

Sydney 38 O.D. Class NSW State Championship 2010

Protest No.1

Race 3

Old School 8938 v Race Committee

Hearing at the Royal Sydney Yacht Squadron, on the 30th October 2010 at 18:00 Hours.

Protest Committee: Steven Hatch, Lister Hughes & John Kirkjian,

Old School represented by: Mark Griffin

Race Committee represented by: Rob Ridley

FACTS FOUND

1. The Race Committee observed Old School to be on the course side of the starting line at the starting signal for Race 3.
2. The Race Committee displayed code flag X and made the obligatory sound signal.
3. Clause 11.1 of the Sailing Instructions stipulates "In addition to RRS 29.1, the Race Committee MAY call boats on VHF channel 69".
4. The Race Committee called the boat 3938 on VHF Frequency 69 as been on the course side of the starting line at the starting signal.
5. There was no boat 3938 competing in the race.
6. The Race Committee did not advise Old School by radio that she was on the course side of the line at the starting signal.
7. Old School was scored OCS by the Race Committee.
8. At 17:02 00 hours the Race Committee advised the fleet on VHF channel 69 that the time limit for lodging protests would expire at 18:31:33
9. At 18:12:00 hours the Race Officer personally notified the skipper of Old School that she had been scored OCS in Race 3.
10. Old School lodged her request for redress with the Race Officer at 19:30 hours -- 58.5 minutes outside the time limit.

CONCLUSION

1. Old School's request for redress was lodged outside the time limit for lodging protests.
2. There was no good reason for the Protest Committee to extend the time limit for lodging protests.


3. Old Schools request for redress is invalid.
4. The Race Committee had complied with all the requirements of RRS 29.1
5. The Race Committee was not obligated to notify boats by VHF channel 69 that they were on the course side of the starting line at the starting signal.
6. There was no improper action or omission by the Race Committee.

RULES APPLICABLE:

RRS: 29.1, 61.3, 62.1(a) and SI 11.1

DECISION:

1. Old School's request for redress is declined...

A handwritten signature in black ink on a light-colored background. The signature is cursive and appears to read 'John C. Kirkjian'.

John C. Kirkjian
Chairman

29.1 Individual Recall

When at a boat's starting signal any part of her hull, crew or equipment is on the course side of the starting line or she must comply with rule 30.1, the race committee shall promptly display flag X with one sound. The flag shall be displayed until all such boats are completely on the pre-start side of the starting line or one of its extensions and have complied with rule 30.1 if it applies, but no later than four minutes after the starting signal or one minute before any later starting signal, whichever is earlier. If rule 30.3 applies this rule does not.

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.

62 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 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).

SI 11.1 In addition to RRS 29.1, the Race Committee MAY call boats on channel 69".