



Decision of the Independent Judicial Officer

Hearing held at the offices of Clifford Chance, 10 Upper Bank Street, Canary Wharf, London on October 8th, 2015 commencing at 10 am

In respect of

Campese Ma'afu of Fiji ("the Player")

And

An accumulation of three Temporary Suspensions and/ or Citing Commissioner Warnings contrary to the provisions of Section 10.16 of the Tournament Disciplinary Programme.

Judicial Officer appointed to hear the case:

Roger Morris, Wales ("the Judicial Officer")

Decision of the Judicial Officer:

- (i) The Judicial Officer found that the persistency of the Player's offending was not such as to warrant further sanction.
- (ii) The Player is immediately free to play the game.

1. Introduction

- 1.1 The Judicial Officer was appointed to consider matters arising out of the Player having received an accumulation of three temporary suspensions (“Yellow Cards”) and/or Citing Commissioner Warnings (“CCWs”) during the course of the Rugby World Cup, 2015 (“the Tournament”) so making him liable to the proceedings contemplated by section 10.16 of the Tournament Disciplinary Programme.
- 1.2 The three transgressions to be considered in the Player’s case were: a CCW for a breach of Law 10.4 (e) (j) or (m) issued after the match between Fiji and England played on September 18, 2015 (“Incident 1”); a Yellow Card issued during the match between Fiji and Australia played on September 23, 2015 (“Incident 2”) ; and a Yellow Card issued during the match between Fiji and Uruguay played on October 6, 2015 (“Incident 3”).
- 1.3 In addition to the Judicial Officer the following persons were present at the hearing:
- The Player who was accompanied by **Chris Smith**, legal counsel and **Tony Thorpe**, Fiji team manager.
 - **Yvonne Nolan**, Designated Disciplinary Official, Rugby World Cup Limited who was accompanied by **Patrick Lloyd**.

2. Consideration of Incident 1

- 2.1 In his Warning the citing commissioner, Dougie Hunter, described the action as follows: *“....F1 Holds the ankle of E21 who is standing upright waiting to defend the ruck. E21 does not have the ball which is being won on the Fiji side of the ruck and was played away by Fiji. F1 continues to hold the left ankle of E21 as he regains his footing, preventing E21 from moving to defend, holding the ankle at 90 degrees to the ground and then raises it to 180 degrees, then pushes the ankle of E21 away and releases his grip. This causes E21 to rotate through almost 180 degrees, landing on his right shoulder and unable to break his fall”*.
- 2.2 A variety of video clips were available to the hearing. These were watched and they confirmed the citing commissioner’s description of events as accurate.
- 2.3 The Player was frank and straightforward in accepting that his actions were stupid and deserved sanction.

3. Consideration of Incident 2

- 3.1 The referee, Glen Jackson, in his report, described the ball emerging from a ruck and being kicked away by the Player from an offside position.
- 3.2 Again, the video clips available to the hearing confirmed the referee’s report to have accurately described the Player’s offending
- 3.3 It was noted that the offending in this incident was of the so called “technical” kind”.

4. Consideration of Incident 3

- 4.1 In his report the referee, J.P. Doyle, gave his reason for issuing a yellow Card as *“striking and attempted striking by Fiji one after he had pushed to the ground by Uruguay 9”*.
- 4.2 The video clips showed the celebration after Fiji had scored a try and Uruguay number 9 pushing the Player to the ground. The Player got up and pushed back at U9 and a kerfuffle of pushing and pulling by players on both sides ensued. The video clips showed no evidence of the Player having done anything more than push back at U9 and certainly no evidence of a strike. U9 was also issued with a Yellow Card.
- 4.3 From the sound played with the clips it was clear that the referee issued the Yellow Cards as part of his understandable game management strategy and following earlier warnings to the teams.

5. Submissions

- 5.1 Mr Smith, on behalf of the Player, made the following submissions:
- In relation to Incident 1 the Player accepted he had committed an act of foul play and that it had warranted the issue of a CCW
 - Incident 2 was a “technical” offence. The Player again accepted that he was culpable but asserted that his offending, in the circumstances of him trying to roll away from the relevant ruck, was more inadvertent than deliberate
 - The other Yellow Card, that arising from Incident 3, was issued as a consequence of the referee’s game management strategy rather than for what in itself was a minor act of foul play
 - As far as Incident 3 was concerned, the Player accepted that he had pushed the opponent but not that he had struck him
 - Referring to the Memorandum dated 21st January 2015 issued by World Rugby, Mr Smith suggested that Incident 2 was the type of offending contemplated in paragraph 5(b)(ii) and the offending in Incident 3 the type of offending contemplated in paragraph 5(b)(i)
 - In the circumstances it was appropriate for no further sanction to be imposed on the Player
- 5.2 Ms Nolan, for World Rugby, submitted as follows:
- The Judicial Officer was required under Section 10.16 of the Tournament Disciplinary Programme to deal with the persistence of a player’s offending rather than the substantive issues arising from each act
 - The memorandum referred to by Mr Smith gave guidance on matters such as those being considered at this hearing
 - Paragraph 5(b)(ii) was relevant to Incident 2
 - Paragraph 5(b)(i), although relevant in the context of Incident 3, should nevertheless be considered in the light of the referee having warned the Player as to his conduct at a point earlier in the match

6. Judicial Officer's findings

6.1 The Judicial Officer considered each incident in turn and concluded as follows:

- The offending in Incident 1 was a deliberate and dangerous act not justified by the low level of provocation from the other player involved although no injury resulted.
- Incident 1 was a relatively serious act of foul play fully justifying the CCW
- Such a level of offending if persistently apparent in the other incidents would have led to a period of suspension at or towards the top end of the scale for cases of multiple offending
- Incident 2 was a straightforward "technical" offence falling comfortably within what is contemplated in Paragraph 5(b)(ii) of the cited World Rugby Memorandum
- Incident 3 led to a Yellow Card that in the judicial Officer's view would not have been issued if the offending had taken place in isolation and not within the context of this particular time in this particular match.
- Although the referee had mentioned in his report that the Player had struck his opponent the Judicial Officer was satisfied from the video clips that the Player had merely pushed his opponent
- Nevertheless in the circumstances of this match and the warnings already given to both teams, the referee was perfectly justified in issuing a Yellow Card
- Despite the earlier warning the Judicial Officer concluded the offending was at the level of minor offending referred to in Paragraph 5(b)(i) of the Memorandum.

7. Assessment of sanction

7.1 Given that two of the incidents in question fell squarely within what was contemplated by Paragraph 5 of the World Rugby Memorandum dated 21st January 2015 the Judicial officer determined that no sanction would be applied.

8. Right of Appeal

8.1 The Player has a right of appeal from the decision in accordance with the Tournament Disciplinary Programme.

Roger Morris
Judicial Officer

9th October 2015