



**Code of Conduct
for the use of local government land
by commercial fitness groups
& personal trainers**

Prepared by
Recreation SA for the
Local Government Association

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Important disclaimer:

The information contained in this Code of Conduct has been gathered through widespread industry consultation.

This Code of Conduct is mandatory and non-compliance will result in the trainer's permit being revoked.

It is understood that this Code of Conduct will not cover each and every circumstance of a fitness activity. Nor can it, when adhered to, eliminate the risk or possibility of loss or injury. Whenever using the information contained in this Code, all trainers should carefully evaluate the specific requirements of the intended fitness activity and the persons participating in it. If necessary, advice should be obtained from a suitably experienced and qualified professional person.

The contents of this Code of Conduct is made available on the express condition that Recreation SA and the Local Government Association, together with the authors, consultants and advisors who have assisted in compiling and drafting this Code are not rendering professional advice to any person or organisation and make no warranties with respect thereto and to the maximum extent permitted by law disclaim all liability and responsibility for any direct or indirect loss, damage or liability which may be suffered or incurred by any person as a consequence of reliance upon anything contained in or omitted from this document.

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Recreation SA acknowledges NSW Waverley Council, Policy on the Use of Council Reserves by Commercial Fitness Groups and Personal Trainers in the development of South Australia's Code of Conduct for the use of local government land by commercial fitness groups and personal trainers.

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1. Background

Personal fitness training is one of the strongest growth segments in the fitness industry. Increasing numbers of commercial fitness trainers using public reserves has raised a number of issues including:

- a) Equity of access issues – e.g. potential conflict with displaced users, management of demand, domination and monopolisation of areas and exploitation of public land by commercial operators
- b) Impact on the asset – e.g. trainers (especially of large groups) are causing wear-and-tear to recreational facilities
- c) Public liability concerns – e.g. trainers with insufficient insurance.

The Local Government Act 1999 regulates the use and management of local government land and community lands within South Australia. Local Government land includes:

- Land owned by a Council; and
- Land which, though not owned by the Council, is under its care, control and management.

The need to regulate use of public reserves by organised or commercial fitness groups and personal fitness trainers has been identified. The Code of Conduct responds to this need, and has been developed to assist fitness professionals to plan and undertake outdoor fitness activities with dependent participants.

2. Purpose of the Code of Conduct

This Code of Conduct has been prepared with the involvement of a cross-section of South Australia's fitness industry, the Local Government Association (LGA) and Recreation SA, and reflects minimal mandatory standards of behavior expected when planning and undertaking outdoor fitness activities.

This Code of Conduct aims to:

- a) Ensure equity of access to public parks and reserves
- b) Reduce the impact of commercial fitness activities on local government land
- c) Minimise public liability concerns
- d) Provide a safe & enjoyable experience for participants.

3. Scope

This Code of Conduct addresses the operation of commercial fitness groups and personal trainers relating to:

- a) one on one sessions and/or group activities
- b) all local government land, community land and beaches within local government's jurisdiction
- c) South Australian National Parks and Conservation Parks.

4. Exclusion zones

No commercial fitness training will be permitted in high activity areas and/or areas of cultural, environmental or natural significance. Specific areas where these activities are prohibited include but are not limited to the following:

- Coastal areas including sand dunes, the foreshore of coastal areas as identified by individual local councils
- Local government owned and managed cemeteries
- Picnic sheds and benches
- Exclusive use of public outdoor fitness equipment in parks and reserves
- 10 metres from memorials
- 10 metres from any playgrounds or play equipment
- 10 metres from any public change room, toilet or kiosk areas
- 50 metres from any neighboring residential property
- Any designated sports field or facility without a specific booking
- Training on stairways and pathways – these can be transited but are not to be used for either static or repeated training routines.

The LGA may nominate other areas as it sees fit.

5. Permissible fitness activities under the Code

The following activities will also be subject to individual Council approval

- Gym sessions (with or without weights, medicine balls, jump and balance activities)
- Aerobic activities – sprints, obstacle, speed and agility courses
- Yoga, Tai chi, Pilates and any mat activity
- Circuit training
- Boxing with pads
- A combination of any of the above.

6. Excluded activities

- Aggressive and intimidating activities that involves shouting, loud voice calls or instructions
- Activities involving amplified music or amplified audio (voice) equipment e.g. loud hailers
- Activities in playgrounds
- Running in pack
- Groups over 20 (number to be determined)
- Marital arts (unless covered by separate insurance)
- The use of logs, tyres, heavy ropes (additional fitness equipment will be at the discretion of the local council).

7. Eligibility

Commercial fitness groups and personal trainers providing fitness services activities and/or instruction to people on local government land and community land and receiving a commercial benefit must apply for a permit only after successfully completing the authorisation process with Recreation SA and being issued a Statement of Compliance with the Code of Conduct. Permit applicants must have the following essential items.

Essential:

- Current fitness registration with Fitness Australia
- Current Senior First Aid & CPR Certificates
- Current public liability insurance policy to a minimum of \$10 million
- Sample of a 'typical' outdoor fitness activity session plan & equipment used
- Risk management assessment (lighting, surface, equipment, weather)
- A copy of a roster of your program/activities: days of the week, times: equipment
- Promotional and/or marketing material you use or intend to use
- List of trainers/support persons that apply to the permit
- Emergency strategy/contingency plan (rain, lightning, heat, injury, transport)
- Communications plan – to the group, in the event of an emergency
- Environmental impact statement – land care, car parking, noise, waste.

8. Groups excluded from the Code of Conduct

This Code does not apply to the following groups:

- Existing lessees of council properties
- Local sporting clubs
- Local schools
- Surf Life Savings Clubs.

9. Size of groups

Local councils will determine the size of the group in relation to the local government land being sought by commercial fitness groups and personal trainers. Commercial fitness groups with more than 20 participants **will not** be issued with a permit.

10. Authorisation process

Recreation SA will be responsible to ensure the *Essential*/items in clause 7, Eligibility, are sighted before issuing a Statement of Compliance with the Code of Conduct. An administration fee of \$30 will be payable to Recreation SA at the commencement of this process.

11. Allocation of permits

A permit will be valid for **one year** and will authorise each trainer to use pre-allocated local government land and community land for fitness activities in accordance with this Code of Conduct on a **non-exclusive basis**.

Applications for permits and the number of permits to be issued will be determined by local councils taking in account the following factors:

- Usage demand, intensity of use of the areas and times requested
- Number of approved trainers already using the area
- Other activities (passive and active) being undertaken in the area
- Type of activities to be undertaken and the potential impact on other users and neighboring residents during the times requested

- Whether the activities will contribute to increasing congestion or user conflict in the area requested.

In considering the above, a local council may decide to:

- a) approve an application and issue a permit
- b) issue a limited permit with restrictions on the number and types of activities, group size and the time and location of activities
- c) not approve the application.

One trainer only may be authorised by a local council to operate at any one time under the permit issued. However, the authorised trainer can nominate a replacement person in case of illness or leave. The trainer must notify the local council within 24hrs of the scheduled session, quote the permit number and specify the replacement trainer. Alternatively, a company can nominate a trainer/s that will operate under the permit. The company must provide a roster listing the qualified trainers who will operate under the permit. Note: that only one authorised trainer can use the permit at any one time.

All trainers must be insured and eligible to operate under the permit in accordance with this Code of Conduct.

Each permit issued will include confirmation of the type of activities to be undertaken, when and where these activities can take place, the number and size of groups, number of sessions and session times.

12. Identification requirements

Each commercial fitness trainer allocated a permit will be issued with a coded permit identification card that will contain information on the permit conditions such as group size, fee, category etc. This must be displayed at all times and be shown to Council officers when requested.

13. Permit fees

An administration fee of \$30 per application is payable to Recreation SA to undertake the authorisation process before referring commercial fitness groups and personal trainers to local councils for a permit. Permit fees will be reviewed annually by the Local Government Association.

Category	Number of participants	Booking required*	Fees
1	1 – 4 participants	No	\$500 per annum (GST included)
2	5 -10 participants	Yes	\$750 per annum (GST included)
3	11-20 participants	Yes	\$1,000 per annum (GST included)

*Booking, on a **non-exclusive basis**, allows the commercial fitness group and personal trainer rights to the land space allocated to them by the respective local council.

These fees are a recommendation only, and individual councils may charge a different fee.

14. General conditions

Each commercial group fitness trainer and personal trainer approved by a local council:

- a) must only provide the activities for which they are suitably qualified and that have been approved by the local council
- b) must only operate in the areas and at the times specified by the local council in the permit
- c) must manage the activities to minimise wear and tear on grassed areas (this includes rotating within the designated areas and/or alternating activities)
- d) must comply with reasonable direction of Council Rangers and other authorised Council officers in relation to any unacceptable practices or, to display evidence of the permit in the prescribed manner
- e) shall prior to commencing static/grid training, inspect the immediate area to ensure no hazards are evident and take appropriate action to remove those hazards or alternatively move the training site and, without undue delay, report to Council the hazard or any other hazardous matters observed during the training that may require Council's attention
- f) shall not assign their rights under this permit or attempt in any other manner to transfer their rights under the permit to any other person, it being clearly understood that the permit is issued to a particular individual and is not transferable unless approved by Council in accordance with this Code of Conduct
- g) shall indemnify and hold the Council harmless from and against all damages, sums of money, costs, charges, expenses, actions, claims and demands which may be sustained or suffered or recovered or made against the Council by any person for any loss of life or injury or damage any person may sustain due to the negligent act of a trainer whilst conducting a training session
- h) when conducting training on local government land and community land shall always conduct themselves in a proper and orderly manner and be considerate to other users and adjacent residents
- i) shall conduct their activities so not to dominate, monopolise and/or obstruct any stairways or pathways
- j) must not create any noise from training activities that unreasonably disturbs other users and adjacent residents
- k) shall not suspend any equipment from trees and/or structures in the public reserves
- l) shall ensure that any exercise equipment used does not create any hazards or obstruction or left unattended at any time
- m) must ensure that any training group for which they are responsible, runs in single file when running in narrow areas
- n) shall ensure that their clients do not step on or walk on or in any other way inappropriately use picnic tables and park furniture and shall leave the training area in the same condition it was at the commencement of training
- o) shall take out and maintain in their name, for the duration of the term of the permit, Australian Prudential Regulation Authority (APRA) approved public liability insurance for a minimum of \$10 million and produce documentary evidence of this at the time of application
- p) shall agree that, notwithstanding any implication or rule of law to the contrary, the Council shall not be liable for any damage or loss that any trainer and their clients may suffer by the act, default or neglect of any other person or by reason of the Council failing to do something on or to the public space used

- q) is only authorised to provide the training sessions specified in their permit and must not sell clothing or equipment or refreshments or any good, service or product
- r) must not display any advertising signage including banners or 'A' frame signs on Council's public reserves
- s) must not interfere with any Council approved or booked activity including but not limited to a wedding, birthday party, corporate BBQ, sport or sporting activity that is being carried out on any oval or reserve or part thereof and the trainer acknowledges that such a booking has priority over the trainer's use
- t) shall be responsible for satisfying all occupational health and safety legislation and regulations
- u) shall be liable for any fees or levies required by WorkCover or any other public authority or statutory body.

Local councils do not and will not accept liability for any debts incurred by any trainer and shall not be in any way responsible for any property of a trainer or any other person that may be left on the land or for any loss of any such property by theft or otherwise.

15. Termination

A local council has the right to terminate its agreement with a trainer without notice if in its sole opinion it has determined that the trainer has failed to comply with reasonable direction of its staff or has breached the terms of the permit or the terms of the Code of Conduct for the use of local government land by commercial fitness groups and personal trainers.

A trainer whose permit has been terminated can appeal in writing to the General Manager of the relevant local council, and may be recommended to re-take the authorisation process with Recreation SA before being issued with another permit.