

Royal Sydney Yacht Squadron

International Etchell Class NSW State Championship

PROTEST No 4

Race 8

Magic Carpet AUS 1360 v Avalon AUS 1346

Hearing at RSYS on Sunday, 28th February 2010

Protest Committee; Douglas Talty, Bernie van't Hof & John Kirkjian,

Magic Carpet was represented by; Marcus Wait

Avalon was not represented

FACTS FOUND

- 1. Notice of the time and place of the hearing was posted on the RSYS Official Notice board in accordance with Sailing Instruction 16.2.**
- 2. Avalon did not attend the hearing however her representative notified the RSYS Sailing office by telephone that she was retiring from the race in acknowledgement of her breach of the Racing Rules of Sailing**
- 3. The protest committee proceeded with the protest hearing in accordance with 63.3(b).**
- 4. The protest was declared valid in accordance with RRS 61.1 (a) (3) as a collision had occurred that had resulted in damage that was obvious to both boats.**
- 5. Magic Carpet was sailing close hauled on starboard tack.**
- 6. Avalon was reaching on port tack.**
- 7. Magic Carpet and Avalon were sailing on a collision course.**
- 8. Magic Carpet called "starboard" a number of times.**
- 9. Avalon altered course to starboard and a collision occurred causing serious damage to Magic Carpet.**
- 10. It was not reasonably possible for Magic Carpet to avoid contact with Avalon**
- 11. Magic Carpet was unable to continue racing.**
- 12. Avalon retired from the race and stood by Magic Carpet to render assistance.**

CONCLUSION

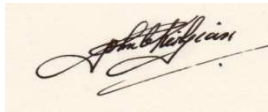
1. The protest is valid.
2. Avalon a port tack boat failed to keep clear of Magic Carpet a starboard tack boat.
3. Avalon having retired from the race as required by RRS 44.1(b) is not subject to further penalty.
4. Magic Carpet is entitled to redress.

RULES APPLICABLE

RRS 1.1, 10, 14, 61.1(a) (3), 63.2, 63.3(b) Appendix A 10(a)

DECISION

1 Magic Carpet is granted average points for race 8 calculated in accordance with Appendix A10(a)



John Kirkjian.
Chairman

- | | |
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| 1 | SAFETY |
| 1.1 | Helping Those in Danger
A boat or competitor shall give all possible help to any person or vessel in danger. |
| 10 | ON OPPOSITE TACKS
When boats are on opposite <i>tacks</i> , a <i>port-tack</i> boat shall <i>keep clear</i> of a <i>starboard-tack</i> 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 <i>room</i> or <i>mark-room</i> <ol style="list-style-type: none">(a) need not act to avoid contact until it is clear that the other boat is not <i>keeping clear</i> or giving <i>room</i> or <i>mark-room</i>, and(b) shall not be penalized under this rule unless there is contact that causes damage or injury. |

61 PROTEST REQUIREMENTS

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.

63.2 Time and Place of the Hearing; Time for Parties to Prepare

All *parties* to the hearing shall be notified of the time and place of the hearing, the *protest* or redress information shall be made available to them, and they shall be allowed reasonable time to prepare for the hearing.

63.3 Right to Be Present

- (a) The *parties* to the hearing, or a representative of each, have the right to be present throughout the hearing of all the evidence. When a *protest* claims a breach of a rule of Part 2, 3 or 4, the representatives of boats shall have been on board at the time of the incident, unless there is good reason for the protest committee to rule otherwise. Any witness, other than a member of the protest committee, shall be excluded except when giving evidence.
- (b) If a *party* to the hearing of a *protest* or request for redress does not come to the hearing, the protest committee may nevertheless decide the *protest* or request. If the *party* was unavoidably absent, the committee may reopen the hearing.

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;
- (b) 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 before the race in question; or
- (c) points based on the position of the boat in the race at the time of the incident that justified redress.