

CLEANING UP THE GAME – MORAL GOVERNANCE AND ATHLETE BEHAVIOUR -CASE A

*John Davies, Victoria Management School, Victoria University of Wellington,
PO Box 600, Wellington 6006, NZ, john.davies@vuw.ac.nz.*

ABSTRACT

This case examines an incident of foul play which rendered a player unconscious in a national championship rugby game of rugby union football, between the Hawkes Bay Magpies and Wellington Lions in August 2007. It can be used to explore issues of ethical and moral behavior at multiple levels relating to individual athletes, team management and governance. It may also be used to explore issues of risk and media management.

Keywords: Ethical Behavior, Organizational Ethos, Governance, Risk Management, Professional Sport

THE INCIDENT: HAWKES BAY MAGPIES VS WELLINGTON LIONS – AIR NZ CUP

On Saturday 4 August 2007, traditional rivals – the Wellington Lions and the Hawkes Bay Magpies - met in the second round of New Zealand’s premier sporting event, the Air New Zealand Cup national provincial championship of rugby. In only their second season back in the big time, Hawkes Bay were determined to show their city-slicker, star-studded opponents that they could take nothing for granted. However, for once, the Lions team were without four of their star All Blacks, who had been selected to represent NZ at the Rugby World Cup (RWC) in September/October 2007, and who had been withdrawn from the team as part of a rest and reconditioning programme [1].

The game had been in progress for only thirteen minutes when the ball went over the sideline and play stopped. Play was restarted with a sideline ‘lineout’ – where the ball is thrown into play between two competing ‘lines’ of forwards who jump, or are lifted by team colleagues, to secure the ball. The Lions and All Blacks world cup forward, Neemia Tialata, was punched as the ball was moved away from the lineout.

He was knocked unconscious, remained so for three or minutes, and then left the field of play following some treatment from the team’s doctor. Although a replacement was allowed for the injured player, the Magpies went on to ‘slay the Lions’ by a narrow 8 – 6 score line [2]. New Zealand Rugby Union (NZRU) safety rules then mandated a three week minimum stand down from play for Tialata, plus neurological and psychological tests before being allowed to play again [3] [4].

At the time, none of the three on-field match officials – the match referee and his two side-line assistants - saw the incident, and so, no action was taken. However, the incident was seen by many spectators, team officials and captured as video-footage by the broadcasters on behalf of the NZRU, the governing body for the sport.

BACKGROUND

Rugby Union is a worldwide sport played in more than a hundred countries, and is the national sport in New Zealand (NZ). All countries play in the qualifying rounds of the RWC which culminates with a six week tournament every four years, the finals rotating between southern and northern hemispheres.

The NZ All Blacks won the first RWC in 1987, and despite being ranked as the top-playing country for most of the succeeding twenty years, had never won again. Twenty years on, the All Blacks and the whole of NZ, where rugby is the national sport, were desperate for a second world cup victory in the 2007 RWC, being hosted by France, during September/October 2007.

Millions of dollars had been spent over the previous four years to ensure the best preparation for the team, and to give the best chance for success. Now those plans and preparations had been affected by injuries – some inflicted accidentally, and some, like Tialata's, perhaps the result of foul play.

The leading All Black players, who are full-time professionals, had been assigned to rest and reconditioning programmes, and rested from games in the early year, February to May, Super 14 international provincial tournament involving 14 teams from the South African, New Zealand and Australian Rugby unions (SANZAR) – and involving, almost exclusively, professional players. It had been decided the All Blacks would also be rested from the Air New Zealand Cup, the national provincial championship of rugby in 2007.

Within NZ, the Air NZ Cup is the premier national sporting event, with high media profile and substantial spectator support. To win the cup is highly prized and demands consistency and high quality performances over a long season. The championship spans four months, July to October, with four teams qualifying for the knockout playoffs from each of two pools of seven teams playing round-robin games.

In non-RWC years, the provincial teams would be able to call-upon their All Blacks and other professional Super 14 players as well as some who could be regarded as semi-professionals. The Wellington Lions could boast eight All Blacks and an additional sixteen professional Super 14 players. The Magpies could boast one former All Black, and were mostly semi-professional players with 'day jobs'. The Lions played at the modern Westpac Stadium, had substantial sponsorship and solid income streams; the Magpies, by comparison, struggled, for support, and could be regarded as the poor cousin.

The winning of the match between long standing rivals was important for both provinces. Hawkes Bay wanted to show that they would be strong competitors for the Air NZ Cup, and that they could match their big city rivals. That the Lions would be under strength, with most of their All Black World Cup players missing except Tialata, gave the Magpies every belief that they could win the game, against many expectations.

In the not too distant past, prior to the advent of widespread TV coverage of provincial and international matches, there had been many anecdotal and apocryphal accounts of episodes of violent play – in some cases, players taking the law into their own hands and executing retribution on a misbehaving opponent; in other cases, players taking opportunity to give their own team an advantage by intimidating or injuring an opponent. However, the advent of TV coverage made much of such violent play more likely to be seen, and provided opportunity for the sports governing body, the New Zealand Rugby Union (NZRU), to change its rules and institute procedures to allow players to be cited for foul or dangerous play not seen by match officials, after a match had taken place. As such, the TV cameras had left 'miscreant players' with nowhere to hide! [5].

Clint Newland was allegedly was one of those players. Video evidence clearly showed that Tialata had received a punch to the head, when he was looking elsewhere and least expecting it. In an interview some days later, Tialata was quoted as saying "*Why me?*" [6].

TIALATA AND THE ALL BLACKS

Neemia Tialata had made it to the top in rugby union. From humble beginnings with his Samoan family in the Wellington suburb of Wainuiomata, he had studied and played rugby at Wellington College, the top boys' school in the city, and forged a sports career that had seen him rise through the ranks of Wellington's representative teams to play for the NZ Secondary Schools team, the NZ U19s team, the NZ Colts, and finally the NZ All Blacks, the ultimate recognition and honour for a NZ sportsman [7].

Neemia had fulfilled the exceptional promise he had demonstrated as a young rugby player and had been groomed for success because of his ability, his size, his attitude and demeanour. A gentle man away from the game, he enjoyed playing the guitar, singing in church and was a devout Christian



He had already played 21 international or test matches for the All Blacks, and was seen as a versatile prop forward, who could play on the left and right side of a scrum, who was skilled as a lifter of jumpers in a lineout, and who was also a good ball carrier. He was considered to be a mainstay of the All Blacks forward pack, not just for the 2007 RWC, but also for the 2011 RWC which was to be held in NZ.

Neemia first played for the All Blacks as a youthful twenty-three year-old, and then, on 22nd July 2007, had been selected as part of the NZ All Black squad to contest the Rugby World Cup (RWC) in France during September/October of 2007. At the time of selection, Tialata's fitness was in doubt, as was that of

Greg Somerville, another All Black squad member filling the same position of prop forward. Tialata had been suffering from a calf injury that curtailed his fitness and conditioning programme, and prevented him from playing. Somerville was recovering from an Achilles problem and a more recent eye injury [8]. Both injuries had disrupted the All Blacks plans for the RWC.

There was a view that Tialata, as a 127kg (285 lb) prop forward in rugby, needed to be playing to be able to maintain his fitness, and that he was in need of 'lots of playing time', much more than many of the fleet-footed and smaller half-backs and three-quarter backs in the All Black world cup squad [9].

As a consequence, and as Tialata recovered from that calf injury, the All Blacks coach and team management wanted him to get some game time, and this could be achieved by Tialata playing for his provincial team, the Wellington Lions. He played the second half of a game for the Lions against Southland, and then one week later, again at the request of All Blacks management, started for the Lions in the away match versus the Hawkes Bay Magpies provincial team at McLean Park in Napier. It was thirteen minutes into the game when Tialata was punched, rendered unconscious and consequently required to comply with a three-week safety stand-down from play - with further consequent complications for All Black preparations for the RWC.

STUDENT DISCUSSION QUESTIONS

Media Management

- 1(a) It is the post-match press conference, and as spokesperson for the HBRU, what would you say?
- 1(b) State how such a response would sit within a Media, Public Relations and Communications Plan?
- 1(c) How would such a plan be constructed in anticipation of an incident like this?
- 1(d) As Lions coach Aussie McLean, and Peter Russell, coach of the Magpies, what would you say?

Moral Governance and Ethical Behaviour

- 2(a) Should coaches, managers or other team officials admit that their players have committed violent acts or acts of foul play?
- 2(b) Should coaches, managers or team officials admit when they or their players have broken the rules of the game or professional codes of behaviour?
- 2(c) Should the governing body intervene – and demand that winning results be denied to those whose unacceptable behaviour or violent acts may have changed the outcome of a game?

THE IMMEDIATE AFTERMATH

The Judicial Hearing

The NZRU has, for over a decade, appointed a Citing Commissioner to review video footage of games for foul play, to receive complaints of foul play not seen by the match officials, and then to decide

whether an individual's actions or behaviour should be cited as constituting foul, violent or dangerous play etc. Following the Magpies versus Lions game, the Magpies' prop forward, Clint Newland, was cited by Commissioner David Gray, for allegedly punching Neemia Tialata.

Given the availability of video footage from the SkySport and Prime TV match coverage, and other footage available for scrutiny by the committee, there had been much speculation about the punishment and about how the match officials, including the off-field TMO (Time Match Official) who had access to the live TV coverage could have missed the incident. One side-line match official, Gary Wise, apologised for his oversight, claiming that as would be expected, he was following the movement of play and the ball. For many, his admission reinforced a view that the incident of violence had happened 'off-the-ball', away from play, and therefore constituted a more serious offence [10] [11].

Newland was required to appear at a judicial hearing in Wellington on the Wednesday following the game. The Judicial Committee were an independent body comprised of individuals not only having experience of conducting legal and disciplinary hearings, but also of playing the game at the provincial level. It had an independent chairman, Nick Davidson QC, Merlin Shannon and Jonathan Tanner, solicitor and barrister and former Lions prop forward. Newland was represented by Magpies team manager Dave Stevenson and legal representative, Matthew Lawson [12].

At the hearing, the Committee viewed video footage and received reports of the incident from the Lions team doctor, Lions coach Aussie McLean and Tialata, but not from the match officials who did not see the incident. Newland admitted the offence and said his punch was an unpremeditated and 'spur of the moment' but followed two instances of interference at a lineout when he was pushed while lifting a player, and also followed a 'caution' that he had given to Tialata. Tialata, in turn, had no recollection of the incident or what preceded it [6].

Newland's counsel read a statement on Newland's behalf indicating contrition and a sense of shame, not only with respect to the effect on Tialata, but also on the Hawkes Bay rugby union and the game as a whole. The Judicial Committee accepted his openness and genuine remorse. But having viewed the video footage, and received medical advice from the doctor who attended Tialata about the seriousness of the injury, the Committee "considered the punch was out of proportion to any interference and this was not provocation sufficient to materially affect the sanction".

THE PUNISHMENT

In its deliberations, the Judicial Committee followed specific guidelines for offences and penalties, and decided the offence was at the top-end of seriousness, given the severity of the punch and its effect on Tialata, and would attract a penalty ranging from eight weeks to 52 weeks. However, given Newland's acknowledgement of guilt, his remorse, his "wider role" in Hawkes Bay rugby, the fact that he had not appeared before a Judicial Committee for some years, the penalties in other cases, the length of the season etc, it deemed that a ten weeks suspension from playing that would include the whole of the Air NZ Cup, would be appropriate [12] [13].

STUDENT DISCUSSION QUESTIONS

Media Management

- 3(a) Following the decision, as CEO Mike Bishop, spokesperson for HBRU, what would you say?
- 3(b) Should managers or officials try to hide or excuse the violent acts of their players, or try to influence the judiciary through the media etc?
- 3(c) Should the HBRU have involved itself in imposing punishment on Newland?

EPILOGUE AND APPENDICES

Three Weeks Later

On August 25, Tialata returned to the playing field for the first time after the incident when the Wellington Lions defeated Tasman by 38 to 25. He played the whole of the second-half, and proved his fitness to join the All Blacks departing for the RWC in the following week. He was quoted as saying:

"It's always hard when you've done nothing for two weeks. I did play on Thursday [against the Barbarians] for 15 minutes but it's good knowing you've done the work now and having that confidence before you take off [for the World Cup]" [14] [15].

Tialata played in three games at the RWC before the All Blacks, as tournament favourites, were unexpectedly beaten in the Quarter-Finals by France.

APPENDIX 1 – THE MEDIA HEADLINES AS CHRONOLOGY

| | |
|---|---------------------------|
| All Blacks reveal World Cup squad, | Sunday, 22 July 2007 |
| More game time would aid Tialata, | Sunday 5 August, 2007, |
| Magpies slay the Lions | Sunday 5 August 2007 |
| Newland's king-hit a low-blow | Sunday 5 August 2007 |
| Sickening thuggery shames rugby code | Sunday, 5 August 05, 2007 |
| Punch reckless ... and effective! | Monday 6 August, 2007 |
| Air NZ Cup duo face hearings | Monday 6 August 2007 |
| Touch judge says he missed punching incident | Tuesday 7 August 07, 2007 |
| Newland handed 10-week suspension | Thursday 9 August 2007 |
| Coach - enforcement culture is history | Monday 8 August, 2007 |
| Hawke's Bay consider appeal - Newland hit with heavy ban | Tuesday 9 August 2007 |
| Tialata released for Wellington match | Friday August 24, 2007 |
| Punch nearly derailed Tialata's cup dream | Tuesday, 4 September 2007 |

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