

DISCIPLINARY DECISION



Match	Ireland v Australia		
Competition	World Sevens Series		
Date of match	27 November 2021	Match venue	Dubai Sevens Stadium
Rules to apply	Regulation 17 World Rugby Handbook		

PARTICULARS OF OFFENCE

Player's surname	Postlethwaite	Date of birth	3 April 2002
Forename(s)	Jude		
Player's Union	IRFU		
Referee Name	A J Jacobs	Plea	<input checked="" type="checkbox"/> Admitted <input type="checkbox"/> Not admitted
Offence	9.17: A player must not tackle, charge, pull, push or grasp an opponent whose feet are off the ground.	SELECT: Red card <input checked="" type="checkbox"/> Citing <input type="checkbox"/> Other <input type="checkbox"/> If "Other" selected, please specify:	
Summary of Sanction	1 (one) match		

HEARING DETAILS

Hearing date	27 November 2021	Hearing venue	Dubai Sevens Stadium
Chairman/JO	John Stamper		
Other Members of Disciplinary Committee			
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)	David Nusifora (IRFU)	Disciplinary Officer and/or other attendees	DDO Simon Jelowitz
List of documents/materials provided to Player in advance of hearing	Video footage (x 3) Referee Report Email from Australian Team performance Manager (Scott Bowen) with account of Australian Player (Aus 13)		

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

The Referee's Report was in the following terms: *"Ireland had just scored with 53 seconds to go in the game. Ireland #9 kicks off to the middle of the field. Ireland #13 then starts chasing the ball. Australia #13 jumps for the ball. Ireland #13 makes no attempt to jump for the ball. He makes contact with Australia #13 that is in the air. Contact is made on the left hip, that then causes him to go through the horizontal, coming down shoulder and head first. And therefore, I went with a Red Card."* The referee

stated that he was c. 8m from the incident. At the time of the incident, Australia were leading Ireland by 35 points to 7.

The video evidence showed various angles which were largely consistent with the Referee's report. It was clear that the Australian player, Jed Stuart, (Aus13) accelerated from distance to challenge for the kick off. He was approaching the ball from the left of the Ireland #13 (Player). The Player and Aus13 were both focused on the ball. The Player and Aus13 are both on the ground and within 2 metres of one another as they are approaching the dropping ball. At that point, Aus13 jumps to collect the ball whilst travelling at speed. Aus13 collects the ball whilst he is in the air.

The Player's right arm makes contact under the left leg of Aus13 as Aus13 is in the air. From a vertical /45 degree position, Aus13's body position immediately changes upon the apparent contact by the Player whilst in the air. Aus13's left leg moves significantly upwards resulting in him being upended with both legs above the horizontal. Aus13 falls to the ground headfirst and breaks his fall with his arm/shoulder.

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

The Player's representative presented an email which had been supplied by the Performance Director of the Australian team being a summary statement on behalf of Aus13 in the following terms: *"I was looking at attacking the space and the ball for the Irish restart. I initially missed the start so I had to accelerate about 10m-15m and ultimately launched myself into the air and the area that I felt the ball was going to be, I didn't feel any contact at all with any players from my team or from the Irish team. When I was coming down I put my arm out to help brace myself and got to my feet and played on not realising I had actually received a penalty. Straight after the game the number 13 came and apologised."*

SUMMARY OF PLAYER'S EVIDENCE

The Player stated that he had tried to regather the ball from the kick-off. He tried to pull back from the contact. He stated that he had initially not been aware of Aus13 who appeared suddenly. The Player stated that he had felt a 'brush' on his forearm whilst Aus13 was in the air. Under questioning he accepted that it was foul play. He confirmed that he had apologised to Aus13 and to the referee and agreed that this was an acknowledgement that he made contact with Aus13 in the air. He stated that he knew at the time that "it was bad".

FINDINGS OF FACT

The Player made contact with Aus13 who was in the air. The Player did not make a meaningful challenge for the ball, albeit he did focus on the ball. However, I find that the Player should have been aware of the approaching Aus13 even if in his peripheral vision. Aus13 did not come from behind the Player and was in his line of sight (left side). Given the speed of approach of Aus13 it was clear that he was approaching to challenge for the ball. There was contact with Aus13's leg (notwithstanding the generous account given by Aus13). Then Player's apology at the time, his statement that he had 'brushed' the Aus13, and his statement during the hearing that he "knew it was bad" are not consistent with there having been no contact. I find that the left leg of Aus13 could not have moved as it did without contact being made. Further it is apparent on all video footage that the Player's right arm is under the left leg

immediately before Aus13's body changes position beyond the horizontal. The contact was not intentional and was a poorly effected challenge which the Player was in no position to properly make. I do also note that Aus13's approach to the contact area was fully committed and it increased the likelihood of some contact between the players. Notwithstanding, the Player put himself in a position where he did not make a meaningful challenge for the ball and any contact on Aus13 was inevitably going to be made from a position below/to the lower body of Aus13 and therefore carrying a high degree of danger.

DECISION

Breach admitted <input checked="" 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 17.18.1(a)-(b) (or equivalent Tournament rule)
Intentional <input type="checkbox"/> Reckless <input checked="" type="checkbox"/>
State Reasons
Player should have exercised greater care in the contact area, it being clear and obvious that Aus13 was off the ground before the contact was made.
Nature of actions – R 17.18.1(c) (or equivalent Tournament rule)
Player made light, unintentional contact with Aus13 in the air which resulted in Aus13 tipping through the horizontal and falling to ground from height.
Existence of provocation – R 17.18.1(d) (or equivalent Tournament rule)
N/A
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)
No injury
Effect on match – R 17.18.1(h) (or equivalent Tournament rule)
None. Australia were significantly ahead.
Vulnerability of victim – R 17.18.1(i) (or equivalent Tournament rule)
High degree of vulnerability, being airborne and approaching at speed.
Level of participation/premeditation – R 17.18.1(j) (or equivalent Tournament rule)
Full participation. No premeditation.
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)

N/A

ASSESSMENT OF SERIOUSNESS CONTINUED

Entry point					
Top end*	Weeks/Matches	Mid-range	Weeks/Matches	Low-end	4 Matches
<input type="checkbox"/>		<input type="checkbox"/>		<input checked="" 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

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)
To Aus13 after the game, to the Referee at the time and admitted foul play at the hearing.	No previous disciplinary record
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)
Young player having been an international Sevens player for a short time.	Impeccable, admission and apology to Aus13 and to Referee and at hearing.
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)
At the time and at hearing.	N/A

Number of weeks/matches deducted:

3

Summary of reason for number of weeks/matches deducted:

I considered the offending warranted a low-end entry point (which would have resulted in a 4 match suspension before mitigation), I exercised my discretion under Regulation 17.19.7 (b) to apply mitigation greater than 50% on the basis that the sanction would otherwise have been disproportionate given the specific facts of the case. Accordingly the suspension applied is 1 (one) match (the player's final match of the Dubai Sevens tournament on 27 November).

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
Any other off-field aggravating factors – R 17.20.1(c) (or equivalent Tournament rule)
N/A

Number of additional weeks/matches:

N/A

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	1 (one) match	Sending off sufficient <input type="checkbox"/>
Sanction commences	27 November 2021	
Sanction concludes	27 November 2021	
Matches/tournaments included in sanction	1 (one) match at Dubai Sevens	

Costs	
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Signature (JO or Chairman)	John Stamper	Date	27 November 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)

