

## **IN FAIR WORK COMMISSION**

**FWC Matter No: AM2014/305**

**Applicant: CLUBS AUSTRALIA INDUSTRIAL**

### **AFFIDAVIT OF Paul Maskell Biddlestone**

I, Paul Maskell Biddlestone of Beach Road Batemans Bay NSW make oath and affirm:

1. I am the Chief Executive Officer of Batemans Bay Soldiers Club and have been in this position for 12 months. I have worked as Secretary Manager and CEO of two clubs prior to this placement with more than 30 years in the hospitality industry. I am a qualified Chef and have a business diploma and currently finishing my degree.
2. The Batemans Bay Soldiers club is in the heart of Batemans Bay in the Eurobodalla Shire Council on the Far South Coast of NSW. The club is a local social hub providing many facilities for our community, we also have a small motel adjacent to the club. In 2009 the board started to diversify on a large scale in the construction of a large office complex that is fully occupied by Centrelink as a south western call centre and local Centrelink office. The club does not hold any external sporting facilities, but we have indoor bowls, darts and dancing facilities. We are a Soldiers club that houses a local RSL Sub-Branch. As a stand-alone facility we employ up to 80 people during peak periods. All Batemans Bay Employees are covered by an EA that is very much aligned with the Modern Clubs Award

**Filed on behalf of:**

**Prepared by:**

**Address for Service in Australia:**

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3. The club's annual gaming turnover for the last financial year ending 2014 was \$8,465,417 however the club carries a \$13,000,000 debt. The clubs wages bill for the last financial year was over \$3,000,000.
4. The club donates heavily to local disability, education and community crisis facilities.
5. Our general hours of operation are as follows:
  - Sunday to Thursday 10.00am to 11.30pm
  - Friday 10am to midnight
  - Saturday 10am to 12.30am
  - Public holiday hours of trade are the same as whatever day the holiday falls on.
6. Our average daily club revenue changes depending on the day of the week however generally, Friday and Saturday are the club's best performing day's generating over close to 50% of the weekly trade with Sunday and Thursday the lower trading days. Our historical trends show that public holidays tend to perform slightly below average the usual daily income with the exception being Easter Saturday.
7. Average employees working on the following days

	Monday to Thursday	Friday	Saturday	Sunday
F/T	15	15	8	8
P/T	13	16	18	13
Casual	15	20	22	15
Total	43	51	48	36

We generally run same staff numbers for the day the Public holiday falls as per normal trade.

8. Hours worked as an average day cycle

	Monday to Thursday	Friday	Saturday	Sunday
F/T	114	114	61	61
P/T	78	96	108	78
Casual	60	80	88	60

Total	252	290	257	199
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9. The clubs base clerical staff work only Monday to Friday, with the balance of staff working a rotation of shifts as required. We employ a few university students during our busy Christmas holiday periods to assist us with the extra trade and also to cover annual leave.
10. Generally, the club is closed on Christmas Day as a directive of the Board as it is financially unviable to be open. Historically, the club is also closed on Good Friday as it is also uneconomic to be open. I have tried to open the club on Good Friday however, our contract caterer would not open due to the high cost of wages. Unfortunately, on public holidays we normally only trade about the same as a normal day and sometimes slightly under the average trade of that day.
11. One of our worst wages periods for the year is the Easter break (except for Good Friday when we are closed) due to the fact that our wages are normally more than 50% of our turnover. The club opens however as we are obliged to accommodate the influx of visitors to our area over that period.
12. Currently we are looking at reducing our workforce as wages are by far our biggest expense and the club needs to continue to be financially viable to continue to operate in the long term. Anything that reduces the high cost of employment would be a benefit as I feel that we are penalized by employing people in the hospitality business. Obtaining some penalty rate relief would not solve all of our financial strains overnight however it would make a significant difference to our business and the services we can offer our community.
13. If penalty rate relief was achieved, we would not look at reducing our work force but actually employ more permanent and casual staff. Our modelling shows that with careful planning we should be able to grow the business in the long term, in the short term extra hands would make it a little easier for the current employees who do a great job with limited resources.

14. Further, if the penalties reduced, the club would be unlikely to change the hours of trade significantly, but we would be able to open on more public holidays and offer more shifts to employees on days that we currently operate with skeleton staff because of the high wage costs.
15. I also anticipate that a reduction in penalty rates would have a positive increase on the total club revenue as better service often creates higher levels of trade and in turn more revenue.
16. The major factor the club takes into consideration in determining whether operational changes need to be or can be made is entirely driven by the ability to be profitable.

Sworn/Affirmed by the Deponent: Paul Biddlestone

Declared at Batemans Bay Soldiers Club

on 26/06/2015

Before me:

Signature of Witness: \_\_\_\_\_

Name of Witness: Malcolm J McCaskill

Qualification of Witness: Justice of the Peace. *No 123054.*

