

## Form F46 Application to vary a modern award

Fair Work Act 2009, ss.157–160

This is an application to the Fair Work Commission to make a modern award or make a determination varying or revoking a modern award, in accordance with Part 2-3 of the [Fair Work Act 2009](#).

### The Applicant



These are the details of the person who is making the application.

Title	<input type="checkbox"/> Mr <input type="checkbox"/> Mrs <input checked="" type="checkbox"/> Ms <input type="checkbox"/> Other please specify:		
First name(s)	Vicki		
Surname	Crowe		
Postal address	600 Thompsons Road		
Suburb	Sandhurst		
State or territory	Victoria	Postcode	3977
Phone number			Fax number
Email address			

If the Applicant is a company or organisation please also provide the following details

Legal name of business	Professional Golfers Association of Australia Ltd.
Trading name of business	Professional Golfers Association of Australia
ABN/ACN	46 127 641 829
Contact person	Vicki Crowe

Does the Applicant need an interpreter?



If the Applicant requires an interpreter (other than a friend or family member) in order to participate in conciliation, a conference or hearing, the Fair Work Commission will provide an interpreter at no cost.

Yes—Specify language

No

Does the Applicant require any special assistance at the hearing or conference (e.g. a hearing loop)?

Yes— Please specify the assistance required

No

Does the Applicant have a representative?



A representative is a person or business who is representing the Applicant. This might be a lawyer, or a representative from a union or employer association. There is no requirement to have a

representative.

Yes—Provide representative's details below

No

### **Applicant's representative**



These are the details of the person or business who is representing the Applicant.

Name of person

Organisation

Postal address

Suburb

State or territory

Postcode

Phone number

Fax number

Email address

### **1. Coverage**

1.1 What is the name of the modern award to which the application relates?



Include the Award ID/ Code No. of the modern award

Registered and Licensed Clubs Award AM2014/283

1.2 What industry is the employer in?

Professional Sport

## 2. Application

2.1 What are you seeking?

Specify which of the following you would like the Commission to make:

- a determination varying a modern award
- a modern award
- a determination revoking a modern award

2.2 What are the details of your application?

An Application to vary the *Registered and Licensed Clubs Award 2010* in accordance with substantive claims still being pursued.

The inclusions sort are identified in blue.

Attach additional pages, if necessary.

2.3 What are the grounds being relied on?

Using numbered paragraphs, specify the grounds on which you are seeking the proposed variations.



You must outline how the proposed variation etc is necessary in order to achieve the modern awards objective as well as any additional requirements set out in the FW Act.

Please see attached

Attach additional pages, if necessary.

## Signature



If you are completing this form electronically and you do not have an electronic signature you can attach, it is sufficient to type your name in the signature field. You must still complete all the fields below.

### Signature

Name Vicki Crowe

Date 5 October 2017

Capacity/Position HR Advisor



**IN THE FAIR WORK COMMISSION  
4 YEARLY REVIEW OF MODERN AWARDS  
AWARD STAGE – SUB-GROUP 4F**

Matter No: AM2014/283 – *Registered and Licensed Clubs Award 2010*

Dear Associate

We refer to the Modern Award Review proceedings pertaining to the *Registered and Licensed Clubs Award 2010* and the Statement and Directions issued on 26 August 2016.

The Professional Golfers Association of Australia (“PGA”) is conscious that the filing date for substantive claim submissions being pursued in Group 4 was 30 September 2016.

Therefore, the PGA respectively seeks permission to pursue this claim.

**Grounds for the Application**

1. The PGA is a Members association and the peak professional body for the sport of golf in Australia, representing 2,800 Members across Australia and overseas. The Association’s Members comprise all Australian professional golfers and includes:
  - (a) Trainees;
  - (b) Club Professionals;
  - (c) Assistant Professionals;
  - (d) Teaching Professionals;
  - (e) Senior Professionals; and
  - (f) Tournament Professionals
2. The golf industry in Australia employs over 24,000 people and contributes approximately \$3.5 billion to the Australian Economy. Currently, there are 1,785 golf clubs and related facilities around Australia.
3. Predominantly, Golf Professionals are covered under two awards. The *Registered and Licensed Clubs Award 2010* (“Clubs Award”) and the *Amusement, Events and Recreation Award 2010*.

4. Golf Professionals are currently classified under the Clubs Award as *Leisure Attendants, attending a shop associated with the clubs activities, for example a golf pro shop owned and operated by the club.*
5. However, Golf Professionals are career employees and they undertake a far greater range of duties than *attending a shop.*  
  
Their duties include, but are not limited to: managing facilities, coaching or instructing golf, running junior programs and running tournaments for golfers.
6. Golf Professionals have not been covered in any Modern Award and there is no 'golf industry' award per se, in the modernised award system. Due to the complexity of finding a 'best fit' award, many have been deemed to be award free, and as such, have been greatly disadvantaged by not receiving penalty rates and other award entitlements.
7. As of 1 January 2018, PGA Trainees will no longer be eligible for the Training Wage (due to the qualification they are completing), as such, we seek inclusion of Year 2 and 3 Trainees in the minimum wage classifications.
8. Accordingly, the PGA has also made submissions to vary the *Amusement, Events and Recreation Award 2010.*

## Proposed variations to the Award

### Inclusions

#### 1. Definitions and interpretation

##### 1.1 In this award, unless the contrary intention applies:

**exempt public sector superannuation scheme** has the meaning given by the *Superannuation Industry (Supervision) Act 1993 (Cth)*

**golf professional** means a qualified and current Full Member (Vocational) of the Professional Golfers Association of Australia referred to in clause C.3 of Schedule C – Classification Definitions

**maintenance and horticultural employee** means an employee engaged in a classification referred to in clause 9 of Schedule C—Classification Definitions

#### 4. Coverage

**4.2** To avoid doubt, this award covers the work of bar attendants or stewards employed in a club situated on a football ground, cricket ground or sports ground and persons engaged as greenkeepers, ground attendants, gardeners, propagators, lawn mower and motor roller drivers and general labourers in the construction and maintenance of bowling greens and golf courses, **golf facilities including but not**

limited to golf clubs, on-course and off-course golf shops and driving ranges, but does not cover.....

**4.3** This award does not apply to employees of employers who are covered by the following awards:

- (a) *Hospitality Industry (General) Award 2010*;
- (b) *Cleaning Services Award 2010*;
- (c) *Racing Industry Ground Maintenance Award 2010*;
- (d) *Security Services Industry Award 2010*; or
- (e) *Amusements, Events and Recreations Award 2010*

## Part 1—Minimum Wages and Related Matters

### Part 2—Minimum wages

#### 2. Minimum wages

##### 2.1 Club employees

Level	Classification	Minimum weekly wage	Minimum hourly wage	Annual salary (where applicable)
		\$	\$	\$
Introductory		694.90	18.29	
Level 1		714.90	18.81	
	<ul style="list-style-type: none"> <li>• Food and beverage attendant grade 1</li> <li>• <a href="#">Golf Trainee Year 2</a></li> <li>• Guest service grade 1</li> <li>• Kitchen attendant grade 1</li> </ul>			
Level 2		742.30	19.53	
	<ul style="list-style-type: none"> <li>• Child care worker grade 1</li> <li>• Clerical grade 1</li> <li>• Cook grade 1</li> <li>• Doorperson/ Security officer grade 1</li> </ul>			

Level	Classification	Minimum weekly wage	Minimum hourly wage	Annual salary (where applicable)
		\$	\$	\$
	<ul style="list-style-type: none"> <li>• Food and beverage attendant grade 2</li> <li>• Front office grade 1</li> <li>• Golf Trainee Year 3</li> <li>• Guest service grade 2</li> <li>• Kitchen attendant grade 2</li> <li>• Leisure attendant grade 1</li> <li>• Maintenance and horticultural employee level 1</li> <li>• Storeperson grade 1</li> </ul>			
Level 3		767.80	20.21	
	<ul style="list-style-type: none"> <li>• Clerical grade 2</li> <li>• Cook grade 2</li> <li>• Food and beverage and gaming attendant grade 3</li> <li>• Forklift driver</li> <li>• Front office grade 2</li> <li>• Guest service grade 3</li> <li>• Handyperson</li> <li>• Kitchen attendant grade 3</li> <li>• Leisure attendant grade 2</li> <li>• Maintenance and horticultural employee level 2</li> <li>• Storeperson grade 2</li> <li>• Timekeeper/ Security officer grade 2</li> </ul>			
Level 4		809.10	21.29	
	<ul style="list-style-type: none"> <li>• Clerical grade 3</li> <li>• Cook (tradesperson) grade 3</li> <li>• Food and beverage attendant (tradesperson)</li> </ul>			



Level	Classification	Minimum weekly wage	Minimum hourly wage	Annual salary (where applicable)
		\$	\$	\$
	grade 4			
	<ul style="list-style-type: none"> <li>• Front office grade 3</li> <li>• Guest service grade 4</li> <li>• Leisure attendant grade 3</li> <li>• Maintenance and horticultural level 3 (tradesperson)</li> <li>• Storeperson grade 3</li> </ul>			
Level 5		859.80	22.63	
	<ul style="list-style-type: none"> <li>• Child care worker grade 2</li> <li>• Clerical supervisor</li> <li>• Cook (tradesperson) grade 4</li> <li>• Food and beverage and gaming attendant grade 5</li> <li>• Front office supervisor</li> <li>• <a href="#">Golf Professional level 5</a></li> <li>• Guest service supervisor</li> <li>• Maintenance and horticultural level 4</li> </ul>			
Level 6		882.80	23.23	
	<ul style="list-style-type: none"> <li>• Cook (tradesperson) grade 5</li> <li>• Club manager of a club with a gross annual revenue of less than \$500,000</li> <li>• Child care worker grade 3</li> </ul>			
Level 7	• Level A manager	905.00	23.82	47,189
Level 8	• Level B manager	943.30	24.82	49,186
	• Maintenance and horticultural management level 1			
Level 9	• Level C manager	955.80	25.15	49,838

Level	Classification	Minimum weekly wage	Minimum hourly wage	Annual salary (where applicable)
		\$	\$	\$
Level 10	• Level D manager	990.90	26.08	51,668
Level 11	• Level E manager • Maintenance and horticultural management level 2	1027.10	27.03	53,556
Level 12	• Golf Professional	1053.74	27.73	54,794
Level 13	• Level F manager	1092.10	28.74	56,945
Level 14	• Level H manager	1113.40	29.30	58,056

## Schedule C—Classification Definitions

### C. 3 Golf Professionals

#### C.3 Professional Golfers

**C.3.1 Golf Professional Trainee Level 1** means an employee who has satisfactorily completed the appropriate level of training to be considered a Year 2 Trainee by the Professional Golfers Association of Australia.

**C.3.2 Golf Professional Trainee Level 2** means an employee who has satisfactorily completed the appropriate level of training to be considered a Year 3 Trainee by the Professional Golfers Association of Australia.

**C.3.3 Golf Professional level 5 (Assistant Professional)** means an employee who is engaged in the following activities:

- (a) Assistance in the operation of a golf professional shop including retail sales, service, stock-control and club-repair.
- (b) Delivery of golf coaching and club-fitting programs.
- (c) Assistance in the operation and delivery of club events, time sheets and competition fields.
- (d) Assistance in the operation of cart fleets.

**C.3.4 Golf Professional level 12** means an employee who is engaged in the following activities:

- (a) Operation of an appropriately stocked golf professional shop, providing retail sales and advice, customer service and golf club repair.
- (b) Management, development and delivery of golf coaching and club-fitting programs to club members and guests.
- (c) Management of golf professional shop staff including recruitment and rostering, while ensuring club procedures and employee relations policies and implemented.
- (d) Establish and maintain a safe working environment, ensuring WH&S procedures comply with up to date legislation.
- (e) Management of time sheets, competition fields and the handicap system, including the calculation and processing of competition results.
- (f) Manage and maintain the cart fleet and other rental equipment.
- (g) Attendance at scheduled management meetings and other club meetings as required.

## **Exclusions**

### **4. Coverage**

~~4.2 (d) employees employed by an employer independently contracted Golf Professional. other than the club, where the employer operates a golf pro shop, driving range or other golfing facility, or provides golf coaching or other similar services, which are accessible to the general public.~~

## **Schedule C —Classification Definitions**

### **C.7 Leisure activities**

**C.7.1 Leisure attendant grade 1** means a person who:

- (a) attends a shop associated with the club's activities, ~~for example a golf pro shop owned and operated by the club.~~