

**Royal Prince Edward Yacht Club**  
**Protest Hearing**  
**Bushfire/AUS1250 vs Humpback/AUS1345**

Hearing at the RPEYC on Wednesday 17<sup>th</sup> March 2010.

**Event:** International Etchells; RPEYC Main Series, Race 10.  
RSYS Main Series, Race 17.  
RSYS Summer Series, Race 6.  
RSYS Handicap Series, Race 17

**Bushfire**, represented by; James Arnold.

**Humpback**, represented by; Not represented

**FACTS FOUND**

1. HUMPBACK was advised the date, time and place of the hearing and advised the RSYS Sailing Office they would not be attending.
2. The RSYS and RPEYC Combined Sydney Harbour Program, General Sailing Instructions state:  
"1. Rules.  
All racing will be governed by the rules as defined in the Racing Rules of Sailing 2009-2012 (RRS) of the International Sailing Federation (ISAF) except as amended herein."
3. The Racing Rule of Sailing's, Definition of *Rule* includes: "(d) the class rules."
4. ISAF Case 98 states:  
"The rules listed in the definition *Rule* apply to races governed by the Racing Rules of Sailing whether or not the notice of race or sailing instructions explicitly state that they apply."
5. The International Etchells Class Rules, Clause 7.1 state:  
"**Crew** – There shall be three or four persons on board when racing and their total combined weight as measured wearing light clothing shall be no more than 285 kg."
6. General Sailing Instruction 4.1.1 modifies the International Etchells Class Rule 7.1 to allow two persons on board when racing in the Combined Sydney Harbour program, except for World Qualifiers, for a maximum of three races. No change to the weight allowance is made.
7. BUSHFIRE complied with the provisions of rule 61.1(a) shortly after the preparatory signal was displayed and before the starting signal was made.
8. There was no evidence presented or available regarding the total weight of the crew of HUMPBACK.
9. HUMPBACK was scored OCS in the above events

**CONCLUSION**

As there is no conclusive evidence, there is no action the protest committee is able take.

**RULES APPLICABLE**

Rules 61.1(a), 63.2, 63.3(b), Definition *Rule*, General Sailing Instructions 1 & 4.1.1, ISAF Case 98 & International Etchells Class Rules 7.1.

**DECISION**

The protest is dismissed.

**RECOMMENDATION**

The Protest Committee recommends that steps be taken to carry out random weighing of crews to insure compliance to the International Etchells Class Rules.

**Lister Hughes**

Chairman

17<sup>th</sup> March 2010.

**Protest Committee;** Sean Kirkjian, Colin Marshall & Doug Talty, Lister Hughes.