

ROYAL SYDNEY YACHT SQUADRON

Div. 3 The Tarring Cup

Heat 5 of the Main & Spring Series & Heat 3 Short Inshore Series

Request For Redress

Come By Chance 3600 v Race Committee Mingara111 3649 v Race Committee

Hearing at the RSYS, Kirribilli, on 13th October 2010 at 18:30 Hours.

Protest Committee: Steve Hatch, Tim Cox & John Kirkjian

**Come By Chance represented by John Nutt.
Fast Forward represented by Chris Gardener
Tingari represented by John Jeremy
Lahaina represented by Len Burtenshaw
Zeus 11 represented by Jim Dunstan
Race Committee represented by David Ross**

FACTS FOUND

1. The RSYS received Come By Chance's Request for Redress by facsimile at 11:00 hours and Mingara III at 17.23 hours on Monday the 11th October 2010.
2. The RSYS Sailing Instructions requires protests to be lodged by competing boats by 10:00 hours on the first working day after the race.
3. Both Come By Chance and Mingara III Requests for Redress were lodged out of time.
4. The Protest Committee exercised their authority under RRS 61.3 and extended the time for lodging protests to validate the Requests for Redress.
5. As both Request for Redress related to the same incident they were heard together.
6. All competitors in the race were notified of the time and place of this hearing and were invited to attend and make any submissions they considered relevant.
7. The Race Committee shortened the race and set the finishing line with the Committee Vessel at the starboard end in accordance with RSYS SI 10.2
8. The courses used by the majority of RSYS Divisions sailing on Saturday 9th October were finishing from the course direction of Kirribilli.
9. Division 3 was to finish sailing from the course direction of the Eastern Channel Mark.
10. Lahaina II, Tingari, Fast Forward, Norn & Zeus II sailing in the direction of the course from their last mark (Eastern Channel Mark) passed outside of the finishing line before returning and sailing through the finish line from the Kirribilli direction.
11. The Race Committee recorded Lahaina II, Tingari, Fast Forward, Norn & Zeus II as finishing correctly.

12. Come By Chance, Mingara III & Wizard crossed the finish line sailing from the course direction of Eastern Channel Mark.
13. The Race Committee scored Come By Chance, Mingara III & Wizard DSQ for their breach of Sailing Instruction 10.3
14. Come By Chance, Mingara III & Wizard after instruction from the Race Committee recrossed the finish line from the direction of Kirribilli.
15. The action of the Race Committee in instructing Come By Chance, Mingara III & Wizard to return and cross the finishing line from the direction of Kirribilli was an improper action and in contravention of RRS 41.

CONCLUSION

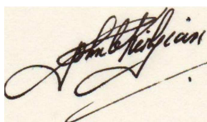
1. The definition of “Finish” is not a Racing Rule of Sailing that may be changed by an Organising Authority in its Sailing Instructions
2. Requiring the division to perform a hook finish was an improper act by the Race Committee.
3. Come By Chance, Mingara III & Wizard finished in accordance with the rules and should have been scored accordingly.
4. Come By Chance, Mingara III & Wizard are entitled to redress.

RULES APPLICABLE

Definition of Finish; SI 10.2; SI 10.3; RRS 61.3, 62.1(a), 64.2, 86.1(a)

DECISION

1. The Organising Authority committed an improper action in writing a set of sailing instructions that failed to comply with the Definition of “Finish” in the Racing Rules of Sailing
2. It was agreed between the parties that attended the hearing that Come By Chance, Mingara III & Wizard the 3 boats that finished from the direction of the course from the last mark (East Channel Mark) finished in accordance with the RRS and shall be reinstated with the finish time recorded when they first crossed the finishing line.
3. Race Committee is directed to rescore the race results.



John Kirkjian.
Chairman

Comments

The Organising Authority and the Race Committee need to take appropriate action to fix the situation so it does not happen again. The Protest Committee recommends that SI 10.2 be deleted and that where practicable the courses be changed so that all divisions finish from the same direction.

Finish A boat *finishes* when any part of her hull, or crew or equipment in normal position, crosses the finishing line in the direction of the course from the last *mark*, either for the first time or after taking a penalty under rule 44.2 or, after correcting an error made at the finishing line, under rule 28.1.

61.3 Protest Time Limit

A *protest* by a boat, or by the race committee or protest committee about an incident the committee observes in the racing area, shall be delivered to the race office within the time limit stated in the sailing instructions. If none is stated, the time limit is two hours after the last boat in the race *finishes*. Other race committee or protest committee *protests* shall be delivered to the race office no later than two hours after the committee receives the relevant information. The protest committee shall extend the time if there is good reason to do so.

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62.1 A request for redress or a protest committee's decision to consider redress shall be based on a claim or possibility that a boat's score in a race or series has, through no fault of her own, been made significantly worse by

- (a) an improper action or omission of the race committee, protest committee or organizing authority, but not by a protest committee decision when the boat was a *party* to the hearing;
- (b) injury or physical damage because of the action of a boat that was breaking a rule of Part 2 or of a vessel not *racing* that was required to keep clear;
- (c) giving help (except to herself or her crew) in compliance with rule 1.1; or
- (d) a boat against which a penalty has been imposed under rule 2 or disciplinary action has been taken under rule 69.1(b).

64.2 Decisions on Redress

When the protest committee decides that a boat is entitled to redress under rule 62, it shall make as fair an arrangement as possible for all boats affected, whether or not they asked for redress. This may be to adjust the scoring (see rule A10 for some examples) or finishing times of boats, to *abandon* the race, to let the results stand or to make some other arrangement. When in doubt about the facts or probable results of any arrangement for the race or series, especially before *abandoning* the race, the protest committee shall take evidence from appropriate sources.

86 CHANGES TO THE RACING RULES

86.1 A racing rule shall not be changed unless permitted in the rule itself or as follows:

- (a) Prescriptions of a national authority may change a racing rule, but not the Definitions; a rule in the Introduction; Sportsmanship and the Rules; Part 1, 2 or 7;

rule 42, 43, 69, 70, 71, 75, 76.2, 79 or 80; a rule of an appendix that changes one of these rules; Appendix H or N; or ISAF Regulation 19, 20, 21 or 22.

- (b) Sailing instructions may change a racing rule, but not rule 76.1, Appendix F, or a rule listed in rule 86.1(a). However, the sailing instructions may change to 'two' or 'four' the number of hull lengths determining the *zone* around *marks*, provided that the number is the same for all *marks* and all boats using those *marks*. If the sailing instructions change a rule or that definition, they shall refer specifically to the rule or definition and state the change.
- (c) Class rules may change only racing rules 42, 49, 50, 51, 52, 53 and 54. Such changes shall refer specifically to the rule and state the change.

Sailing Instructions

10.1 The Finishing Line will be between the staff displaying an orange flag on the port side of the Committee Vessel and the course side of a yellow inflatable mark with the lettering RSYS.

10.2 When the Committee Vessel is on station it will be on the starboard end of the line when viewed from the last mark of the course and may display a blue flag.

10.3 When the Committee Vessel is on station, the Finishing Line and one metre on either side of the Finishing Line shall rank as an obstruction and boats shall not cross it from either direction unless finishing. Any boat which fails to observe this instruction shall be scored DSQ without a hearing (amends RRS 63).