

DISCIPLINARY DECISION



Match	Ireland v New Zealand		
Competition	July Internationals 2022 (Steinlager Series 2022)		
Date of match	9 July 2022	Match venue	Forsyth Barr Stadium, Dunedin, New Zealand
Rules to apply	Regulation 17 World Rugby Handbook		

PARTICULARS OF OFFENCE			
Player's surname	Ta'avao	Date of birth	22 March 1990
Forename(s)	Angus		
Player's Union	New Zealand Rugby		
Referee Name	Jaco Peyper	Plea	<input type="checkbox"/> Admitted <input checked="" type="checkbox"/> Not admitted
Offence	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	3 weeks (translated to 3 games) subject to 1 week reduction upon successful completion of the Coaching Intervention Programme		

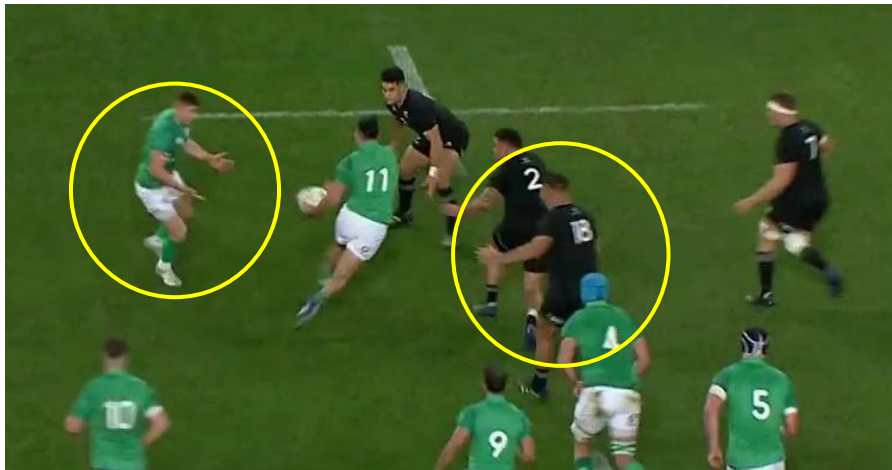
HEARING DETAILS			
Hearing date	12 July 2022, 1800 NZST	Hearing venue	Remote
Chairman/JO	Wang Shao-Ing		
Other Members of Disciplinary Committee	Frank Hadden (former head coach of Scotland) Leon Lloyd (former England international)		
Appearance Player	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	Appearance Union	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
Player's Representative(s)	Steve Cottrell, Player's Counsel Brad Moore, All Blacks Assistant Coach	Disciplinary Officer and/or other attendees	Mark Ray
List of documents/materials provided to Player in advance of hearing	1. Match Official Report on Ordering Off of the Player 2. Statement from injured player, Ireland #13 3. Statement from Ireland Team Doctor, Dr Ciaran Cosgrave on Ireland #13 4. Video Clip 5. World Rugby Regulation 17		

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

1. The hearing was convened before the Judicial Committee ("JC") pursuant to the Ordering Off of the Player for a dangerous tackle on Ireland #13 under Law 9.13.
2. The Referee was within 5 m of the incident and which took place in the 25th minute of the match and his report states as follows:

"DEFENDER ALWAYS UPRIGHT AS HE ENTERS THE CONTACT. DIRECT HEAD ON HEAD CONTACT – HIGH LEVEL OF DANGER AS IT (Sic) FORCEFUL, NO MITIGATION AS BOTH PLAYERS MOVE STRAIGHT LINE INTO CONTACT"

3. The video clip showed:
 - a. the Player is in defence tracking the play across the field. Ireland #11 runs across the field and offloads to Ireland #13 coming in on a switch line;



- b. as Ireland #13 receives the ball, the Player steps off his right leg and turns his shoulders and body towards Ireland #13;





- c. the Player takes a step with his left foot and raises his left and right arms advancing forward towards Ireland #13;



- d. as the Player's body moves forward, the Player's face collides with Ireland #13's face;



- e. as a result of the head clash, both the Player and Ireland #13 to fall backwards. #Ireland 13 loses possession of the ball and knocks the back of his head on the ground after the fall.



4. Both the Player and Ireland #13 appear dazed and receive medical attention immediately. They are removed from the field of play after they are assessed on the pitch by the medical staff.
5. The Referee and the Assistant Referees view the replays on the big screen. The Player was Ordered Off for a dangerous tackle.

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

6. A statement from the Ireland Team Doctor, Dr Ciaran Cosgrave reports:

"In the 31st minute of the match Garry Ringrose (Ireland 13) was tackled by New Zealand 18. There was a head-head collision resulting in a brief loss of consciousness for Garry. On assessment on pitch player was clearly dazed and was removed as IPR (Immediate Permanent Removal) Criteria 1. He was able to walk off with minimal assistance.

This morning Garry feels well. He has a mild headache. I expect him to make a full recovery in the coming days."

7. Ireland #13 confirmed via a written statement that *"...At approx. the 30-minute mark off a scrum, I took a late switch off James Lowe on the second phase - clashing heads with NZ 18. After brief unconsciousness I was able to gather myself on the ground to get up and walk off okay."*

8. The JC requested for a medical update on the Player and a statement from the All Blacks Team Doctor, Dr James McGarvey reported:

"... [The Player] was briefly knocked out but regained consciousness rapidly and was lucid and orientated on the field. He was removed permanently from the game under criteria 1 of the HIA process and required stitches for an orbital laceration.

Post-match he has a swollen eye but is otherwise feeling fairly good. He will progress through the normal HIA process through the week. He does not have any risk factors for a complicated concussion course."

SUMMARY OF PLAYER'S EVIDENCE

9. The Player admitted that he had committed an act of foul play in that he misjudged the point of contact and his right eye/head area made contact with the chin area of Ireland #13. The Player did not accept that there are no mitigating factors under the Law Application Guidelines on the Head Contact Process ("HCP").
10. The Player submitted in his oral and written statement that:
 - a. he had just come onto the field as a replacement player in the 25th minute of the match (Player's counsel indicated that the incident took place in the 30th minute and not in the 25th minute as in the Referee's report). In the lead up to the incident, he has to cover a lot of ground sideways to hold his position in the defensive line;

- b. the Player's focus was on Ireland #11 to ensure he does not try to step inside. The Player had limited time to react to Ireland #13 changing his line, he had to transition from running parallel to the try line covering the inside channel to squaring his hips up and dropping his height to make a tackle on Ireland #13 whom he was not expecting to run into his channel;
 - c. the Player submitted that Ireland #13 was square looked like he might take the space on the Player's right. As such, the Player's instinct was to execute a right shoulder tackle. Ideally, he would have liked to step forward with his right leg to make a right shoulder tackle. However, given the little time to react and he stepped forward with his left leg instead and tried to follow up with his right foot. As he moved forward, his submitted his hands were open and that he started bending at the waist;
 - d. the Player was not expecting Ireland #13 to accelerates off his right foot and move more laterally. As a consequence, instead of his shoulder making contact with Ireland #13's chest, the Players' head makes forceful contact with Ireland #13's head.
 - e. the incident was unfortunate and clearly unintended and not highly reckless.
11. The Player accepted that it was the tackler's responsibility to lower his height, however it was not reasonable for him to change his height given the circumstances. Consequently, the Red Card should be mitigated to a yellow card.
 12. When asked about his height in the tackle, the Player maintained that had the collision not taken place he would have been even lower in height than was shown on the video. The Player added that by virtue of his forehead (above his eyebrow and cheek) making contact Ireland #13's lower face (the Player is 1.94cm and Ireland #13 is 1.91cm) that the Player did get lower than Ireland #13.
 13. Assistant All Blacks Coach, Brad Moore, submitted Player had stepped forward as reaction (not as a power step). This combined with the late changes of movement from Ireland #13 resulted in the collision.

FINDINGS OF FACT

14. The burden was upon the Player to show, on the balance of probabilities, that the referee was wrong to award the red card.
15. The Player was Ordered Off under Law 9.13, which states:

"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."
16. Due to the head contact, the relevant findings of fact would apply necessarily to the HCP. The Player produced another video clip which was from the reverse angle, which was viewed by the JC together with the Player.

HCP Step 1: Has Head Contact Occurred?
17. Yes. The Player's head made contact with Ireland #13's head.

HCP Step 2: Was there foul play?

18. The Player admitted that he had executed a high tackle. Whilst the JC appreciated that the Ireland #13 came in on a switch line, the Player had reacted by turning his body to advance toward the Ireland #13. The Player took a step forward to initiate and execute the tackle. The Player remained upright in his upper body throughout and this resulted in a high and dangerous tackle. The JC determined there was foul play and the player was at fault.

HCP Step 3: What was the degree of danger?

19. The degree of danger was high. The Player accepted this. There was a direct head-on-head collision between the players. The collision was at a high velocity causing both Players to fall backwards and to lose consciousness temporarily. Both the Player and Ireland #13 required medical attention and were removed from the field of play.

HCP Step 4: Is there any mitigation?

20. The JC could find considerations in the HCP on assessment to reduce the seriousness such the JC could say that the Referee was wrong in not mitigating the red card:
- a. the Player had a clear line of sight of Ireland #13 and his line of run;
 - b. by the Player's own evidence, he moved forward to initiate the tackle on Ireland #13 by stepping forward. The JC accepted that the Player may not have anticipated Ireland #13's switch line initially (and the JC appreciated that this took place quickly), the Player had reacted to the Ireland #13 switch line by pushing off his right leg, turning his body toward Ireland #13 and moving forward. Even accepting that the step with his left foot was a reaction and not a power step, the Player's movement was dynamic (it was not a passive soak tackle);
 - c. notwithstanding that the Player may have misjudged the lateral movement of Ireland #13, the Player had remained upright through his upper body. Save for the big step forward which lowered his height slightly, the JC could see no bend in the waist by the Player. There was no clear attempt to change in his height during his approach;
 - d. the JC could find no sudden and significant drop in height or movement from Ireland #13 who copped the head knock in a nearly upright position. Ireland #13 being only a few centimetres shorter than the Player, Ireland #13 was not unreasonably or unexpected low. Ireland #13 had maintained the same line which the Player had turned to adjusted to.



21. For the reasons set out above, the Player had not shown on the balance of probabilities that the Referee was wrong in Ordering Off the Player. The Red Card was not overturned.

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 17.18.1(a)-(b) (or equivalent Tournament rule)
Intentional <input type="checkbox"/> Reckless <input checked="" type="checkbox"/>
State Reasons
The JC was satisfied that the Player had not intended to execute a high tackle and cause a head collision. The tackle was recklessly executed.
Nature of actions – R 17.18.1(c) (or equivalent Tournament rule)
The Player stepped forward to execute the high tackle. The Player and Ireland #13 clashed their heads at a high velocity and with force.
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)
The impact of the head collision caused Ireland #13 to be thrown backwards on his back. He hit the back of his head a second time upon landing on the ground. Ireland #13 lost consciousness briefly. As did the Player. This was grave. Ireland #13 was removed from the pitch immediately and could not return. According to the medical report a day after the incident, Ireland #13 is still symptomatic.
Effect on match – R 17.18.1(h) (or equivalent Tournament rule)
The incident took place 25 minutes into the first half. It led to the removal of both the Player and Ireland #13 from the match and New Zealand played the rest of the match with 14 men.
Vulnerability of victim – R 17.18.1(i) (or equivalent Tournament rule)
Ireland #13 was not particularly vulnerable but he had no way of protecting himself from the head clash based on the Player's approach.

Level of participation/premeditation – R 17.18.1(j) (or equivalent Tournament rule)
The Player participated fully in the high tackle. The JC accepted that he had not planned to make a high tackle.
Conduct completed/attempted – R 17.18.1(k) (or equivalent Tournament rule)
The high tackle was completed.
Other features of player’s conduct – R 17.18.1(l) (or equivalent Tournament rule)
N.A.
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 weeks	<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
NA

RELEVANT OFF-FIELD MITIGATING FACTORS

Acknowledgement of commission of foul play – R 17.19.1(a) (or equivalent Tournament rule)	Player’s disciplinary record – R 17.19.1(b) (or equivalent Tournament rule)
The Player acknowledged and accepted that he had committed an act of foul play.	The Player’s disciplinary record is excellent. He has never received a Red Card or been cited in over 250 matches in his professional career.
Youth and/or 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)
The Player is 32 years old. He is an experienced professional having played professionally since 2012. He currently plays for the Chiefs and made his debut for the All Blacks in 2018 and was selected for the Rugby World Cup 2019. He has been capped 22 times.	The Player was respectful and polite at the 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)
The Player submitted that he was hugely embarrassed and disappointed to be red carded while playing for his country. He apologised to Ireland #13 while both players were being treated in the medical room during the match.	The Assistant Coach testified that the Player was a well-liked member of the team and was involved in charitable causes.

Number of weeks/matches deducted:

3

Summary of reason for number of weeks/matches deducted:

The Player qualified for maximum mitigation under Regulation 17.19.2, that is to say, 50% of 6 weeks (3 weeks).

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)
Not applicable
Need for deterrence – R 17.20.1(b) (or equivalent Tournament rule)
Not applicable
Any other off-field aggravating factors – R 17.20.1(c) (or equivalent Tournament rule)
Not applicable

Number of additional weeks/matches:

0

22. In respect of the matched to be included in the sanction:

- a. if the Player is not selected by the All Blacks for the Rugby Championship on 18 July 2022, the Player will be contractually bound to play for his provincial side Auckland in the NPC. The Player submitted these two pre-season fixtures as matches that he would be scheduled to play;
 - i. Auckland v Hawkes Bay on Friday 22 July 2022 (NPC Pre-season); and
 - ii. Auckland v Counties Manukau on 30 July 2022 (NPC Pre-season)
- b. if the Player is selected by the All Blacks for the Rugby Championship on 18 July 2022, he would be scheduled to play one (or more) of above NPC fixtures to get match fitness as one of those players who have not played much in the Steinlager series. All Blacks Head Coach, Ian Foster confirmed that if the Player was fit to play and not subject to suspension, he would be available for:
 - i. Ireland v New Zealand on 16 July 2022 (Steinlager Series);
 - ii. Auckland v Hawkes Bay on 22 July 2022 (NPC Pre-season); and
 - iii. New Zealand v South Africa on 6 August 2022 (Rugby Championship).

23. In considering if the NPC Pre-season matches should be included in the imposition of sanctions, the JC was guided by the criteria in Regulation 17.21.3 (c):

- a. on whether the matches to be played are between teams of equivalent levels and played at an equivalent level of the Game to the Player's ordinary level, the JC had regard to the following:
 - i. the Player plays professional rugby for the Chiefs franchise. The Super Rugby Pacific level is the Player's ordinary level;

- ii. as the Super Rugby Pacific season is over, Super Rugby Pacific players who are not selected for the All Blacks will be playing for their provinces in the NPC. The NPC teams will also comprise the any All Blacks who are not selected for the Rugby Championship, returning players from the Māori All Blacks or New Zealand U-20s and the best players from the provinces;
 - iii. the NPC is contested by 14 provisional teams at a competitive level across two divisions. All 14 teams will be playing pre-season fixtures on 22 July and 30 Jul 2022;
 - iv. a written statement from Auckland Rugby Head Coach, that the Player is a key member of the Auckland squad whom Auckland would not hesitate to include if released from the All Blacks.
 - b. In respect of the nature of the pre-season matches, the Head of Tournaments for New Zealand Rugby ("NZR") confirmed that:
 - i. NZR issues the draw, appoints the Referees from the NZR National Squad of Match Officials and will run any judicial process (e.g. red card) resulting from these pre-season matches.
 - ii. the pre-season matches are traditionally played in smaller venues, outside of the home venue of the NPC team, that are accessible to the public and not normally ticketed as the provinces want to make them accessible to fans with the focus on then selling memberships and tickets to the upcoming NPC competition matches.
24. Having considered the above, the JC determined that the pre-season NPC match(es) be included in the sanction. Clearly, Regulation 17.21.3 on sanctions are crafted to ensure that a player does not escape the consequences of his actions. By including the pre-season match(es) in the sanction, the JC does not think the Player will.
25. The JC adds it thanks to the Player and his representatives for providing for providing the necessary information to assist with the application of these matches.

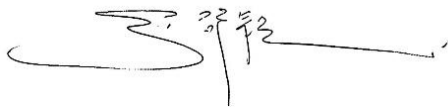
Post-Script

In determining the matches to consider in the sanction, the JC turned its mind to whether the Player would be scheduled to play under the new [Graduated Return To Play \(G RTP\)](#) concussion protocols. Player's counsel had submitted that the process was available to clear the Player within the timeframe (i.e. for 16 July 2022). Post hearing, the All Blacks Team Doctor explained this would require the Player to go through the more aggressive protocol (graduated return to full contact training and be assessed by an independent doctor). However, as the Player was suspended, he could follow a more conservative progression. The underlying rationale for Regulation 17 is to promote fair play and protect the safety and welfare of players. This necessarily does not apply just to players who have been injured as a consequence of foul play but includes players who have been sanctioned for foul play. The JC accepts that it would not be in the best interests of the Player to go through a more aggressive process (by shortening the time he otherwise would have, from being suspended, to recover from a head clash) to show he would have been scheduled to play. Based on the statement provided by the All Blacks Team Doctor that given that the Player does not have a significant concussion history under the World Rugby criteria, the JC accepted that the Player would potentially have been able to play on 16 July 2022. Accordingly, the match on 16 July 2022 would count towards the suspension.

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 (translated to 3 games) subject to possible further reduction of 1 week on successful completion of the Coaching Intervention Programme	Sending off sufficient <input type="checkbox"/>
Sanction commences	9 July 2022	
Sanction concludes	See below	
Matches/tournaments included in sanction	<p><u>Scenario A</u></p> <p>The matches which apply to the sanction if the Player is selected for the All Blacks on 18 July 2022</p> <p>16 July 2022, Ireland v New Zealand 22 July 2022 – Auckland v Hawkes Bay 6 August 2022, New Zealand v South Africa</p> <p><u>Scenario B</u></p> <p>The matches which apply to the sanction if the Player is not selected for the All Blacks on 18 July 2022</p> <p>16 July 2022, Ireland v New Zealand 22 July 2022, Auckland v Hawkes Bay 30 July 2022, Auckland v Counties Manukau</p>	
Costs	NA	

Signature (JO or Chairman)		Date	13 July 2022
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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)