

# DISCIPLINARY DECISION



[insert logo e.g.]

Match	Australia v France		
Competition	July 2021 Test Series		
Date of match	17 July 2021	Match venue	Suncorp Stadium, Brisbane
Rules to apply	Regulation 17 World Rugby Handbook		

PARTICULARS OF OFFENCE			
Player's surname	Koroibete	Date of birth	26 July 1992
Forename(s)	Marika		
Player's Union	Australia		
Referee Name	Ben O'Keefe	Plea	<input type="checkbox"/> Admitted <input checked="" type="checkbox"/> Not admitted
Offence	Breach of Law 9.13 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	No Sanction red card expunged from the Players disciplinary record		

HEARING DETAILS			
Hearing date	19 July 2021	Hearing venue	Video Conference via Zoom
Chairman/JO	Helen Morgan		
Other Members of Disciplinary Committee	Mike Mika Chris Smith		
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 Reid Hastie (Counsel) Dave Rennie (Coach) Adrian Thompson and Paul McLaughin (observers)	Disciplinary Officer and/or other attendees	Mark Ray (World Rugby Judicial Liaison)
List of documents/materials provided to Player in advance of hearing	Referee Report on sending off French player report French Team Doctor report Video clips Player's statement Statement in support of Player by Dave Rennie Submissions for and on behalf of Player by Aaron Lloyd		

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

### **Referee report**

The referee's report, completed on a temporary suspension form but for a sending off incident, records that the player infringed law 9.13 being a dangerous tackle high occurred four minutes into the first half of the game with the referee being within 5 m of the incident. There had been no cautions issued either to the individual or the teams. The referee states:

*"foul play situation, gold 11 make direct contact with the head with high danger and no mitigation"*

### **Video Footage**

There are 8 camera angles provided in this matter. All other than one (angle 6) provide helpful and clear coverage of the incident. In all of the angles, play is seen to restart by Australia kicking off from half way. The kick off was long, into the French 22, where the French Player was waiting to catch the ball. The ball is successful caught and the French Player, who has a clear view of the Player approaching, crouches and prepares for the impact of the expected tackle.

The Player is seen to sprint from the half way line, chasing the kick off, into the French 22, and prepare to tackle the French Player as the catcher of the ball. The Player positions himself to complete the tackle on the ball carrier by lowering himself.

Both players are seen to be crouched in anticipation of the tackle occurring. The French Player was stationary, with the Player carrying momentum into the tackle from the sprint from the half way line.

Contact is made by the Player on the French Player in such a way as to twist the French Player slightly and push him backwards. The Player's left arm is seen to wrap around the body of the French Player while his right arm is contained within the body of the French Player held by the right arm of the French Player.

The tackle is fluid, with the ball having been lodged out of the French Player's hands in the tackle and the Player is pushed backwards as the Player moves out of the tackle and towards the ball in open play. Following being released out of the tackle the French Player is seen to grab his face/eyes and fall to the floor in a rolling motion.

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

### **French Player's statement**

The French Player, Anthony Jelonch, submitted a summary of his recollection of the incident, being:

*"I received a kick off when I take the ball, the Australian player, tackling me, touches my neck/face area with his shoulder, instantly it hurts a little, but the pain goes away quickly. I think that was unintentional, after this action and the HIA protocol, I was able to resume the game without problem. At the end of the match we shook hands and the player apologised."*

### **French Team Doctor's statement**

the French team doctor submitted a statement in relation to his treatment of the French player, being:

*"I certify having examined Mr Anthony Jelonch, a victim of a cervical trauma with suspicion of shock to the queue during a rugby match. A neurological evaluation was carried out HIA 1 and HIA 2. No criterion of cerebral comotion was retained."*

### **SUMMARY OF PLAYER'S EVIDENCE**

The committee received the following:

1. Statement by Marika Koroibete (Player);
2. Statement in Support of Marika Koroibete by Dave Rennie; and
3. Submissions for and on behalf of Marika Koroibete by his Counsel, Aaron Lloyd.

The Player's statement set out his recollection of the incident which confirmed him chasing the kick off, which, when asked, he confirmed was his usual role in the team, keeping his eyes on the French Player (this was his sole focus) who was going to catch the ball. He prepared for French player bracing himself by lowering his own body position and tackling him by making contact with his right shoulder. He confirmed he did not expect the French player to drop as much as he did. He believed he made contact with the chest/shoulder area and was surprised at receiving a red card for the incident. When questioned, he confirmed he would not have been surprised to receive a yellow card.

The statement from Dave Rennie in support of the Player set out he thought the position of the Player into the tackle was technically excellent, with first contact to the French player on the chest/shoulder and any contact upwards of that was secondary and incidental and also mitigated by the drop in height by the French player. When questioned, he confirmed he was surprised at the issue of the red card for the incident but would not have been surprised at the issue of a yellow card. Verbally, he confirmed they practiced tackle technique to be low and arms close to the body to avoid tackles being made high. His submission in relation to the contact is that the French player's head moves forward in the initial contact and only moves backwards through the tackle.

The submissions from the Player's Counsel were lengthy. While all due respect was paid to the match officials, it was respectively submitted that they were wrong to issue a red card for the incident. Any contact to the neck region of the French player in the Player's tackle was secondary and incidental after first and direct contact being shoulder to shoulder. There was no contact to the head of the French player, if anything it was shoulder to neck after the initial tackle contact, causing a technical breach of rule 9.13 and as such not reaching the red card threshold.

The submissions centred on the mitigation points (going to showing the act did not meet the red card threshold), being:

1. Initial contact in the tackle being shoulder to shoulder;
2. No direct contact to the head or neck of the French player (if it had there would have been a significantly different reaction from the French player);

3. Incidental and secondary contact by the Player's shoulder to the neck of the French player after most of the impact of the tackle had occurred; and
4. The French player took up a crouching position to brace for the tackle which amounted to a significant drop or movement.

All of the submissions centred on these points including a full analysis of stills from the video coverage available. These showing that the French player's head does not move backwards until after the main contact with the shoulder/chest has been made and that if there had been a forceful blow to the neck/throat of the French player he would have had injuries showing this.

The submissions walked through the Head Contact Process which confirmed if there was head contact then the Player accepts he breached Law 9.13 which then allows to move through to the degree of danger in which it was submitted the danger was not high and as such the red card should be dismissed.

All of the submissions received for the Player were that the red card should be dismissed.

#### **FINDINGS OF FACT**

Regulation 17, at subparagraph 15.3 confirms it is the Player's burden to show the referee was wrong in the event the Player does not accept the referee's decision. This being the case here, the Player has sought to show the decision of the referee to issue the red card for the incident was wrong.

Subparagraph 16.1 goes on to confirm that the Committee shall not find contrary to the decision of the referee unless satisfied on the balance of probabilities that the decision of the referee was wrong.

The Committee's findings of fact are:

1. Both the Player and the French player are in low crouching positions immediately before the contact as the Player prepares to make the tackle and the French player braces for contact.
2. The Player's initial contact in the tackle on the French player is shoulder to shoulder with his left arm wrapping around the body of the French player.
3. The French player's head is seen to tilt forward in the initial contact with the momentum of the tackle twisting the French player to his right.
4. The Player's shoulder moves up in the momentum of the tackle to make contact with the neck region of the French player after the initial contact.
5. No contact is made by the Player on the French player higher than the neck region.
6. As shown by stills C and D on page 11 of the Player's Counsel's submissions, a shadow (only visible when a gap allows light through) is able to be seen under the head of the French player and on the back of the Player during and through the initial tackle contact
7. The French player grabs at his face and falls to the ground but no contact was made in the tackle by the Player to the area he grabbed.
8. There was contact to the neck by the shoulder of the Player in the tackle secondary to the initial tackle, breaching rule 9.13.
9. There was no intentional foul play, nor was it reckless, the contact occurred in a fluid tackle resulting in contact by the Player's shoulder to the neck of the French player.

10. Steps one and two of the Head Contact Progress were met in that there was head contact and foul play occurred.
11. The degree of danger was not high.
12. Red card threshold was not met and as such the decision of the referee on the balance of probabilities was incorrect.

**DECISION**

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

Total sanction	No sanction
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Costs	NA
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Signature (JO or Chairman)		Date	19 July 2021
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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)

[Standard Appeal Directions to appear on this page]