

DISCIPLINARY DECISION



**WORLD
RUGBY**

[insert logo e.g.]

Match	Georgia v Samoa		
Competition	Autumn Test Match 2022		
Date of match	12/11/2022	Match venue	Tbilisi
Rules to apply	Regulation 17 World Rugby Handbook		

PARTICULARS OF OFFENCE

Player's surname	Paia'aua	Date of birth	[insert]
Forename(s)	Duncan		
Player's Union	Manu Samoa		
Referee Name	Damon Murphy	Plea	<input checked="" type="checkbox"/> Admitted <input type="checkbox"/> Not admitted
Offence	Dangerous tackle contrary to Law 9.13	SELECT:	Red card <input checked="" type="checkbox"/> Citing <input type="checkbox"/> Other <input type="checkbox"/> If "Other" selected, please specify:
Summary of Sanction	4 weeks/matches' suspension		

HEARING DETAILS

Hearing date	15/11/2022	Hearing venue	Remote by Zoom
Chairman/JO	Antony Davies (RFU)		
Other Members of Disciplinary Committee	Juan Pablo Spirandelli (UAR) (Former Referee) Laurence Sephaka (SA) (Former Player and Match Commentator)		
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)	Hesed Ieremia (Team Manager, Manu Samoa)	Disciplinary Officer and/or other attendees	Brian Hammond (WR Counsel) Joyce Hayes
List of documents/materials provided to Player in advance of hearing	<ol style="list-style-type: none"> 1. Red card report 2. Match footage (x 2) 3. Statement of Alexandre Todua 4. Medical statement re Alexandre Todua 5. JC Standard Directions 6. Match team lists, Georgia and Samoa 7. 2022 HSP Coaching Intervention form 8. 2022 up-date head contact process (WR) 		

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

The report of the Match Referee on ordering off referred to an incident in the 73rd minute of the game where the Player tackled late and dangerously, making direct contact to the head with his shoulder and describing it as late and reckless.

We viewed the match footage which clearly depicted the following :

Georgia are attacking with the ball passed from the base of the ruck by 9 to 12 and 13 on a decoy run straight towards the Samoan defence. G11 comes off his wing at 45 degrees and at speed. The pass from G12 to G11 is thrown hard and fast and is too strong for G11 to grasp. The ball ricochets off G11 with force and towards the Samoan defence.

The Player appears to have a clear and unobstructed view of G11's diagonal run and sets himself to tackle in that channel. Before there is any contact, the ball has flown towards the Player over his head and behind him. Instead of pulling out of contact, which it appears he has time to do (he is 3 to 4 metres away from G11 when the ball hits G11's body), he continues towards G11, then immediately before contact sets himself by bending at the knees. He lifts both arms forwards in an attempt to wrap whilst G11 remains fully upright. The Player then puts his head to the side of G11's right shoulder and drives upward into contact with G11. At the point of contact, his legs are straight and his right foot is practically off the ground.

The Player's right shoulder makes a forceful and direct contact with G11's throat under his chin. G11 is stopped in his tracks and the contact forces his head to ricochet backwards and he falls backwards to the ground. He remains on the ground in obvious discomfort and receives treatment for several minutes before being cleared to play and return to the game.

The totality of what we saw was a highly dangerous and forceful direct contact to the head. It was a contact that in our view did not have to be made as the Player had time to pull out. It seemed to us precisely the type of dangerous tackle involving head contact that in the interests of player welfare needs to be eradicated from the game.

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

G11, Alexandre Todua, stated that he received an unexpected tackle from a Samoan player. He felt a small pain in his upper body but after treatment he continued playing.

The Chief Medical Officer of the Georgian Rugby Union and National Rugby Team Doctor described in his written report a collision with a hit to Todua's anterior neck. There was no loss of consciousness and when he attended he found him fully conscious and alert. Normal protocols were observed. Neuro status was clear and he had full range of motion. Although the Player suffered pain to the posterior neck and upper back, he was cleared to return to play. There was some post-match discomfort with muscle stiffness in his neck, but that was improving and he would not miss any training or match time.

SUMMARY OF PLAYER'S EVIDENCE

The Player had accepted in his response to Standard Directions that he had committed an act of foul play and that the red card threshold had been met and had expressed his sincere remorse for his actions. He said that he had carried out a tackle with a dangerous and wrong technique. It was a split second decision and once he had become aware that a collision was going to be inevitable he jumped up instinctively into contact. He said he thought that G11 had lost control of the ball and he did not know where it was. He had apologised on the pitch to G11 at the end of the game and checked that he was not injured. He had apologised again after the game and had shared the same flight back with the opponent. He was relieved that he had not caused any injury.

FINDINGS OF FACT

1. There was head contact, which includes the neck and throat area.
2. It was reckless and avoidable foul play.
3. It was direct force of shoulder into anterior neck and throat underneath the chin.
4. The Player had sufficient time to pull out of the contact but instead chose to continue with the contact in a dangerous manner.
5. The player's actions were highly reckless and as such no mitigation can be applied.

DECISION

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

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
Given the Player's choice of a very poor tackle, he could have avoided contact, but went on to drive his right shoulder into the neck of an opponent with force. We could find however no evidence that the Player intended to carry out an act of foul play.
Nature of actions – R 17.18.1(c) (or equivalent Tournament rule)
See description of match footage.
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)
Fortunately, the victim player did not lose consciousness and after assessment he was able to play on, suffering some pain and discomfort which was unlikely to last and from which he would make a full recovery. He would not miss any training or playing.
Effect on match – R 17.18.1(h) (or equivalent Tournament rule)
None.
Vulnerability of victim – R 17.18.1(i) (or equivalent Tournament rule)
G11 attempted unsuccessfully to catch the ball. He is upright with his hands in a catching position at the point of contact and would have been concentrating on the ball and not the impending approach of the opponent. He therefore did not have time to take any form of evasive action and the shoulder was driven into his unprotected neck and throat.
Level of participation/premeditation – R 17.18.1(j) (or equivalent Tournament rule)
Full.
Conduct completed/attempted – R 17.18.1(k) (or equivalent Tournament rule)
The Player's tackle was fully 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>6 Weeks/Matches</u>	<u>Low-end</u>	<u>Weeks/Matches</u>
<input type="checkbox"/>		<input checked="" type="checkbox"/>		<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

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 accepted he had carried out an act of foul play immediately after the contact, at the end of the game, in his response to Standard Directions and at the hearing	Two years ago the Player received a red card (suspension 3 matches) for a similar offence of dangerous tackling. He said he had worked hard since on his discipline but accepted there was much more to do.

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 27. He has been playing professionally for 7 years and has 2 International Caps. He is currently in his fourth season as a full time professional with Toulon in France.	Exemplary, measured and appropriate in all respects.
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 appeared to show genuine remorse and insight into the danger of carrying out this sort of tackle. He had apologised after the game and again at the hearing and we felt his contrition was genuine.	

Number of weeks/matches deducted:

2

Summary of reason for number of weeks/matches deducted:

Starting at 0 and working upwards, the maximum deduction the Player could have received was one of 3 matches, but his previous red card for dangerous tackling is sufficiently proximate and given what we saw depicted in the match footage, the Player does not get full credit for his admission.

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)
None found
Need for deterrence – R 17.20.1(b) (or equivalent Tournament rule)
None found
Any other off-field aggravating factors – R 17.20.1(c) (or equivalent Tournament rule)
None found

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	4 matches	Sending off sufficient <input type="checkbox"/>
Sanction commences	12/11/2022	
Sanction concludes	11/12/2022 We gave our approval to the player to access the coaching intervention programme which may enable the Player to substitute the final match of the suspension with a coaching intervention that targets the specific technical issue that contributed to the act of foul play. Accordingly, if the Player successfully completes the coaching intervention his suspension will conclude on 5 th December and he will be available for the game against Zebre on 10 th December.	

Matches/tournaments included in sanction	19/11/2022	Samoa v Romania
	26/11/2022	Toulon v Stade Francais
	04/12/2022	Toulon v Racing 92
	10/12/2022	Toulon v Zebre

Costs	None asked for or awarded
-------	---------------------------

Signature (JO or Chairman)	A.M. Davies	Date	16 th November 2022
-------------------------------	-------------	------	--------------------------------

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)