

DECISION

Protest

Request No.: 01

Heard Jointly With Number(s): 02

Event: Tan Lines Distilling Int OK Dinghy Aust Champs Race Number: 1
Hearing Schedule: 2024-02-19 17:30

PARTIES AND WITNESSES

Request No.: 01: OK - AUS780 - OKassionally - David Haseldine

OK - AUS823 - Steve Wilson

Request No.: 02: OK - AUS 823 - Steve Wilson

OK - AUS780 - David Haseldine

VALIDITY

Objection to Jury: No

Within Time Limit: Within Time Limit

Incident Identified: Yes

Proper Hail: Protest hailed

Red Flag Displayed: N/A

Decision: Request Valid

PROCEDURAL MATTERS

1. Hearing initially scheduled for 1700 hrs was adjourned to 1730 hrs to give AUS823 more time to prepare for the hearing.
2. Hearing No. 1 was heard together with hearing No. 2 in accordance with RRS 63.2 since both hearings arose from the same incident.
3. Kate Thompson attended the hearing as an observer for AUS 780.
4. Ashley Parkinson attended as a witness for AUS823.
5. AUS 780 was represented by David Haseldine.
6. AUS 823 was represented by Steve Wilson.
7. No objections on grounds of conflict of interest.
8. Both parties hailed protest.
9. Both protests deemed valid.

FACTS FOUND

1. Wind 10-12kn, sea state choppy.
2. AUS780 and AUS823 sailing on a broad reach on a port tack
3. AUS 780 and AUS 823 were overlapped when they entered the zone of Mark 4 with AUS823 inside AUS780.
4. AUS780 and AUS823 rounded Mark 4.
5. As AUS 823 cleared the mark, AUS780 altered course toward close hauled.
6. AUS 823 the windward boat altered course in response.
7. There was contact between AUS 823 starboard stern quarter and AUS780 amidship on its port side causing hull damage to AUS 780.
8. Both boats finished the race.
9. Neither boat took a penalty.

Diagram: Diagram not endorsed

CONCLUSIONS AND RULES THAT APPLY

Rules: 11, 14, 16.1, 18.1, 43.1(b)

1. Mark-room was given to AUS823 by AUS780 and hence RRS 18 no longer applied in accordance with RRS 18.1.
2. When changing course, AUS780 the right-of-way boat failed to give AUS823 room to keep clear, and broke RRS

16.1.

3. AUS780 did not avoid contact when it was reasonably possible, and broke RRS 14.
4. AUS823 to windward failed to keep clear of AUS780 to leeward, and broke RRS 11.
5. Since AUS823 broke RRS 11 while she was sailing within the room to which she was entitled, she is exonerated under RRS 43.1(b) for this breach.
6. It was not reasonably possible for AUS823 the boat sailing within the room to which she was entitled to avoid contact with AUS780 when it was clear that AUS780 was not giving AUS823 room. AUS823 did not break RRS 14.

DECISION

Date & Time: 2024-02-19 19:02 AEST

AUS 780 is scored DSQ in Race 2

PROTEST COMMITTEE

Committee Type: National Jury

Chaired By: Ed Vincent (AUS)

Committee Members: Philippe Mazard (FRA), Nev Willis (AUS), Greg Kemp (AUS), Jan Kemp (AUS)

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