

World Rugby U20 Championship 2015

Judicial Officer's Hearing Report

The hearing took place at the Tournament Office, Brescia, Italy on 4 June 2015.

The Judicial Officer appointed to hear the matter was H. Pat Barriscale of Ireland (JO).

In attendance:

Elia Elia (Samoa #2) – The Player

Ramsey Tomokino - Manager Samoa U20

Yvonne Nolan - Tournament Disciplinary Officer

The hearing was convened by the Disciplinary Officer pursuant to the Tournament Disciplinary Programme ("TDP") contained in the World Rugby U20 Championship 2015 Terms of Participation and followed a citing brought by Mr Achille Reali of Italy, the Independent Citing Commissioner appointed to the match. The Citing Report alleged that the Player committed an act of foul play contrary to Law 10.4(j) in a match between Australia and Samoa played at Parma Stadium on 2 June 2015.

Introduction

The Player confirmed that he had received all the appropriate documents and video clip and no preliminary issues were raised. The JO outlined the procedures to be adopted in that he would firstly consider whether the incident warranted a red card and if so satisfied would proceed to sanction. If not so satisfied that would be the end of the hearing.

The Player was asked whether he accepted that he had committed an act of foul play and stated that he did not and wished to contest the citing complaint.

Hearing

The video clips were shown a number of times both at normal speed and in slow motion. The Player and his manager suggested the Player was doing no more than a legitimate clear out of his opponent. He lifted him by the leg to move his body out of the way and allowed his team mates to counter ruck. He did not accept that he drove him into the ground. Contact with the ground was on his shoulder and not his head. There was no reaction from the referee or other players confirming it was a legitimate clearing out.

The JO suggested to the Player that there were three distinct movements obvious to him on the video, being the initial lifting, driving to the ground and the clearing out. He suggested he had no intent to injure the Player but conceded from one angle it did not look great. He did accept the onus was on him to ensure the safety of the player if he lifted him over the horizontal. As there were no further submissions the JO considered the matter in private.

Decision on Offence

The offence cited was under 10.4(j) which states that “*lifting a player from the ground and dropping or driving that player into the ground whilst that player’s feet are still off the ground such that the player’s head and/or upper body come into contact with the ground is dangerous play*”.

The JO said he was satisfied that there was no intent to injure the other player but the onus was on the tackling player to ensure the safety of the tackled player. He had not done enough in this regard and was therefore guilty of the offence as cited and that it warranted a red card. The JO upheld the citing and proceeded to sanction.

Sanction

The JO asked those present to address him regarding entry point, aggravating and mitigating circumstances under clause 11.10 of the Tournament Disciplinary Programme. On behalf of the Player it was suggested low end was appropriate as he believed he was making a genuine effort at clearing out. There was no intention to injure, no premeditation, no injury and it had no effect on the game. As far as aggravation was concerned, Ms Nolan emphasised the memorandum of 2009 in respect of Dangerous Tackles and asked that this be an aggravating factor to deter such pattern of offending.

In mitigation the player had no previous disciplinary issues, was obviously remorseful and had conducted himself appropriately at the hearing. Mr Tomokino asked the JO to consider clause 11.10.7(b) as any sanction would be disproportionate to the offending. There being nothing further the JO considered sanction in private.

Decision on Sanction

The JO said he felt low end entry point was appropriate at four weeks. He noted the 2009 memorandum but did not increase sanction in these circumstances to take account of it. The player was entitled to maximum mitigation of two weeks and reduced sanction to two weeks. This equates to two matches in this Tournament so the Player is suspended from all rugby until midnight on 10 June 2015.

Appeal

The Player was reminded of his right to appeal within 48 hours of receipt of the full written decision.

5 June 2015

H. Pat Barriscale
Judicial Officer