



Where a complaint cannot be resolved, the fitness provider must advise you of your right to refer the complaint, in writing, to Fitness Australia's Complaints Administration Officer.

A complaint that cannot be resolved promptly by the Complaints Administration Officer will be referred to the Code Administration Committee.

The Code Administration Committee will hear the complaint and investigate further as necessary. Where a breach of the Code is established, the committee will recommend to Fitness Australia that certain corrective action be taken by the fitness centre. The Code Administration Committee will promptly notify you of its decision.



If things go wrong

If you are unable to resolve a problem with your fitness business, trainer or allied service provider:

- Step 1** Check if the fitness business is a member of Fitness Australia via their website www.fitness.org.au or phone 1300 211 311.
- Step 2** If the fitness business is a member of Fitness Australia, put your complaint in writing to: Complaints Administration Officer, Fitness Australia, PO Box 6453, Alexandria 2015 or email complaints@fitness.org.au If they are not a member of Fitness Australia contact Fair Trading on 13 32 20 or lodge your complaint online at www.fairtrading.nsw.gov.au

If Fitness Australia is unable to resolve your complaint you should contact Fair Trading.

The Fitness Industry Code of Practice is supported by:



www.fairtrading.nsw.gov.au General enquiries 13 32 20

Language assistance 13 14 50 (*ask for an interpreter in your language*)

TTY 1300 723 404 for hearing impaired

© State of New South Wales through the Office of Fair Trading.
Copyright policy: www.fairtrading.nsw.gov.au/copyright.html

This publication must not be relied on as legal advice.
For more information about this topic, refer to the appropriate legislation.



Fitness Industry Code of Practice





The Fitness Industry Code of Practice has been developed to guide consumers in their dealings with fitness businesses in NSW. The Code applies to all fitness centres, personal trainers and allied service providers (eg. massage therapist, yoga teacher) within a fitness business in NSW that are members of Fitness Australia. The Code sets a standard of consumer protection addressing financial safety, physical safety and dispute resolution.

Code objectives

The Code's main objectives are:

- to set a benchmark for consumer protection in the fitness industry
- to set standards of business practice and service delivery that protect consumers financially and promote their health and wellbeing
- to establish procedures to resolve consumer complaints
- to promote a drug free fitness environment.

Code summary

The Code is administered by Fitness Australia. Fitness businesses in NSW that become members of Fitness Australia must adhere to the Code. Under the Code, these fitness providers must (in summary):

- display at the premises a current Fitness Australia Certificate of Membership or sticker

- supply sufficient information to enable a consumer to make an informed decision about becoming a member
- not use false or misleading advertising or marketing practices
- ensure that all promotional material is truthful, accurate and unambiguous
- provide consumers with a copy of this brochure prior to entering into a membership contract
- allow prospective members to inspect the premises without any obligation to purchase a membership
- provide consumers with a copy of the Code for perusal, upon request
- offer a range of membership contract options including periodic billing and pre-payment
- disclose the full price of all goods and services offered (this includes joining fees, frequency of payments, early cancellation fees, exercise consultation fees, fees for individual visits, etc)
- provide a consumer with a copy of the proposed membership contract (if requested) and a copy of the contract when signed
- not use unreasonable sales methods to sell memberships (eg. harassment or coercion)
- not accept pre-paid membership/renewal fees beyond a 12-month period
- offer a cooling-off period that allows consumers to terminate new membership contracts of 3 months or more
- provide for refund or membership deferment where sickness or physical disability arises
- provide appropriately qualified staff to conduct fitness or allied fitness programs
- maintain a high level of cleanliness and comply with occupational health and safety standards
- ensure that all equipment is correctly installed, mechanically sound and serviced as required
- ensure that all exercise areas provide adequate safe working space and are not overcrowded

- ensure that all consumers' personal information is handled in accordance with Privacy Act requirements
- respond to consumer complaints promptly, using an established complaints resolution process.

For a copy of the Code or to check if a fitness business is a member of Fitness Australia visit www.fitness.org.au or contact **Fitness Australia** on **1300 211 311**.

Complaints resolution procedure

The Fitness Industry Code of Practice establishes clear complaint handling procedures with a commitment to resolve quickly and fairly any complaint you make.

The first step is to make your complaint directly to the fitness centre, verbally or in writing. Where you make a complaint in writing, the Code states that you will receive written feedback about the action being taken to resolve the complaint within 10 days of receipt of the complaint.

If it is not possible to resolve the complaint within 10 days, written acknowledgment of receipt of the complaint will be provided within 7 days with a specified time frame for further feedback about action taken.

The Code also requires that all fitness staff be familiar with complaint resolution policies and procedures.

