

# DECISION

Request No.: 08

## Protest

Event: 2023 Club Marine Sail Brisbane Race Number:  
Hearing Schedule: 2023-12-10 15:45

### PARTIES AND WITNESSES

**Request No.: 08:** Optimist Open Fleet - AUS 812 - Sun Rise - Morgan Grieve

Opti - 1773 - lill bomber

**Witnesses:** Nathaniel McCarthy for 812.

### VALIDITY

**Objection to Jury:** No

**Within Time Limit:** Within Time Limit

**Incident Identified:** Yes

**Proper Hail:** Protest hailed

**Red Flag Displayed:** Not required

**Decision:** Request Valid

### PROCEDURAL MATTERS

1. Validity established at arbitration.

### FACTS FOUND

1. 12+ knots small wind waves.
2. At a downwind gate mark at the zone 812 claimed they were clear ahead of 1773.
3. 1773 claimed they had an inside overlap on 812 at the zone.
4. There was contact between 1773, the mark and 812.
5. There was superficial damage to 812.
6. No penalty turns taken by either boat.
7. Both boats finished the race.

**Diagram:** Diagram not endorsed

### CONCLUSIONS AND RULES THAT APPLY

**Rules:** 14; 18.2(e); 31

1. There was reasonable doubt that an overlap was obtained or broken by either boat, therefore it is presumed there was no overlap, RRS 18.2(e).
2. 1773 did not avoid contact with 812 when it was reasonably possible to do so and broke RRS 14.
3. 812 broke RRS 14 but is exonerated as it was not reasonably possible to avoid contact with 1773, RRS 14.
4. 1773 touched the mark and did not complete a penalty turn and broke RRS 31.

### DECISION

1. 1773 is to be scored DSQ in race 5.

**Date & Time:** 2023-12-10 17:06 AEST

### PROTEST COMMITTEE

**Committee Type:** Protest Committee

**Chaired By:** Neville Willis (AUS)

**Committee Members:** Mark Gallagher (AUS), Greg Kemp (AUS), Jan Kemp (AUS), David Irvine (AUS)