

## DISCIPLINARY DECISION



Match	Wales v Argentina		
Competition	July Internationals 2021		
Date of match	10 July 2021	Match venue	Principality Stadium, Cardiff
Rules to apply	World Rugby Regulation 17		

### PARTICULARS OF OFFENCE

Player's surname	Mallia	Date of birth	11/09/1996
Forename(s)	Juan Cruz		
Player's Union	Argentina		
Referee Name	Matthew Carley (RFU)	Plea	<input checked="" type="checkbox"/> Admitted <input type="checkbox"/> Not admitted
Offence	Law 9.13 – A player must not tackle an opponent dangerously	SELECT:	Red card <input checked="" type="checkbox"/> Citing <input type="checkbox"/> Other <input type="checkbox"/> If "Other" selected, please specify:
Summary of Sanction	3 weeks – to be reduced to 2 weeks if successful completion of Coaching Intervention		

### HEARING DETAILS

Hearing date	12 July 2021	Hearing venue	Via Zoom
Chairman/JO	Roddy Dunlop QC (Scotland)		
Other Members of Disciplinary Committee	Becky Essex (England), former international player Donal Courtney (Ireland), former international 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)	Aaron Lloyd, Minter Ellison Rudd Watts (NZ) Reid Hastie, Minter Ellison Rudd Watts (NZ)	Disciplinary Officer and/or other attendees	Yvonne Nolan (World Rugby) Brian Hammond (World Rugby, Observer) Joyce Hayes (World Rugby, Disciplinary Coordinator)
List of documents/materials provided to Player in advance of hearing	<ul style="list-style-type: none"> <li>• Match Official Report (Referee)</li> <li>• Statement of Kieran Hardy, Wales #9</li> <li>• Medical report</li> <li>• Clips</li> <li>• Team sheet</li> <li>• World Rugby Regulation 17</li> <li>• Player's response to standard directions &amp; submissions, including Coaching Intervention Application</li> </ul> <p>HCP: World Rugby's Head Contact Process: <a href="#">Law Application Guidelines</a>   <a href="#">World Rugby Laws</a></p>		

## SUMMARY OF ESSENTIAL ELEMENTS OF CITING/REFEREE'S REPORT/INCIDENT FOOTAGE

The player retrieved a kick from Wales and returned it with an "up and under" into the Welsh half. That kick was fielded by Wales 9. The player arrived shortly after W9 caught the ball. In executing a tackle of W9, the player hits W9 high resulting in "head on head" contact.

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

Minor bruising to W9's chin. No concussion. No requirement to leave the field of play for an HIA.

## SUMMARY OF PLAYER'S EVIDENCE

The player accepted an act of misconduct and that the red card was met. He claimed entitlement to full mitigation and suggested participation in the recently announced Head Contact Process Coaching Intervention programme.

## FINDINGS OF FACT

The player retrieved a kick from Wales and returned it with an "up and under" into the Welsh half. That kick was fielded by Wales 9. The player arrived shortly after W9 caught the ball. In executing a tackle of W9, the player hits W9 high resulting in "head on head" contact.

## DECISION

Breach admitted  Proven  Not proven  Other disposal (please state)

## SANCTIONING PROCESS

### ASSESSMENT OF SERIOUSNESS

Assessment of Intent – R 17.18.1(a)-(b) (or equivalent Tournament rule)
Intentional <input type="checkbox"/> Reckless <input checked="" type="checkbox"/>
State Reasons
This was clearly an example of a clumsy tackle without any intention to injure. The player failed to bend at the waist when executing the tackle, resulting in high contact.
Nature of actions – R 17.18.1(c) (or equivalent Tournament rule)
Potentially serious but not in fact resulting in injury.
Existence of provocation – R 17.18.1(d) (or equivalent Tournament rule)
None
Whether player retaliated – R 17.18.1(e) (or equivalent Tournament rule)
N/A

Self-defence – R 17.18.1(f) (or equivalent Tournament rule)
N/A
Effect on victim – R 17.18.1(g) (or equivalent Tournament rule)
Slight bruising; no requirement to leave the field of play.
Effect on match – R 17.18.1(h) (or equivalent Tournament rule)
Argentina required to play most of the match with 14 men.
Vulnerability of victim – R 17.18.1(i) (or equivalent Tournament rule)
N/A
Level of participation/premeditation – R 17.18.1(j) (or equivalent Tournament rule)
None
Conduct completed/attempted – R 17.18.1(k) (or equivalent Tournament rule)
Completed
Other features of player’s conduct – R 17.18.1(l) (or equivalent Tournament rule)

**ASSESSMENT OF SERIOUSNESS CONTINUED**

Entry point					
<u>Top end*</u>	<u>Weeks/Matches</u>	<u>Mid-range</u>	<u>Weeks/Matches</u>	<u>Low-end</u>	<u>Weeks/Matches</u>
<input type="checkbox"/>		<input checked="" type="checkbox"/>	6	<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 17.18.1(a), 17.18.1(g), and 17.18.1(h) or the equivalent provisions within the Tournament Rules referred to above.

Reasons for selecting Entry Point above Top End
N/A

**RELEVANT OFF-FIELD MITIGATING FACTORS**

Acknowledgement of guilt and timing – R 17.19.1(a) (or equivalent Tournament rule)	Player’s disciplinary record/good character – R 17.19.1(b) (or equivalent Tournament rule)
Rapid acknowledgment.	Exemplary.
Youth and inexperience of player – R 17.19.1(c) (or equivalent Tournament rule)	Conduct prior to and at hearing – R 17.19.1(d) (or equivalent Tournament rule)
N/A	Exemplary.

Remorse and timing of remorse – R 17.19.1(e) (or equivalent Tournament rule)	Other off-field mitigation – R 17.19.1(f) (or equivalent Tournament rule)
Apology tendered to W9 immediately after the match.	N/A

Number of weeks/matches deducted: 3 (4)

Summary of reason for number of weeks/matches deducted:  
 Full mitigation of 50% allowed given apology, plea, record and conduct as above.

The sanction is thus 3 weeks in total. However, the player submitted that the present case was an appropriate one for participation in the recently announced Head Contact Process Coaching Intervention programme. The Panel unanimously agreed with this submission. This is perhaps a paradigm case for inclusion in that programme: there was no malicious intent in the index offence, which rather stemmed entirely from poor technique in executing the tackle in the dynamic situation that had arisen. Had the player lowered his stance as he approached and effected the tackle, there would have been no danger and no head-to-head contact, and rather one would have expected a dominant but safe and legal tackle. It is to meet precisely this type of situation that World Rugby has incepted the Head Contact Process Coaching Intervention programme. On completion thereof, the final week of the three-week suspension will be waived.

**ADDITIONAL RELEVANT OFF-FIELD AGGRAVATING FACTORS**

Player's status as an offender of the Laws of the Game – R 17.20.1(a) (or equivalent Tournament rule)
N/A
Need for deterrence – R 17.20.1(b) (or equivalent Tournament rule)
N/A (already accounted for in the mandatory mid-range entry point)
Any other off-field aggravating factors – R 17.20.1(c) (or equivalent Tournament rule)
N/A

Number of additional weeks/matches: 0

**SANCTION**

**NOTE:** PLAYERS ORDERED OFF OR CITED BY A CITING COMMISSIONER ARE PROVISIONALLY SUSPENDED PENDING THE HEARING OF THEIR CASE, SUCH SUSPENSION SHOULD BE TAKEN INTO CONSIDERATION WHEN SANCTIONING – R 17.12.5(f) / 17.13.7 (or equivalent Tournament rule)

Total sanction	3 weeks (2 assuming completion of the Head Contact Process Coaching Intervention programme)	Sending off sufficient <input type="checkbox"/>
Sanction commences	Immediately	
Sanction concludes	After the Argentina v South Africa test, 21 August 2021. However, in the event of satisfactory completion of the Head Contact Process Coaching Intervention programme, the sanction will conclude after the Argentina v South Africa test, <b>14 August 2021</b>	
Matches/tournaments included in sanction	3 (2 assuming completion of the Head Contact Process Coaching Intervention programme)	

Costs	N/A
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Signature (JO or Chairman)	Roddy Dunlop QC	Date	12/7/21
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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 17.24.2(a) (or equivalent Tournament rule)