

Judicial finding – Clint Newland

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Hawke's Bay prop Clint Newland has been suspended for ten weeks for punching a player in the Air New Zealand Cup match between Hawke's Bay and Wellington in Napier on Saturday 4 August.

Newland appeared before a New Zealand Rugby Union Judicial Committee hearing in Wellington today after being cited by Citing Commissioner David Gray for punching Wellington prop Neemia Tialata in the 13th minute of the match.

The Judicial Committee comprised Nick Davidson QC (Chairman), Merlin Shannon and Jonathan Tanner. Newland was represented by team manager Dave Stevenson and legal representative Matthew Lawson.

At the hearing the Committee viewed video footage of the incident and received reports from the Wellington team doctor, Wellington coach Aussie McLean and Tialata. None of the match officials saw the incident.

Video footage showed that the punch was thrown as a lineout fragmented. Tialata was facing toward Newland but he was completely unguarded against the punch which was thrown with a full extension of the arm, hitting him in the cheek / mouth area.

Tialata was knocked unconscious and unresponsive for approximately one and a half to two minutes. Even three hours after the incident he had no recollection of events after the warm up and was suffering severe headaches.

The Committee received medical advice from the doctor who attended Tialata as to the seriousness of the injury and this was a significant factor in the penalty imposed. A blow of this force carries severe risk.

At the hearing, Newland admitted the offence and described events leading up to it. He said the punch came after interference at a lineout when he was pushed while lifting a player. He said this was the second instance of interference and after the first incident he had cautioned Tialata. Tialata has no recollection of any interference.

Having viewed the video footage, the Committee considered the punch was out of proportion to any interference and this was not provocation sufficient to materially affect the sanction.

Newland denied that the punch was premeditated and described it as a "spur of the moment" action. The Committee accepted this.

The player, through his counsel, made a short address which demonstrated a genuine contrition and sense of shame both in the impact on Tialata, the game as a whole and his Hawke's Bay union. He did not seek to minimise his conduct and the Committee was struck by his openness and genuine remorse.

In considering penalty, the Judicial Committee must decide if the nature of the offending is at the low, mid-range or top end of the scale of offences set out in the IRB Regulations. That decision determines the "entry point" in terms of the length of suspension which can then be increased or decreased according to the presence of aggravating or mitigating factors.

While it was submitted that Newland's action should be categorised at the lower end or mid-range of seriousness, given Newland's intent, the severity of the punch to the head and the effect it has had on Tialata, the Committee reached a clear view that the offence fell within the top end, with possible sanctions ranging from eight weeks to 52 weeks.

In mitigation, the Committee noted Newland's ready acknowledgement of his breach but this lost some of its impact given the clear-cut nature of his action. However, the Committee recognised the genuine remorse, Newland's wider role in Hawke's Bay rugby and the fact that he had not appeared before a Judicial Committee for some years.

Taking into account all the circumstances, including other cases, the Committee deemed that the entry point for sanction should be 12 weeks. However, giving full weight to the mitigating circumstances, and recognising the practicalities of the rugby season, a suspension of ten weeks was deemed appropriate.

As a result, Newland was suspended from all rugby up to and including 20 October. The suspension means he will miss the rest of Hawke's Bay's Air New Zealand Cup campaign.

In further comment, the Committee also expressed concern about significant publicity surrounding the incident and comments reported in the media.

While the reported comments did not have any bearing on the Judicial Committee's deliberation, and the Committee does not know if they were accurate, they suggested that there had been inappropriate medical comment and that the decision was, in effect, a foregone conclusion.

At the hearing, the Committee was advised that both Newland and his representatives disassociated themselves from any such comments and there was no suggestion of impropriety about the judicial process.
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