

RMYCT Protest Committee Decision

Event: RKR Race 5 Division 3

PARTIES

Boat/Class/Fleet/RC/PC	Represented By
Marilyn (M80)	Ian Coulin
Santana (M236)	Michael Graham

Hearing date
14/03/2024

Protest or request valid / ~~Protest or request invalid, hearing is closed~~

Case Summary:

Witnesses: Mark Philpott (Santana), Peter McLeod (Marilyn), Colin May (Marilyn), Julie Edmonds (on shore)

Procedural Matters

1. The PC comprised representatives from at least two clubs (RMYC and LMYC) as required by the Sailing Instructions.
2. Arbitration was conducted but the opinion of the mediator (Evan McHugh) was not accepted by both parties.

Facts found:

1. Santana, a Swan 43, and Marilyn, a Dufour 40, were on starboard approaching the start line, 15 seconds after the start, in 20-30 knot winds, close reaching. Not overlapped.
2. Approaching the Inner Distance Mark (IDM), Marilyn was one boat width below the IDM when Santana became overlapped to windward of Marilyn.
3. At the start line, Marilyn altered course to close hauled and hailed Santana to keep clear.
4. Santana hailed 'you can't do that' and 'sail your course'.
5. Santana had room to keep clear of Marilyn without touching the IDM.
6. Marilyn bore away to avoid contact and protested.

Conclusion & Applicable Rules: Rule 11, 16.1

When Marilyn altered course to close hauled, Marilyn gave Santana room to keep clear and did not break rule 16.1. Santana, the windward boat, did not keep clear of Marilyn, the leeward boat, and broke rule 11.

Decision:

Santana is disqualified.

Protest committee: Evan McHugh RJ (chair), Bruce Dobinson

Parties advised: 14/3/2024

HEARING REQUEST FORM and OTHER REQUESTS FOR ACTION BY THE PROTEST COMMITTEE

Received Date: 3/3/24		Time: 1635		By: RA-		Protest Time Limit: 1644		Case Number:	
1. Date of Race: 2.3.04			Series: R.R. ROBERTSON			Race Number: ANNUAL R/S 23			
2. TYPE of HEARING					<input type="checkbox"/> Request to have a hearing full jury (RRS N1.4(b)) <input checked="" type="checkbox"/> Protest – (an allegation that one or more boats broke a rule) <input type="checkbox"/> Report for DP Penalty (RRS 64.6) <input type="checkbox"/> Request for redress <input type="checkbox"/> Report concerning a Support Person <input type="checkbox"/> Request to reopen a hearing (RRS 68) <input type="checkbox"/> Report of Misconduct (RRS 69)				
3. MY DETAILS – The INITIATOR – the protestor, the person making the allegation, request or report									
Class/Fleet: DIVISION 3		Sail No/Boat Name: MARILYN M80			OR		Committee:		
Represented By: OWNER/SKIPPER IAN COULIN SHEET HAND JEFF BRAY		Name: IAN COULIN			Telephone: 0414453321				
					e-mail:				
4. The RESPONDENT – protestee, committee for redress, support person, person reported for misconduct.									
Class/Fleet or Committee: L.M.Y.C. DIV 3			Sail No/Boat Name/Person: SANTANA			Telephone (if known): 0425278182			
5. INFORMING the PROTESTEE – If you are protesting, how did you inform the boat of your intention to protest?									
By hailing: <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes									
Displaying Red Flag: <input type="checkbox"/> Not required <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes									
Informed some other way: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes									
6. The INCIDENT When and Where?					Diagram (if relevant): Include wind and current.				
Brief Description. AFTER START (20 SECS) MARILYN AT BOAT END. SANTANA BARGED FROM WINDARD, CAUSING MARILYN TO PULL AWAY TO AVOID A COLLISION									
Rules that apply: RULE 11					Names of witnesses:				

Continue on the back of this form or other paper if necessary.