

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

**Protest No.9**

**Race 4**

**Taranui DAUS 184 & Murka 9 DRUS 99**

## **REOPENING**

Hearing at the Royal Sydney Yacht Squadron, Kirribilli on the 9<sup>th</sup> January 2009 at 18:00 Hours.  
**Protest Committee:** John Kirkjian, Timothy Cox, Chris Harper & Peter Edwards.

**DAUS 184 represented by: M. Whitnall; crew witness J. Dwyer**

**DRUS 99 represented by: I. Ivasnintsov; with Olga as an interpreter.**

## **FACTS FOUND**

1. Protest hearings No.6/7 was reopened as the protest committee believes it may have made a significant error disqualifying DAUS 184 under RRS 18.4.
2. DAUS 184 sailing on port gybe approaching the port hand leeward gate mark that was to be rounded to starboard.
3. DRUS 99 was sailing on port gybe approaching the port hand leeward gate mark that was to be rounded to starboard...
4. DAUS184 entered the three boat length zone at the mark with an inside leeward overlap on DRUS 99 who was about one boats length to windward.
5. DRUS 99 dropped her spinnaker at three boat lengths from the mark.
6. DAUS 184 and DRUS99 gybed simultaneously when abeam the mark;
7. DRUS 99 completed the gybe to starboard in preparation to round the mark.
8. DAUS 184 had a very late spinnaker drop and sailed further past the mark than was required for her to sail her proper course at the mark. This was confirmed by the independent witness Mikhail Muratop, Gordon Hines and DAUS 184 crew witness Jim Dwyer.
9. DRUS 99 made contact with DAUS 184's port quarter causing serious damage (broken backstay and runner).
10. DAUS 184 was not keeping a proper lookout for DRUS 99 and took no action to avoid contact with her.
11. DRUS 99 failed to take action to avoid contact with DAUS 184.
12. Neither boat completed the race.

## **CONCLUSION**

1. DAUS 184 by taking more mark room than required for her to sail her proper course infringed RRS 18.2
2. DAUS 184 did not take any action to avoid contact DRUS 99 infringing RRS 14.
3. DRUS99 should have given DAUS 184 the additional room she was taking and then protest her for not sailing a proper course as required by.RRS 18.2
4. DRUS 99 for failing to avoid contact with DAUS 184 infringed RRS 14.

## **RULES APPLICABLE:**

**RRS:** 14, 18.2, Definitions of Mark Room and Proper Course

## **DECISION:**

1. DAUS184 is to be scored DSQ in Race 4
2. DAUS 184 request for redress is refused
3. DRUS 99 request for redress is refused
4. DRUS 99 is to be scored DSQ in Race 4

*John C. Kirkjian*  
*Chairman*

### **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

### **18.2 Giving Mark-Room**

(a) When boats are *overlapped* the outside boat shall give the inside boat *mark-room*, unless rule 18.2(b) applies.

(b) If boats are *overlapped* when the first of them reaches the *zone*, the outside boat at that moment shall thereafter give the inside boat *mark-room*. If a boat is *clear ahead* when she reaches the *zone*, the boat *clear astern* at that moment shall thereafter give her *mark-room*.

(c) When a boat is required to give *mark-room* by rule 18.2(b), she shall continue to do so even if later an *overlap* is broken or a new *overlap* begins. However, if either boat passes head to wind or if the boat entitled to *mark-room* leaves the *zone*, rule 18.2(b) ceases to apply.

(d) If there is reasonable doubt that a boat obtained or broke an *overlap* in time, it shall be presumed that she did not.

(e) If a boat obtained an inside *overlap* from *clear astern* and, from the time the *overlap* began, the outside boat has been unable to give *mark-room*, she is not required to give it.

**Mark-Room** Room for a boat to sail to the *mark*, and then *room* to sail her *proper course* while at the *mark*. However, *mark-room* does not include *room* to tack unless the boat is *overlapped* to *windward* and on the inside of the boat required to give *mark-room*.

**Proper Course** A course a boat would sail to *finish* as soon as possible in the absence of the other boats referred to in the rule using the term. A boat has no *proper course* before her starting signal.