



Wellington Speedway Society

CODE OF CONDUCT



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1. Purpose

- 1.1 Speedway is a fast, exciting, motorsport in New Zealand. It is through discipline, commitment, mutual respect, and a sense of sportsmanship, that the spirit of the sport is allowed to advance. Fellowship, camaraderie and a sense of fairness are essential to the sports on-going success.
- 1.2 For the sport to succeed, it is important that Participants observe rules, respect the principles of Speedway New Zealand, and maintain high standards of behaviour, both on and off the track. A willingness to adhere to these standards will ensure the sport remains an enjoyable and safe recreational and/or competitive option for all Participants at all levels.
- 1.3 This Code of Conduct is established for the purpose of:
 - a. Setting the standards of conduct required by Participants; and
 - b. Providing a process for addressing breaches of this Code of Conduct in a fair and consistent manner.

2. Status of Code

- 2.1 This Code of Conduct was adopted by the Club on **for the 2022/23 season and beyond**, and replaces all previous codes of conduct.
- 2.2 Nothing in this Code of Conduct waives or limits the right of the Committee to make its own enquiries or to impose any sanction that it has authority to impose under the Constitution.
- 3.3 The overarching aim of this code and ultimate litmus test for any action of any person associated with the Wellington Speedway is complete and utter RESPECT for all other persons in the community over and above any normal standard of personal conduct.

3. Scope and Application

- 3.1 This Code of Conduct is applicable to the following persons, referred to as Participants:
Any person including, but not limited to, drivers, crew, family, staff, managers, spectators, medical staff, technical support, video staff, and any duly appointed team representatives participating in:
 - (i) any event run by the club or any other Speedway affiliated group in New Zealand
 - (ii) anytime a participant is involved in other activities where they could be perceived to have a link to the club
- 3.2 The standards of conduct, set out in this Code of Conduct, apply to Participants on-track and off-track conduct (including club rooms).
- 3.3 The terms of this Code, including any sanctions, will apply regardless of whether criminal investigations or any criminal or civil court proceedings have been instigated by any party and notwithstanding the outcome of any such investigations or proceedings.
- 3.4 This Code of Conduct will not apply to Participants where:
 - a. Speedway New Zealand has jurisdiction to determine matters under Speedway New Zealand's Anti-Doping Policy.
 - b. Any allegations of misconduct outside of sub-clauses 3.2.
- 3.5 The standards of conduct, set out in clause 5 (Standards of Conduct), do apply to all individual drivers, crew, staff and supporters appointed/recognised by Speedway New Zealand or Wellington Speedway Society

4. DEFINITIONS

- 4.1 The following words and phrases, used in this Code of Conduct, shall mean as follows:
 - “**Club**” means Wellington Speedway Society.
 - “**Anti-Doping Policy**” has the meaning given to it in the Speedway New Zealand rule book
 - “**Appeal**” has the meaning given to it in clause 13.1.
 - “**Committee**” means the Committee of the Wellington Speedway Society
 - “**President**” means the President or other duly appointed Chair, Vice-President or Manager appointed pursuant to the Committee.
 - “**Competition**” has the meaning given to it in clause 3.1.
 - “**Complaint**” has the meaning given to it in clause 6.2.
 - “**Constitution**” means the Rules of Club.



“SNZ” means the Speedway New Zealand

“**Guideline for Suspension Offences**” means the guidelines and recommendations for penalties in relation to Suspension Offences as set out in Schedule 1.

“**Guidelines on Process for Hearing and Determining any Complaint, Protest and**

“**Misconduct**” has the meaning given to it in Clause 5.

“**On-Track**” means any action that happens within the wall area of the arena or whiles the track is under Speedway New Zealand’s control

“**Participants**” has the meaning given to it in clause 3.1.

“**Public Statements**” means any statement in which the whole, part, or essence, is made public. Such a statement may be made in a newspaper, magazine, periodical, or by any electronic media (internet, email, social media etc.), or other means through the medium of television, radio, or in any other manner whatsoever, regardless of the circumstances in which the statement was made.

“**Rules of Speedway**” means as per the Speedway New Zealand Rule Book

5. Standards of Conduct

- 5.1 All Participants shall, at all times, conduct themselves fairly and in a proper manner, including maintaining a high standard of personal conduct, so as not to prejudice the interests of Speedway or bring themselves, the sport or club, into disrepute.
- 5.2 In addition, the following shall be regarded as conduct which is improper, unfair and unacceptable:
- Verbal or physical abuse, or hostility, towards any other Participant, person or any other member of the public.
 - Disputing, protesting or reacting in a provocative or disapproving manner, in an inappropriate way, toward any decision made by any member of the Speedway New Zealand team or Club appointed officials
 - Charging or advancing towards any other competitor or official in an aggressive manner. Or becoming present within another competitors pit is without invite
 - Using rude or abusive language or hand signals.
 - Abuse of any Speedway equipment or venue equipment in any form.
 - Making any public Statements, in respect of any Participant, person or other member public, club class or committee. Both in person, by traditional means (print letters, phone calls), or mostly and primarily by social media.
 - Committing any Suspension Offence.
- 5.3 Participants are required to adhere to the dress standards as specified by Speedway New Zealand and the Club
- 5.4 Breach of any of the standards of conduct, set out in this clause 5, is regarded as “Misconduct”.
- 5.5 **Any and all Social Media** that you or you crew post both on race pages and private/personal pages or in direct message to other drivers in relation to the club, racing, other club members or the track will be positive in a way that should be seen to promote the sport or driver only. If in any way a person can be seen to misread and find any kind of offence will be dealt with by both SNZ and the Wellington Speedway Society, there is zero tolerance policy to bullying even if meant in a fun or jovial way. The SNZ fixed penalties for this kind of action range from Probation to a 12 Month ban and \$500 fine for inappropriate commenting or posting.

6. Complaints

- 6.1 Any & all allegation of Misconduct can be made, by any person to the Committee in writing to the club email address.
- 6.2 The allegation of Misconduct should set out in writing, in as much detail as possible:
- the nature of the incident;
 - the persons involved;
 - the date(s) and time(s) when the alleged Misconduct occurred,
 - The facts of what happened (“the Complaint”).
- 6.3 Nothing in this Code of Conduct prevents the President or Committee initiating an investigation, in his/her own right, if he/she considers there has been Misconduct.
- 6.4 The lodging of a complaint to the Committee should be carried out within one weeks of the incident occurring, at which point the Committee may use their own discretion whether or not to consider the complaint.

7. Structure of the Judicial Provisions

- 7.1 The judicial provisions in this Code of Conduct are divided into two parts:
- Part A** which apply to matters relating to Competitions;



b. **Part B** contains the penalties available for Misconduct;

8. Judicial Committee

- 8.1 After investigating the alleged misconduct, and concluding that a hearing may be required, the Executive will appoint a Judicial Committee to consider and determine Complaints (“Judicial Committee”).
- 8.2 The Judicial Committee shall consist of a minimum of three (3) persons including a Chairperson, appointed by the President, Class Rep and Member of the Executive.

9. Proceedings of Judicial Committee

- 9.1 On receipt of a Complaint or Protest, the Judicial Committee shall conduct a hearing of the incident hearing both parties version of events
- 9.2 All proceedings (including the hearing and decision) before the Judicial Committee are confidential to the parties unless the Judicial Committee directs otherwise. In the case of a decision involving a sanction, the details of the charge, verdict and sanction will be communicated to the wider club as deemed necessary by the committee.
- 9.3 Each party shall be responsible for their own costs (if any) associated with the hearing.

10. The Decision

- 10.1 After the hearing of a Complaint, the Judicial Committee shall:
 - a. dismisses the matter if it finds that Misconduct has not been committed;
 - b. issue such penalty as it thinks fit, in accordance with clause 12 (Penalties and Recommendations) if it finds that Misconduct has occurred;
 - c. refer the Complaint to the Committee for hearing and determination, where the Judicial Committee, in its sole discretion, concludes that a hearing, and determination by the Committee or SGM of its members, may be more appropriate in the circumstances; and/or
 - d. refers the matter to the Police.
- 10.2 All Decisions of the Judicial Committee shall be final and binding on the parties.

PART B – PENALTIES

11. Penalties Available for Judicial Committee

- 11.1 If the Judicial Committee finds that Misconduct has occurred, it may impose any one or more of the following penalties:
 - a. a warning or reprimand;
 - b. requires the Participant to make a formal apology and be on a good behaviour bond;
 - c. suspension from such activities of the club, including competitions (local or national), events, meetings, and other functions, for such period(s) and on such terms and conditions as it thinks fit;
 - d. exclusion from a particular competition activity, meeting, event, or events of the club;
 - e. demotion or removal from any position or function granted by Club or as a representative of Club;
 - f. such other penalty as the Judicial Committee considers commensurate with the offence.
 - g. Expulsion from the club under section 22 of the constitution
- 11.2 When considering penalties for a Suspension Offence, the Judicial Committee must follow the Guidelines for Suspension Offences outlined in Schedule 1.

SCHEDULE 1

1. Level 1 Suspension Offence:

- 1.1 The penalty for a Level 1 Suspension Offence may be a suspension of the Participant for a minimum of one meeting to a maximum of three meetings.
- 1.2 For the purposes of the Code of Conduct “*Level 1 Suspension Offence*” means:
 - a. Verbal abuse or hostility towards any other Participant, person or spectator as a first offence
 - b. Spitting toward Participant, person or spectator.
 - c. Disputing/protesting, reacting in a provocative or disapproving manner in an inappropriate way toward any decision made by an official.



- d. Charging or advancing towards another driver, crew or entering another's pit area (defined as the area in or around their race vehicle or trailer unit) uninvited in a perceived aggressive manner.
 - e. Using rude or abusive language, or gestures that are considered to be obscene, offensive, or insulting.
 - f. Minor sexual harassment, sexual inferences or undertones.
 - g. Racial comments, inferences or undertones.
 - h. Abuse of Speedway equipment or clothing, venue equipment or fixtures and fittings.
 - i. Team managers and/or team personnel not taking control of the conduct of their crew, family or supporters
 - j. Making public statements that are not constructive or reasonable and involve a personal attack on another driver, or associated party
 - n. Engaging in social media activities that are not deemed constructive and/or are offensive, demeaning or intending to belittle Participants, or other members of the Speedway community.
- 1.3 Additional considerations should include attitude of the offender, degree of remorse and degree of harm inflicted.

2. Level 2 Suspension Offences:

- 2.1 The penalty for a Level 2 Suspension Offence may be suspension of the Participant for a minimum of three meetings to a maximum of eight race meetings.
- 2.2 For the purposes of the Code of Conduct "*Level 2 Suspension Offence*" means:
- a. Threat of assault on an official or other club member.
 - b. Spitting on another player, Participant or spectator.
 - c. Striking and/or physical assault, without serious injury, of any other party
 - d. Persistent and deliberate breach of the Rules of Speedway (generally considered dangerous and intimidating) following a warning from an official.
 - e. Using language or gestures which seriously offends insults, intimidates, threatens, disparages or vilifies another person on the basis of that person's race, religion, gender, colour, descent or national or ethnic origin.
 - f. Sexual harassment, racial abuse or verbal attacks
 - g. Recurrent breaches of Level 1 Suspension Offence.
- 2.3 Additional considerations should include attitude of the offender, degree of remorse and degree of harm inflicted.

3. Level 3 Suspension Offences:

- 3.1 The penalty for a Level 3 Suspension Offence may be suspension of the Participant for a minimum of eight meetings to a maximum of club membership suspension
- 3.2 For the purposes of the Code of Conduct "*Level 3 Suspension Offence*" means:
- a. Any act of violence on or off the track.
 - b. Physical assault causing bodily injury to any other person
 - c. Recurrent breaches of Level 2 Suspension Offences.
- 3.3 Additional considerations should include attitude of the offender, degree of remorse and degree of harm inflicted.

Guidelines on Process for Hearing and Determining any Complaint, Protest or Appeal

The purpose of this guideline is to ensure Judicial Committees follow a consistent process and comply with the principles of natural justice.

1. Receipt of Protest, Complaint or Appeal

- 1.1 On receipt of a Complaint, the Judicial Committee or Jury of Appeal shall notify the complainant and the Participant against whom the Complaint, Protest or Appeal is made, and any other relevant parties of:
- a. the details of the Complaint or Protest (as set out in paragraph 2.1 of this Schedule)
 - b. the time and place of the hearing;
 - c. where relevant, the names of the people who will be serving on the Judicial Committee or Jury of Appeal for the proceedings;
 - d. the right of all parties to be represented (this includes the Participant(s) against whom the Complaint or Protest is made having one representative unless it is an SGM that is members only).
- 1.2 The Judicial Committee or Jury of Appeal shall hear and determine the Complaint, Protest or Appeal in whatever manner it considers appropriate in the circumstances (including by way of teleconference, videoconference, in person or otherwise).

2. Details of the Complaint, Protest or Appeal



- 2.1 The details of the Complaint or Protest will be in writing and include:
 - a. the fact of the report of the Complaint or Protest;
 - b. the identity of the Participant when Misconduct is alleged;
 - c. the Misconduct alleged or the decision that the Participant or team is protesting;
 - d. any evidence provided with the Complaint or Protest.
- 2.2 The details of any Appeal will be in writing and include:
 - a. the fact of the report of the Appeal;
 - b. the grounds on which the Appeal has been made.

3. The Hearing

- 3.1 The Participant(s) who is the subject of the Complaint or Protest is entitled to be present at the hearing. Should the Participant fail to attend the hearing, the hearing shall take place in the absence of the Participant and the facts around the failure to attend shall be taken into account in the determination of the appropriate penalty in the event that Misconduct is found to have been committed.
- 3.2 At the hearing, the Judicial Committee shall:
 - a. provides the Participant with an opportunity to make a statement or provide evidence in relation to the Complaint or investigation;
 - b. consider other evidence e.g. official reports, witness statements, video evidence etc.
 - c. provide the Participant with an opportunity to make further submissions or provide additional evidence; and
 - d. give due consideration to the allegations and the evidence.
 - e. carry out the process as the committee deems necessary

4. Proof

- 4.1 The onus of proof will be on the person who has made the Complaint, Protest or Appeal.
- 4.2 The standard of proof is on the balance of probabilities. The Judicial Committee or Jury of Appeal need only be satisfied on the balance of probabilities (more likely than not).
- 4.3 Where there is a direct conflict between evidence of the Participant and other relevant parties and no corroborative supporting evidence exists either way then the Judicial Committee or Jury of Appeal may in their absolute discretion make a decision as to the facts of the matter.
- 4.4 Greater significance should be placed on the Participant's intention than on the actual outcome in reaching any decision. The consequences of the action may however, influence the penalty.
- 4.5 In any case in which it is claimed a Participant was guilty of an offence by reason of provocative conduct on the part of another Participant or person, such provocative conduct shall be no defence for any incident but may be taken into account in determining the penalty or suspension.
- 4.6 A Participant's previous history will be considered when determining guilt. Repeat offenders should expect more severe penalties.

5. The Decision

- 5.1 Any decision in relation to a Complaint or investigation should be in writing and deal with the following matters:
 - a. the final decision reached.
 - b. the penalty being imposed
- 5.2 While serving a suspension period a Participant shall not participate at any level, nor be involved in Speedway in another capacity at any level until completion race meeting comprising the suspension period, unless otherwise directed by the Judicial Committee.