



**DECISION OF THE ADJUDICATORY**  
**BODY OF THE AQUATICS**  
**INTEGRITY UNIT**

**Pursuant to Article 32.3 of the World Aquatics Integrity Code**

Decision by:

**Mr Raymond Hack (South Africa), Single-Member Panel**

In the matter of:

**Mr Christopher John Fydler (Australia), Respondent  
Represented by Mr Darren Kane and Mr Adam Casselden SC,  
Attorneys-at-Law, Sydney, Australia**

Regarding:

**Articles 5.1, 5.2 and 9.9 of the World Aquatics Integrity Code**

Lausanne, 11 December 2025

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## **I. Overview**

1. The present case concerns the conduct of the Chair of Swimming Australia Ltd. (“Swimming Australia”), Mr Christopher John Fydler (the “Respondent”).
2. More precisely, the Chief Ethics and Compliance Officer (“CECO”) of the Aquatics Integrity Unit (“AQIU”) alleges that the Respondent acted in an improper manner, inducing the Board Members of Swimming Australia to revoke the nomination of Mr Matthew Dunn (“Mr Dunn”) as Continental Representative of Oceania and Vice President of World Aquatics.

## **II. Summary of relevant facts and violations alleged by the Chief Ethics and Compliance Officer**

3. The following summary of the allegations made against the Respondent does not purport to include every single contention put forth by the Parties during these proceedings. However, the Single-Member Panel has thoroughly considered all evidence and arguments submitted, even if no specific or detailed reference has been made to those arguments in the following outline of the positions and in the ensuing discussion on the merits.

### **A. Endorsement and Nomination of Mr Dunn in 2024**

4. On 2 April 2024, Mr Dunn sought endorsement from Swimming Australia for two positions: Board Member of Oceania Aquatics and Continental Representative of Oceania / Vice President of World Aquatics. He submitted his nomination request to the Board Members of Swimming Australia (at the time) via email on the same day, under the subject line “*Oceania Aquatics Nomination – President of Oceania Aquatics / Oceania VP of World Aquatics.*” The email clearly outlined the key points in support of his candidacy for both roles.
5. On 5 April 2024, by email to Ms Lauren Urquhart (“Ms Urquhart”), the Executive Officer at Swimming Australia, Mr Hayden Collins (“Mr Collins”), Interim Chair of the Swimming Australia Board at the time, proposed the following draft resolution:

*“Potential resolution?”*

*The board of Swimming Australia resolves that Matt Dunn be endorsed by Swimming Australia to be a board member of The Oceania Swimming Association (also referred to as Oceania Aquatics). The Swimming Australia Board also endorses the nomination of Matt Dunn to be one of the representatives of Oceania on the World Aquatics Bureau.”*

6. On 6 April 2024, Ms Urquhart answered to this email as follows:  
*“Legend!!! I will file! Thanks mate!”*
7. On the same day, Ms Urquhart prepared a circular voting resolution which – apparently due to a clerical error – referred only to the nomination of Mr Dunn as a Board Member of Oceania Aquatics.
8. It is debated whether a second resolution was taken or not.
9. On 7 April 2024, following the votes of the Board Members of Swimming Australia, Ms Urquhart submitted via email to Mr Darren Kane, the Oceania Aquatics legal advisor (“Mr Kane”), a completed

and signed candidate nomination form.

10. The form was electronically signed by Mr Dunn as the nominee and by Mr Collins as *“Member President / Secretary” of Swimming Australia and included Mr Dunn’s nomination for both the position of President of Oceania Aquatics and the role of “FINA Bureau – Oceania Representative (Vice President of World Aquatics).”*
11. Moreover, in her accompanying email to Mr Kane, Ms Urquhart stated:  
*“Good morning Darren,  
  
Please find attached completed nomination for Matthew Dunn, endorsed by the Swimming Australia board by resolution. Below is the confirmation of endorsement.  
  
The board of Swimming Australia resolves that Matt Dunn be endorsed by Swimming Australia to be a board member of The Oceania Swimming Association (also referred to as Oceania Aquatics). The Swimming Australia Board also endorses the nomination of Matt Dunn to be one of the representatives of Oceania on the World Aquatics Bureau. (...)”*
12. Neither Mr Kane – whether acting in his capacity as receiving officer for the elections or as legal advisor to Oceania Aquatics – nor Oceania Aquatics itself ever objected to, or otherwise questioned, the validity of the candidate nomination form of Mr Dunn.
13. On 13 April 2024, Mr Dunn thanked the Board Members of Swimming Australia via email for supporting his renomination for both positions, *i.e.* President of Oceania Aquatics and Continental Vice President of World Aquatics.
14. None of the Board Members of Swimming Australia reacted to this email and/or raised any doubt or objection that Mr Dunn could have been nominated for anything other than for the two positions, namely board member of the Oceania Swimming Association and Continental Representative and Vice President of World Aquatics. Likewise, no Board Member of Swimming Australia questioned why Mr Dunn was thanking them for a nomination as a Continental Representative and Vice President of World Aquatics or asserted, to the contrary, that Mr Dunn had only been nominated to Oceania Aquatics.
15. On 22 April 2024, during the General Assembly of the Oceania Swimming Association (which was renamed Oceania Aquatics at the Annual General Meeting held the same day), Mr Dunn was the sole candidate for nomination as World Aquatics Oceania Vice President. He was, therefore, selected by acclamation without a vote and formally declared and confirmed as the nominee for Oceania. Mr Dunn was also elected President of Oceania Aquatics. The voting representative of Swimming Australia at this General Assembly was Mr Collins, who participated online.
16. Neither Mr Collins nor anyone else objected to Mr Dunn being nominated by Swimming Australia as Continental Representative and Vice President of World Aquatics at the Congress.
17. All the foregoing further confirms that the Board Members of Swimming Australia supported Mr Dunn’s nomination for both positions, despite the apparent clerical error in the one circular voting resolution that has been made available to the he Single-Member Panel.

18. Information regarding these circumstances and proceedings was shared with all Board Members of Swimming Australia prior to the Oceania Aquatics Congress, via an email sent on 13 April 2024 by Ms Urquhart.
19. An in-person meeting of the Board Members of Swimming Australia was held on 18 April 2024 at the Gold Coast Aquatic Centre during the Australian Swimming Championships, where past decisions and proceedings were reviewed. The previously passed resolution endorsing Mr Dunn's "*nomination to the Board of Oceania Aquatics*" was reviewed and confirmed. Additionally, the candidacies for election at the Oceania General Assembly were discussed, and it was agreed that Mr Collins would represent Swimming Australia. The minutes of the meeting do not reflect any opposition to Mr Dunn's candidacy as Continental Representative and Vice President of World Aquatics. As mentioned above, Mr Collins did indeed not raise any objection against the nomination of Mr Dunn at the occasion of the Oceania General Assembly.

### **B. Perceiving Deterioration of the Relationship between Mr Dunn and some Members of the Board of Swimming Australia**

20. Towards the end of 2024, governance issues involving Swimming Australia were raised by World Aquatics. After a fairly intensive period of discussions, the issues were largely resolved, with Swimming Australia agreeing to enter into a settlement agreement with World Aquatics.
21. In this context, it seems that some Board Members of Swimming Australia at the time were dissatisfied with certain positions taken by Mr Dunn regarding the governance issues and negotiations with World Aquatics. Specifically, some of them felt that Mr Dunn was aligning too closely with World Aquatics rather than with Swimming Australia. This was communicated to Mr Dunn by the Respondent.

### **C. Attempt to Revoke the Nomination of Mr Dunn**

22. On 6 March 2025, the Executive Director of World Aquatics, Mr Brent J. Nowicki ("Mr Nowicki") reminded the Presidents of all Continental Organisations to ensure that their nominations for Vice President were submitted by 31 March 2025.
23. On 29 March 2025, following the receipt of this letter, the Respondent - who after the resignation of former interim chairs Mr Collins and Mr Neil Martin served as interim chair of Swimming Australia in the meantime - contacted Mr Nowicki via email asking for a later deadline in order to have enough time to convene a quorum of the Board Members of Swimming Australia and resolve to provide the endorsement.
24. On the same day, Mr Nowicki informed the Respondent that there had been a misunderstanding and that for Oceania there was no need to confirm the nomination of Mr Dunn as he had already been validly nominated in April 2024. Through this letter it was clarified by Mr Nowicki that his 6 March 2025 letter was a general reminder to all Continental Organisations and meant to address those Continental Organisations that had not yet made such a nomination.
25. On 31 March 2025, however, the Respondent did not accept Mr Nowicki's response and insisted on having more time to revert on the nomination of Mr Dunn, alleging that he could find no evidence that

the Board Members of Swimming Australia had resolved to nominate and propose Mr Dunn to the World Aquatics Bureau as the Oceania Representative and Vice President of World Aquatics.

26. According to his statement, the Respondent then sought legal advice from Mr Kane (who, at that time, continued to serve as legal advisor to Oceania Aquatics and was the receiving officer at the time of the nomination to Oceania Aquatics, and who never raised any objection in that capacity to Mr Dunn's appointment) and further consulted Mr Matthew Treglown ("Mr Treglown"), Board Observer of the Australian Sports Commission ("ASC"). In this context, the Respondent addressed an email to the Board Members of Swimming Australia, copying Mr Treglown.
27. On 1 April 2025, Mr Dunn addressed the Respondent regarding his nomination to positions within Oceania Aquatics and World Aquatics. He highlighted that the nomination to Oceania Aquatics had been signed by the President of Swimming Australia and treated as valid by Oceania Aquatics. He noted that he had communicated with the Swimming Australia Board to acknowledge his renomination for both the Oceania Aquatics Presidency and the World Aquatics Vice-Presidency, and that no objections or issues had been raised by the Board at that time. Mr Dunn further indicated that the nominations were unanimously endorsed by the members of Oceania Aquatics at the 2024 Congress, after which Oceania Aquatics submitted the endorsed candidates to World Aquatics. He observed that World Aquatics conducted its internal eligibility review in accordance with its Constitution and that the AQUJ confirmed the validity of his candidacy for Vice President. He suggested that any issues regarding the nomination be addressed directly with World Aquatics.
28. On the same day, the Respondent responded to Mr Dunn and all Swimming Australia Board members, noting that Mr Treglown had reviewed the relevant documentation and discussions and provided governance advice on behalf of the ASC. He observed that the initial Board resolution explicitly referred to Matt Dunn's nomination as a board member of Oceania Aquatics but did not mention a nomination to the World Aquatics Board. Nonetheless, on the same day, the President of Swimming Australia had submitted a nomination for both positions. Mr Treglown noted a disconnect between the resolution and subsequent actions, suggesting that governance clarification would be appropriate. He acknowledged that subsequent actions from the board and its committees seemed to indicate an expectation that Mr Dunn would remain in his World Aquatics role and therefore on the Swimming Australia board. He also noted that, given the unanimous election by Oceania Aquatics, it was assumed that the Swimming Australia Board had authorised its representative to vote in support, though no explicit record of such a resolution was cited. He concluded that, given the initial resolution's wording, it would be appropriate for the Board to formally confirm its position regarding Mr Dunn's nomination to the World Aquatics Board.
29. On the same day, Mr Nowicki replied to Mr Fydler's email of 31 March 2025. In his response, Mr Nowicki noted that while the procedural point raised was acknowledged, it appeared to be a matter of form over substance. He referred to the nomination form submitted by Oceania Aquatics, which showed that Mr Collins, President of Swimming Australia at the time, had nominated Mr Dunn, who was subsequently voted on and endorsed by Oceania Aquatics. Mr Nowicki further recalled that Mr Dunn had been unanimously re-

elected as President of Oceania Aquatics nearly one year earlier, during a general assembly attended by both himself and the President of World Aquatics.

30. Mr Nowicki questioned whether the Board Members of Swimming Australia had raised any objections at that time, noting that none had been brought to World Aquatics' attention from Mr Dunn's nomination in April 2024 until his letter in March 2025. He emphasised that it was apparent that Oceania Aquatics had nominated Mr Dunn based on a nomination originating from Swimming Australia, and that such nomination was consistent with the applicable World Aquatics Rules and Regulations. Mr Nowicki concluded that the intent of all parties appeared clear, unless Swimming Australia was now formally withdrawing its support for Mr Dunn. Assuming that was not the case, and that the matter was purely procedural, he invited Swimming Australia to inform its Board of the applicable rules, constitutional provisions, and the steps taken since 2024, in order to avoid further confusion. He requested that formal confirmation of the nomination be transmitted as a mere formality. In any event, given that Mr Dunn's candidacy had already been subject to the AQIU background check and no concerns had been raised by World Aquatics regarding the process followed, the organisation would continue to proceed with Mr Dunn's nomination.
31. Around that time, Mr Dunn reports having a phone conversation with the Respondent. Mr Dunn reports that after asking the Respondent what was going on, the Respondent told him he (Mr Dunn) was in trouble because some of the Board Members of Swimming Australia were not happy with the position, he (Mr Dunn) took in relation to the governance issues of Swimming Australia. The Respondent would have added that no director was more dissatisfied with Mr Dunn's perceived loyalties to World Aquatics in this matter than himself.
32. On 3 April 2025, the Respondent initiated two circular voting resolutions addressed to the Board Members of Swimming Australia, accompanied by an explanatory letter. In this correspondence, the Respondent asserted that the candidate nomination form dated 7 April 2024—purporting to nominate Mr Dunn for election to the World Aquatics Bureau—was inconsistent with the resolution adopted by the Board of Swimming Australia at that time. Referring also to prior exchanges with the Executive Director of World Aquatics, the Respondent claimed that *"the 7 April 2024 Resolution is of no effect for the purpose of authorising Swimming Australia to nominate Matthew Dunn"* as a candidate for the positions of Oceania Representative and Vice President of World Aquatics.
33. Based on the above information, two formal resolutions were circulated for approval in April 2025. Resolution 1 proposed that, in accordance with Article 15.2 of the Constitution, Mr Dunn be nominated by Swimming Australia Limited to Oceania Aquatics Incorporated as a candidate for election as a Continental Representative to the World Aquatics Bureau for the term commencing at the General Congress scheduled for 29 July 2025. Resolution 2 proposed that, in accordance with Article 15.4 of the Constitution, Mr Dunn be nominated by Swimming Australia Limited directly to the Executive Director of World Aquatics as a candidate for election as Vice President for the same term.
34. The resolutions were circulated electronically, and the results showed that both were not approved. Specifically, four Board Members voted

against, one voted in favour, one abstained, and three did not participate in the vote.

35. On 14 April 2025, the Respondent sent a letter to Mr Nowicki to inform him that the two resolutions had not passed and that therefore, Mr Dunn was not nominated by Swimming Australia for the World Aquatics Bureau.
36. On the same day, the Respondent forwarded a copy of this letter to the CECO.

### **III. Procedural Background**

#### **A. Proceedings Before the Investigatory Body**

37. On 9 April 2025, the World Aquatics Bureau decided to refer this matter to the AQIU for investigation in accordance with Article 24 of the Constitution and the Integrity Code.
38. On 13 June 2025, Ms Britta Kamrau-Fiedler, Vice-Chair of the AQIU Investigatory Body, presented an investigation report (the "Report") with its accompanying annexes.
39. The Report concluded the following:

*"In 2024, the board of Swimming Australia did, in fact, support and nominate Matthew Dunn for two positions, i.e. also for the Vice President position at World Aquatics, despite the absence in the file made available to AQIU of a formal document mentioning such resolution explicitly.*

*The evidence suggests that Chris Fydler's conduct may have been politically motivated. The evidence does not support Chris Fydler's assertion that his conduct was motivated by good governance.*

*Chris Fydler abused of his position as interim chair to induce the board of Swimming Australia to vote on a matter on an obviously incorrect basis, diverting the attention of the members of the board of Swimming Australia to one single document, and misleading them, arguing the non-existence of any other evidence.*

*Independently on the motives behind Chris Fydler's actions, Chris Fydler did not act in a manner that can be expected from a chair or an interim chair of the board of a national swimming federation that is a member of World Aquatics.*

*The so-called "investigation" conducted by Chris Fydler before submitting the matter to the board of Swimming Australia was neither adequate nor ethical, as he failed to address the core inconsistencies or to engage the key individuals involved at the time. A proper investigation into whether the board of Swimming Australia intended to nominate Matthew Dunn to World Aquatics was not conducted, even though Chris Fydler represented to his board and to World Aquatics having conducted such a thorough investigation.*

*Chris Fydler relied basically on one document, i.e. the written record of one single resolution, to justify initiating other circular voting resolutions. He clearly did not undertake any reasonable investigation nor make any serious efforts to find out whether and how in 2024, Matthew Dunn had been nominated to two positions, as communicated to Oceania Aquatics (and confirmed, with thanks, in an email back from Matthew Dunn to the board of Swimming Australia).*

*This report should be communicated to the Chief Ethics and Compliance Officer of the AQIU as Chris Fydler appears to have breached at least Articles 5.1 and 5.2 and 9.9 of the World Aquatics Integrity Code.”*

## **B. Proceedings Before the Chief Ethics and Compliance Officer**

40. On 13 June 2025, the CECO was provided with the Report and its accompanying annexes.
41. On 16 June 2025, based on all information and documents contained in the Report and pursuant to Article 23 of the Integrity Code, the CECO decided to formally charge the Respondent by means of a notice of charge (the “Notice of Charge”) for possible violations of Articles 5.1, 5.2 and 9.9 of the Integrity Code:
  - i. Article 5.1 - Duties of good conduct of the Integrity Code:

*Covered Persons must always act honestly, fairly, impartially and in accordance with the highest ethical standards of integrity and transparency.*
  - ii. Article 5.2 - Duties of good conduct of the Integrity Code:

*Covered Persons must avoid any conduct that is inconsistent with or that undermines in any way the objectives of this Integrity Code.*
  - iii. Article 9.9 - Duty of undivided loyalty of the Integrity Code:

*Covered Persons must not abuse their position within Aquatics in any way, especially for their own aims or objectives.*
42. On 20 June 2025, the Respondent requested an extension of the deadline to respond to the Notice of Charge until 7 July 2025.
43. On the same day, the CECO confirmed the extension of the deadline until 3 July 2025 and clarified that if the Respondent denies the charge, he will be granted an opportunity to present a defence before the Adjudicatory Body.
44. On 2 July 2025, the Respondent denied the allegations against him and requested the Adjudicatory Body to determine the charge and any consequences and sanctions.

## **C. Proceedings Before the Adjudicatory Body**

45. On 22 July 2025, the CECO referred the matter to the Adjudicatory Body.
46. On 23 July 2025, the Chair of the Adjudicatory Body, informed the Respondent of his rights, including the opportunity to challenge the composition of the Single-Member Panel and to provide additional information or written submissions regarding the charges brought against him.
47. On 29 July 2025, the Respondent confirmed that he had no objection to the composition of the Single-Member Panel.
48. On 6 August 2025, the Respondent submitted his answer to the charges brought against him.
49. Following requests from the Respondent, the proceedings were suspended from 7 August 2025 until 19 September 2025.
50. On 18 November 2025, the Respondent filed a document containing

a List of Authorities and requested that the Single-Member Panel give due consideration to it during the hearing.

51. On 19 November 2025, the Single-Member Panel held a video hearing, which lasted approximately two and a half hours. He was assisted by Mr Nicolò Juglair, Coordinator of the AQIU.
52. The following persons attended the hearing:
  - Mr Marc Cavaliero, Chief Ethics and Compliance Officer of the AQIU
  - Mr Christopher John Fydler, Respondent
  - Mr Adam Casselden SC, counsel for the Respondent
  - Mr Darren Kane, counsel for the Respondent
53. At the conclusion of the hearing, both Parties expressly confirmed that they had no objections regarding the manner in which the hearing was conducted and that their right to be heard had been fully respected.

#### **IV. Submissions of the Parties**

##### **A. The Chief Ethics and Compliance Officer**

54. In its Case Referral the CECO requests the Adjudicatory Body to rule as follows:
  - i. *The Respondent has violated Articles 5.1, 5.2 and 9.9 of the World Aquatics Integrity Code.*
  - ii. *The Respondent is sanctioned with one-year suspension from holding any position within World Aquatics, any World Aquatics Continental Organisation, or any World Aquatics Member Federation or recognised body. The suspension imposed on the Respondent shall also prevent him from taking part in any aquatic-related activities and/or events on behalf of World Aquatics, any World Aquatics Continental Organisation, or any World Aquatics Member Federation or recognised body, as well as participating or attending, in any capacity, in any aquatic competition.*
55. The CECO's submissions, in essence, may be summarized as follows:
  - Respondent, while serving as Interim Chair of Swimming Australia, abused his position by misleading the Board and inducing it to revoke the nomination of Mr Dunn as Continental Representative of Oceania and Vice President of World Aquatics. The evidence demonstrated a clear misuse of authority and conduct incompatible with the standards of integrity expected under the Integrity Code.
  - In April 2024, Mr Dunn had been duly nominated and endorsed by the Swimming Australia Board for both positions. This endorsement was evidenced by the signed nomination forms, contemporaneous correspondence from the Board and its Executive Officer, and the subsequent unanimous election of Mr Dunn by Oceania Aquatics. No objections were raised at the time by any member of the Swimming Australia Board or by Oceania Aquatics. The CECO also emphasised that detailed information concerning the nomination process had been communicated to the entire Board in advance of the Oceania Aquatics Congress, and that Mr Dunn himself had acknowledged the Swimming

Australia Board's support in writing. The minor clerical inconsistency contained in the circular voting resolution could not, and did not, outweigh the substantial and coherent body of evidence confirming Mr Dunn's valid nomination.

- Nearly a year later, in March 2025, the Respondent improperly revived the matter by seeking clarification from World Aquatics regarding a nomination deadline. Despite receiving unambiguous confirmation that Mr Dunn's prior nomination was fully valid and complied with all constitutional and procedural requirements, the Respondent instructed the Board of Swimming Australia to reopen and re-vote on the nomination, alleging that the original nomination form was defective and inconsistent. This sequence of events demonstrated that the Respondent acted out of personal or political motives and failed to provide accurate and complete information to the Swimming Australia Board.
- In conclusion, the CECO maintained that the evidence established that the Respondent's conduct was not proper, concerned fundamental principles of integrity, honesty, fairness, and responsible governance within the aquatic community, and constituted a serious breach of Articles 5.1, 5.2, and 9.9 of the Integrity Code, thereby warranting appropriate disciplinary sanctions.

## **B. The Respondent**

56. In his Answer Brief, the Respondent requested the following prayers for relief:

- i. *That the Charge be dismissed insofar as it asserted that the Respondent has violated article 5.1 of the World Aquatics Integrity Code.*
- ii. *That the Charge be dismissed insofar as it asserted that the Respondent has violated article 5.2 of the World Aquatics Integrity Code.*
- iii. *That the Charge be dismissed insofar as it asserted that the Respondent has violated article 9.9 of the World Aquatics Integrity Code.*
- iv. *That the Charge otherwise be dismissed insofar as the Notice of Charge alleges any other wrongdoing on the part of the Respondent.*
- v. *That in accordance with the Panel's powers established by article 34.1 of the World Aquatics Integrity Code, that the Applicant be ordered to pay the Respondent's legal costs incurred in relation to the proceedings, in such sum as is determined by the Panel at a later date.*
- vi. *That the proceedings before the Panel be otherwise dismissed.*

57. The Respondent's submissions, in essence, may be summarized as follows:

- The Respondent argued that Mr Dunn was never formally nominated by the Board of Swimming Australia for any position within World Aquatics, pointing to the absence of a proper Board resolution and corresponding minutes. He suggested that the then-President, Mr Collins, may have inadvertently completed an Oceania Aquatics nomination form in a manner that implied a

nomination for World Aquatics.

- He further submitted that the AQIU Investigatory Report was incomplete and procedurally unfair, as it failed to interview other relevant Swimming Australia Board members, did not hear all pertinent witnesses, and did not place the interview transcripts on the record.
- The Respondent maintained that he acted in accordance with Australian corporate law, specifically section 251A(1)(b) of the Corporations Act, which requires the recording of directors' resolutions in formal minutes. Because no minute of the alleged 2024 nomination resolution could be located, he considered it necessary to seek clarification and to ensure compliance with proper governance standards.
- He additionally contended that his actions were guided by advice from the Australian Sports Commission, which recommended that the Board "*confirm its position.*"
- The Respondent denied any intention to mislead, asserting that he acted in good faith and that his conduct amounted to administrative diligence rather than manipulation. He rejected any suggestion that he acted for personal or political reasons, characterising such allegations as speculative.
- In conclusion, he underscored his longstanding friendship with Mr Dunn and denied any political motive. He emphasised that, as Interim Chair, he was navigating a difficult balance between governance obligations and Board dynamics. He asserted that he followed the advice of the Australian Sports Commission, kept all relevant parties informed, and acted with integrity throughout.
- Therefore, the Respondent requested that the Single-Member Panel:
  - i. find no violation of Articles 5.1, 5.2, or 9.9 of the Integrity Code; and
  - ii. in any event, impose no sanction beyond a reprimand, taking into account his long-standing service and commitment to aquatics.

## **V. Considerations of the Adjudicatory Body**

### **A. Jurisdiction and applicability of the Integrity Code**

58. Since, at the time of the violations, the Respondent served as Interim Chair of Swimming Australia, a World Aquatics Member, he was a 'Covered Person' and therefore bound by the Integrity Code pursuant to its Article 4.

59. Covered Person is defined in the Integrity Code as:

*"a) persons who are, or are seeking to become (whether by election or appointment or otherwise) World Aquatics Officials or Other Officials; [...]"*

60. Other Officials is defined in the Integrity Code as:

*"[...] persons who act, or are entitled to act, for or on behalf of World Aquatics, Continental Organisations and/or World Aquatics Members, including (without limitation), staff, consultants, agents and advisors; [...]"*

61. Pursuant to Article 17 of the Integrity Code, the AQIU is responsible for adjudicating cases of potential violations of the Integrity Code.
62. Pursuant to Article 24 of the Integrity Code, the Adjudicatory Body of the AQIU is responsible for adjudicating cases where a respondent has denied the charges or requests laid by the CECO.
63. The above shows that the AQIU, and, more precisely, the Adjudicatory Body, has jurisdiction over the case and is entitled to pass a decision on the basis of the Integrity Code.

## **B. Burden and Standard of Proof**

64. The above having been established, the Single-Member Panel recalled that, as a general rule, the AQIU has the burden of establishing that an integrity violation has been committed.
65. The standard of proof is the balance of probabilities. Facts shall be established by any reliable means. The Panel shall at its own discretion determine the admissibility, relevance, materiality and weight of the evidence offered.
66. Having clarified the foregoing, the Single-Member Panel proceeded to consider the merits of the case.

## **C. Merits of the case**

### **i. Did the Respondent violate Article 5.1 of the Integrity Code?**

67. Articles 5.1 of the Integrity Code stipulates as follows:

*“Covered Persons must always act honestly, fairly, impartially and in accordance with the highest ethical standards of integrity and transparency.”*
68. The Respondent’s primary defence was that Mr Dunn had never been properly nominated for the positions of Oceania Continental Representative and Vice President of World Aquatics because the 2024 minute book did not contain an express reference to such nomination.
69. Having reviewed the full case file, the Single-Member Panel agrees with the CECO that the contemporaneous documentary record, including the signed nomination form, the email correspondence from Swimming Australia’s Executive Officer, the absence of any objection or query from any Board Member between March 2024 and April 2025, and the undisputed conduct of Swimming Australia at the Oceania Aquatics Congress, demonstrates that Mr Dunn had, in fact, been validly nominated for both positions in April 2024.
70. The Respondent nonetheless asserted to the Board that *“no evidence existed”* of such nomination and initiated a process to revisit a matter that had already been determined. By doing so, he selectively relied on a single document *i.e.*, the circular resolution containing a clerical omission, while disregarding the totality of the available evidence, including material that he himself had received and acknowledged. Further, the Respondent did not seek clarification from several key individuals involved in the 2024 nomination process (including e.g. Mr Collins, Ms Urquhart, or Mr Dunn), nor did he conduct a complete and balanced review of the record before taking action.
71. The Single-Member Panel accepts that the circular voting resolution apparently prepared on 6 April 2024 and submitted to the file of these proceedings contained an error, insofar as it referred only to the

nomination of Mr Dunn as Board Member of Oceania Aquatics. This lack of clarity could raise questions for someone examining the file at a later stage, and the Single-Member Panel recognises this as the only aspect of the evidence that supports, in part, the Respondent's position. However, just one ambiguity, viewed in simply isolation, cannot justify the Respondent's disregard of the overwhelming and unequivocal evidence confirming Mr Dunn's dual nomination.

72. The Single-Member Panel further notes that this alleged ambiguity was raised for the first time only after receipt of the letter of 6 March 2025 in which Mr Nowicki reminded Continental Presidents of the 31 March 2025 deadline for Vice President nominations.
73. The evidence in the file shows that the Respondent used this letter as a starting point to question and ultimately attempt to revoke a nomination that had been validly made and accepted nearly a year earlier, even though Mr Nowicki had immediately clarified the meaning and intent of the March letter and its irrelevance for Oceania. It shall be noted that prior to that date, no Board Member of Swimming Australia had ever raised any concern regarding the validity of Mr Dunn's nomination or his election as President of Oceania Aquatics. Yet when Mr Nowicki clarified, on 29 March 2025, that Mr Dunn had already been validly nominated (and elected) in April 2024 and that no further action from Swimming Australia was required, the Respondent decided to reopen the matter.
74. The Respondent's reliance on section 251A(1)(b) of the Australian Corporations Act, requiring resolutions to be recorded in formal minutes, cannot justify his actions. The Respondent was in possession of overwhelming documentary and oral evidence confirming that the nomination had been validly made. His invocation of corporate governance principles appears, in this context, more akin to a justification for an arguably premeditated course of action than a genuine governance concern. In particular, the Single-Member Panel notes that the Respondent did not even make mention of the Australian Corporation Act when he contacted the Board of Swimming Australia to induce them to re-vote on the nomination of Mr Dunn. If Australian Corporate law had been the issue, Respondent could have simply asked the Board to ratify a corrected version of the Minutes.
75. The Single-Member Panel further considers that the evidence in this case speaks for itself and remains unaffected by the Respondent's argument that the AQIU Investigatory Report may be incomplete or procedurally unfair because not all Swimming Australia Board Members were interviewed. The Vice-Chair of the AQIU Investigatory Body interviewed the key individuals, including the Respondent, and the factual record is sufficiently clear and coherent that further interviews could not reasonably have altered the findings, supported by uncontested documentary and oral evidence.
76. As Interim Chair of Swimming Australia during the relevant period, the Respondent was under a heightened duty to uphold the principles of honesty, fairness, impartiality and transparency. He failed to meet these standards. As both the Investigatory Body and the CECO correctly concluded, the Respondent *"did not act in a manner that can be expected from a chair or interim chair,"* and the investigation he claimed to have conducted was *"neither adequate nor ethical."*
77. A senior official acting with honesty, fairness, and impartiality would have presented the complete picture to his Board and sought

clarification without mischaracterising the existing material. Instead, the Respondent presented a misleadingly incomplete narrative, inducing the Board to deliberate under incorrect assumptions. Such conduct, is objectively inconsistent with the duty of transparency and integrity expected under Article 5.1.

78. In light of the foregoing, the Single-Member Panel deems that the Respondent acted improperly and as such violated Article 5.1 of the World Aquatics Integrity Code.

**ii. Did the Respondent violate Article 5.2 of the Integrity Code?**

79. Article 5.2 of the Integrity Code stipulates as follows:

*“Covered Persons must avoid any conduct that is inconsistent with or that undermines in any way the objectives of this Integrity Code.”*

80. The relevant objectives of the Integrity Code can be found in Articles 1.1 and 1.2 of the Integrity Code:

*“1.1 World Aquatics has adopted this Integrity Code to establish clear integrity standards for persons involved in the activities of World Aquatics, to protect the health, safety and well-being of Athletes, to prohibit conduct that might undermine public confidence in the integrity of Aquatics and/or in the uncertainty of outcome of Events, and to establish effective mechanisms for enforcement of this Integrity Code and sanctions for any violation.*

*1.2 World Aquatics is committed to uphold integrity in the governance and administration of Aquatics as a basic principle of good governance and as a fundamental precept of its autonomous role as the governing body of Aquatics worldwide, in the best interests of the sport and its stakeholders.”*

81. The Single-Member Panel finds that the Respondent’s conduct had a clear and concrete potential to undermine the objectives of safeguarding public confidence in the integrity of aquatics and ensuring sound and transparent governance within the sport. By reopening a nomination process that had been validly concluded a year earlier by the previous Swimming Australia Board, and disregarding the express clarification from World Aquatics that no further action was required, the Respondent generated unwarranted uncertainty within Swimming Australia and Oceania Aquatics and advanced a narrative that was inconsistent with both the factual record and the guidance provided by World Aquatics.
82. The Respondent further seemingly misrepresented to the Board that the 2024 nomination form was defective and that Swimming Australia’s prior actions were invalid, despite explicit confirmation from World Aquatics confirming the validity of Mr Dunn’s nomination. This conduct did not promote integrity and good governance; rather, it risked undermining the Board’s prior decision concerning Mr Dunn and affecting the electoral process on a basis that was factually incorrect.
83. The Respondent argued that his actions were guided by Australian corporate law and by the advice of the Australian Sports Commission (ASC). The Panel accepts that the ASC suggested that the Board might *“confirm its position,”* but the ASC did not question the validity of the 2024 nomination, nor did it recommend reopening or revoking that nomination. The Respondent’s portrayal of the ASC’s advice as justification for cancelling an already valid nomination was seemingly

misleading and inconsistent with the actual content of that advice.

84. By presenting the matter to the Board in an incomplete and unbalanced manner, the Respondent acted in a way that was contrary to the objective of ensuring fair, transparent, and well-governed decision-making within aquatics institutions. This conduct, irrespective of his asserted motives, objectively undermined the principles enshrined in the Integrity Code.
85. In light of the foregoing, the Single-Member Panel deems that the Respondent acted improperly and as such violated Article 5.2 of the World Aquatics Integrity Code.

**iii. Did the Respondent violate Article 9.9 of the Integrity Code?**

86. Article 9.9 of the Integrity Code provides as follows:

*“Covered Persons must not abuse their position within Aquatics in any way, especially for their own aims or objectives”.*

87. On the basis of the evidence, the Single-Member Panel finds that the Respondent seemingly induced the Board to take a decision on an incorrect factual basis. The Respondent relied on a selective and incomplete review of the record and diverted the Board’s attention to the single document that supported his narrative, namely the circular resolution containing a clerical omission, while disregarding all other material evidence confirming Mr Dunn’s valid nomination.
88. The Respondent also ignored clear and repeated communications from World Aquatics stating that Mr Dunn had been duly nominated in 2024 and that no further action was required. Despite this, he insisted on reopening the matter and ultimately communicated to World Aquatics that Mr Dunn *“was not nominated,”* after providing the Board with incomplete information. This sequence of actions can be characterised as an abuse of power.
89. The Single-Member Panel notes the contextual background: several members of the Swimming Australia Board had expressed dissatisfaction with certain positions taken by Mr Dunn in late 2024. The Respondent himself acknowledged to Mr Dunn that some Directors were unhappy with his *“loyalties”* during governance discussions involving World Aquatics. While the Single-Member Panel does not find it necessary to make a definitive finding as to motive, these circumstances support the inference that the Respondent’s actions were influenced, at least in part, by political considerations rather than genuine governance concerns. Moreover, it is noted that no actions of any kind relating to Mr Dunn’s appointment were taken during the period from April 2024 to March 2025.
90. The Integrity Code operates on a strict-liability basis, requiring objective adherence to ethical obligations irrespective of any asserted subjective motive. In the present case, the Respondent’s conduct, characterised by misleading omissions, misrepresentation of the evidentiary record, and inducing his Board to act on an erroneous factual foundation, constitutes a clear abuse of the authority vested in him as Chair.
91. In light of the foregoing, the Single-Member Panel deems that the Respondent acted improperly and as such violated Article 9.9 of the World Aquatics Integrity Code.

#### **D. Applicable Sanction**

92. Pursuant to Article 33.1 of the Integrity Code, the sanctions that can be imposed range from a reprimand to a lifetime suspension.
93. Article 33.3 of the Integrity Code provides that aggravating factors may include, *inter alia*:
- a) the age or experience or position of trust or authority of the Covered Person;*
- (...)
- c) any finding that the Covered Person violated more than one Article of this Integrity Code or violated the same Article more than once.*
94. First, the Respondent is a 52-year-old attorney and an experienced aquatics official, having previously served as a member of the FINA Ethics Committee. At the time of the relevant facts, he held the position of Interim Chair of a World Aquatics Member Federation. Accordingly, the aggravating factor under Article 33.3 a) of the Integrity Code is found to be present.
95. Second, the Respondent's actions were in clear breach of three distinct provisions of the Integrity Code, specifically Articles 5.1, 5.2 and 9.9. However, the Single Member Panel considers that this should not be considered as an aggravating factor in this case, given that all three articles violated relate in principle to the same conduct.
96. Article 33.4 of the Integrity Code further identifies mitigating factors, which may include:
- b) the Covered Person's good previous disciplinary record;*
- (...)
- f) the Covered Person's cooperative behaviour during the course of the AQIU's investigation and/or the proceedings before the Adjudicatory Body, such as providing information requested on a timely and complete basis, and/or volunteering information.*
97. The Single-Member Panel acknowledges both mitigating elements in this case: the Respondent has no prior disciplinary record, and he demonstrated cooperative conduct throughout the proceedings, including by providing timely submissions and engaging constructively during the hearing.
98. Notwithstanding this, the Respondent's conduct involved an improper abuse of authority, seemingly misleading omissions, and actions capable of undermining the integrity of an electoral process. Such behaviour affects not only the credibility of World Aquatics and its Member Federations, but also risks eroding public and stakeholder confidence in their governance structures, particularly at a time when World Aquatics had recently undertaken significant governance efforts with the prior administration of Swimming Australia regarding its governance framework and practices.
99. For these reasons, an appropriate sanction is necessary to reflect the seriousness of the violations, reinforce the ethical obligations imposed by the Integrity Code, and deter similar misconduct. Upholding the credibility of aquatics governance requires a clear and consistent response to breaches of this nature.
100. The Single-Member Panel notes the CECO's position that recent decisions issued by the Adjudicatory Body in cases concerning

Presidents of Member Federations have resulted in very severe sanctions. For example, the President of the Kosovo Swimming Federation was sanctioned with four years of ineligibility and a fine of USD 25,000 for abusing his position to prevent athletes from competing in major international events. Similarly, the President of the Haitian Swimming Federation received a ten-year period of ineligibility for misconduct, including providing false information to World Aquatics, and the President of the Chilean Federation of Aquatic Sports was sanctioned with twenty years of ineligibility and a fine of USD 50,000 for submitting a tampered invoice and providing false information.

101. At the same time, the Single-Member Panel observes that the Respondent's violations in the present case are of a less serious nature. While the principle that sanctions must be consistent, credible, and proportionate is fully acknowledged, the Single-Member Panel agrees that a less severe sanction than those imposed in the aforementioned cases is appropriate in light of the circumstances of this case.
102. Taking all of these elements into account, the Single-Member Panel concludes that a sanction even lower than the twelve-month suspension sought by the CECO is appropriate in order to ensure proportionality while still adequately addressing the gravity of the violations and ensuring general and specific deterrence. In view of the foregoing, the Single-Member Panel determines that the following disciplinary measure constitutes an appropriate, proportional and fair sanction for the Respondent:
  - an eight-month suspension from holding any position within World Aquatics, any World Aquatics Continental Organisation, any World Aquatics Member Federation, any club or any other recognised body. The suspension imposed on the Respondent shall also prevent him from taking part in, or attending in any capacity, any aquatic-related activities or events organised by World Aquatics, any World Aquatics Continental Organisation, any World Aquatics Member Federation, any club or any other recognised body.
103. In reaching this conclusion, the Single-Member Panel has carefully balanced the seriousness of the violations, the need to uphold the integrity of aquatic sport, the CECO's recommendation and the Respondent's personal circumstances, including his cooperation and unblemished disciplinary history.

#### **E. Start Date of the Period of Ineligibility**

104. Pursuant to Article 33.6 of the Integrity Code, any period of ineligibility imposed under Article 33 shall commence on the date it is imposed by the Adjudicatory Body, or otherwise accepted by the Covered Person, with credit given for any period of provisional suspension served and complied with.
105. The Single-Member Panel notes that, once charged by the CECO, the Respondent voluntarily and temporarily decided to step aside from his functions as President of Swimming Australia as of 7 July 2025, and to maintain this leave until the conclusion of these proceedings. However, this voluntary and temporary leave taken by the Respondent does not qualify as a provisional measure under Article 21 of the Integrity Code.
106. Pursuant to Article 21.4 of the Integrity Code, a Covered Person may

at any time accept a voluntary provisional suspension pending the determination of the charge(s) against them. However, such voluntary provisional suspension only comes into effect upon receipt by the AQIU of written confirmation of the Covered Person's acceptance. In the present case, no written confirmation of a voluntary provisional suspension was ever submitted.

107. Moreover, the Single-Member Panel notes that, as of the date of this decision, the Respondent is still listed on the Swimming Australia website as President, despite having advised, both prior to and during the hearing, that he had stepped aside.

108. Accordingly, the period of ineligibility imposed shall commence on the date this decision is issued.

\* \* \* \* \*

## **VI. Decision of the Adjudicatory Body**

**The Single-Member Panel of the Adjudicatory Body of the Aquatics Integrity Unit rules that:**

- (i) The Aquatics Integrity Unit has jurisdiction over this matter.**
- (ii) The Respondent is guilty of improper conduct in accordance with the appropriate sporting rules, namely Articles 5.1, 5.2 and 9.9 of the World Aquatics Integrity Code.**
- (iii) The Respondent is sanctioned with an eight-month suspension from holding any position within World Aquatics, any World Aquatics Continental Organisation, any World Aquatics Member Federation, any club or any other recognised body. The suspension imposed on the Respondent shall also prevent him from taking part in, or attending in any capacity, any aquatic-related activities or events organised by World Aquatics, any World Aquatics Continental Organisation, any World Aquatics Member Federation, any club or any other recognised body. The eight-month suspension shall begin on the date this decision is issued (*i.e.*, 11 December 2025).**
- (iv) This decision is rendered without costs and will be made public.**
- (v) As per Article 35 of the World Aquatics Integrity Code, this decision can be appealed to CAS within twenty-one (21) calendar days of the appealing Party's receipt of the written reasoned decision in question by email.**

Lausanne, 11 December 2025

On behalf of the Adjudicatory Body of the Aquatics Integrity Unit:



Raymond Hack  
Single-Member Panel of the Aquatics Integrity Unit