

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 type="checkbox"/> Ms <input checked="" type="checkbox"/> Other please specify: | | |
| First name(s) | Vicki | | |
| Surname | Crowe | | |
| Postal address | 600 Thompsons Road | | |
| Suburb | Sandhurst | | |
| State or territory | VIC | Postcode | 3977 |
| Phone number | 03 830 1977 | Fax number | |
| Email address | vcrowe@pga.org.au | | |

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

| | |
|--------------------------|---|
| Legal name of business | Professional Golfers Association of Australia Limited |
| Trading name of business | Professional Golfers Association of Australia Limited |
| 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 (eg a hearing loop)?

Yes – Please specify the assistance required

No

Does the Applicant have a representative?



A representative is a person or organisation who is representing the applicant. This might be a lawyer or paid agent, a union or employer organisation, or a family member or friend. 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 organisation who is representing the Applicant (if any).

| | | | |
|-------------------------------|--|------------|--|
| Name of person | | | |
| Firm, organisation or company | | | |
| Postal address | | | |
| Suburb | | | |
| State or territory | | Postcode | |
| Phone number | | Fax number | |
| Email address | | | |

Is the Applicant's representative a lawyer or paid agent?

Yes

No

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

Amusement, Events and Recreation Award 2020 MA000080
Registered and Licensed Clubs Award 2020 MA000058

1.2 What industry is the employer in?

Sports and 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?

1. The Professional Golfers Association (PGA) of Australia will be implementing terminology changes to its training program to become a Full Member of the PGA on 1 January 2021.
2. From 1 January 2021, individuals undertaking the PGA Membership Pathway Program will be officially referred to as **PGA Associates**. Prior to this date, these individuals were known as PGA Trainees.
3. This change is to remove any confusion in relation to the term PGA Trainee, particularly in the area of official Training Wages. PGA Trainees were not undertaking an official Traineeship and are not eligible for Training Wages. The use of the term Trainee therefore caused significant confusion within the golf industry and possible non-compliance from some employers in relation to wage rates for these individuals.
4. For this reason, the PGA has fully removed the terminology “Trainee” from its programs and requests the terminology within the applicable awards is amended to PGA Associate rather than Golf trainee.

Attachment A to the Application is the Amendments

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.

1. In 2020, Fair Work’s Full Bench determined that the Professional Golfers Association of Australia’s substantive claims for the Amusement, Events and Recreation Award 2020 and Registered and Licensed Clubs Award 2020, met the modern awards objectives.
2. The decision to change the title from Trainee to Associate was made by the Professional Golfer Association post the determinations made by the Full Bench.
3. The grounds for the Application are:
 - a. To remove any uncertainty or ambiguity in relation to the wage rates for specific individuals (s.160 of the Act);
 - b. Provide clarity for employers of individuals undertaking the Membership Pathway Program in relation to wage rates.
 - c. Improve compliance in relation to wage rates within the Australian Golf Industry.

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 | Vicki Crowe |
| Name | Vicki Crowe |
| Date | 11 January 2021 |
| Capacity/Position | HR Manager |



Where this form is not being completed and signed by the Applicant, include the name of the person who is completing the form on their behalf in the **Capacity/Position** section.

PLEASE RETAIN A COPY OF THIS FORM FOR YOUR OWN RECORDS



Attachment A Amendments

Registered and Licensed Clubs Award 2020

Amendments in red

2. Definitions

PGA associate means an individual formally undertaking the Professional Golfers Association's **Membership Pathway** Program, for the purposes of becoming a Full Member of the PGA referred to in clause A.3 of Schedule A – Classification Definitions

18. Minimum rates

18.3 Adult employee rates

Level 1 **PGA Associate year 1**

Level 2 **PGA Associate years 2 and 3**

Schedule A – Classification Definitions

A.3 Golf Professionals

A.3.1 PGA Associate Year 1 means a first year **PGA Associate** with the Professional Golfers Association of Australia.

A.3.2 PGA Associate Years 2 and 3 means an employee who has satisfactorily completed the appropriate level of training to be considered a Year 2 or 3 **PGA Associate** by the Professional Golfers Association of Australia.

PGA NATIONAL OFFICE

600 Thompsons Road, Sandhurst, Victoria, Australia 3977 | P: +61 3 8320 1911 | F: +61 3 9783 0000 | ABN 46 127 641 829



Amusements, Events and Recreation Award 2020

2. Definitions

PGA associate means an individual formally undertaking the Professional Golfers Association's **Membership Pathway** Program, for the purposes of becoming a Full Member of the Professional Golfer Association of Australia.

Schedule A – Classification Definitions

A.2 Grade 1

A.2.3 An employee at this level may include a Cleaner, Maintenance person, Gardener, Handyperson, 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 **PGA Associate** Year 1.

A.3 Grade 2

A.3.2 An employee at this level performs work above and beyond the skills of an employee at Grade 1 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 a **PGA Associate** Years 2 and 3.

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