. Prospect is a very competitive hub with a saturation of local Physiotherapist owned and operated practices.
 - g. Professional Development –
 - i. Being part of this group has allowed my team to mingle weekly with two other clinics Woodville and Semaphore for their Professional Development.
 - ii. We have quarterly state-wide Physio related professional development catch-ups
 - iii. The above helps with
 1. Our staff retention.
 2. Clinical Knowledge that our clients benefit from.
 3. Not to mention the wellness of the Generation Ys we employ.
 - h. The spread of the Network helps with problem solving very quickly.
 - i. Eg. A while back I had a client in the room with a query I didn't have an answer to. All it took was a group wide query and within 5 mins I was able to answer the clients query.
 - ii. HR related queries are quickly solved this way as well.
 - iii. We are also able to share what fun stuff we can reward our team with.



Support from the Franchisor

Mr. Smith has been inspirational to the group for a long time now and without his insight this group would never have existed.

1. His heart is to help support local indigenous First Peoples and other Australians who are below the poverty line. Something I echo.
2. He has helped start and coordinate many firsts in this Industry.

As stated earlier the Support Office help us constantly. The Office also have a two-way communication style. They take feedback while offering advice. We feel this makes us heard as Franchisees and helps growth.

In summary

Here are some of my thoughts on the positive aspects of this franchise:

- We have a fair EBA protecting our employees.
- The business systems are balanced to ensure a return on our investment if we chose to follow the model appropriately and not cut corners.
- We have a much better saleable business when we chose to exit.
- Succession planning is more viable.
- The social and professional comraderies benefit all in the team.
- It has provided me with a platform to operate that works for me.
- The accountability helps keep me in check and consistent for success.

The future of my Business looks very viable under this model and I am expecting to continue working on the future of my business and of the Back In Motion model. We are still a small percentage of the physiotherapy profession, but I hope we can help make a positive impact.

I sincerely hope you will take this letter of mine into consideration and share this with the other members of the committee. I am concerned that the picture portrayed is not what I have experienced.

I am available for comment should I be contacted.

Yours sincerely,

Ashley Smith
Clinical Director
[REDACTED] Back In Motion
[REDACTED]

CC. Mr J Smith





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Deputy Chair
Senator Deborah O'Neill
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Cc Committee Secretary
Corporations.joint@aph.gov.au

Dear Senator,

We are writing to you in your capacity as Deputy Chair of the Parliamentary Joint Committee on Corporations and Financial Services in relation to the Committee's inquiry into the operation and effectiveness of the Franchising Code of Conduct.

We are writing to you because we know you have heard allegations about Back In Motion. Evan and I opened our Back In Motion physiotherapy practice in December 2014 and the allegations made bear no resemblance to the experience we have had with the group.

Evan had been a physiotherapist for only a few years when the opportunity came up for us to open our own business in [REDACTED] Tasmania. My background is in finance and I had previous franchising experience, having owned and operated a Jim's Mowing franchise here in southern Tasmania. My previous career had been as a stockbroker, so we went into the business opportunity with eyes-wide open. We spent over 12 months planning our business opening, supported by the National Support Office in Melbourne. Not all aspects went to plan – this is business – and planning for the unexpected is part of a sensible business plan.

Being part of a franchise does not give you a license to print money. You still must work extremely hard to plan and run your business like any other. What being part of a franchise does, is give you systems, processes and support for when it gets hard. And it gets hard! Running any business, franchise or not, requires commitment, financial education, and a great team to work through the hard bits.

We had planned for our business to run at a loss for three years and had made financial allowances for this to happen. But given the Back In Motion systems and brand we were able to breakeven after 20 months and currently employ 8 Physiotherapists and 4 administrative team. This would not have been possible without the support of the Back In Motion group.

The leadership of the group is highly engaged in the success of our practices. To imply otherwise is untrue and unfair. Jason Smith has always been highly visible, dynamic and supportive and has visited our practice and team on many occasions including our birthday celebrations to share in the success of our opening year.





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He has been open and honest during challenging times, and completely supportive in celebrating our success. The team he has built around him has also provided excellent ongoing support to us at what we believe are reasonable rates of franchise fees.

The key benefit for us of being part of Back In Motion, and remaining part of this group is the Director support. Being part of a group of like-minded business owners is the real power of the group. Being able to share experiences, both good and bad is the most rewarding part of this group. Being in business is not easy, it can be hard, frustrating and tiring, but it is also extremely fun and inspiring.

I do hope that you will share my thoughts with other members of the Committee. We have written to you in the hope of getting some balance into this conversation.

Yours sincerely,

Belinda Jefferies and Evan Clayton
Practice Directors
Back In Motion [REDACTED] Tasmania



Deputy Chair
Senator Deborah O'Neill
PO Box 6100
Parliament House
Canberra ACT 2600

Cc Committee Secretary
Corporations.joint@aph.gov.au

6/9/18

Dear Senator,

As Deputy Chair of the Parliamentary Joint Committee on Corporations and Financial Services, I am writing to you in direct response to the recent allegations made in the media against Back In Motion as part of the Franchising Code of Conduct inquiry.

I have been a Physiotherapist for 16 years, joining the Back In Motion franchise as an employee 11 years ago. I was employed as the Principal of a brand new clinic located within the Melbourne [REDACTED] and with the ongoing success of this clinic, I chose to join the Franchise as a Director and have now been a Franchisee for 9 years. I now run a successful clinic that employs 8 staff; 4 full time Physiotherapists and 4 part time admin staff.

I felt compelled to write to you given the recent allegations and their nature, which have, in my opinion, been unfair in their portrayal of our health group. The claims that have been outlined have been in vast contrast to my experience within the Franchise that now spans the majority of my career as a Physiotherapist.

My experience with Back in Motion has certainly been a journey that has not been without its challenges. I am in no doubt that without the help of the Franchise, I would not be where I am today; a successful and proud business owner. As a new employee in a brand new site, I have experienced first-hand the challenges that many new business owners face and am acutely aware of all that is involved in running your own business and at times it can be incredible tough. Such is the design of the business model, the structure, and the support that is on offer, it soon became very clear to me that my desire of owning my own business was a reality. As such, I applied and was accepted as a new Franchisee. The model had proven to me that it could work, I had the devoted support of the experienced staff at our support office, and the many other Directors and business owners within the network that were all eager to help me [REDACTED] my business and my business management skills.



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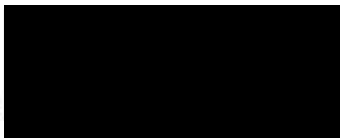
Back in Motion has given me the greatest opportunity; to realise my dream of owning my own business. Our industry is littered with sole practitioners who work long hours and that's honestly what I thought was the only option available to me. Being a part of this Franchise has made me realise that I can run my own business and have the support of an entire network of other business owners who share a common goal. Having never run a business before I have the experience of those before me, the model and the network to help make my business a success.

Four years' ago, I was in the unfortunate position of being unable to renew our lease for our current business premise. This was an incredibly stressful time as I was on a strict timeline until my business would have to close if I was unable to find another suitable location to lease. The support office and its staff were able to help me find a new location, negotiate a lease, direct me towards appropriate finance companies to facilitate the fit-out, the equipment purchase, project manage the build and the installation of equipment, provide the IT infrastructure and the marketing team were able to help me promote the new location opening on social media and locally. Whilst it didn't go off quite without a hitch, not many builds do, I unequivocally could not have done it on my own. The franchise system and the leadership shown within the network was unsurpassable. I am forever grateful that what could have been a disastrous situation for me on a personal and financial level, was well managed with the support of the Franchise and the staff within.

I am an extremely satisfied member of the Back in Motion network. Over the years I have been mentored by many experienced support office business management staff, by my peers and have developed my business acumen and my management skills over this time. I have been granted the opportunity to speak across our National network on my areas of expertise and am one of the clinical leads in my specialty. I have great satisfaction with my role as a business owner, and within my work and for that I am grateful. Business ownership is a rocky road and I would highly recommend being a part of this Franchise to others seeking the support and confidence in a business model like Back in Motion.

Please share my thoughts with other committee members so that our Franchise can enjoy the opportunity of having both sides of the story shared.

Yours sincerely,



Brooke Williams
Director
Back in Motion, Melbourne [REDACTED]



Melbourne [REDACTED]
[REDACTED] Melbourne [REDACTED]

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Deputy Chair
Senator Deborah O'Neill
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Dear Senator,

This letter comes to you in your capacity as Deputy Chair of the Parliamentary Joint Committee on Corporations and Financial Services in relation to the Committee's inquiry into the operation and effectiveness of the Franchising Code of Conduct.

I have been a physiotherapist for 4 years and joined Back In Motion in January this year, making me the newest Director to join the Health Group. I am a Co-Director at Back In Motion [REDACTED], Western Australia and currently have 4 staff employed, including 3 receptionists and 1 other physiotherapist.

There have been a series of claims put to the inquiry regarding the Back In Motion Health Group. I would like to state that in my short time with the group I have experienced nothing but support and encouragement on my new journey. The claims that have been made come as a complete surprise to me, and in no way resemble my own experience with Back In Motion.

[REDACTED] approached me to join him on the ownership journey at the end of 2017, with an opportunity I couldn't turn away. Running my own successful physiotherapy clinic has always been my end goal, which was not going to be feasible with my previous employer and impossible to do on my own. I made the decision to join Back In Motion as I've never run a business before, and franchising allows me to do that in my own way but with the support of a proven franchise system. I had my reservations about joining a franchise, although joining the Back In Motion Health Group has proven to be the best decision I have ever made. Both [REDACTED] and I had minimal to no experience in running a business, and we would not have been able to achieve the goals we have so far without the support from the National Support Office and other Director's. I have learnt so much in a very short period of time, guiding me to make our business run efficiently and at it's best right from the beginning.

Jason Smith is a leader that I admire and respect greatly. He is very passionate and committed to all aspects of the Back In Motion group, proven by the time and energy he puts in on a daily basis. He has always made it clear he is available at any point in time, no matter what we need help with. Jason, and our business mentors [REDACTED], [REDACTED], and now [REDACTED] have helped out [REDACTED] and I personally and professionally whenever needed [REDACTED] ally in these early stages of our clinic opening. Our communication with Support Office is on a weekly basis at minimum, guiding us and keeping us accountable with our own decisions.



I have been blown away with how remarkable it is to be a part of such a supportive and caring group, and the approachability of each and every Director or staff member at Support Office. The wealth of knowledge that I have gained since being a part of our Business Development Groups is something that would have taken me years of mistakes and stress to achieve on my own. I will be forever grateful to Jason and the Back In Motion Health Group for the experiences I have shared already in the beginning of what I hope is a long and successful journey.

This is my business and I am very concerned that the picture you have is not one which is my own experience in dealings with this company. I do hope that you will share my thoughts with other members of the Committee.

Yours sincerely,



Courtney Payne
Director, Principal Physiotherapist
Back In Motion [REDACTED] W.A.

[REDACTED]



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Deputy Chair

Senator Deborah O'Neill

PO Box 6100

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Cc Committee Secretary

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Dear Senator,

I am writing to you in your capacity as Deputy Chair of the Parliamentary Joint Committee on Corporations and Financial Services in relation to the Committee's inquiry into the operation and effectiveness of the Franchising Code of Conduct.

I have been a Physiotherapist for just over 8 years and all of that time inside the Back In Motion Health Group. I went from a graduate Physio right through to practice ownership in this time. My practice is nestled in the [REDACTED] [REDACTED] of Adelaide on the beautiful [REDACTED]. We are now 9 Physiotherapists strong and have an admin team of 5. We have enjoyed sustainable growth over this time and could not have done it without the assistance of what is a truly remarkable health system (The Back In Motion Health Group Model). I am writing to you because I know you have heard allegations about Back In Motion. I have been part of this network for 8 years now and as a long-standing franchisee, the allegations made come as a complete surprise to me.

The business model

Back In Motion's business model is one that has been highly successful for my business. The flexibility and support of the Back In Motion business model has proven itself as one which has seen my business succeed. This is a structure which has supported the growth of my business from when I bought in through to now.





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I made the decision to join Back In Motion because I wanted the support of a franchise network and of peers sharing knowledge. I became a part of Back In Motion because being part of something bigger while still being able to own and run my own business made sense. I've never run a business before; franchising allows me to do that in my way but with the support of a proven franchise system.

I value the recent addition of things like the Business Performance Groups in where we get to meet regularly with our fellow Directors to discuss strategies for success and help each other overcome challenges. In addition to this we enjoy Director Forums and the single best event every year "The Directors Conference" in which you would not get outside of a group like ours. I lean on the support office team a hell of a lot. They are always readily available to talk to and/or email me when its required. We have been allocated a specific Practice Support and Performance Coach who genuinely cares about how we are doing as Directors and then how we are performing. Its outstanding!!

Leadership

I have never met an individual like Jason before. His story to date is one of incredible sacrifice, pain, heartache and now success. Jason Smith although slowly sometimes, listens to his people and collaborates like no other. I have completed all 4 modules of his Iceberg Leadership Course in which has shaped my leadership like nothing before. I believe he's exemplary leader who cares about his people and I won't have anyone else tell me different.

The benefits of being part of Back In Motion

I value mostly from the discussions with my peers. Hearing their stories and challenges are worthwhile and sharing in their knowledge is outstanding. I have remained where I am because of the people Jason has chosen to form this family. I am committed to the group and will be more and more involved in the group into the future and intend to represent my state at the Group Advisory Board level in 2019 if elected.

I do hope that you will share my thoughts with other members of the Committee. Please circulate this letter to others on the committee. This is my business and I am very concerned that the picture you have is not one which is my experience. I have written to you in the hope of getting some balance into this conversation.

Yours sincerely,

Daniel M Lee (Director)

Back In Motion Health Group, [REDACTED]



Back In Motion [REDACTED]

SA [REDACTED]

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Deputy Chair
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Dear Senator,

I write to you in your capacity as Deputy Chair of the Parliamentary Joint Committee on Corporations and Financial Services in relation to the Committee's inquiry into the operation and effectiveness of the Franchising Code of Conduct.

I have been a registered physiotherapist working in private practice since January 1998. I have been self-employed since February 2002 and working in [REDACTED], Western Australia since that time. In 2015, after a significant amount of due diligence including legal and financial advice, I made the decision to join Back In Motion and officially became a franchisee in February 2016. In that time, I have grown from a practice employing two physiotherapists and one administrative team member in a 55m² space in a medical centre to a free standing 232m² practice employing five physiotherapists and four administrative team members.

I am writing to you as I have become aware of claims that have been made to your enquiry that are divergent to my own experiences over the past two and half years.

The business model of Back In Motion has been exceptionally successful for me over the past couple of years. 14 years of doing it my own way saw me go from start up to an annual revenue of just over \$400k. In the 2 years of being part of Back In Motion I have seen this grow to over \$700k with few signs of this growth slowing down. I know from the preceding 14 years that this growth would not have been possible without the support of Back In Motion as a Franchisor and the support of all the other franchisees within Back In Motion. The decision to join was not one that was made lightly and came after an extended period in which I had many discussions with other franchisees and with staff within the Back In Motion Support Office. At no time did I feel that any information was withheld from me that would influence that decision.

The main attraction for me was the support of Back In Motion, as the franchisor, along with the support of the rest of the network who I found to be willing to share information and knowledge freely. One of the unfortunate realities of the physio profession is the low bar [REDACTED] and consequent fragmentation of the industry. After 14 years of being a tiny fragment in that industry I wanted to be part of something bigger and joining Back in Motion has allowed that to happen. I still have my own business but [REDACTED] part of something that is much bigger than I had been able to achieve on my own. Being a bigger part of the picture has allowed me to positively influence the physical health of many more people in my local region than I had been able to previously as an independent practice.



Since joining the group I have been warmly welcomed by everyone I have had contact with and am constantly comforted with the knowledge that I now have 65 likeminded directors and a dedicated Support Office to help me have the very best physiotherapy practice possible. I am yet to find an issue within my business that has not been able to be resolved after seeking the advice of the collective knowledge of this group of people. They are always available to answer any questions I might have as many of them have been through the same issues in their time as business owners. As a small practice owner prior to joining the group, I never had access to anything like this as most of the industry will not share information as they view other physio practices as a threat to their own. I knew from the previous 14 years that owning a small business was not always going to be an easy thing and that there would be times that finances, and emotions, would be tested. Having the support of the group and the National Support Office has made the tough times over the past 2 years much easier to cope with. There has not been any time over the past 2 years that I have not paid myself a reasonable wage and been unable to support my young family.

I have always felt that the leadership of Back In Motion have my best interest as a business owner and as a person at the forefront of all interactions I have with them. There is an overt emphasis put on the fact that for Back In Motion to be successful then we, as franchisees, need to be successful. This can be as simple as a quick email from them checking in on how the business is going and how I am going personally, to phone calls from Jason Smith and [REDACTED] on significant events, such as when the youngest of my three sons was born in 2016. This was nearly 3 months before I started trading as a Back In Motion franchise. To me, this shows the care they have for all their franchisees as I have heard similar stories from other practice directors.

As a franchisee I have access, through the support office, to the following key areas along with many others

- HR
- Marketing including graphic design services
- Business coaching
- Site selection and fitout advice
- IT
- Accounting, Payroll and book keeping [REDACTED]

If I was to access all these services independently, I believe that the financial cost would be significantly higher than the costs I have incurred as part of the Back In Motion Health Group. Never mind the time it would have taken to seek out those services and the difficulties faced in having them all work together towards the common goal of improving my business. I can't see a time that I will not remain a franchisee within Back In Motion as long as I remain a



physiotherapy business owner. I so strongly believe that the model works based on my own experience that I have and will continue to actively promote Back In Motion to other practice owners and am hopeful to be able to co-own several practices in the future with other physios and further develop the network.

I have written the above to provide some balance into this conversation and I do hope that you will share my thoughts with other members of the committee.

Yours sincerely,



Dean Newman
Physiotherapist & Director
Back In Motion [REDACTED]

Cc Committee Secretary Corporations.joint@aph.gov.au





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3/9/18

Dear Senator,

This letter comes to you in your capacity as Deputy Chair of the Parliamentary Joint Committee on Corporations and Financial Services in relation to the Committee's inquiry into the operation and effectiveness of the Franchising Code of Conduct.

I completed my Bachelor of Physiotherapy at Monash University in 2009. I started full time employment in January 2010 as a new graduate with Back In Motion and I became a director of Back In Motion [REDACTED] in 2012.

I have had a great journey with Back In Motion, starting off as a new graduate physiotherapist, to now being a director and running my own business. Together with Sheena Kirtane (co-director) we run the Back In Motion [REDACTED] Clinic, which is located at [REDACTED], [REDACTED]. We are a busy physiotherapy clinic with 10 full time physios and 5 admin staff members.

I am aware of the claims made about Back In Motion and am writing to you to share my experiences with the group. The allegations made towards the group are very different to my experiences with the group over the last 8 years.

Back In Motion [REDACTED] is a highly successful business and Back In Motion's business model and franchise support is a big factor for our business success. I had never ran a business



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before, and Back In Motion has enabled me work in the profession that I love, and also run a profitable business at the same time. The support and guidance that we consistently receive from Back In Motion Support Office and the other fellow directors is invaluable and a significant factor with our business success.

The Support Office has shown us great assistance and guidance over the years, both in challenging times and also in the good times. This has ranged from IT support, practice management support, human resources support and more. I love our business, our brand, the Support Office and the Back In Motion network and knowing that the Back In Motion Health Group is there to help guide us whenever needed, is so valuable and important with operating our business.

It concerns me that the picture you have heard is not consistent with my experiences with Back In Motion over the last 8 years. I have written to you in the hope of getting some balance into the conversations.

Yours sincerely,



Fiona Grimshaw

Director and Physiotherapist

Back In Motion 



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Deputy Chair
Senator Deborah O [REDACTED]
PO Box 6100
Parliament House
Canberra ACT 2600

Cc Committee Secretary

Corporations.joint@aph.gov.au

Dear Senator,

I am writing to you in your capacity as Deputy Chair of the Parliamentary Joint Committee on Corporations and Financial Services in relation to the Committee's inquiry into the operation and effectiveness of the Franchising Code of Conduct.

I have been a physiotherapist for about 12 years. In 2009, [REDACTED] and I started a physio business, [REDACTED] Physiotherapy, located on [REDACTED], QLD. This grew over the following two and a half years into a practice generating about \$450 000 in revenue per year, with 3 additional team members. We had big dreams to expand. When we looked at various options, the conclusion was a Back in Motion Franchise was the best vehicle to achieve our dreams. We now have two very successful practices in the Back In Motion network. Our [REDACTED] practice now generates 1.2M/yr and Como 0.8M/yr in sales, and both growing year on year, well above KPI levels. We now have working alongside us 14 team members at the Bribie Island practice, and eleven team members Como. Most recently we have purchased into our third practice, [REDACTED] QLD.

I am writing to you because I know you have heard allegations about Back In Motion. Representations have been made to you about Back in Motion I feel, reflect a heavily biased view, and I seek input so you may have a balanced view.

As a member of Back in Motion for over 6 years and a long-standing franchisee, the allegations made, do not resemble my own personal experience with Back In Motion. Based on my experiences over the past 6 years, I believe Back In Motion overall has been better than fair to Nicholas Wigger and I. I can think of several situations where Back In Motion has been more than fair and reasonable with our requests/needs, and have definitely always taken a lenient stance.

The business model

We love the business model, if we didn't, we would have never signed up for our first clinic and then subsequent clinic 3 years later. There were a few reasons why I joined Back In Motion, one was the support of the franchisor, the systems and tools, and the peers sharing knowledge. Attraction of new staff was an area of need, and with the marketing and support of Back In Motion, we are attracting



great new graduates, when previously we struggled. The integration of Back In Motion's into our previous business ([REDACTED] Physiotherapy) business model is one of the reasons why we have had outstanding growth and success in our Bribie Island clinic and seen very exceptional growth in our Como clinic in WA. We have found that the structured support of Back In Motion has been flexible and agile enough to suit our needs throughout the different lifecycles of our clinics. We have always received appropriate support when requested.

Leadership

I love the leadership and wealth of knowledge that Jason Smith and the support staff bring to the Back In Motion Brand. In our short time (6 years) we have seen changes made not only within the franchise, but also within the level of Franchisor support. We have seen Jason Smith show true leadership with a better structure of leadership within the national support office, changed introduced last year to the franchise agreement, making conditions more favourable for new and existing franchisees. We have also seen Jason Smith take on changes within the Back In Motion marketing fund. Having received feedback from a number of Directors, he set up a taskforce comprised of Directors and support staff. This led to some significant changes in how marketing money is being spent now, in particular, what activities Directors value most. Jason Smith clearly listens to his fellow franchisees.


The benefits of being part of Back In Motion

The benefits in being in a group of like-minded Directors, with a support office that is always open to positive change, has help us achieve many financial goals. This keeps me engaged in the Back In Motion franchise, with no desire to leave. I am extremely excited about other changes that are coming through the pipeline from the Back In Motion support office. I can be confident in one thing, when I reflect on my time in Back In Motion, the conditions and value for Directors has improving each year. I have confidence that this will continue. Whilst the senate enquiry and allegations have been an unwelcomed negative distraction for our business and brand, I feel confident that the leaders at Back In Motion, will continue to ensure Directors are receiving good value for their investment.

I look forward to see what recommendations are made from the Senate enquiry and hope that positive recommendations are made that will benefit both franchisees and franchisors.

I hope my experience and thoughts are shared with other member of the Committee, so please circulate this letter to those members. It is essential that the committee gets a balanced view from franchisee's.

Yours sincerely,



Gavin Corica Director [REDACTED], [REDACTED] and [REDACTED]

B.Sc., Grad Dip Sci, APAM, AEP, ESSAM
Principal Physiotherapist and Accredited Exercise Physiologist

[REDACTED]

Dear Senator O’Neill,

I hope this email finds you well.

I’ve been made aware of the recent allegations made against Back In Motion, and I’m writing to you in hopes that I can present you with a different perspective on Back In Motion’s code of conduct. I have been a member of Back In Motion for 6 years, where 5 of those have been as a franchisee. Through my time, I can confidently say that my experience bears no resemblance to the allegations made by the individuals in the news article. Hopefully my story can provide you with a different point of view, and allow you to see that we are a group that has the best interest of each other in mind.

As a new graduate physiotherapist looking for a job, I was immediately drawn to Back In Motion because they had a vision that clearly aligned with my values. The group was uniquely different because they were dedicated to providing both clients and employees with the highest level of care. Since Back In Motion presented itself as a trusted and valued employer, I confidently accepted their job offer and I knew it was the right decision.

In my new job, I immediately felt this was the career that I had always wished for. Through my undergrad and postgrad studies, I’d worked in multiple physiotherapy practices and hospitals, but not once have I felt as comfortable as I had in a Back In Motion practice. Because I was thriving in my new job, I began to dream of running my own Back In Motion practice. Surprisingly, the opportunity presented itself sooner than I expected, and I decided to seize it.

The first time I met Jason Smith was 6 months into my employment at our [REDACTED] branch. I expressed my career goals to Jason, and discussed my interest in joining the directorship. Shortly after, I was invited to submit a directorship application, and was encouraged to apply for a start-up scholarship that was offered by the franchise. Through my directorship application process, I never had a desire to question Jason’s motive because he was supportive, transparent, and encouraging. I obtained my own legal advice, and asked all the questions necessary to make an informed decision to follow through with my application. Even though there are risks to joining a franchise, I believe Jason truly cares about his brand as he only advocates for people to join if our visions were aligned.

When I first started my practice in December of 2012, there definitely were difficulties, however I’m very thankful that I had the support of a franchise behind me. I was fortunate enough to have had an attentive business coach, that dedicated endless hours to help me attain a footing. Before I knew it, I was building a practice that was at the bottom, to a

thriving business today that's still growing. Under the Back In Motion model, we as a team quickly built our business to a point where it was 'busting at its seams'. We underwent an expansion last year that saw us increase our earning capacity by a factor of 4, and I couldn't be happier. I don't believe this would have been possible without the positive support that I had received from Back In Motion. Even though I feel that I've had a very uplifting story to tell, I can't say that there weren't any conflicts along the way. To reach where we are now, we've experienced some hardships.

Much like a relationship with friends or partners, there were instances where the franchise and myself were in disagreement. Although I can understand how some of the individuals in the news article could feel the way they do, I believe that conflict resolution is only as successful as the effort that we each put in to resolve it. In my experience, I haven't come across any difficulties in negotiating with our support team. There may have been heated emotional confrontations in the past, but Back In Motion was always enthusiastic to have a logical conversation with me to try and resolve the issue. In doing so, I feel like we are constantly building and fortifying our franchisee/franchisor relationship.

I understand that I may only be one positive account of a relationship between a franchisee and a franchisor, but I hope that I can provide some balance to this conversation. Please feel free to share my experiences with others in the committee, since I think it's important for there to be a fair discussion. As my business does share the name with a brand that's currently under scrutiny, this outcome of this review strongly concerns me because I'm worried about how others will view my practice in the future. I wish to thank you for your time in reading my letter, and again, I hope to provide you with a different perspective to consider.

Yours sincerely and in health,

Ian Sung | BHK (Exercise Physiology), MPTYS (Physio). APAM | Director | **Back In Motion** ■
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Deputy Chair
Senator Deborah O'Neill
PO Box 6100
Parliament House
Canberra ACT 2600

Cc Committee Secretary
Corporations.joint@aph.gov.au

Dear Senator,

I am writing to you in response to media allegations made against Back In Motion recently that I believe are reporting on a series of claims made to the senate enquiry into the operation and effectiveness of the Franchising Code of Conduct of which you are Deputy Chair.

I have been a Physiotherapist for 20 years and a Back In Motion Franchisee for nearly 11 of those years. My practice is located in [REDACTED], South Australia and we are one of the larger Back In Motion practices employing 11 staff (7 physios, 4 admin staff).

I wanted to take the opportunity to state on record that the allegations made in the recent media article against our group do not reflect my experience within Back In Motion.

I made the decision to join Back In Motion because it gave me the ability to start my own practice, an opportunity that I thought had passed me by as I had a very young family at the time. The ability to be in partnership with others provided me with a pathway I do not believe I would have otherwise been able to undertake. The prospect of growing a large practice that ultimately gave me time to spend with my family was one of the biggest reasons for me joining Back In Motion. In our industry, it is more common to be a sole operator where time is often poured into the practice at the expense of all else. Back In Motion provided an alternative model and one that has led to me being in a position now where I can be away from my practice for weeks at a time with my family and it runs efficiently and smoothly. I am grateful to have had the support and opportunity to build my lifestyle dream under the Back In Motion business model.

After I initially joined Back In Motion in 2007, I made some mistakes regarding HR and my business as a result went through quite a difficult period. This was my fault, not a fault of the business model. In fact, if it was not for Jason Smith and our National Support Office who guided, supported and coached me through this difficult period, then I would have failed as a physiotherapy business owner and given up on my dream.





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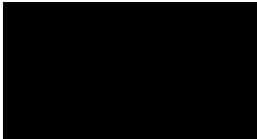
I remain as part of this Group as I value the peer learning and experiences shared with other like-minded business owners within the Back In Motion Health Group. The spirit of friendship, camaraderie and peer accountability between us continues to drive me to future success.

I have nothing but admiration for Jason Smith, our founder and National Group Director. He is a dynamic and committed leader and champions our brand passionately and enthusiastically. He makes himself available at any time, despite leading a group of our size with so many other people and processes vying for his attention. For this I am truly grateful and while I need his personal input less these days due to my experience, I take great comfort knowing the support will be there should I need it.

I am now able to lean on the expertise of our National Support Office to guide and direct me in areas I'm not trained in - accounting, marketing, digital media etc. They provide valuable support as I need it and I am coached, mentored and encouraged to be a better business owner and fulfil the purpose and dream I set out to achieve 11 years ago. We are encouraged by our National Office to value highly our staff and are provided with tools and metrics to build better workplace cultures, where Physios enjoy working and are supported in their own professional careers. As Directors, we are provided with professional training opportunities that are second to none in our industry.

I hope that I have sufficiently highlighted a contrasting opinion to what was portrayed recently in the media and I hope that my personal experience with the Back In Motion Health Group as a current Franchisee will be made known to others on the committee via the circulation of my letter.

Yours Sincerely,



Jeremy Hobbs

Director Back In Motion [REDACTED], South Australia



Member

04/09/2018

Jin Wook Yoon

Back in Motion [REDACTED]

[REDACTED]

SA [REDACTED]

Deputy Chair

Senator Deborah O'Neill

PO Box 6100

Parliament House

Canberra ACT 2600

Cc Committee Secretary

Corporations.joint@aph.gov.au

Dear Senator,

My name is Jin Wook Yoon and I am a Korean-borne, Australia-trained physiotherapist.

I'm writing this to you to share my own experience as one of the franchisees of the Back In Motion Health Group.

In my career, joining the Back In Motion Health Group (at [REDACTED] SA in 2012) was the turning point. I graduated from the University of Canberra (Masters of Physiotherapy, graduate entry program) in 2010 and worked hard for someone else for almost 2 years. It was only when I became a part of the Group that I learned about "the big picture" of physiotherapy, which includes the nature of allied healthcare industry, our Philosophy of Care and Mission/Vision/Purpose, and a healthcare business model. After 5 years of experiences as an employed clinician/practice manager in the Group, I purchased existing small business franchise (Back In Motion [REDACTED], SA) in July 2017.

One of the biggest reasons for me to become a franchisee was a proven leadership of Jason Smith (franchisor). I had opportunities to have face-to-face conversations with Jason prior to signing the Franchise Agreement. Jason is a leader who genuinely care for people, striving to implement servant-hood leadership. His view on running a business is based on humanitarian value of "people matter", which leads us to aim for the most loved and trusted service providers. We are passionate to be the excellent clinical service providers, yet we don't want to miss out opportunity to serve those who are disadvantaged through our success.

I've never run a business before but I believe my first 12 month of business should be noted as a good success. The total revenue has increased by more than 30% compared to previous financial year. The Support Office has assisted me with Human Resource recruitment and management, financial management and planning, IT and marketing support as well as personal level of life coaching.

I believe our Group will continue to progress in serving our clients with the best clinical services based on our unique values as well as effective business model, alongside with the humble but competent leadership of Jason Smith.

Kind Regards,

Jin Wook Yoon

Director of Back In Motion [REDACTED]

[REDACTED]

ATT: Senator Deborah O'Neill

Dear Senator,

This letter comes to you in relation to the Parliamentary Inquiry into the operation and effectiveness of the Franchising Code of Conduct and also in response to the recent Fairfax Media newspaper article 'Hell on Earth' published in both the Brisbane Times and Sydney Morning Herald.

As the former business partner of the 'un-named former franchisee' quoted in this article and previous owner of a practice that has exited Back In Motion (BIM), I feel that I am well placed to provide a very balanced view on this situation.

I graduated from Physiotherapy in 2008 and began a FT role with My Back's Physio. After about 18 months, I was offered co-ownership of the practice when it re-branded to Back In Motion [REDACTED]. As we re-located to a bigger site and implemented the BIM model, this quickly became a very successful practice and a benchmark practice within the franchise. Given the rapid growth we experienced, we soon decided to open a second practice in Bundall and I moved over to start this practice in 2012.

For reasons beyond the scope of this letter, my business partner made the decision to exit the franchise. Over the coming months (and ultimately years) I had the opportunity to exit with him, but decided not to. I felt that my personal and professional development, and the long-term survival and success of my business would be best nurtured under the banner of the Back In Motion Health Group and the leadership of Jason Smith.

I won't lie – there were times when I regretted my decision. We were a start-up business – we had poor cashflow, high overheads, my own leadership skills were poor, I had a young family and was unable to draw a wage from my practice. But under the guidance of Jason Smith, the support provided by BIM National Support Office and the encouragement of other BIM franchisees, I knew if I persisted we would pull through.

Now, only 6 years after opening Back In Motion [REDACTED] and 2 years completely untied from my ex-business partner, I now have a practice turning over \$1.3 million, a team of 8 FT Physio's (+5 support staff) and recently won a Gold Coast Business Excellence Award. I consult 2 days/week and am starting to look at other opportunities within the Physio industry to 'get me off the tools'.

Could I have done this on my own? Maybe. Could I have done it in 6 years? ABSOLUTELY NOT! Back In Motion provides a framework for Physio business success – everything from its Systems Manual, marketing resources, clinical service delivery models IT, HR, accounting/bookkeeping, financial intelligence, business coaching and much more. It's not perfect, but it's constantly

evolving and with a network of 65 like-minded franchisees, help is readily available.

When reading the article in the SMH, I couldn't help but think that the challenges faced by these people weren't problems caused by Back In Motion, but rather problems faced by any small business. I joined the Back In Motion franchise to 'spread the risk' of small business ownership and to 'buy a support team' that plugs the gaps in my own skillset, and to 'future proof' my business and stay ahead of industry trends by leveraging off Jason Smith's standing and Back In Motion's position in the industry.

Sadly, others use it to point the finger and blame someone else for their failings. People need to understand that you can't just put a Back In Motion sign up and expect a \$1mil practice. It takes hard work, sacrifice, personal development, commitment and actually implementing the framework given to us by BIM. Ultimately, I accept that the success (or failure) of my business hinges on me, not the franchise.

I was disappointed upon the news that Back In Motion is under the microscope and saddened on the release of the Fairfax Media article. In my opinion, the sour grapes of a few will have far-reaching effects on 65 extremely hard-working and integrous Physio business owners. It has not only tainted Back In Motion but also the whole Physiotherapy profession.

I'm further saddened that some have had a less than favourable experience being a part of Back In Motion. However the number of successful practices, the growth of Back In Motion practices compared to industry norms and my own practice's success is testament to the benefits of being a part of this health network.

I have taken the time to write this letter in the hope of getting a balanced view on this issue. I am concerned that the picture you have is not in line with my experience and continued negative exposure will have a detrimental impact on my business and the businesses of all BIM franchisees that we have worked so hard for.

I will post a hard copy of this letter to you tomorrow and feel free to circulate it with others on the committee.

Your Sincerely,

Justin Mistry | MPhy / BExSc, APAM (Physio) | Director | **Back In Motion**
Back In Motion's *Most Inspirational Director* 2017

[Redacted]
[Redacted], QLD, [Redacted]



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Deputy Chair
Senator Deborah O'Neill
PO Box 6100
Parliament House
Canberra ACT 2600

Cc Committee Secretary
Corporations.joint@aph.gov.au

Dear Senator,

I am writing to you in your capacity as Deputy Chair of the Parliamentary Joint Committee on Corporations and Financial Services in relation to the Committee's inquiry into the operation and effectiveness of the Franchising Code of Conduct.

I have been a physiotherapist for 14 years and have been a franchisee of the Back In Motion Health Group for 11 years. Upon graduating university as a physiotherapist, all I wanted to do was run my own physiotherapy practice and Jason Smith helped me realise this dream in 2007 when I launched Back In Motion [REDACTED]. With year on year continual growth and the support of the health group, I was able to launch my next site in [REDACTED] in 2012. Currently, I lead a team of 10 staff at [REDACTED] and 9 staff at [REDACTED].

There has been a series of claims put to the inquiry regarding Back In Motion and I wanted to voice my experience as a long time franchisee of Back In Motion.

As mentioned, in 2007 I launched a greenfield physiotherapy practice in [REDACTED], Victoria. I chose to join Back In Motion in its infancy, when it was a health group with only a handful of franchisees. Even from then, I believed in the business model and over the years the business model has continued to evolve and improve as more directors joined us, making us the largest and most successful health group in Australia.

The reason why I joined Back In Motion was many folds. I joined Back In Motion for the support of a franchise network as well as the promise of reaching my financial goals at a much quicker rate than had I done this on my own. To date, when comparing myself to other physiotherapy business owners not within the health group, I believe Back In Motion has delivered on its promises. Back In Motion [REDACTED] became a 1 million dollar practice in its eighth year and Back In Motion Richmond became a half a million dollar practice within three years of launching.



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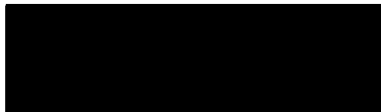
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I love working with the people of Back In Motion, from the clients and staff to the directors to the support network at the National Support Office. I enjoyed sharing the different experiences, the struggles and successes that come with being a business owner with my peers and other like-minded people. I also am indebted to the support staff at the National Support Office who assisted me through the smooth sailing of setting up two different sites, our HR department who assisted with recruitment as well as advice if staff issues arose, our marketing team who I worked closely with whenever we worked on a local area marketing campaign, my business mentor who worked relentlessly with me to keep improving my practices and our group founder, Jason Smith, who empowered me to become a successful business woman as well as an inspirational leader to my team.

Please circulate this letter to other members of the committee as I am very concerned the picture that was portrayed in the media was a very biased one and does not reflect my experience as a franchisee. I hope we can get some balance into this conversation.

Yours sincerely,



Kim Nguyen-Tran
Principal Physiotherapist and Director
Back In Motion [redacted] and [redacted]



AUSTRALIAN
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Member



Deputy Chair
Senator Deborah O'Neill
PO Box 6100
Parliament House
Canberra ACT 2600

Dear Senator,

I am writing to you in your capacity as Deputy Chair of the Parliamentary Joint Committee on Corporations and Financial Services in relation to the Committee's inquiry into the operation and effectiveness of the Franchising Code of Conduct.

My experience with Back In Motion commenced as a new graduate in 2014. Since then I have become a Co-Director at Back In Motion [REDACTED] located in my home town in [REDACTED], Tasmania and commenced trading in September 2017. I work with a team of four physiotherapists alongside two administrative employees, one of whom is employed as our practice manager.

The reason I am writing to you is because of recent allegations about the Back In Motion Health Group. I have been part of the Back In Motion network for four years now and can confidently say the allegations made bear no resemblance to my experience.

I made the decision to join Back In Motion as a new graduate because the health group are aligned with a philosophy of care that I was comfortable with and could feel passionate about. I progressed into a co-directorship role early on as this was always something I had envisaged as part of my personal development and I wanted the support of a network of peers I could not only respect and trust, but also relate to and learn from. I had never operated a business before and felt that by joining a franchised health group this would allow me to achieve my goals whilst simultaneously having ongoing support from a proven franchise system. It is this system that has supported the start-up and continual growth of my business across a very successful first year of operation and I remain confident that this will continue.

Since my business has started up I have been able to engage with all members of the Support Office and feel I have developed fantastic working relationships with a highly collaborative team that has been involved with my journey since day one. The value that each Support Office member has provided to the successful growth of my practice in the last year is enormous. There are also a large number of operational systems which I am able to access and draw upon as needed which assists me with the day to day operations of my business, and facilitates my own personal development and growth.




Member


My business and personal development has only been enriched further with the introduction of business performance groups this year, which allow me to meet in person with other directors within the Back In Motion Health Group in order to learn from one another. This is one of the many initiatives I have gained value from since being part of the Back In Motion Health Group.

I also hold a lot of trust and confidence amongst the many leaders within the Back In Motion Health Group. I believe Jason Smith (Group Director) and my fellow directors share many core values that I not only align with, but that I can aspire to. My experience with the Back In Motion network is akin to a reciprocal relationship and one that I am incredibly proud to be a part of.

I invite you to share my thoughts and experience with other members of the Committee and hope that this provides some balance to the recent views expressed by other parties.

Yours sincerely,



Kyle Saunders
Director and Physiotherapist
Back In Motion 

Cc Committee Secretary
Corporations.joint@aph.gov.au



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04/09/2018

Deputy Chair
Senator Deborah O'Neill
PO Box 6100
Parliament House
Canberra ACT 2600

Cc Committee Secretary
Corporations.joint@aph.gov.au

Dear Senator,

I am writing to you in your capacity as Deputy Chair of the Parliamentary Joint Committee on Corporations and Financial Services in relation to the Committee's inquiry into the operation and effectiveness of the Franchising Code of Conduct.

I have been a physiotherapist for 36 years and have been a business owner of a physiotherapy clinic based in [REDACTED], Queensland for the last 22 years. The clinic currently employs five staff members.

I have been a member of the Back In Motion Health Group for the last 17 months.

I am writing to you because of allegations about the Back In Motion Health Group. As a new member of the Back In Motion Health Group these allegations come as a surprise to me.

I made a decision to join the Back In Motion Health Group after running a physiotherapy practice for many years because I believe that only a successful business model will survive in the current economic climate. Back In Motion Health Group offers a proven and successful business model with the support of the franchise network will enable me to grow my business further. The Back In Motion Health Group offers the support of Support Office and support and knowledge of the other franchisees. These are invaluable in growing my business.

Jason Smith is an inspiration leader of the Back In Motion Health Group and always ready to support and offer help to grow my business. The Back in Motion Health Group have provided a business mentor who has put in place an action plan design with myself to help grow my business.

The Back In Motion Health Group offer a great business model and I am very concerned that the picture that has been painted is not the one I have experienced.



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Yours sincerely,

Louise Eddy
B Sc, Post Grad Dip of Phty, Master of Sports Phty
Back In Motion [REDACTED]



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Back In Motion [REDACTED]

Deputy Chair

Senator Deborah O'Neill

PO Box 6100

Parliament House

Canberra ACT 2600

Cc Committee Secretary

Corporations.joint@aph.gov.au

Dear Senator,

I write to you in your capacity as Deputy Chair of the Parliamentary Joint Committee on Corporations and Financial Services in relation to the Committee's inquiry into the operation and effectiveness of the Franchising Code of Conduct.

I have been a physiotherapist since 2011 and part of the Back In Motion Health Group from then until the present day. After reading a recent article published by the Fairfax media group titled "Hell on earth: Back in Motion physio franchisees 'bullied and trapped'", I am compelled to give my account of the group as I find it to be in stark contrast to the picture painted in the previously mentioned piece.

From the moment I walked into my first BIM practice as a student on my final year of placement, I knew that this group was offering exactly what I was looking for in terms of a workplace as well as a facilitator [REDACTED] progression [REDACTED] in the physiotherapist [REDACTED] profession. The clinic in Wantirna (Back In Motion [REDACTED]) where I would eventually start my physio career was clean, professional, supportive, and above all had a culture that was more reminiscent of a family environment than a workplace. The friendships and relationships I formed in my 5 years as a clinician at BIM [REDACTED] have been amongst the most meaningful in my life and most of them continue in some form to this day.



Back In Motion [REDACTED]

After deciding to eventually purchase my own practice, my decision-making process as to whether or not to buy into a BIM franchise or simply start my own owner-operator practice was long and well considered. Ultimately, the benefits that being part of the BIM group afforded me on paper far outweighed the owner-operator option and I decided along with my business partner to buy into a BIM franchise. In 2016, I left BIM [REDACTED] to purchase BIM [REDACTED] in partnership with my former employer and Director of BIM [REDACTED]; I have never looked back.

From December 2016 until present BIM [REDACTED] has grown by over 40% annually, employing 7 staff with an eighth to commence early in the new year and with an annual turnover of over \$600,000 with a \$750,000 turnover conservatively forecast for FY18/19. In this time, I have been able to transition from a 60 hour work week to 37 hours weekly and allowed myself the time and flexibility to dedicate time to my health and young family. Hard work, sacrifice and determination have all contributed to these milestones however I am convinced that these attributes alone would not have been able to achieve such success without the structure, guidelines and support of the Back In Motion business model and team at the National Support Office (NSO).

I cannot speak more highly of my Business Performance Coach, [REDACTED] and how he has helped to support the growth and expansion of my practice and I have formed close working relationships with several other members of NSO in their individual capacities and areas of expertise. I have always felt I could speak my mind with the NSO team and Jason himself when I have occasionally had reason to raise a concern or query a point, and I have always felt that this concern has been addressed in a timely and thorough manner.

I am equally inspired and humbled by the BIM Directorship in general; this network has been so giving of their time, mentorship, and expertise that otherwise would have taken many hundreds of hours to acquire. The financial benefit that access to this talent pool has had to my business is incalculable and from my perspective priceless.

As a group leader, Jason Smith is exceptional. I find him to be a charismatic, articulate, knowledgeable, and highly visionary leader that strongly emphasises the need for group cohesion and cooperation as well as individual introspection and purpose. It is my opinion that no person can do what Jason does better than Jason. I feel that our group is in safe hands with him at the helm now and into the foreseeable future.

To summarise, my experience as a franchisee of a Back In Motion franchise has been exceedingly positive and [REDACTED]. I have experienced the benefits of the business model, the support of the National Support Office, the mentorship of the Directors, and the visionary leadership of Jason Smith.

[REDACTED] in Motion 'experience' that is described in the Fairfax media article is not only unfamiliar to me, but seems grossly inaccurate and even malicious in nature. I sincerely hope that

you consider my alternative, positive experience with the Back In Motion Health Group when reflecting on this matter in the coming weeks.

Your time and consideration is greatly appreciated.

Yours sincerely,

Majd Rezkallah

Director at Back In Motion [REDACTED]

[REDACTED]



AUSTRALIAN
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Member

[REDACTED]

Deputy Chair
Senator Deborah O'Neill
Parliament House
Canberra ACT 2600

CC: Committee Secretary

My name is Mat, I am a physiotherapist and co-director at 2 Back In Motion locations ([REDACTED] and [REDACTED]).

In light of recent allegations through Fairfax media I would like to share my experience being a franchisee with Back In Motion as it is very different to those opinions portrayed in the media recently.

When I was 15 I went had a dream of becoming a physiotherapist, owning my own clinic and helping others achieve their health goals like physios did for me as a young swimmer. 10 years later I completed my post graduate masters of physiotherapy and started working with Back In Motion [REDACTED]. Naturally as a new graduate my friends from university and I would discuss the varying aspects of our new jobs, my experience and the support I was receiving was second to none. Over the next few years my manager helped mentor me with not only my clinical skills but also develop me as a person, leader and business owner.

I was then offered the opportunity to become a business partner in the franchise across both the [REDACTED] and [REDACTED] Back In Motion clinics. I was extremely excited at this opportunity to become a bigger part of the group that had developed me since leaving university. This opportunity would not have been possible without my business partners [REDACTED]

██████████ and Jason Smith.

I love everything about Back In Motion. The values we hold within our clinics for treating our clients is an exemplary example of what I believe all physio clinics should be. We are helping shape the lives of our clients health by not only recovering from injuries but also providing long term solutions and improvements so they can live a longer, happier and healthier life.

For myself as a franchisee the support I have received from the franchise is above and beyond what I had imagined and is something I would not receive at all if I was to become an independent clinic owner. I have now been a director for 2 years, in that time I have had a couple of situations which were problems we are not trained to deal with at university and I would have had no idea what actions to take. Being a part of Back In Motion meant with a quick phone call I had a team of staff from the franchise support office promptly following this up and guiding me through these. It is experiences like this that make me forever thankful for being a part of our group.

Apologies for any grammar/layout inconsistencies in my email as I have written this on my phone whilst boarding an international flight to Brazil for my honeymoon which is an opportunity I would never have had without being a franchisee with Back In Motion!

Kind regards,

██████████ unro | M. Physiotherapy | **Back In Motion** ██████████

backinmotion.com.au

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Deputy Chair
Senator Deborah O'Neill
PO Box 6100
Parliament House
Canberra ACT 2600

Cc Committee Secretary
Corporations.joint@aph.gov.au

Dear Senator O'Neill,

In your capacity as Deputy Chair of the Parliamentary Joint Committee on Corporations and Financial Services in relation to the Committee's inquiry into the operation and effectiveness of the Franchising Code of Conduct, I feel strongly compelled to write to you after reading articles about comments presented concerning the franchise "Back In Motion Health Group" of which I am a franchisee.

I have been a physio since 1982 and in private practice at my present premises since starting my own private practice in 1990. As is the case for many small business owners, life was a struggle and growing the business in an increasingly competitive environment became ever more difficult.

It wasn't until I joined Back In Motion that my business and my life took a turn for the better. I write to you now having grown my business turnover by 400%, employing 4 physiotherapists and 3 reception staff since joining 7 years ago.

The biggest winners of all are our clients.

They understand that all physiotherapists are not the same.

They see the benefits of our very different focus on long term optimal health, solving their problems and empowering them with tools they can use so they don't need to rely on inefficient "short term fixes". It is no surprise therefore that "word of mouth" has provided our wonderful growth as a business.

I honestly believe all physiotherapists should have our focus.

As well as a positive business model, being part of such a supportive franchise has provided amazing side benefits I had not foreseen.

Being surrounded by other great physiotherapists that are truly open to give honest advice, share ideas and help with issues is invaluable.

Being able to use experts in the financial side of running a business has freed up my time to do what I do best.

Being able to have a marketing team devoted to lifting my profile on a local and national level is gold.

The Back In Motion Support Office is exceptional. I am in contact with all levels of personnel many times a week, depending on the many and varied needs we have in running a business. When we join and pay our franchise fees, we hope for support of a business model, tools to help us be successful and have experts available to assist in helping us grow, assist our learning and lifting our business to be profitable.

I truly feel I am part of a team.

The leadership has been the key.

Jason Smith is, and has always been, an inspirational leader to whom I am eternally grateful to have met. Watching him negotiate the process of growth of our group, dealing with the complex issues that come for a franchise owner and keeping adherence to our true goal of results for life for those that come through our local clinic doors, has been humbling.

For all of these reasons I was absolutely shocked to read the claims reported to have been presented to your inquiry. They are so far removed from my experience, my discussions with other Directors and staff members that I felt I had to respond. I hope this input can be added to your inquiry. I do not know or understand the process but would be happy to provide personal input to my experience if that is appropriate.

Please let me know if I can be of assistance in any way.

Kind regards

Max Kavanagh | Director

Back In Motion [REDACTED]



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[REDACTED]

Deputy Chair
Senator Deborah O'Neill
PO Box 6100
Parliament House
Canberra ACT 2600

Cc Committee Secretary
Corporations.joint@aph.gov.au

Dear Senator,

I am contacting you in your capacity as Deputy Chair of the Parliamentary Joint Committee on Corporations and Financial Services in relation to the Committee's inquiry into the operation and effectiveness of the Franchising Code of Conduct.

I have been a physio for 12 years and part of Back In Motion since 2013. I have 3 sites, 2 in Queensland ([REDACTED] and [REDACTED]) and one in Western Australia ([REDACTED]). Over the 3 practices we employ over 30 staff and treat over 4000 people a year.

I wanted to write to you in regards to the recent complaints you have received from Back In Motion. They represent the view of the few and in no way reflect my positive experiences with Back In Motion, I own 3 of them!

When I started my first private practice in 2008 on [REDACTED] it was always my intention to set up a practice that could work independent of me and allow me to live back home in WA. After 4 years of adopting various business practices (none of which would have allowed me to successfully pull myself out of the practice), Back In Motion turned out to be the shining light that made it possible.

Along the way, it turned out that I really enjoy being part of Back In Motion, from the panel of people at the office in Melbourne that were willing to help and the great group of people that make up the directorship of the group.

Like I said, I have since opened up other practices with Back In Motion and overall we are running a successful conglomerate of practices. They are 5-10 years ahead of the rest of the industry in their thinking and I look forward to being at the forefront of physiotherapy with BIM guidance for the years to come.

It's like all things, franchising is not for everyone, but within Back In Motion, for every negative

experience, there are at least ten of us which wouldn't have it any other way, other than the BIM way of doing things. Please give the rest of your cohort access to this letter so they may know one man's positive perspective on what I believe is a great group.

Yours sincerely,

Nicholas Wigger

Director

Back In Motion [REDACTED]

Kind regards,

Nicholas Wigger | Principal Physiotherapist | Director

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Deputy Chair

Senator Deborah O'Neill

PO Box 6100

Parliament House

Canberra ACT 2600

Cc Committee Secretary

Corporations.joint@aph.gov.au

Dear Senator,

I am writing to you in your capacity as Deputy Chair of the Parliamentary Joint Committee on Corporations and Financial Services in relation to the Committee's inquiry into the operation and effectiveness of the Franchising Code of Conduct.

I'm a Director of a young Back In Motion clinic in [REDACTED], Western Australia and I am writing in response to allegations made in the media regarding the Back In Motion Health Group. I would like to take this opportunity to offer you a very different experience to those expressed publicly.

I had been working as a qualified physiotherapist for 2 years before realising the career progression in my field was limited and I knew that I wanted to open my own clinic. During my research of physiotherapy clinics I discovered Back In Motion and contacted them. In that same year the group was offering a scholarship opportunity to someone from W.A, I applied and a few months later I received a phone call from Jason Smith to personally award me a directorship within the group. I will never forget the exhilaration and wave of goose bumps I felt that day, it genuinely changed the trajectory of my physiotherapy career and I have never looked back.

Being a new physiotherapist with minimal business acumen I decided a franchised business would be the most suitable for me. I knew it came with guidance from a national support office as well as a large network of Directors, all in my exact position and willing to share their secrets for success. It made sense to join a large group of likeminded people who wanted to see and help each other do well, this meant I didn't need to spend years learning from my own mistakes, instead I could spend just hours learning from other's.

I have been a Director in this group for over 2 years and my experience from day one has been vastly different to those expressed in the media. I have been met with nothing but support and understanding each step of the way. [REDACTED] are of the [REDACTED] of the contract [REDACTED] signing and entered knowing that the unity cultivated with [REDACTED] p was a large contributor to its value, so I was comforted knowing people wouldn't make the decision lightly.

[REDACTED]

I have benefitted greatly through constant support from my Back In Motion business coach, we are in contact via email or telephone multiple times a week. My coach provides guidance with goal setting, ways to achieve these goals and keeps me accountable for my own decisions. I often find intrinsic motivation can be difficult when you have so many tasks to manage, having someone to report to keeps me going in times when I would want to slow down and this is ultimately a huge benefit to the success of my business.

I can readily draw from a vast resource pool as a part of this group, we have continuous support with our marketing, human resource and information technology challenges. Human resources is a complicated yet extremely important aspect of small business and I have gained a huge amount of value from the support office in this area specifically. I have been provided with readymade, fair work compliant contracts for all my staff and always get updated on any changes to employer obligations to ensure I'm treating my staff appropriately at all times. This support alone was invaluable during the start-up phase, I had so many things to consider and taking this confusing and time consuming item off the list was a great advantage.

The Back In Motion Health Group categorically provides value through the network of Directors, our ability to affect the group direction and therefore the future of our own businesses. The guidance, ideas and teachings from other Directors is something that I, as a new Director, depend on greatly and daily. I readily receive business, clinical and emotional support through genuine friendships I have from within the group. I thoroughly enjoy spending time with the other Directors in both formal and informal settings.

Through these interactions we spark conversations about what changes we would like to see, once we're confident in our innovation we're encouraged to express this to an advisory panel designed to represent our concerns to the support office. This system ensures our voices are heard and ultimately guides many of the big decisions made by the group, it is because of this collaborative approach that I look forward to many more years with Back In Motion.

I am concerned by the one-sided portrayal of Back In Motion and I feel uneasy about any adverse implications it has for a business which I am proud to have worked so hard to build. I would be delighted if you would agree to share my experience with your colleagues and help them see Back In Motion from a more composed perspective.

Yours sincerely,

Orlando Meehan | Director, Senior Physiotherapist | **Back In Motion** [REDACTED] **W.A**



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Thursday September 6th 2018

Deputy Chair
Senator Deborah O'Neill
PO BOX 6100
Parliament House
Canberra ACT 2600

cc Committee Secretary

corporations.joint@aph.gov.au

Dear Senator,

I read The Age article on Friday August 24th, and thought I needed to voice my opinion. I have operated a Private Practice in [REDACTED] on the [REDACTED]. I graduated as a physiotherapist in 1987, and opened my practice in October 1989. I was a solo practitioner for much of that time with two physios, me included from 2010 till 2016. In August 2016 I joined the Back In Motion Health Group. I did this as I was professionally isolated, and from a business point of view struggling to make it work.

In August 2018, I had 50% more turnover than August 2016. I now have five physios, myself included, and four admin staff, up from one. I have developed fantastic relationships with other directors who are trying to make small business work for them too. They are very helpful and giving with their time and advice, and at 55 years old, with the guidance of Jason Smith through his leadership programs, and head office staff who help coach me to run a small business, I finally, after being out of the course for 33 years, am getting my act together. There is no way I would have been able to do this on my own.

As physios we go through our undergraduate degree, not learning anything about business. With Back In Motion, they have a model that helps the business grow, and keep growing, so I can focus on my main passion, which is getting great results with my clients. For me personally, developing my leadership skills through Jason's Iceberg program has been invaluable, as well as the one on one coaching I get from head office staff. With the increase in staff I have required in the last two years, I have had to improve in my leadership and management. Back in Motion Health Group have been central to this.



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I am excited about where my business is going, and I look forward to the next decade with the group, and further developing my relationships with Jason and other directors. Please share my views with other members of the Committee, as I feel the views of a few, do not represent my experience. Small business is tough at times, and I do not want it been seen in the light that other franchises have been painted. I feel Back In Motion is completely different, with caring staff, that we as Directors have good, strong relationships with.



Yours Sincerely

Paul Rowson, Director Back In Motion
Bach. App Sci. in Physiotherapy APAM
Grad Dip in Sports Physiotherapy
Principal Physiotherapist



AUSTRALIAN
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September 4th 2018

Deputy Chair

Senator Deborah O'Neill

PO Box 6100

Parliament House

Canberra ACT 2600

Cc Committee Secretary

Corporations.joint@aph.gov.au

Dear Senator,

I am writing to you to express concern with a recent submission concerning the franchise group Back In Motion Health Group to the Franchising Code enquiry. I am writing to inform you of my experience as a franchisee of this group.

I have been a physiotherapist for thirty-four years and operated an independent physiotherapy practice for twenty five years prior to joining this group seven years ago. My experience has been positive and supportive and my practice operates incredibly well and much better than it did prior to joining the group.

My practice is in [REDACTED] and has grown in the seven years that I have been in the group; my practice employs 13 people. I am very concerned that spurious claims have been made to your enquiry and that these claims bring unsubstantiated doubt to the integrity of my practice and the group.

The Back In Motion Health Group is unique in the physiotherapy profession by the nature of the franchising relationship under which we operate, I think it is the perfect way for professional practices to come together and to develop and improve the way we care for clients and run our businesses.

I joined the group as I wanted to be a part of group that cooperates and innovates how we work. Professional practice for me is no longer lonely and unguided, I am delighted to be a part of the group.

Before joining the group, I took great care to examine the franchise agreement and I took legal and business advice from experts. I believe I am very well informed about the governing clauses in the agreement. I suspect

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[REDACTED]
[REDACTED]

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that some of your submissions have been made by ex-franchisees who could have done more to more properly understand these same documents.

I believe Jason Smith has developed and led the group with integrity and purpose and I believe the group will be very successful into the future. His integrity is in my experience what the strength of the group is built on.

I am provided with marketing, recruitment, IT, financial and leadership support in the daily operation of my practice. These services are provided by a support staff of over twenty people who are led by Jason Smith.

Could you please ensure that the members of your enquiry committee are aware that my experience with the Back In Motion Health group has been an overwhelmingly positive experience.

Yours sincerely,

Peter Eckhardt

Peter Eckhardt

Back In Motion [REDACTED]
[REDACTED]
[REDACTED]



Back In Motion [REDACTED]
[REDACTED]
[REDACTED]

For your nearest practice
1300 694 325
www.backinmotion.com.au

Deputy Chair
Senator Deborah O'Neill
PO Box 6100
Parliament House
Canberra ACT 2600

Cc Committee Secretary
Corporations.joint@aph.gov.au

Dear Senator,

I write to you in regards to your capacity as Deputy Chair of the Parliamentary Joint Committee on Corporations and Financial Services in relation to the Committee's inquiry into the operation and effectiveness of the Franchising Code of Conduct.

As you are undoubtedly aware, there has been a submission made to the Committee regarding the Back In Motion Health Group which has been recently publicised in the media. I wished to write to you regarding my experiences as part of the Group.

I graduated from university in 2010. At the beginning of 2011 I commenced work at a private practice physiotherapy centre in Melbourne. This was not a Back In Motion practice. I was employed under a sub-contracting arrangement and although in my early days there I was given support and a guarantee of a set wage, I had no annual leave, sick leave or superannuation despite working there full time. I ended up resigning after six months and moving to Back In Motion [REDACTED] as an employee. I loved the support of being in part of a large group and the security of being employed full time under an Enterprise Agreement which had passed through Fair Work Australia.

In 2013 I purchased a shareholding in the [REDACTED] Practice and in 2014 I started the [REDACTED] branch of Back In Motion in conjunction with my business partners, one of whom was Jason Smith, the Group Founder and Director.

Unfortunately due to our other business partner leaving physiotherapy all together and some other circumstances, both practices began to suffer financially. As the managing director, I bore the brunt of the day-to-day workload and found myself struggling with mental health troubles. I ignored most of the signs and kept trying to work harder – a common story in mental health – but eventually when I acknowledged my illness to myself and discussed it with the National Support Office they were extremely supportive. Jason as my business partner and as the franchisor was exemplary in how he approached the issue. I was encouraged and supported in seeking professional help, which I believe was a significant aid in overcoming my condition and I was able to keep operating the practice successfully until the point that we were able to sell it to another party. To this day the



Member



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Rowville practice remains part of the Group and has grown in leaps and bounds under the new ownership – a fact of which I am very proud. I am convinced that if I were a sole trader I would have had to close the practice and face bankruptcy.

It may be misconstrued that my difficulties were due to being part of the Group. This simply isn't true. The issues we encountered were similar issues that all small business owners face, regardless of whether they are in a franchising system or not. Small business life is hard. I'm sure you're aware of the statistics regarding small business ownership, financial profitability, failure rates and mental health. Franchise systems are no exception to this (although I would argue that our system and model has better statistics than the general small business community) - and unfortunately I was one of these statistics. Without the support of the franchising system I could have been a far worse statistic. At no point did Jason Smith or anyone else employed by the Franchisor bully me or intimidate me or act anything other than supportive. They supported me to the best of their abilities considering the circumstances.

I returned to the [REDACTED] practice last year to help aid in its operation. We have successfully brought the practice away from failure and into positive cash flow. On the 30th of June this year I concluded a share sale back to Jason that has seen me exit the directorship of Back In Motion. I continue to work in the [REDACTED] practice in an employed capacity as its Principal Physiotherapist, despite all that I have been through. I do not do this out of necessity, I do not do this out of some caveat of the share sale arrangement. I do this to repay the support that the practice, the people and the Group gave me at some of the most terrible times of my life. If I blamed the Group or Jason for what I have experienced, I would not choose to be associated with the Group, let alone be employed by them.

Whilst I am no longer a director, franchisee or business owner I do believe that my experience is a relevant counterpoint to the views recently expressed. I am happy for my experience to be shared with the other members on the committee.

Yours Sincerely,

[REDACTED]

Robert Edwards
Principal Physiotherapist
Back In Motion [REDACTED]



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EXERCISE & REHAB

Deputy Chair
Senator Deborah O'Neill
PO Box 6100
Parliament House
Canberra ACT 2600

Cc Committee Secretary
Corporations.joint@aph.gov.au

Dear Senator,

I am contacting you in your capacity as Deputy Chair of the Parliamentary Joint Committee on Corporations and Financial Services in relation to the Committee's inquiry into the operation and effectiveness of the Franchising Code of Conduct.

I have been a physiotherapist for 9 years and began my career as a new graduate with Back in Motion. After working within the group for 3 years I took on an opportunity to become a director at Back in Motion [REDACTED]. Since then I have been a director and the principal physiotherapist at Back in Motion [REDACTED] and have built the clinic from 1 physiotherapist to a team of 6 physiotherapists.

I am writing to you because I know you have heard allegations about Back In Motion. I've been part of this network for 6 years now as a business owner and 9 years as an employee and the allegations made bear no resemblance to my experience. This is a structure which has supported the growth of my business from start up through to now – across 6 years of successful operation.

I made the decision to join Back In Motion because I wanted the support of a franchise network and of peers sharing knowledge. I am in contact with my co directors on a weekly basis and will formally catch up with fellow directors monthly. I also have monthly sessions with a staff member from National Support Office. The IT support, coaching and systems manual are all a great benefit of being part of the group.

I believe the health group wouldn't be the success it is today without the leadership of Jason Smith. Jason has been a mentor of mine and provided me with strong training in leadership. Whilst it hasn't always been smooth sailing at Back in Motion Northcote we have been able to build a successful business thanks to the leadership and guidance of Jason Smith and the National Support Office.





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Over my tenure as director at Back in Motion Northcote I have been provided with training and support in leadership and business that I believe is unparalleled within the physiotherapy industry. I continue to value the support and mentorship provided by Back in Motion and believe being part of this team has been a huge part of my success in business and provided me with exceptional personal growth. I hope to continue achieving my personal and financial goals as part of the Back in Motion Health group well into the future. This is my business and livelihood and I am very concerned that the picture you have is not one which is my experience.

Yours sincerely,



Rohan Singleton
Director and Principal Physiotherapist
Back in Motion [REDACTED]



AUSTRALIAN
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ASSOCIATION

Member

Deputy Chair
Senator Deborah O'Neill
PO Box 6100
Parliament House
Canberra ACT 2600

05/09/2018

CC Committee Secretary
Corporations.joint@aph.gov.au

Dear Senator,

I wanted to write this letter in response to the current media allegations made against Back in Motion and our founder, Jason Smith. I would like it to be known that I have had a vastly contrasting experience as a Director than those shared publicly in the media. Thank you for taking the time to read my letter; I would like to highlight my experience as the directors of Back in Motion [REDACTED].

Prior to Joining the Group

After working as a physiotherapist for six years and completing my Masters in Musculoskeletal Physiotherapy, I decided that I wanted to start my own physiotherapy clinic. I had the choice of creating my own clinic or joining the Back in Motion Health Group. This was not a light, nor easy decision. I researched both options for 18 months before making my decision to join the Group. In that time, I met with Jason Smith several times, asking as many questions as I could. Jason was always honest and transparent. He communicated the challenges of running your own business, the support network in place provided by the Group including the wealth of knowledge and comradery from fellow directors. Jason was always available by phone, email, and face-to-face. He was very patient with me as I had a never-ending list of questions for him.

I also called over 20 directors who I was touched made the time to speak to me to ask them several questions about what it's like being in the group, the benefits, the limitations. I also asked if I could work in a clinic to see the Group from the inside to help in my decision-making process. [REDACTED], the director from [REDACTED] was kind enough to take me under his wing and have me work in his clinic. My friendship with Simon Holt is one of the greatest gifts I have received from joining the Group. At no time, did I believe it would be an easy feat to run a physiotherapy clinic. I read through the contract, had my lawyers read through the contract, and them set up a meeting with Jason to ask him several questions about the contract which he was transparent and honest about. I knew exactly what I would be walking into, my eyes were open. With all the research under my belt, the support of both Jason and the fellow directors, I decided to take the leap and join the group.



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After Joining the Group

I have no regrets in joining the Group. It has been a wonderful ride, with many ups and downs that naturally come with running your first business. I have always felt supported by both Jason and the National Support Office. I have several times, when facing a challenge, sent an email out to the other directors and have always received great advice and support. In the 4.5 years since I have started, our practice has grown to four full-time physiotherapist and two administration staff. I believe I would never have been able to grow at the rate I have, with a strong foundation in place, without the Group. Knowing that Jason and the other group members are available when needed takes much of the stress out when running the business. Because of this, I can concentrate on looking after my staff, and our clientele. In addition, the professional development that is available to our group is of an incredibly high standard, and our physiotherapists and directors benefit greatly from this.

Jason Smith, founder of Back in Motion Health Group

I believe workplace culture filters from the top, down. When the CEO or founder has strong ethical principals and integrity, this positive leadership style filters down to all members of the Group. He has been a mentor and I am grateful to know him. He and [REDACTED] are wonderful people that I trust. Both are committed leaders that not only want to grow the physiotherapy group, Back in Motion, but also their adjacent charity fund, SOS Health Foundation. They lead by example. We don't want to be the only beneficiaries of our success. They have taught us that we also need to cast a wider glance at the community around us and be responsible for the upliftment of all as best we can.

Please circulate this letter to all involved at the Senate enquiry into the operation and effectiveness of the Franchising Code of Conduct.

Warmest regards



Rushabh Pattni
Director and Principal Physiotherapist
Back in Motion [REDACTED]
Victoria



04/09/18

To,
Deputy Chair
Senator Deborah O'Neill
PO Box 6100
Parliament House
Canberra ACT 2600

Cc Committee Secretary

Dear Senator,

I am writing to you in your capacity as Deputy Chair of the Parliamentary Joint Committee on Corporations and Financial Services in relation to the Committee's inquiry into the operation and effectiveness of the Franchising Code of Conduct.

I have been a part of Back In Motion Health group since 2010 after completing my Masters in Musculoskeletal physiotherapy. I am the Director and Principal of Back In Motion [REDACTED]. We are a team of 10 physiotherapists and 6 administration staff. Along with my co-director [REDACTED], we run a successful and profitable physiotherapy practice.

I am writing to you as I know that you have heard about the allegations on Back in Motion Health group. But my experience with Back In Motion has been great. I have always learnt a lot about running my own business from the National Support office. I have experienced this support from the day I have joined in as a Director.

As a long-term franchisee, my experience is not even close to the allegations that have been made on Back In Motion. Being a part of Back In Motion, has enabled me to run and lead my practice effectively.

The flexibility and built-in support of the Back In Motion business model has proven itself as one which has seen my business succeed.

I have always been greatly inspired by our Founder and leader – Jason Smith. Along with the various departments of the Support office, Jason Smith has always assisted me in my journey from an employee to a Director and a leader. I have and will always look up to him.



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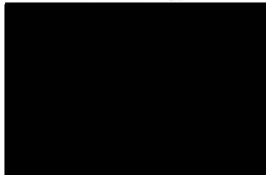
Member

In my 8 years of being a Director of Back In Motion Carrum Downs, our Support office has assisted us greatly in IT, Marketing, Business Development and Human Resources arenas.

I have seen the world of private physiotherapy practice outside Back In Motion and hence I highly appreciate the support that I receive from the support office and our founder Jason Smith.

I do hope that you will share my thoughts and positive experience of Back In Motion with other members of the Committee.

Yours sincerely,



Sheena Kirtane

APA Titled Musculoskeletal Physiotherapist
Director and Principal Physiotherapist
Back In Motion [redacted]
[redacted]



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Deputy Chair
Senator Deborah O'Neill
PO Box 6100
Parliament House
Canberra ACT 2600

Cc Committee Secretary
Corporations.joint@aph.gov.au

Dear Senator,

I write to you in your capacity as Deputy Chair of the Parliamentary Joint Committee on Corporations and Financial Services in relation to the Committee's inquiry into the operation and effectiveness of the Franchising Code of Conduct.

I have been a qualified physiotherapist for almost 15 years and have been part of the Back In Motion Health group for 10.5 years. My practice is located in Blackburn, Victoria and operates with 12 employees- 8 clinical and 4 administrative.

I understand that there have been a series of claims put to the inquiry regarding Back In Motion which don't accurately describe my experience.

I made the decision to join Back In Motion because I wanted the support of a franchise network and of peers sharing knowledge. I've never run a business before and franchising allows me to do so in my way but with the support of a proven franchise system. This is a structure which has supported the growth of my business from start up through to now – across 10.5 years of operation and growth.

My experience as a Back In Motion franchisee has largely been a positive one which has helped me grow my business beyond what would have been likely without the support of the wider group. I greatly value the ongoing support and knowledge provided by the leaders within the franchisor and certainly my network of fellow franchisees. I certainly rely on the services provided by the franchisor such as business acumen, IT support, industrial relations and human resources, industry foresight and marketing knowhow. These are all areas of business I had little knowledge of before joining the group.

I do genuinely believe that Jason Smith, his fellow leaders and the support staff within the franchisor genuinely want for us to succeed as franchisees, business owners, employees and health care providers.

I have written to you in the hope of getting some balance into this conversation and I do hope that you will share my thoughts with other members of the Committee. Thank you for your time.

Yours sincerely,





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Simon Holt

Director

Back In Motion [REDACTED]



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Member

Back In Motion [REDACTED]

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4 September 2018

Deputy Chair
Senator Deborah O'Neill
PO Box 6100
Parliament House
Canberra ACT 2600

Cc Committee Secretary
Corporations.joint@aph.gov.au

Dear Senator,

This letter is addressed to yourself in your capacity as Deputy Chair of the Parliamentary Joint Committee on Corporations and Financial Services in relation to the Committee's inquiry into the operation and effectiveness of the Franchising Code of Conduct.

I have over the past 39 years been a physiotherapist working both in SA country and the metropolitan area of Adelaide firstly as an employee, then a self employed single therapist practitioner at [REDACTED] and in the past 8 years as a franchisee of Back In Motion [REDACTED]. As a result of the joining this franchise my business has grown from 1 therapist to 5 therapists all full time, 1 admin person to 3 near full time admin people and a revenue growth from \$130k per annum to \$720k in the past financial year.

I have been made aware, after a friend read an article in one of Melbourne's newspapers, that you have heard allegations about Back In Motion. After reading the link to the article I became concerned because the description contained therein doesn't tie in with my experience as a franchisee over the past 8 and half years. To read this article would give the impression that joining Back In Motion would not be a good move from a business nor therapy point of view. Nothing could be further from the truth.

As a result of joining this franchise along with the growth as outlined above in employment and revenue, I have personally seen a revitalised approach to my practice that has been fantastic. I now enjoy a more balanced life enjoying time off to holiday with my grandchildren knowing that my team will continue to do a great job in my practice. The mentoring that I am able to do has allowed me to sow back into the profession and over the 8 years I've been able to help 10 new physios upskill and become excellent clinicians. This is because the franchise systems and procedures and training excellence (including ongoing weekly PD) all allow me to have a great impact upon these clinicians' practice. In my previous practice there is no way that I could have done this nor could I have had the holidays (which is something of a luxury to sole practitioners I might add).

There is no doubt in my mind that the systems and support of Jason Smith and his team at our national support office have been instrumental in teaching me good business models



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and have strongly supported my role as franchisee and mentor to my team here at [REDACTED].

One reason I joined was that at my then age (55) I looked at joining Back In Motion to achieve a business that didn't rely solely on me practicing and was going to grow into a business that was able to be saleable as an ongoing enterprise as a result.

The other main reason I joined Back In Motion was because the ethos of long term care that Jason and his systems outlined fitted very well with my desire to actually give clients long term benefits rather than having the "treadmill" of short term treatment cycles which have to be repeated often.

It is clear from the national directors' meetings and contact we have with our business mentors from the national support office, that their number one aim is to help us succeed and grow as a business whilst at the same time, to enjoy our role within the franchise. This has been my experience over the last 8 years. Suggestions in the article of national office having a "heavy hand" to all franchises is wrong, misleading and certainly not my experience at all. At all times, whenever anyone asks me "am I glad that I joined Back In Motion", my answer is a clear and unequivocal YES.

All businesses have their moments with stresses upon owners, my experience is that this has always been due to staff issues within my practice, never due to excessive or heavy handed pressure from Jason Smith or the national office. In fact, they have gone above and beyond to assist me through these staff issues whenever they have occurred. Having access to this advice as a franchisee has been absolutely invaluable! I won't list any examples here, but anyone who has owned a small business will understand my point here completely!

As I go into the next stage of my career I will be looking to transition to a partnership or perhaps a sale, and the support office have already been helpful in facilitating this transition. To read the allegations in the article; if they were true, nothing of what I've written above would occur. Accept my sincerity in what I've outlined above.

Please ensure that your committee members have access to this letter. I would be more than happy to speak to it and clarify any comments if required.

Yours sincerely,

[REDACTED]

Steve Rodda

Manipulative Physiotherapist, Director, Back In Motion [REDACTED]

5th September 2018

Deputy Chair
Senator Deborah O'Neill
PO Box 6100
Parliament House
Canberra ACT 2600

Back In Motion [REDACTED]

Dear Senator,

I am writing to you in regards to the Parliamentary Joint Committee's inquiry into the operation and effectiveness of the Franchising Code of Conduct.

I am a physiotherapist and franchisee of the Back In Motion [REDACTED] practice. I graduated from physiotherapy in 1994. After working in hospitals and travelling I started working at [REDACTED] physiotherapy Centre in 1997. I eventually took ownership of the practice in 2001 and joined the Back In Motion Health Group (BIMHG) in 2007. At the time of joining the group we relocated the practice to its current location in the [REDACTED]. The practice currently employs 12 staff. I am also part owner of the Back In Motion [REDACTED] practice with [REDACTED]. This practice employs 7 staff. I am also vice president of the Victorian Branch of the Australian Physiotherapy Association.

Being one of the more senior directors in the group and having been part of the BIMHG for over 10 years, I have had involvement in more than just the day to day operations of my practice. I have in the past have been a member of the Group Advisory Panel (GAP), a committee providing advice in the direction of the group's policy, strategy and activity. I have also contributed to group professional development and mentor junior directors in their practices.

My decision to join the BIMHG over 10 years ago was based upon a want to be part of a bigger network. Despite running a successful business, I felt that joining Back In Motion would help me to further grow my practice and offer me opportunity to open more practices.

During my time within the BIMHG I have been able to continue to operate the [REDACTED] practice at a profit that allows me to spend more time in my volunteer role at the Australian Physiotherapy Association. I have also been able to open 2 subsequent practices, firstly in Bentleigh which I sold my share, and in [REDACTED] which I currently part own.

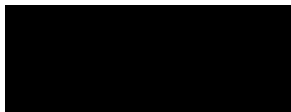


My experience as part of the group has been very different to that which the allegations describe. I value the support that the franchise provides. The systems and support I believe are structured and are primarily focussed on growing and developing small practices into larger, more profitable practices. One of the great benefits comes with the network of practice directors. They are always incredibly supportive and willing to share their knowledge and ideas of their successes and mistakes.

I understand there are a number of practices that are not profitable, and I cannot comment on those. I do know that in the wider physiotherapy community where standalone practices exist, there are a significant proportion that too are not profitable. Physiotherapy, like other health professions have large employment cost. It is an industry where the majority of private practices are small, employing on average less than 1 extra practitioner. The BIMHG tries to overcome those constraints with a plan to grow a practice rapidly to hit 'profitability' sooner. Like any small business, the ability to become profitable and produce a viable business is challenging. I believe that some people that start small businesses do not have the business or leadership qualities to become successful, and as a result ultimately fail. I think the same applies to some directors within the BIMHG.

I have not at any stage felt bullied by the franchisor or any of the staff employed at the support office. I have always felt motivated when listening to Jason speak and feel understood when talking to him. I understand there has been a high turnover of staff at the National Support Office, however I am unable to comment on reasons for this or the culture within the office.

Yours Sincerely,



Tom Hindhaugh

Director at Back In Motion  and Back In Motion 





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To: Deputy Chair
Senator Deborah O'Neill
PO Box 6100
Parliament House
Canberra ACT 2600

Cc Committee Secretary
Corporations.joint@aph.gov.au

6/09/2018

Dear Senator,

I am writing to you in your capacity as Deputy Chair of the Parliamentary Joint Committee on Corporations and Financial Services in relation to the Committee's inquiry into the operation and effectiveness of the Franchising Code of Conduct.

I have been a Physiotherapist for almost 6 years with all of these years being at Back In Motion [REDACTED]. I have been a member of a large team of 6-8 Physiotherapists and in the past years have I have become a Co-director. I am writing to you because I know you have heard allegations about Back In Motion. As a member of Back in Motion I can confidently say the allegations made bear no resemblance to my experience.

Back In Motion's business model is one that has been highly successful for my business. I've never run a business before; franchising with Back In Motion allows me to do that in my way but with the support of a proven franchise system. I was lucky enough to join an already thriving clinic so my transition into directorship was a smooth one without too much strain. However, I still found the Support Office would always reach out to me and ensure I was managing ok even though they were aware I had the support and mentoring of my business partner. Being a part of Back In Motion has enabled me to vastly improve my understanding of how a business runs and has helped me build my leadership skills. Along with the Support Office, the ongoing relationship with other directors has been invaluable and I find myself wondering when the steep learning curve with start to plateau.

I am truly displeased by the comments made about Jason Smith as my contact with him has always been beneficial and there is no doubt in my mind that his heart is in the right place in terms of building a Physiotherapy business model and helping to provide a great Physiotherapy service to the

public in order to help people with their health. He is well respected by all directors I have come into contact with and the Support Office appears to be no different.

Please circulate this letter to others on the committee. This is my business and I am very concerned that the picture you have is not one which is my experience.

Yours sincerely,

A large black rectangular redaction box covering the signature of Troy Sandley.

Troy Sandley

M. Physiotherapy, APAM

Back In Motion 

8/09/2018

Deputy Chair

Senator Deborah O'Neill

PO Box 6100

Parliament House

Canberra ACT 2600

Cc Committee Secretary

Corporations.joint@aph.gov.au

Dear Senator,

This letter comes to you in your capacity as Deputy Chair of the Parliamentary Joint Committee on Corporations and Financial Services in relation to the Committee's inquiry into the operation and effectiveness of the Franchising Code of Conduct.

I have been a Physiotherapist for 14 years, and have spent nearly 12 of those years as a Back In Motion Franchisee in [REDACTED], Victoria. We have slowly built up a successful practice employing seven Physios and five Receptionists, and we have helped over 11,000 people in our local community since inception. This has all been made possible due to the association and support I have received from our franchisor, Back In Motion Health Group (BIM).

I have been disappointed to read the latest news headlines that portray BIM in a negative light, and have since read the submission which most of the report is based. Many of my friends and family who have previously only read positive news on Back In Motion, have now started asking me concerned questions about our health group, when previously their questions would have simply revolved around generic "how's business going" topics.

The fact is, that from my viewpoint, the experience and support hasn't changed in the last month, but the perception of BIM from the outside has, and that to me is unfair.

Personally, I was just 24 years old when I started as a BIM franchisee and there is no chance I would have had the success and opportunities that I have been given, if I'd "done it on my own". My current point in business and life would not be anywhere near as good as it is now, had I not joined BIM.

I made the decision to join BIM because I wanted to learn how to run a business properly. Too often health professionals go along without paying attention to the business side of





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things, and BIM made sure that this was covered off, so that I could focus on being a Physio, but also building a team of Physios and support staff around me.

It's often said that being in a franchise is like being in marriage. There's a sense of interdependence and being able to work through challenges as well as celebrate successes together. And like many marriages, things are never perfect. Not always do I agree with BIM, not always do I like their decisions, and not always do I feel like we do everything perfectly. However, this is what franchising is. Sometimes their decisions have protected me from making mistakes, and sometimes it has meant opportunities have been missed, but what experiences would I have had and what mistakes would I have made if I was out on my own? Who knows what level of errors or success I could have made on my own? These questions don't really come up in my mind at all, because my experience at BIM overall, has been a positive one.

I hope that some positive stories about BIM can be shared in a public forum to hopefully turn some of the tide back in our favour, but I mostly hope that during the parliamentary franchising inquiry, BIM is represented in a positive light overall, and that the weight of evidence is taking into account, not just the emotiveness of the individual stories. I also hope that those that have felt wronged by our group can find peace and success in the long run, because I also believe they deserve it.

Finally, I do hope that you will share my thoughts with other members of the Committee.

Yours Sincerely,

Anthony Belcher

Physiotherapist & Director

Back In Motion Health Group [REDACTED]



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Back In Motion [REDACTED]

backinmotion.com.au



Deputy Chair
Senator Deborah O'Neill
PO Box 6100
Parliament House
Canberra ACT 2600

Cc Committee Secretary
Corporations.joint@aph.gov.au

Dear Senator,

My name is Vanila Somalinga, Principal Physiotherapist & Practice Director (Franchisee) of Back In Motion [REDACTED] & Back In Motion [REDACTED]. I am writing this letter to you in your capacity as Deputy Chair of the Parliamentary Joint Committee on Corporations and Financial Services in relation to the Committee's inquiry into the operation and effectiveness of the Franchising Code of Conduct.

I have been a Physiotherapist for more than 16 years with experience working for many public hospitals and private practices throughout Victoria. In 2013, myself along with my husband support decided to start my own private practice. It was really a big decision for us given we have young family with 5 year old and a 14 month old at home. We both looked at many options including being part of a general practice. Finally, we decided to join Back In Motion Health Group after doing a lot of research and also getting some experience working for another Back In Motion Franchisee. Now, we have two Back In Motion practices one located in [REDACTED] and the other one started in 2017 located in [REDACTED]. I have 7 Physiotherapists working with me out of these location.

I am writing this because I know there is some allegations about Back In Motion Health Group. I have been part of the group for more than four years now. My experience has been really positive. I joined Back In Motion because I was able to own my own practice and at the same time be part of a bigger network with likeminded directors and other support staff at the head office. I would like to highlight that being part of Back In Motion Health Group has supported me in many situations in the past four years because running any business especially allied health practice is sometimes challenging and stressful. I was able to easily manage these challenges because I had access to other senior directors in the group & support staff who could share their experience with me and advise me so I can make right decisions.

Jason Smith is a very passionate leader who supports his colleagues and directors when they are in need. He is always available to help me and other franchisees/directors in the group.



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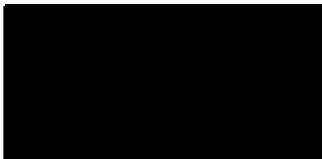
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Being part of Back In Motion Health Group has many benefits including but not limited to:

- Being able to access other Back In Motion franchisees/directors for advice
- Able to recruit and retain great Physiotherapists
- Collectively develop a system that helps our clients and benefit directors
- Peer support professionally & to develop grow business

I hope that you share my experience with other members of the committee. Please share this letter with other members. I have written to you in the hope that you see my side of the story as well.

Yours sincerely,



Vanila Somalinga

Practice Director & Principal Physiotherapist

Back In Motion [REDACTED] & Back In Motion [REDACTED].



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