

RWC 2019 DISCIPLINARY DECISION



Match	Ireland v Samoa		
Player's Union	Ireland	Competition	RWC 2019
Date of match	Saturday, 12 October 2019	Match venue	Fukuoka Hakatanomori Stadium
Rules to apply	Regulation 17 World Rugby and RWC 2019 Tournament Disciplinary Programme		

PARTICULARS OF OFFENCE

Player's surname	Aki	Date of birth	7 April 1990
Forename(s)	Bundee		
Referee Name	Nic Berry	Plea	<input type="checkbox"/> Admitted <input checked="" type="checkbox"/> Not admitted
Offence	Breach of Law 9.13 of the Laws of the Game. A player must not tackle an opponent early, late or dangerously. Dangerous tackling includes, but is not limited to, tackling or attempting to tackle an opponent above the line of the shoulders even if the tackle starts below the line of the shoulders.	SELECT: Red card <input checked="" type="checkbox"/> Citing <input type="checkbox"/> Other <input type="checkbox"/>	If "Other" selected, please specify:
Summary of Sanction	<p>3 weeks commencing on Sunday, 13 October 2019.</p> <p>Should Ireland qualify for the RWC 2019 semi-final on 26 October 2019 the semi-final (and any other further matches in the tournament) will count as part of the suspension.</p> <p>In the event that Ireland do not progress to the semi-final in the tournament the 2nd and 3rd games of the Player's suspension shall be served in the Pro 14 Tournament in Europe with Connacht Rugby.</p> <p><u>Addendum</u></p> <p><u>Ireland did not progress to the semi-final in RWC 2019. Accordingly, the 2nd and 3rd games of the Player's three week suspension shall be served in the Pro 14 Tournament with Connacht Rugby against the Cheetahs on 26 October 2019 and against the Ospreys on 2 November 2019.</u></p> <p><u>The Player's sanction concludes on Saturday, 2 November 2019 at midnight. The Player is free to resume playing rugby on Sunday, 3 November 2019.</u></p>		

HEARING DETAILS

Hearing date	Monday, 14 October 2019	Hearing venue	RWC Hearing Disciplinary Room, Atsumi & Sakai, Tokyo
Chairman	Adam Casselden SC (Australia)		
Other Members of Disciplinary Committee	Frank Hadden (Scotland; former international coach) Val Toma (Romania; former referee)		
Appearance Player	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	Appearance Union	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>

Player's Representative(s)	Derek Hegarty (Counsel) David Nucifora (IRFU Performance Director) Vinny Hammond (IRFU Performance Analyst)	Disciplinary Officer and/or other attendees	Ben Rutherford (DDO RWCL) Alistair Maclean (General Counsel, World Rugby)
List of documents/materials provided to Player in advance of hearing	<ul style="list-style-type: none"> • Notice of Disciplinary Hearing; • Match Official Reports (Referee, ARs, TMO); • Video Evidence; • Statement of Bundee Aki, Ireland #12 (the "Player"); • Statement of Ulupano Seuteni ("Samoa #10"); • Medical Report (Dr Misa Navy Collins, Samoa Team Doctor); • Match Statistics; • RWC ToP Disciplinary Section and Regulation 17; • World Rugby High Tackle Sanction Framework; • Player's written submissions including video presentation; and • DDO's written submissions. 		

SUMMARY OF ESSENTIAL ELEMENTS OF THE MATCH OFFICIAL REPORTS

1. The Referee, Nic Berry issued the Player with a red card in the 28th minute of a match played between Ireland and Samoa on Saturday, 12 October 2019 at Fukuoka Hakatanomori Stadium for a breach of Law 9.13 of the Laws of the Game. Law 9.13 is in the following terms:

"A player must not tackle an opponent early, late or dangerously. Dangerous tackling includes, but is not limited to, tackling or attempting to tackle an opponent above the line of the shoulders even if the tackle starts below the line of the shoulders."

2. The Referee in his report stated that *"Contrary to Law 9.13, Ireland #12 tackled Samoa #10 dangerously above the line of the shoulders. Ireland #12's tackle was directly on Samoa #10's head with strong force and therefore shown a red card for a dangerous tackle. I did not feel that there was a significant drop in height by Samoa #10 (ball carrier) therefore no mitigation was applied."* The Referee's report is broadly consistent with what he said on-field when he reviewed the incident with the TMO (Television Match Official).
3. The Assistant Referees and the TMO each agreed with the Referee that the incident warranted a red card.
4. The TMO in his report, relevantly, stated that *"From the images shown, the referee concluded there was a high degree of danger and that there was insufficient mitigation for the sanction to be anything other than a red card. I agreed with this and the red card was issued."*
5. Romain Poite, one of the Assistant Referees, stated in his report that the Player did not bend enough in the tackle and made contact with the ball carrier, Samoa #10. He stated he didn't see the ball carrier dropping himself or his height significantly at the time of contact. He didn't see any mitigation to reduce the sanction from a red card.
6. Similarly, the other Assistant Referee, Brendon Pickerill agreed with the Referee that the incident warranted a red card when applying the High Tackle Sanction Framework (HTSF). When Mr

Pickerill first saw the incident live from the far side of the field he thought that the collision/tackle was unusual because the ball had become dislodged in a previous tackle and then was bouncing along the ground with the collision/tackle happening quickly after Samoa #10 had gathered the loose ball. Mr Pickerill candidly acknowledged in his report that he did not have a very clear view of the incident.

7. However, after watching the incident on the big screen (TMO review), Mr Pickerill reached the conclusion that initially the Player was genuinely moving to gather the loose ball and then had to adjust, with minimal time, to tackle Samoa #10 after he had gathered the ball. It seems that whilst Mr Pickerill may have held some doubt, when he saw the incident live, as to whether the incident was a collision or a tackle any doubt was dispelled in favour of a tackle after he saw the incident on the big screen. So much is evident from the fact that he records at the end of his report that the Player tackled Samoa #10, that the HTSF applied and that the red card was the appropriate sanction. (our underlining)

ESSENTIAL ELEMENTS OF OTHER EVIDENCE (e.g. medical reports)

8. The victim player, Ulupano Seuteni (Samoa #10) provided a written statement in the following terms:

"I was watching the ball, managed to gather it, felt a little unbalanced and the contact happened really quickly, it felt like both of us collided, after that I can't remember much.

I had a headache straight after the game and a little at the hotel.

Bundy [sic] came and apologized after the game, I didn't think in any way it was intentional.

No further symptoms."

9. Dr Misa Navy Collins, Samoa Team Doctor, also provided a written statement where the following is relevantly recorded:

"...Mr Seuteni sustained a head injury as a result of a head high tackle during our game against Ireland on 12th October 2019.

He was taken off for a HIA and he failed his HIA 1 test and hence he was not able to return to play. He also failed his HIA 2 test before we left the stadium. This has confirmed that he suffered a concussion as a result of that tackle incident. He will complete his HIA process as well as the graduate[d] return to play protocol."

SUMMARY OF THE PLAYER'S SUBMISSIONS AND EVIDENCE

10. The Player admitted that he breached Law 9.13 (dangerous tackling) and contended that his offending was reckless as opposed to intentional. For reasons that follow, we accepted the Player's admission that his offending was reckless. Consistent with the Player's admission of a breach of Law 9.13 the Player accepted that the HTSF applied as it was an illegal high tackle, as opposed to a shoulder charge, but somewhat, paradoxically, also contended that the incident was

a collision, as opposed to a tackle. Notwithstanding those competing submissions the primary case advanced by the Player was that the Referee was wrong to issue the red card and should have issued a yellow card because:

- 10.1 Firstly, only one mitigating factor out of five in the HTSF was considered by the Referee in making his decision to award a red card and specifically that he considered whether the drop in height was “significant” and not “sudden” as specified in the HTSF. The Referee highlights this both on the pitch in his verbal communications and again in his written report;
- 10.2 Secondly, the Match Officials failed to consider at the time of the incident its context of two players competing for a loose bouncing ball coming from differing angles at high speed without due line of sight of each other due to their ball focus as opposed to a standard tackle situation where ample time is available to identify the roles of tackler and ball carrier. One Assistant Referee (Mr Pickerill) in his report outlines his support of the above;
- 10.3 Thirdly, consideration was not given to the tackle to be “Reactionary” as set out in the HTSF;
- 10.4 Fourthly, the tackle should have been regarded as a collision that only turned into an attempted tackle at the very last moment thus not giving either player certainty as to their roles of “Ball Carrier and Tackler” until it was too late to execute proper technique on behalf of both players in a safe manner. The reaction times available to both players to adapt to the roles of Ball Carrier and Tackler was less than two tenths of a second; and
- 10.5 Fifthly, Samoa #10 points out in his statement that he felt it was a collision rather than a tackle due to both players being ball focussed on the loose bouncing ball and that his height into the collision he felt was altered by his lack of balance in winning the race to the loose ball.

11. The Player gave written and oral evidence in support of the submissions advanced by his representatives. The Player’s oral evidence was broadly consistent with his written evidence. The Player’s written statement was in the following terms:

“After a pass went loose I had to turn to chase the ball that was bouncing on the ground metres in front of me. I was focussed only on the ball and moved quickly towards it to secure possession. At the last moment I had an awareness of a Samoan player coming into my sights as he too was racing to gain possession of the loose ball. Up until the very last moment I thought I was going to win possession but then when I realised that the Samoan player had gotten there first I very quickly had to prepare myself for the inevitable collision and realised that I would need to try and execute a tackle.

I did my best to use proper technique in the time available but was not able to get a normal read on the ball carriers body position as he too was moving at high speed and at the point of contact I

realised he was still falling forward into the collision. As soon as I realised I had made contact with his head I pulled out of the tackle.

I apologised to UJ after the game when I went to see how he was. I am extremely sorry for what happened and the injury that UJ sustained. I accept responsibility for my part in the collision but the outcome of it becoming a high tackle was completely unintentional and unforeseen due to the circumstances.”

12. The Player accepted the following in his oral evidence that:

- 12.1 his left shoulder made contact with Samoa #10’s head (T20.18 and RWCL TMO Video at 1.35);
- 12.2 his left arm swings forward prior to contact with Samoa #10’s head (T20.25 and RWCL TMO Video at 1.35);
- 12.3 he was attempting an active/dominant tackle (T21.1-12 and RWCL TMO Video at 1.35); and
- 12.4 he completed the tackle (T21.14-23 and RWCL TMO Video at 1.35).

13. The Player, in conformity with his written statement, said that the events unfolded very quickly and that he was trying to win possession of the loose ball and that when Samoa #10 obtained possession of the ball he made an instinctive or reactionary tackle. Until Samoa #10 won the ball the Player maintained that he was focussed on regathering the ball. It was put to him that the video footage demonstrated (8FR Corner 9.28-.30; and Split Screen 2.02-0.9) that he appears to remove his eyes from the bouncing ball and look up and, immediately thereafter, he decelerates and sets himself in preparation to effect a tackle. The Player rejected these propositions and maintained he was focussed on winning the ball and that he made no decision or held any expectation that he was to make a tackle until the ball was in Samoa #10’s hands: see T18-19.

FINDINGS OF FACT

14. The Judicial Panel watched all the video footage multiple times. In our opinion, the most instructive angles are 8FR Corner and the Split Screen. The Judicial Panel found, having regard to all the video footage, and in particular angles 8FR Corner and the Split Screen the following:

- 14.1 First, the ball comes off the hand of Samoa #14 and is loose on the ground bouncing away from the Player towards Samoa #10;
- 14.2 Secondly, the player is observed to accelerate towards the ball, with his eyes focussed on the ball, in the hope that he will win possession of the ball. At the same time Samoa #10 is also seen accelerating towards the ball with his arms outstretched and with his eyes focussed on the ball, in the hope that he too will win possession of the ball;
- 14.3 Thirdly, that the Player is seen to take his eyes off the ball and look up in the direction of Samoa #10 (see 8FR Corner at 00:57 frames 5-6-7-8 and Appendix A). In our opinion, it is at this point that the Player realises that he is not going to win, or is unlikely to win, the

contest for possession of the ball and commences to prepare or ready himself to make a tackle on Samoa #10, who at that time, is in the more dominant, and therefore, more likely position to regather and take control of the ball. In our opinion, at this time both players are in open space and the Player has a clear line of sight of Samoa #10 and sufficient time before contact with Samoa #10 to ready himself to make a tackle. We did not accept the Player's evidence or submissions that he did not have sufficient time to execute a legal tackle, as the video footage clearly demonstrates that:

14.3.1 the ball is seen bouncing away from the Player towards Samoa #10 and it appears to bounce/pitch upwards towards Samoa #10 and therefore away from the Player;

14.3.2 the Player is seen decelerating as he moves towards the ball which is loose on the ground. Had the Player, at this time, held a reasonable belief that he would win the contest, he would be expected, in our opinion, to be accelerating towards the ball not decelerating and likely to have his arms out in front of him to try and contest for the ball; and

14.3.3 the Player's body height changes as he is observed, consistent in our opinion with the preparation for a tackle, to decelerate, set himself by bending his knees, lower his body height and to commence to extend both his arms outwards to effect a wrapping tackle. Had the Player been, at that time, still in the contest for the ball, as he suggested, we would not have expected to see his arms going outwards but in fact being brought closer together to reduce the necessary time to regather the ball. We, therefore, did not accept the Player's account on this issue.

14.4Fourthly, that when Samoa #10 has obtained possession of the ball the Player has already prepared and committed himself to making a wrapping tackle on Samoa #10. We did not accept the Player's evidence that he did not make a decision to effect a tackle until Samoa #10 obtained possession of the ball. In our opinion, and consistent with our findings immediately above, the Player held a reasonable belief or expectation when he took his eyes off the ball and glanced up that Samoa #10 was more probably than not going to win the contest for the ball and therefore he would have to make a tackle.

14.5Fifthly, the Player's left arm is seen swinging forwards and upwards, such that the Player's left shoulder is promoted prior to it making clear contact with Samoa #10's head. The Player's right foot is also seen to leave the ground and the Player's body height is observed to straighten up after contact is made with Samoa #10.

14.6Sixthly, the Player accepted that he was attempting an active/dominant tackle (T21.1-12 and RWCL TMO Video at 1.35) and such a tackle is clearly demonstrated in the video footage;

14.7Seventhly, the Player accepted he completed the tackle (T21.14-23 and RWCL TMO Video at 1.35) and this is evident as both his arms are seen wrapping around Samoa #10. In our

opinion, the Player did not, at any relevant time, attempt to immediately release or withdraw from the tackle until after he has made contact with Samoa #10's head and not until after Samoa #10's body relaxes and goes limp.

18. The Player contended that his actions were a collision and not a tackle because there was no certainty as to which of the two players was to be the ball carrier or the tackler. We did not accept that submission. Putting aside for one moment the Player's admissions that he was in breach of Law 9.13, that the HTSF applied and that he completed a dominant wrapping tackle.
19. In our opinion, the Player's submission is not supported by the objective video evidence. "For a tackle to occur, the ball carrier is held and brought to ground by one or more opponents" (see Law 14). This requirement was clearly satisfied. A ball carrier is defined in the Laws of the Game as "a player in possession of the ball". At the time the Player made contact with Samoa #10 he was in possession of the ball.
20. Further, "possession" is defined in the Laws of the Game to mean an individual in control of the ball or who is attempting to bring it under control. In our opinion, for the reasons already articulated above, the Player stopped his attempt to bring the ball under his control at that moment in time when he took his focus off the ball by looking towards Samoa #10 and then commenced to prepare himself for a tackle. In our opinion, at that time Samoa #10 became the most likely ball carrier as he continued his attempt to bring the ball under his control and the Player, consistent with his actions, assumed the role of tackler. Reliance is placed on Samoa #10's opinion that it felt like both players collided. We placed no reliance on this opinion evidence as the video evidence makes it demonstrably clear that the Player completed a tackle. Similarly, for reasons already expressed at [6] to [7] above, we did not place any weight on Mr Pickerill's initial opinion that the incident may have been a collision as he subsequently resiled from that opinion once he saw the incident on the big screen.
21. Notwithstanding the Player's admissions and the absence by the Player of any material submissions to the contrary, the Judicial Panel found, for the avoidance of doubt, that the HTSF applied to this incident. Applying the HSTF to this incident we found:
 - 21.1 First, that the Player effected a High Tackle, that is, an illegal tackle causing head contact. The Player admitted, and the video evidence demonstrated, that his left shoulder made clear contact to Samoa #10's head, the ball carrier, whose head also moved backwards from the contact point. Samoa #10 also required a Head Injury Assessment (HIA);
 - 21.2 Secondly, that the applicable HTSF pathway is Number 3, as the Player's shoulder made clear contact with Samoa #10's head;
 - 21.3 Thirdly, the degree of danger was high because the "video signs indicating higher degree of danger" were met as follows:
 - 21.3.1 The Player when effecting the tackle leaves the ground (Preparation);

21.3.2 The Player's arm swings forward prior to contact with Samoa #10's head (Preparation);

21.3.2 The Player was attempting an active/dominant tackle (Contact); and

21.3.3 The Player completes the tackle without any immediate release/withdrawal (Follow Through).

22. In our opinion, and we did not understand this to be particularly controversial, that by the end of this stage of the HTSF pathway (Number 3) that the Referee was correct, before moving to consider mitigating factors, to determine that a red card was the appropriate sanction.

23. We now turn to the question of mitigation and in particular "Factors to consider against mitigation". As we have already found at [14.3] at the time the Player looks up in the direction of Samoa #10 both players are in open space and the Player has a clear line of sight of Samoa #10 and sufficient time before contact with Samoa #10 to ready himself to make a tackle. This is evident by the fact that the Player was able to prepare, execute and complete a dominant tackle, albeit illegally above the line of Samoa #10's shoulders, from that moment on. In our opinion, contrary to the Player's submissions, there was sufficient time available to the Player to ensure that his left arm did not rise above the line of his opponent's shoulders in breach of Law 9.13.

24. We now turn to those Mitigating Factors which must be "clear and obvious and can only be applied to reduce a sanction by 1 level."

25. In our opinion, based on the video footage, the Player, as tackler does not make any definite attempt to change height in an effort to avoid the ball carrier's head. In our opinion, the Player had sufficient time to attempt to change his height in an effort to avoid Samoa #10's head and had he done so, is likely to have avoided contact with Samoa # 10's head.

26. In our opinion, based on the video footage, the Player was not unsighted prior to contact with Samoa #10.

27. The Player's contact was not indirect and we accepted the Player's submission that this factor was irrelevant.

28. In our opinion, Samoa #10, the ball carrier does not "suddenly drop" in height. The video footage reveals that he maintains much the same body height leading into and at the point of contact with the Player. In our opinion, whilst the Referee may not have used the precise language in the HTSF it is clear that he considered whether there was a drop in Samoa #10's height sufficient to enliven this mitigating factor. In our opinion, the Referee was correct to find that this mitigating factor did not apply to reduce the sanction from a red card to a yellow card.

29. The Player contended that the tackle was a “Reactionary” tackle and that the Referee was wrong not to apply this to reduce the sanction from a red card to a yellow card. We did not accept this submission. As we have already elaborated above at [14.3] the Player had, in our opinion, sufficient time to prepare, execute and complete the tackle. For this mitigating factor to apply there also needs to be an “immediate release”. In our opinion, there was no immediate release, quite the contrary, the tackle was completed without any attempt by the Player to release or withdraw.
30. The Player submitted that the Referee did not consider this, and two other, mitigating factors. In our opinion, it is an unrealistic expectation to require a referee to expressly articulate fully his on-field decision making process, particularly when applying the HTSF. What is incontrovertible, however, is that the Referee turned his mind to the HTSF, and reached a conclusion, in our opinion correctly, that there were no clear and obvious mitigating factors to reduce the red card sanction to a yellow card sanction. In our opinion, no criticism should be made of the Referee nor, in our opinion, would any be warranted. Referees do not have the luxury of time to deliberate and consider, in private, on-field incidents. Referees are required to make their decisions in a matter of minutes in the full gaze of the public and without the benefit of all the material that is available to a judicial panel.
31. Therefore, having regard to the totality of the evidence, the Judicial Panel was not satisfied, on the balance of probabilities, pursuant to Regulation 17.7.3, that the Referee’s decision to issue the red card was wrong. Accordingly, we upheld the red card issued by the Referee to the Player.
32. Annexed hereto is Appendix “A” containing a number of still photographs taken from the video footage which identifies and supports the findings of fact made above.

DECISION

Breach admitted <input type="checkbox"/>	Proven <input checked="" type="checkbox"/>	Not proven <input type="checkbox"/>	Other disposal (please state) <input type="checkbox"/>
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SANCTIONING PROCESS

ASSESSMENT OF SERIOUSNESS

Assessment of Intent – R 17.19.2(a)-(b) (or equivalent Tournament rule)	
Intentional/deliberate <input type="checkbox"/>	Reckless <input checked="" type="checkbox"/>
State Reasons	
<p>The Player’s actions were reckless, in that he knew, or should have known, that by not starting his tackle at a lower height there existed a risk, when effecting the tackle, that his left shoulder would rise above the line of the shoulders of Samoa #10 and make contact with Samoa #10’s head in breach of the Laws of the Game.</p>	

Gravity of player's actions – R 17.19.2(c) (or equivalent Tournament rule)
The Player's actions were grave as his left shoulder made forceful contact with Samoa #10's head. Samoa #10 was placed in a vulnerable position by reason of the Player's actions and the risk of injury to him was obvious.
Nature of actions – R 17.19.2(d) (or equivalent Tournament rule)
The Player's actions were reckless resulting in his left shoulder making forceful contact with Samoa #10's head.
Existence of provocation – R 17.19.2(e) (or equivalent Tournament rule)
Not Applicable
Whether player retaliated – R 17.19.2(f) (or equivalent Tournament rule)
Not Applicable
Self-defence – R 17.19.2(g) (or equivalent Tournament rule)
Not Applicable
Effect on victim – R 17.19.2(h) (or equivalent Tournament rule)
Samoa #10 was concussed, having failed two HIAs. Samoa #10 was unable to complete the match.
Effect on match – R 17.19.2(i) (or equivalent Tournament rule)
The Player's Ordering Off did not have any discernible effect on the outcome of the match. The Player was ordered off the playing enclosure in the 28 th minute of the first half of the match. At that time the score was Ireland 21, Samoa 5. Thereafter, Ireland had to play with 14 players. At full time the score was Ireland 47, Samoa 5.
Vulnerability of victim – R 17.19.2(j) (or equivalent Tournament rule)
Samoa #10 was placed in a vulnerable position by reason of the Player's actions and the risk of injury to him was obvious.
Level of participation/premeditation – R 17.19.2(k) (or equivalent Tournament rule)
Not Applicable
Conduct completed/attempted – R 17.19.2(l) (or equivalent Tournament rule)
The Player's conduct was completed.
Other features of player's conduct – R 17.19.2(m) (or equivalent Tournament rule)
Not Applicable

ASSESSMENT OF SERIOUSNESS CONTINUED

Entry point					
<u>Top end*</u>	<u>Weeks</u>	<u>Mid-range</u>	<u>6 Weeks</u>	<u>Low-end</u>	<u>Weeks</u>
<input type="checkbox"/>		<input checked="" type="checkbox"/>	As mandated by Appendix 1 to World Rugby's Regulation 17 because the Foul Play resulted in contact with the head of an opponent.	<input type="checkbox"/>	

*If Top End, the JO or Panel should identify, if appropriate, an entry point between the Top End and the maximum sanction and provide the reasons for selecting this entry point, below.

In making this assessment, the JO/Committee should consider World Rugby Regulations 17.19.2(a), 17.19.2(h), and 17.19.2(i) or the equivalent provisions within the Tournament Rules referred to above.

Reasons for selecting Entry Point above Top End
Not Applicable

ADDITIONAL RELEVANT OFF-FIELD AGGRAVATING FACTORS

Player’s status as an offender of the Laws of the Game – R 17.19.4(a) (or equivalent Tournament rule)
Not Applicable
Need for deterrence – R 17.19.4(b) (or equivalent Tournament rule)
Not Applicable
Any other off-field aggravating factors – R 17.19.4(c) (or equivalent Tournament rule)
Not Applicable

Number of additional weeks: Nil

RELEVANT OFF-FIELD MITIGATING FACTORS

Acknowledgement of guilt and timing – R 17.19.5(a) (or equivalent Tournament rule)	Player’s disciplinary record/good character – R 17.19.5(b) (or equivalent Tournament rule)
The Player admitted breach of Law 9.13 but disputed the red card test had been met.	The Player has a good disciplinary record. He has received one previous sanction (3 weeks) in April 2017 for an exchange of words with a match official.
Youth and inexperience of player – R 17.19.5(c) (or equivalent Tournament rule)	Conduct prior to and at hearing – R 17.19.5(d) (or equivalent Tournament rule)
The Player is 29 years of age and has played for Ireland 23 times. He commenced playing professional rugby at 22 years of age. He has 20+ caps for the Waikato Chiefs in Super Rugby and 80+ caps for Connacht in Pro 14.	The Player was respectful and conducted himself appropriately, as one would expect of a player of his standing. The Player was candid in his exchanges with the Judicial Panel.
Remorse and timing of remorse – R 17.19.5(e) (or equivalent Tournament rule)	Other off-field mitigation – R 17.19.5(f) (or equivalent Tournament rule)
The Player apologised to Samoa #10.	Not Applicable

Number of weeks deducted: 3

Summary of reason for number of weeks deducted:

The Player was entitled to a full discount of 3 weeks from the starting point of 6 weeks because of 1) his good disciplinary record; 2) his contrition (expressed to his opponent); and 3) his good character and conduct at the hearing. Although the Player had disputed the fact the red card test had been met, the approach taken (for this tournament alone) has been to treat that as full mitigation.

SANCTION

NOTE: PLAYERS ORDERED OFF ARE PROVISIONALLY SUSPENDED PENDING THE HEARING OF THEIR CASE, SUCH SUSPENSION SHOULD BE TAKEN INTO CONSIDERATION WHEN SANCTIONING – R 17.14.5(f) (or equivalent Tournament rule)

Total sanction	3 weeks	Sending off sufficient <input type="checkbox"/>
Sanction commences	Sunday, 13 October 2019.	
Sanction concludes	<u>Saturday, 2 November 2019 at midnight.</u>	
Matches/tournaments included in sanction	<p>The effect of this decision is that the Player is suspended from the RWC 2019 quarter-final match against New Zealand on 19 October 2019. Should Ireland qualify for the RWC 2019 semi-final on 26 October 2019 the semi-final (and any other further matches in the tournament) will count as part of the suspension.</p> <p>In the event that Ireland do not progress to the semi-final in the tournament the 2nd and 3rd games of the Player's suspension shall be served in the Pro 14 Tournament in Europe with Connacht Rugby.</p> <p>If Ireland do not progress to the semi-final the Player remains suspended until the Judicial Panel is provided with written confirmation from the IRFU as to when the Player is to be released to his club, Connacht Rugby to commence playing for them.</p> <p>By Regulation 17.19.11(c) the Player may not play the Game (or any form thereof) or be involved in any on-field activities on match days anywhere until this suspension has expired.</p> <p>Addendum</p> <p>On 16 October 2019 the Judicial Panel received written confirmation from the IRFU that the Player would be released to play for Connacht Rugby immediately following Ireland's conclusion at RWC 2019.</p> <p>On 19 October 2019 Ireland were unsuccessful in their quarter-final against New Zealand and, therefore, their participation in RWC 2019 ended at that time.</p> <p>The Judicial Panel is satisfied that the Player would have been released immediately to play for Connacht Rugby on 26 October 2019 against the</p>	

	<p>Cheetahs and on 2 November 2019 against the Ospreys.</p> <p>Accordingly, the 2nd and 3rd games of the Player's three week suspension shall be served in the Pro 14 Tournament with Connacht Rugby against the Cheetahs on 26 October 2019 and against the Ospreys on 2 November 2019.</p>
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Costs	Not Applicable
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(Chairman)	Adam Casselden SC	Date	Tuesday, 15 October 2019 <u>Addendum: Wednesday, 23 October 2019</u>
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NOTE: YOU HAVE **48 HOURS** FROM NOTIFICATION OF THE DECISION OF THE CHAIRMAN/JO TO LODGE AN APPEAL WITH THE TOURNAMENT DIRECTOR – R 17.22.2(a) (or equivalent Tournament rule)