

COMPLIANCE



THE CONVERSATION

WHY REGULATION IS NOT THE answer

The fitness industry won't be regulated, so let's just get on with it.

The argument for regulation of the Australian fitness industry has again been circulating.

Among those extolling the virtues of regulation, the arguments surround a desire for more respect as an industry, a desire to be more trusted and ultimately better represented at a Government level.

Unfortunately, the time and energy put into pursuing regulation is likely wasted and only diverts our attention away from efforts that could yield genuine results. The pursuit of regulation also fails to acknowledge that regulation comes at considerable cost to businesses and professionals in the form of time, money and innovation.

Is the fitness industry in Australia likely to ever be regulated?

No.

"The Government's default option will always be not to regulate." (1)

"The Government's rigorous approach to policy making seeks to ensure that regulation is never adopted as the default solution, but rather introduced as a means of last resort." (2)

"The Government has a clear approach to regulation: we will reduce the regulatory burden for individuals, businesses and community organisations." (2)

And if you're still on the fence, in 2019 the Government created a 'Deregulation Taskforce' with the goal to minimise the impact of regulation on businesses. In the aftermath of COVID, *"the Deregulation [Taskforce] will continue its work to reduce red tape, make it easier for businesses to invest and create jobs, and assist COVID-19 economy recovery." (3)*

Why is the Government so anti-regulation?

Because regulation increases the cost of doing business, which is ultimately passed on to the consumer; and this is what many in the fitness industry do not realise. With regulation comes greater administrative costs, additional staffing and auditing costs, associated costs with changes in the design, pricing or marketing of services, increased barriers to entry and a stifling of innovation. This means, as our cost of doing business increases, so too will the cost to our clients and members.

Beyond the Government's anti-regulation agenda, the fact that consumers have the ability to choose from multiple providers in many formats ensures market forces prevail. And, most importantly, protections already exist for clients and

members in the form of the Competition and Consumer Act 2010, and for the employer/employee relationship by the Fair Work Act 2009.

'Self-regulation' has been good to us.

The fitness industry has evolved constantly over the years. Practices we take for granted now would have been considered 'fringe' not that long ago (e.g., the wider use of Olympic lifts, functional exercises, 24-hour unstaffed facilities). The progress and innovation we enjoy would be stifled considerably under a regulated fitness industry.

We are hugely diverse. We have leaders who specialise in group training, personal training, exercise to music, fitness instructing, online programs, special populations, exercise physiology, rehabilitation, sport coaching... the list goes on. It would be impossible for regulation to address the beautiful diversity that makes up our fitness community.

Rather than governance, we can achieve much more with transparency and accountability.

The internet has put considerably more power and information into the hands of clients and members, enabling them to ask

better questions and more easily assess the pros, cons and capabilities of fitness providers. I would be surprised if anyone felt that the fitness industry is the 'Wild West' it once was.

The internet has also given us greater powers of transparency and accountability. Indeed, the commercial value of transparency is already well understood by many fitness businesses, as evidenced by their use of Google reviews, Facebook reviews and other rating sites. For professionals, FITREC registration provides both transparency and accountability to the benefit of recruiting employers and curious clients. More importantly, in an environment where credentials and experience are laid bare, it's easier for us to have faith in ourselves as an industry. And the more respect we have for ourselves, the easier it will be to inspire the same respect from Governments, the medical profession and allied health communities.

Beyond transparency and accountability, could we be doing more?

Throughout the pandemic, there has been much call to recognise the contribution provided by fitness industry services to the mental, as well as physical, health of local communities. However, without a unifying message, it's not unreasonable to see how we could be viewed as simply a bunch of businesses looking to protect our interests.

Maybe it's time to get behind a collective health promotion message? An idea reminiscent of the 'Life. Be in it.' campaign. One with a very low barrier to entry, has no cost and encourages everyone to be active in some capacity. We don't need a huge marketing budget; it's a program that could easily be promoted in the window of every fitness club and studio.

Recent history has given us all a valuable insight into who we are and how we are viewed. If we'd like to be seen as more integral to community health, the pursuit of regulation is definitely not the answer. Beyond the very limited chance of this ever occurring, there are many reasons why regulation would, in fact, make life harder for all. It's time to embrace our diversity and innovation. Let's focus instead, on becoming a transparent and accountable industry. And with renewed respect for one another, let's begin exploring ways in which we can truly lead the nation to improved health and quality of life.

In short, let's not wait for someone to lead us. Let's just get on with it. ♦

References

- ▶ <https://www.pmc.gov.au/sites/default/files/publications/busting-congestion-and-supporting-investment-and-jobs.pdf>
- ▶ The Australian Government Guide to Regulation - March 2014, PDF
- ▶ <https://www.pmc.gov.au/domestic-policy/deregulation-taskforce#>

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