

# ASCTA Facility Audit Programs and Activities [PA]; Qualifications and Employment [Q]

Version 2.1

## PAQ1.0 Preamble

The majority of aquatic facilities conduct programs and activities or at the very least are required to supervise their patrons.

Instructors, Teachers, Coaches, Fitness Leaders, Lifeguards, Pool Plant Operators, Program Managers, Aquatic Facility Managers and others are expected by clients to provide a certain standard of service.

This expectation is based in part upon:

- regulations laid down by local, state and federal jurisdictions
- common or standard industry practise
- the client's prior experiences with various aquatic facilities
- the folklore passed on by others

ASCTA promotes the following ideals for all deliverers of programs and activities:

The person delivering the program or activity should be:

- legally entitled to work
- healthy, physically and mentally fit to deliver the program or activity
- a member of a relevant industry association with an enforceable code of behaviour related to the program or activity being delivered
- currently qualified, certified, accredited or endorsed for the program or activity where a qualification, certificate, accreditation or endorsement is readily available for the program or activity being delivered
- adequately insured for the program or activity
- ethical in their conduct and dealings

This Qualifications Policy provides the Australian Swimming Coaches and Teachers Association's agreed position (our policy) in this regard after extensive industry consultation and peer review.

This policy is subject to ongoing review based on the best available information and research, changes to government legislation and industry standards. This policy may change without notice.

## PAQ2.0 Recommendations

### PAQ2.1 The Person delivering the Program or Activity

As summarised in the preamble, a person should meet a range of requirements. The following table provides a range statement to those requirements.

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legally entitled to work - citizenship	Australian citizens, permanent residents and non-citizens with Australian visas that allow them to work. <a href="http://www.immi.gov.au/managing-australias-borders/compliance/working-legally/">http://www.immi.gov.au/managing-australias-borders/compliance/working-legally/</a>
legally entitled to work - age	Each state and territory has separate legislation regarding restrictions on working based on the age. Generally children can work from 13 years of age with some restrictions until 16 years of age.
	The Fair Work Act does provide some information regarding pay rate adjustments and conditions of employment based on age.
	Qld - <a href="http://www.justice.qld.gov.au/fair-and-safe-work/industrial-relations/child-employment/child-employment-other-than-in-the-entertainment-industry">http://www.justice.qld.gov.au/fair-and-safe-work/industrial-relations/child-employment/child-employment-other-than-in-the-entertainment-industry</a>
	NSW - <a href="http://www.austlii.edu.au/au/legis/nsw/consol_act/caypapa1998442/">http://www.austlii.edu.au/au/legis/nsw/consol_act/caypapa1998442/</a>
	Vic - <a href="http://www.austlii.edu.au/au/legis/vic/consol_act/cea2003180/">http://www.austlii.edu.au/au/legis/vic/consol_act/cea2003180/</a>
	SA - considering introducing regulations
	WA - <a href="http://www.commerce.wa.gov.au/labourrelations/content/Employees/Young_Workers/Children_working.html">http://www.commerce.wa.gov.au/labourrelations/content/Employees/Young_Workers/Children_working.html</a>
	Tas - No regulations
	NT - No regulations
	ACT - <a href="http://www.austlii.edu.au/au/legis/act/consol_act/caypa2008242/">http://www.austlii.edu.au/au/legis/act/consol_act/caypa2008242/</a>
healthy, physically and mentally fit to deliver the program or activity	<p>Suspected or known contagious illnesses or disease require a doctors clearance before recommencing. See the ASCTA Swim Australia Teacher Course reference library for specific illness requirements.</p> <p>A person should be physically capable of undertaking the assigned task. They should not be impaired by drugs or alcohol.</p> <p>Where the job role includes specialised skills (such as an ability to perform a rescue or operate machinery) then it is not unreasonable to undergo periodic assessment of current skills and an audit of physical capacity.</p>

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a member of a relevant industry association with an enforceable code of behaviour related to the program or activity	E.g. Swimming Coaches - ASCTA Swimming and water safety Teachers - ASCTA LifeGuards - RLSSA or SLSSA Fitness/Aqua Instructors - Fitness Australia SCUBA Instructors - PADI, NAUI, FAUI
currently qualified, certified, accredited or endorsed for the program or activity where a qualification, certificate, accreditation or endorsement is readily available for the program or activity	Where a specialised activity is undertaken e.g. Baby and Toddlers water familiarisation or prenatal aqua aerobics, then the deliverer should be qualified in that specific area
adequately insured for the program or activity	The insurance policy must be current and cover the deliverer for the specific circumstances e.g. if they are a contractor then it should cover this set of circumstances. Should cover the deliverer for both Public Liability and Professional Indemnity to an adequate level. It is recommended that \$10 million Public Liability/\$10 million Professional Indemnity is sufficient for private venues. It is recommended that \$20 million Public Liability/\$10 million Professional Indemnity is sufficient for council venues.
ethical in their conduct and dealings	An enforceable Code of Behaviour should be signed with the industry association. Ongoing participation in the chosen endeavour should include continued membership of the industry association.
First Aid, CPR, Rescue Awards	Qualifications should be current and issued by an Australian Resuscitation Council approved entity. Proficiency and competency requires regular testing. CPR is only valid for a maximum of 12 months from date of issue, whilst First Aid may be valid for up to three years.
Pool Plant Operations	Usually competency based with no renewal. However initial supervision and assessment in each particular workplace should occur to ensure competency. Training in Workplace Health and Safety should be documented.

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## PAQ2.2 Code of Behaviour

Behaviour that is relevant to the duties of swimming coaches and swimming and water safety teachers may determine the suitability of an individual to be a member of the Australian Swimming Coaches and Teachers Association and affect employment desirability.

In Summary swimming coaches and swimming and water safety teachers (and adaptable to the role others may have in an Aquatic Facility) must:

- take responsibility for matters concerning the teaching, coaching, training and development of swimmers or learners or other activities under their charge
- to the best of their ability, be aware of, and have respect for, the individual needs of swimmers, learners, clients or patrons
- not allow their qualifications to be misrepresented. Verifiable evidenced of accreditation should be produced on demand
- maintain a 'duty of care' towards swimmers, learners, clients or patrons under your supervision
- maintain the required standard of accreditation and/or licensing of professional competencies
- have a working knowledge of Child Protection legislation, Swimming Australia policies and rules, as well as accepted coaching, teaching or other practices relevant to their role in the aquatic facility
- ensure that any physical contact with others is appropriate to the situation, undertaken with permission of the other person and necessary for an individual's skill development
- Recognise in all matters regarding the changing of organisational affiliation by a swimmer; action should be initiated by the swimmer; not by the swimming coach or an agent acting on behalf of the swimming coach
- (where practicable) inform any immediate past coach of the swimmer's intention to change coach affiliation when accepting a swimmer for training
- direct any criticism of another member directly to that individual or to an appropriate organisational representative (ASCTA or an ASCTA-State Branch) for mediation and resolution
- reject the use of performance enhancing drugs by both themselves and swimmers
- represent various swimming organisations (i.e. Club, State and/or National Sporting Bodies) in a manner that brings credit to the profession of swimming coaching or swimming and water safety teaching
- maintain professional standards of confidentiality when in possession of information that may be consider of a personal nature by a swimmer, learner, client or patron (or their Caregivers)
- be respectful when dealing with others, be they managers, other employees or contractors, swimmers, learners (and their Caregivers) clients and patrons. This includes communication via face to face; social media, telephone, email to the individual concerned or others.
- be conscious that inappropriate actions could damage the organisation, your or a colleagues reputation

## PAQ2.3 Curriculum Vitae (CV) or Resume`

Each individual deliverer of programs, whether a contractor, sub-contractor, sole trader or employee should submit a CV containing copies of all relevant qualifications, certificates etc. to the Facility or Program Manager.

The CV should contain:

1. The correct name of the person. Employees may require photographic proof of identification such as a Passport or Drivers licence. If qualifications, certificates etc. are in a different name then evidence of the name change such as a Marriage Certificate or Deed Poll should be provided.
2. The current address. This should be verified by Drivers Licence, official letters with the residential address or a copy of a utility bill.

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3. Copies of qualifications, certificates etc., relevant for the activity to be undertaken. Originals should be sighted to ensure copies are accurate. Information should be verified with relevant industry associations. This includes a current Working with Children Check, Criminal History check or similar if the deliverer is around or working with children.
4. Details of recent work experience relevant to the activity to be undertaken should be provided.

The Facility or Program Manager should:

1. Should retain a copy of the CV.
2. Ensure all qualifications, certificates, insurances and claims are valid, current, and sufficient for the tasks to be undertaken and verified by the issuing authority.
3. Referees should be contacted and questioned regarding the deliverer's suitability for the tasks to be undertaken.
4. It is reasonable for an employer to request a potential deliverer to undertake a short trial to ascertain if they have the skills to perform the task to an adequate standard. If this trial is in a situation, where the potential deliverer is earning an income for the Employer then the deliverer should be adequately recompensed - in every situation.
5. When offering employment or a contract of engagement, provide in writing:
  - a. Details of:
    - i. The role of the deliverer
    - ii. The responsibilities of the deliverer
    - iii. The anticipated hours of work, limitations or expectations
    - iv. The award under which they will operate
    - v. Any special terms and conditions such as who is responsible for insurance, ASCTA membership, ongoing professional development and reaccreditation
    - vi. The pay rate or remuneration
    - vii. The term of the agreement
    - viii. Who will arbitrate if there is a dispute
6. Maintain a register of the expiry dates of all qualifications, certificates, insurances and Working with Children Checks and updated with new accreditations, certificates, insurances etc. as they fall due.
7. Maintain all employment/ tax records as required by Australian law.  
This may be five, seven or even thirty years!
  - a. Details to be retained include:
    - i. Wages paid
    - ii. Compulsory and non-compulsory Superannuation contributions
    - iii. Accrued holiday, sick pay, long service, maternity leave, time off, overtime etc. that should be provided with each pay cycle to employees
    - iv. Contractors should be paid upon delivery of a legal tax invoice at the negotiated payment cycle

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## References

<http://www.immi.gov.au/managing-australias-borders/compliance/working-legally/>  
[http://www.austlii.edu.au/au/legis/cth/consol\\_reg/fwr2009223/](http://www.austlii.edu.au/au/legis/cth/consol_reg/fwr2009223/)  
<http://www.justice.qld.gov.au/fair-and-safe-work/industrial-relations/child-employment/child-employment-other-than-in-the-entertainment-industry>  
[http://www.austlii.edu.au/au/legis/nsw/consol\\_act/caypapa1998442/](http://www.austlii.edu.au/au/legis/nsw/consol_act/caypapa1998442/)  
[http://www.austlii.edu.au/au/legis/vic/consol\\_act/cea2003180/](http://www.austlii.edu.au/au/legis/vic/consol_act/cea2003180/)  
[http://www.commerce.wa.gov.au/labourrelations/content/Employees/Young\\_Workers/Children\\_working.html](http://www.commerce.wa.gov.au/labourrelations/content/Employees/Young_Workers/Children_working.html)  
[http://www.austlii.edu.au/au/legis/act/consol\\_act/caypa2008242/](http://www.austlii.edu.au/au/legis/act/consol_act/caypa2008242/)

Detailed template policies are available to Swim Australia registered Swim Schools that support the implementation of the ASCTA Policy outlined in this document. For further information on this ASCTA policy contact ASCTA.

For a copy of the template policies, refer to Swim Australia's™ Human Resource Manual.