

International Dragon Class 2009 Australian Championship Incorporating the Prince Philip Cup & Ted Albert Memorial Regatta

Protest No. 8

Race 5

Liquidity DAUS 204 & Waliki AUS 145

Hearing at the Royal Sydney Yacht Squadron, Kirribilli on the 9th January 2009 at 18:00 Hours.

Protest Committee: John Kirkjian, Timothy Cox, Chris Harper & Peter Edwards

DAUS 204 represented by: Richard Franklin

DAUS 145 represented by: Andrew Merrett

FACTS FOUND.

1. DAUS 204 did not hail “protest” and display a red flag in accordance with RRS 61.1(a).
2. As a collision had occurred between DAUS 204 and DAUS 145 that resulted in the sinking of DAUS 204 and the breaking of the mast of DAUS 145. The Protest Committee declared the protest valid in accordance with RRS 61.1(a) (3)
3. DAUS 204 had rounded the bottom mark and tacked on to a close hauled starboard tack.
4. DAUS145 was sailing downwind on port gybe and on a converging course with DAUS 204.
5. Approximately one to two minutes later a collision occurred between the masts of DAUS 204 and DAUS 145 resulting in the sinking of DAUS 204.
6. When DAUS 204 became aware that DAUS 145 was not keeping clear she attempted to avoid contact by putting her helm down.
7. Neither boat was able to continue racing.

CONCLUSION

1. DAUS 145 a port tacking boat failed to keep clear of DAUS 204 a starboard tacking boat RRS 10.
2. It was reasonably possible for DAUS 145 to avoid contact with DAUS 204 RRS 14
3. The damage to DAUS 204 and DAUS 145 was serious RRS 44.1(b).
4. It was not reasonably possible for DAUS 204 to avoid the contact with DAUS 145 when she became aware that DAUS 145 was not keeping clear.
5. DAUS204 is entitled to redress RRS 62.1 (b).

RULES APPLICABLE:

RRS: 10, 14, 44.1, 61.1(a) (3), 62.1(b), 64.2 and Appendix A 10 (a)

DECISION:

1. DAUS 145 is to be scored DSQ in race 5.
2. DAUS 204 is granted points equivalent to eleventh place in race 5 and average points for races 6 & 7 calculated in accordance with Appendix A 10(a)

John C. Kirkjian
Chairman

10 ON OPPOSITE TACKS

When boats are on opposite *tacks*, a *port-tack* boat shall *keep clear* of a *starboard-tack* boat.

14 AVOIDING CONTACT

A boat shall avoid contact with another boat if reasonably possible. However, a right-of-way boat or one entitled to *room* or *mark-room*

- (a) need not act to avoid contact until it is clear that the other boat is not *keeping clear* or giving *room* or *mark-room*, and
- (b) shall not be penalized under this rule unless there is contact that causes damage or injury.

44.1 Taking a Penalty

A boat may take a Two-Turns Penalty when she may have broken a rule of Part 2 while *racing* or a One-Turn Penalty when she may have broken rule 31. Sailing instructions may specify the use of the Scoring Penalty or some other penalty. However,

- (a) when a boat may have broken a rule of Part 2 and rule 31 in the same incident she need not take the penalty for breaking rule 31;
- (b) if the boat caused injury or serious damage or gained a significant advantage in the race or series by her breach her penalty shall be to retire.

61.1 Informing the Protestee

- (a) A boat intending to protest shall inform the other boat at the first reasonable opportunity. When her *protest* concerns an incident in the racing area that she is involved in or sees, she shall hail 'Protest' and conspicuously display a red flag at the first reasonable opportunity for each. She shall display the flag until she is no longer *racing*. However,
 - (1) if the other boat is beyond hailing distance, the protesting boat need not hail but she shall inform the other boat at the first reasonable opportunity;
 - (2) if the hull length of the protesting boat is less than 6 metres, she need not display a red flag;
 - (3) if the incident results in damage or injury that is obvious to the boats involved and one of them intends to protest, the requirements of this rule do not apply to her, but she shall attempt to inform the other boat within the time limit of rule 61.3.
- (b) A race committee or protest committee intending to protest a boat shall inform her as soon as reasonably possible. However, if the *protest* arises from an incident the committee observes in the racing area, it shall inform the boat after the race within the time limit of rule 61.3.
- (c) If the protest committee decides to protest a boat under rule 60.3(a)(2), it shall inform her as soon as reasonably possible, close the current hearing, proceed as required by rules 61.2 and 63, and hear the original and the new *protests* together.

REDRESS

- 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 finishing place 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 or protest committee,
 - (b) 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
 - 1. (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.

A10 **GUIDANCE ON REDRESS**

If the protest committee decides to give redress by adjusting a boat's score for a race, it is advised to consider scoring her

- (a) points equal to the average, to the nearest tenth of a point (0.05 to be rounded upward), of her points in all the races in the series except the race in question;