

DECISION

Request No.: 01

Protest

Event: 2021 RQYS Div Yacht Racing Race Number: WAGS 13.01.2021

Hearing Date: 2021-02-24

PARTIES AND WITNESSES

Request No.: 01: WAGS - RQ233 - Time After Time - Ian Highet

WAGS - La Dane - Len Barnes

Witnesses: Ian Highet (for TAT); Len Barnes (for LD); Scott Cameron (written statement); James Tapp (Sailing Manager RQYS); Bill Thorburn (for TAT)

VALIDITY

Objection to Jury: No

Within Time Limit: Beyond with Good Reason See procedural

Incident Identified: Yes

Proper Hail: Hail not required

Red Flag Displayed: No

Decision: Request Valid See procedural.

PROCEDURAL MATTERS

1. Incident occurred on 13/02/2021.
2. Protest lodged 14/02/2021.
3. In the time between the incident and protest lodgment the protestor, the RQYS Sailing Manager; Mark Gallagher (a member of the Protest Committee) attempted to contact the protestee by phone call, and email to advise the boat of the protest.
4. The protest form satisfies RRS 61.2.
5. SI 12.1 encourages resolution of on water incidents without recourse to protest.
6. The protestor only resorted to SI 12.2 only after attempts to resolve the matter under SI 12.1 were unsuccessful.
7. Protest valid.

FACTS FOUND

1. Approx. 15kt wind, and excellent visibility.
2. LD sailing singlehanded.
3. TAT had five crew on board.
4. Time After Time (TAT) tacked onto starboard ahead of LD on port approaching Hope Bank mark outside the zone.
5. LD intent was to pass astern of TAT.
6. TAT and LD continued to converge, TAT hailed LD to keep clear.
7. When it was clear to TAT that contact with LD was possible they luffed attempting to avoid contact.
8. There was contact between the starboard pontoon and bow of LD and the port stern quarter and stern of TAT.
9. Both boats sustained damage.
10. LD had an anchor fitted to the bow in its normal position.
11. LD did not agree to the introduction of written evidence of Scott Cameron.
12. Both boats retired.

Diagram: Endorsed by Protest Committee

CONCLUSIONS AND RULES THAT APPLY

1. LD on port tack did not keep clear of TAT on starboard tack, RRS 10.
2. It was reasonably possible for LD to avoid contact with TAT, RRS 14.
3. TAT acted to avoid contact with LD when it was clear that LD was not keeping clear, RRS 14.
4. TAT cannot be exonerated because there was damage, RRS 43.1(c).
5. LD breached SI 1.3, 12.1, and 14.3.

DECISION

As both boats retired no further penalty is applied.

Date & Time: 2021-02-24 18:48 AEST

PROTEST COMMITTEE

Chaired By:

Committee Members: Mark Gallagher (AUS), Nev Willis (AUS), Michael O'Neill (AUS)