

Ordering Off of Bundee Aki

Decision of the Independent Judicial Panel dated Monday, 14 October 2019

Tournament: Rugby World Cup 2019

Player: Bundee Aki (Ireland #12)

Team: Ireland

Match: Ireland v Samoa, Saturday, 12 October 2019, Fukuoka Hakatanomori Stadium

Hearing venue: Offices of Atsumi & Sakai, Uchisaiwaicho, Chiyoda-Ku, Tokyo

Appeal panel: Adam Casselden SC (Australia, chair); Frank Hadden (Scotland; former international coach); Val Toma (Romania; former referee)

Representation: Derek Hegarty, Counsel for the player. David Nucifora, IRFU Performance Director and Vinny Hammond, IRFU Performance Analyst. Ben Rutherford, DDO and Alistair Maclean, General Counsel for World Rugby

Date of the hearing: Monday, 14 October 2019

Announcement of oral decision

For reasons that we will set out in writing:

Bundee Aki (“Player”)

1. The Judicial Panel upheld the Red Card issued by the referee to the Player for a breach of Law 9.13 (dangerous tackling). The Judicial Panel was not satisfied, on the balance of probabilities, that the referee’s decision to issue the Red Card was wrong.
2. In our opinion the referee was correct to issue the Red Card because, consistent with World Rugby’s High Tackle Sanction Framework, the Player executed an illegal high tackle on his opponent, the ball carrier, because his left shoulder came into clear contact with his opponent’s head. The degree of danger to the Player’s opponent was high as there was forceful contact to his head requiring a head injury assessment and removal from the Match. In our opinion, there were no clear and obvious mitigating factors to warrant a sanction less than a Red Card.
3. As to sanction, the Judicial Panel found that this was mid-range offending, involving, as it did, forceful contact with the head of an opponent. The Judicial Panel were persuaded that this was not deliberate offending, but was reckless.

4. The entry point for sanction for such mid-range offending is a 6 week suspension. The Judicial Panel found no aggravating factors; but found full mitigation in terms of the Player's good disciplinary record, his contrition (expressed to his opponent), his good character and demeanour. Although the Player had disputed the fact that the Red Card test had been met, the approach taken (for this tournament alone) has been to treat that as full mitigation. Accordingly, the Judicial Panel found that the Player was entitled to a full discount of 3 weeks for mitigation.
5. Under Regulation 17.19.11(c) which provides that sanctions shall apply across the game of rugby, the effect of this decision is that the Player is suspended from the RWC 2019 quarter-final match against New Zealand on 19 October 2019. Should Ireland qualify for the RWC 2019 semi-final on 26 October 2019 the semi-final (and any other further matches in the tournament) will count as part of the suspension. In the event that Ireland do not progress to the semi-final in the tournament the 2nd and/or 3rd games of the Player's suspension shall be served in the Pro 14 tournament in Europe.
6. By Regulation 17.19.11(c) the Player may not play the Game (or any form thereof) or be involved in any on-field activities anywhere until this suspension has expired.

Adam Casselden SC (Chair, Australia)

Frank Hadden (Scotland)

Val Toma (Romania)

Monday, 14 October 2019