

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

Amusements, Events and Recreation Award 2010 MA000080

1.2 What industry is the employer in?

Sporting, Leisure, Recreation Industry

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?

Amended application to vary the *Amusements, Events and Recreation Award 2010* in accordance with the substantive claims still being pursued.

The inclusions 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	10 October 2017
Capacity/Position	HR Advisor



IN THE FAIR WORK COMMISSION
4 YEARLY REVIEW OF MODERN AWARDS
AWARD STAGE – GROUP 4

Matter No: AM2014/256 – *Amusements, Events and Recreation Award 2010*

Dear Associate

We refer to the Modern Award Review proceedings pertaining to the *Amusements, Events and Recreation Award 2010* and the Statement and Directions issued on 26 August 2016.

The Professional Golfers Association of Australia (“PGA”) filed a substantive claim submission on 28 September 2015.

We respectively seek permission to amend our original submission due to the fact that as of 1 January 2018, Year 2 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.

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. Golf Professionals are not defined within the classification structure; however, golf links are referred to in clause 15.10.

4. The PGA strongly believes that golf courses are leisure and recreation facilities, if not sporting complexes.
5. 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.
6. By varying the *Amusements, Events and Recreation Award 2010*, PGA Golf Professionals will be able to achieve greater clarity and eliminate any possibility of being disadvantaged in the future.

Inclusions

3. Definitions and interpretation

3.1 In this award, unless the contrary intention appears:

exhibition employees means employees of employers engaged in the supply, preparation, marking out, fabrication, installation, erection or dismantling of exhibition stands or associated componentry for the trades and public promotions industry

golf professional means a qualified and current Member (Vocational) of the Professional Golfers Association of Australia referred to Schedule B – Classification Structure

MySuper product has the meaning given by the *Superannuation Industry (Supervision) Act 1993* (Cth)

4. Coverage

4.2 Definition of amusement, events and recreation industry

(a) Amusements, events and recreation industry means the operation of:

- (i) leisure and recreation facilities and centres;
- (ii) sporting, exhibition, convention and amusement complexes
- (iii) theme parks;
- (iv) heritage, tourism and cultural centres;
- (v) museums and galleries;
- (vi) zoos, animal parks and aquariums;
- (vii) agricultural and horticultural shows;
- (viii) carnivals and amusement parks;
- (ix) ten pin bowling venues;
- (x) go-kart racing venues;
- (xi) amusement arcades, including video game and pinball parlours; and

- (xii) golf facilities including but not limited to golf clubs, on-course and off-course golf shops and driving ranges.

4.3 Exclusions

- (c) This award does not cover an employer bound by the:
 - (i) *Building and Construction General On-site Award 2010;*
 - (ii) *Electrical, Electronic and Communications Contracting Award 2010;*
 - (iii) *Joinery and Building Trades Award 2010;*
 - (iv) *Travelling Shows Award 2010;*
 - (v) *Fitness Industry Award 2010; or*
 - (vi) *Registered and Licensed Clubs 2010*

Part 4-Minimum Wages and Related Matters

14. Minimum wages

14.1 Adults

Employees are entitled to the minimum wage prescribed for the classification in which they are employed as follows:

Classification	Weekly	Hourly
	\$	\$
Introductory level employee	694.90	18.29
Grade 1	714.90	18.81
Grade 2	742.30	19.53
Grade 3	767.80	20.21
Grade 4	809.10	21.29
Grade 5	834.40	21.96
Grade 6	859.70	22.62
Grade 7	882.80	23.23
Grade 8	927.50	24.41
Grade 9	1027.10	27.03
Grade 10	1053.74	27.73

15.10 Employee in charge

Where an employee is in charge of maintaining a golf course with more than 18 holes or bowling greens or lawn tennis courts in an establishment covered by this award they will receive an extra 5.33% of the standard weekly rate per week.

Schedule B – Classification Structure

B.2 Grade 1

B.2.3 An employee at this level may include a Cleaner, Maintenance person, Gardener, Handyman, Animal attendant, Ride attendant, Tour guide, Customer Service Officer, Meet and Greet/Concierge, Photography Attendant, Host/Presenter, Car park attendant, Parking attendant (not handling cash), Door attendant, General attendant, Admissions/Entrance attendant level 1, Gateperson (not on major gates), Bowling attendant, Usher, Event day attendant and [Golf Professional Year 2 Trainee](#).

B.3 Grade 2

B.3.2 An employee at this level performs work above and beyond the skills of an employee at Grade One and to the level of their skills, competence and training. An employee at this level may in addition to the roles in Grade 1 may also include an Assistant to construction technician and/or erector (including persons engaged in maintenance and utility duty) Ticket seller, Counter attendant, Security Officer, Receptionist, Programme seller, Cashier, General hand (exhibition employees), Game warden and [Golf Professional Year 3 Trainee](#).

B.7 Grade 6

An employee at this level may include a Head technician maintenance person, Restoration officer, Museum technician, Senior animal attendant or trainer and [Golf Professional \(Assistant Professional\)](#) 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.

B.11 Grade 10

B.11.1 An employee at this level may include a [Golf Professional](#) 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.