

Royal Prince Edward Yacht Club

REQUEST to RE-OPEN REQUEST for REDRESS

Bushfire/AUS1250 vs Race Committee Fathom/AUS1337 vs Race Committee

Re-opened hearing conducted on Monday 3rd November 2008, original hearing was on 22nd October 2008.

EVENT: RPEYC Mini Scratch Series, Heat 2.
RSYS Mini Regatta – SCR, Heat 5.
RSYS Mini Regatta – HCP, Heat 5.
International Etchells Class, Worlds Qualifying Series, Heat 5.

REQUESTS RECEIVED

1. A Request to Re-open was received from QUAY LARGO/AUS917 on the 28th October 2008. QUAY LARGO's request is denied, QUAY LARGO was not a party to the original hearing.
2. A Request to Re-open was received from the Race Committee on the 29th October 2008. The Race Committee's request is denied, it was lodged more than 24 hours after being informed of the decision.

PROTEST COMMITTEE ACTION

1. Based on information contained in both Requests to Re-open the Protest Committee decided that it may have made a significant error and decided to re-open the hearing.
2. The Protest Committee on reviewing its decision decided that no further evidence was necessary to be sort, as it appeared to have misinterpreted the RSYS Mini Regatta Sailing Instructions only.

FACTS FOUND

1. There were 27 Starters in the International Etchell Mini Regatta conducted by the RPEYC.
2. The start line was laid square to the wind, which was light, for an on wind start with the tide running almost in the opposite direction, forcing the starting boat to face towards the on coming tide.
3. The Race Officer displayed code flag 'P' as the preparatory signal in the sequence for the second race of the day in which there was a general recall.
4. About 70% of the fleet were over the starting line at the starting signal due to the influence of the tide.
5. For the second starting procedure for the second race of the day, the Race Officer displayed a Black Flag for the preparatory signal.
6. Following the display of the preparatory signal for the recalled start the Race Committee used propulsion to reposition the starting boat for up to a minute and a half after the preparatory signal was displayed.

7. There was a second general recall in which there were 10 boats identified as being on the course side of the starting line including BUSHFIRE and FATHOM.
8. The Race Officer stated that there were other unidentified boats that were not disqualified under rule 30.3.

CONCLUSION

1. The Protest Committee was not aware of Mini Regatta Sailing Instruction 7.3 and the Race Committee choose not advise the Protest Committee of its existence during the hearing.
2. Mini Regatta Sailing Instruction 7.3 places the sole responsibility on the Race Officer to decide if a start is fair following the movement of a starting line mark by the Race Committee after the preparatory signal has been displayed.
3. The Race Officer continued with the starting procedure after the starting line mark had been moved.

RULES APPLICABLE

27.2, 62.1(a), 66, Mini Regatta Sailing Instructions 7.3.

DECISION

1. The decision to abandon the race is reversed and scoring for each competitor shown in the original provisional result is to be reinstated.
2. BUSHFIRE's Request for Redress is denied.
3. FATHOM's Request for Redress is denied.

Lister Hughes

Chairman

22nd October 2008.

Protest Committee; Lister Hughes, Erica Kirby, Sean Kirkjian, Colin Marshall.