



## STATEMENT

**Name:** Mark Peter Heathcote  
**Address:** 29/11-21 Underwood Road, Homebush NSW 2140  
**Occupation:** Chief Executive Officer Swimming NSW Ltd  
**Date:** 17 April 2014

1. This statement made by me accurately sets out the evidence that I am prepared to give to the Royal Commission into Institutional Responses to Child Sexual Abuse. The statement is true and correct to the best of my knowledge and belief.
2. My full name is Mark Peter Heathcote and my date of birth is **REDACTED** 1982.
3. I am employed by Swimming NSW Ltd (**SNSW**) and have been employed by SNSW since 17 April 2006. I am currently the Chief Executive Officer (**CEO**) of SNSW and have performed that role since 1 October 2009.
4. As requested by the Royal Commission of Inquiry into Institutional Responses to Child Sexual Abuse (**Royal Commission**), this statement addresses the matters listed in Annexure A of the letter received from the Royal Commission on 9 of April 2014.
5. On 28 of March 2014 in my capacity as CEO of SNSW, I provided initial information by way of letter as requested to the Royal Commission. A copy of that letter is attached and marked "**Attachment A**". I now provide further information, the basis of that further information being contained in the letter, in Statement format as requested by the Royal Commission on 9 April 2014.

### *Adoption and implementation of Swimming Australia policies*

6. I understand that most sporting organisations in Australia are structured as federations; i.e. there is a national organisation, with state and territory organisations as members.
7. The sport of swimming is no different in this regard and proceeds as a federated sporting model.
8. Swimming Australia Limited (**SAL**) is the national sporting organisation responsible for the sport of swimming in Australia.
9. SNSW is a "Member Association" under the SAL Constitution (a copy of the SAL Constitution can be found here: [http://www.swimming.org.au/visageimages/1\\_SAL/Constitutions/SAL\\_Constitution\\_amended\\_for\\_AGM\\_18092013\\_2.pdf](http://www.swimming.org.au/visageimages/1_SAL/Constitutions/SAL_Constitution_amended_for_AGM_18092013_2.pdf)).
10. Accordingly, SNSW is the state sporting association responsible for the sport of swimming in New South Wales. For the sake of clarity, there is other state and territory sporting associations that are members of SAL that are responsible for the sport of swimming in their respective state or territory, i.e. Swimming Victoria, Swimming Queensland and so on and so forth.



11. As to the membership of SNSW, its members are clubs and individuals (see further clause 5.1 of the SNSW Constitution). A copy of the SNSW Constitution can be found here:  
[http://nsw.swimming.org.au/visageimages/About Us/Governing Documents/SNSW Constitution - July 2013.pdf](http://nsw.swimming.org.au/visageimages/About%20Us/Governing%20Documents/SNSW%20Constitution%20-%20July%202013.pdf).
12. Furthermore, as Swimming NSW is a Member Association of SAL;
  - a. a club affiliated with SNSW is deemed a "Club" under the SAL Constitution, and
  - b. a registered financial member of SNSW is deemed an "Individual Member" under the SAL Constitution.
13. Under rule 14.1 of the SAL Constitution, SNSW, clubs affiliated with SNSW and the registered financial members of SNSW are all Members of SAL.
14. ***Effect of Membership***
15. Under rule 17.1 of the SAL Constitution, the Members of SAL acknowledge and agree (so far as is relevant) that:
  - a. the SAL Constitution constitutes a contract between each of them and SAL and that they are bound by the Constitution and the by-laws, and
  - b. they shall comply with and observe the Constitution and the by-laws and any determination, resolution or policy which may be made or passed by the board of SAL or any duly authorised committee

#### ***Member & Child Welfare Policies***

16. Since the SAL Member and Child Welfare Policies are policies made by the board of SAL under the SAL Constitution, the Members of SAL (including SNSW, its clubs and registered financial members) are bound by the Policies by reason of rule 17 of the SAL Constitution. Copies of these Policies have been attached to this Statement (see **Attachment B**).
17. In the information I provided to the Royal Commission by letter on 28 March 2014, I advised that both Policies were adopted by the board of SAL in October 2002. I have since been informed that in 2002 SAL adopted a Member Welfare Policy and then in 2007 amended this Policy to create a separate Child Welfare Policy.
18. Each of the SAL Member and Child Welfare Policies has been amended on occasions subsequently. I understand that the last such amendments were made in January 2014. For the avoidance of doubt, the Member Protection Policy has stringent requirements in relation to Working with Children Checks.
19. Through its membership of SAL, Swimming NSW is bound by the Policies from their adoption date (this includes any subsequent amendments to the Policies).
20. To ensure due diligence the usual practice in my time as CEO of SNSW (since October 2009) has been that when amendments to Policies are made by SAL, a copy of these amendments are provided to the SNSW Board for review and a formal motion of adoption is made. I have no reason to believe that SNSW has departed from this usual practice during my time as CEO.



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21. This deliberate action of formally adopting the Policies is to avoid any doubt that the relevant Policy will then apply to all Swimming NSW Members (by operation of clause 31 of the SNSW Constitution). It also ensures that the SNSW Board and management are fully aware of any amendments to the Policies and allows the SNSW Board to make any necessary organisational changes that may be required to ensure compliance with the Policies.
22. When a Policy is adopted by the Swimming NSW Board, notification is provided to all Member Associations (Areas and Clubs) by way of electronic newsletter, which is sent out each month (and usually within a few days of the monthly SNSW Board meeting occurring). All Policies are also posted on the SNSW website. With respect to the SAL Member and Child Welfare Policies, as these Policies are of great importance and also apply to Individual members of SNSW, we ask that each member when joining their respective Club expressly indicates their acceptance to be bound by these Policies.
23. Further to the information contained in my letter to the Royal Commission on 28 March 2014, my usual practice in my time as CEO of SNSW has been to also email any amendments to these particular Policies to all Area Presidents & Secretary's. As the Area's of Swimming NSW are the next levels of governance below SNSW, this direct email to them is aimed to further assist with the dissemination of this important information.

*Member & Child Welfare Procedures*

24. In addition to the SAL Member & Child Welfare Policies, a set of procedural documents have also been adopted by SAL and in turn, SNSW (in accordance with the procedure set out above) which assist Members, Clubs, Areas and State Swimming Associations with the implementation of the SAL Member and Child Welfare Policies. Copies of these Procedures have been attached to this Statement (**Attachment C**). These procedures outline that members who need to make a complaint or express concerns about possible incidents of child sexual abuse should refer or be made directly to the CEO of SNSW or SAL.
25. I trust that this statement thoroughly addresses the matters in Annexure A of the letter received from the Royal Commission on 9 of April 2014, however if you require any further information on anything contained in this response, please do not hesitate to contact me.

Signed:

  
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Date:

17/04/2014  
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Witness:

  
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Date:

17/04/2014  
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