

24.2.18  
Received by race office: Number ..... Date and time 2pm Signature M. B... Kedress Hearing:

# PROTEST FORM – also for requests for redress and reopening

RECEIVED  
23 FEB 2018

Fill in and tick as appropriate

1. EVENT SYC AGGREGATE #3 Organizing authority SYC Date 24/02/18 Race no. 1

## 2. TYPE OF HEARING

- Protest by boat against boat ☒ Request for redress by boat or race committee ☐  
Protest by race committee against boat ☐ Consideration of redress by protest committee ☐  
Protest by protest committee against boat ☐ Request by boat or race committee to reopen hearing ☐  
Consideration of reopening by protest committee ☐

## 3. BOAT PROTESTING, OR REQUESTING REDRESS OR REOPENING

Class DIV 1 Sail no. SM8 Boat's name DREAM

Represented by ROBERT GREEN Tel., e-mail greenso@dconnexus.net.au  
0402 076 469

## 4. BOAT(S) PROTESTED OR BEING CONSIDERED FOR REDRESS

Class DIV 3 Sail no. SM99 Boat's name PRIMO

## 5. INCIDENT

Time and place of incident DOWNWIND LEG 2 OF RACE 1

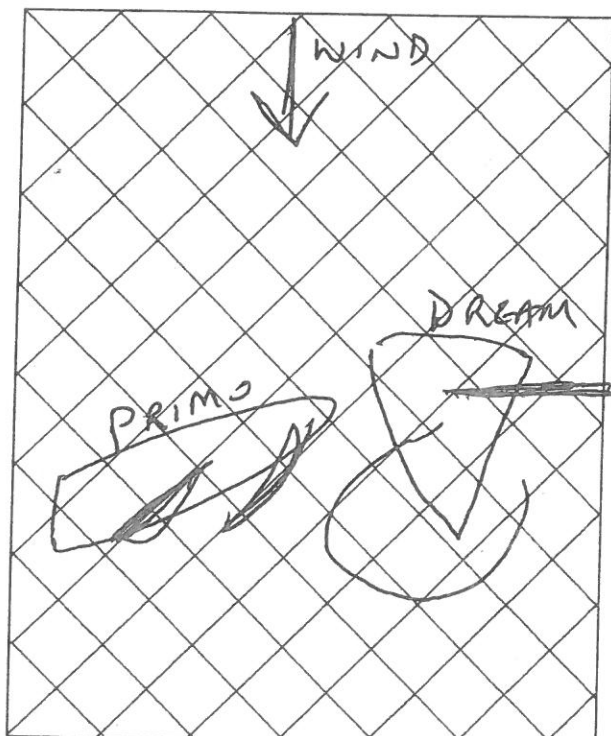
Rules alleged to have been broken 10 Witnesses ENTIRE SHIPS COMPANY  
DREAM

## 6. INFORMING PROTESTEE How did you inform the protestee of your intention to protest?

- By hailing ☒ When? IMMEDIATELY FOLLOWING PROTEST Word(s) used INCIDENT  
By displaying a red flag ☒ When? WITHIN 1 MINUTE OF INCIDENT  
By informing her in some other way ☒ Give details RADIO VHF CH 77

## 7. DESCRIPTION OF INCIDENT (use another sheet if necessary)

Diagram: one square = hull length; show positions of boats, wind and current directions, marks.



DREAM ON STARBOARD  
ON SECOND RUN OF RACE  
WIND 25K SAILING  
DEEP FOR CONTROL  
PRIMO ON PORT "ON THE  
WIND"  
MUCH SHOUTING AND GESTICULA-  
FROM DREAM TO WHICH  
PRIMO FINALLY RESPONDED BY  
LUFFING SLIGHTLY - BUT NOT  
ENOUGH. THE WIND INSTRUMENTS/  
AERIALS OF PRIMO TORE THE  
SPINNARER OF DREAM DAMAGE  
ESTIMATED AT \$12000-00  
PRIMO ACKNOWLEDGED BY LATER COMPLETING 720° TURN

## **DREAM REQUEST FOR REDRESS**

### **SUPPLEMENTAL NOTES**

**Event:** Resail of SYC Aggregate No 3

Saturday 24 February 2018

**Applicable Rules:** 60 & 62

#### **Race Incident Giving Rise to Request:**

A "port & starboard" incident.

In true wind of approximately 25 knots, Dream, competing in Division 1, was running, with, spinnaker set, on starboard tack (or gybe), on the second run, of the course .

Primo, competing in Division 3, was "on the wind", on port tack, on the second beat of her course.

The two boats were approximately half way between the windward & leeward marks, with Dream approaching Primo at some 13 knots of boat speed. It became apparent that the yachts were on converging courses, with doubt as to whether or not, without alteration of course, Dream would pass , clear ahead of Primo.

Primo responded to hails, and gesticulating, (from Dream), by "luffing", and slowing, so Dream continued in her course, to cross ahead of Primo. After Dream had passed, downwind of, or to leeward, of the course line of Primo, Primo was affected by a gust of wind, which caused her to further heel , with the result the the masthead equipment, on the mast of Primo, collided with the spinnaker of Dream, causing the spinnaker to burst, and tear in several places, and for the remnants to fall into the sea.

#### **Dream's Claim:**

Dream's claim is that, in the windward/leeward course set, Dream was disadvantaged by not having a spinnaker available to her, for the remaining one half (approximately) of the course to be sailed, (including the remainder of the leg then being sailed, together with another full leg of "running"), and that such disadvantage was so significant, that the seamanlike decision was not to risk further damage, to the boat & gear, when only a poor placing or result could be anticipated. Dream informed the Race Committee that Dream was retiring by reason of sail damage.

The claim is that Dream's score or place, was made significantly worse through no fault of her own (the "fault" lying with Primo), and that it was the action of a boat (Primo) breaking a rule of Part 2 (that being Rule 10, a port tack boat shall keep clear of a starboard tack boat) that caused the score or place to be significantly worse.

#### **Redress Sought:**

As the race was an "Aggregate" Race, Dream seeks, as "redress" that Dream be reinstated into the results with –say – a placing equivalent to the average of Dream's placings in the other Aggregate races.

# Decision of Protest Committee

**Protest Number:** 2  
**Protest Heard With:** -  
**Date of Hearing:** 19th March, 2018  
**Organising Authority:** SYC  
**Event:** SYC summer aggregate  
**Date of Incident:** 24 Feb, 2018  
**Race Number:** 3  
**Boat Contesting:** Dream Sm8  
**Representative** Robert Green  
**Boat(s) Contested:** Primo Sm99  
**Representative:** Steve (NB! The representative declined the invitation to be present.)  
**Translator(s):** N/A  
**Validity:** Valid  
**Facts Found:**


1. Dream was on sailing downwind on starboard gybe, primo was on port tack sailing upwind.
2. Primo luffed to a higher course to cross astern of Dream.
3. A large gust of wind caused Primo to heel significantly, causing Primo's masthead to come into contact with Dream's spinnaker causing it to disintegrate.
4. Primo performed a 720 degree penalty turn.
5. Primo subsequently informed the race officer of her retirement in acknowledgement of breaking the rule.
6. It was not reasonably possible for Dream to avoid contact.

**Diagram:** N/A.  
**Conclusions:**

1. Primo did not keep clear of Dream, which resulted in contact between the mast of Primo and the spinnaker of Dream causing damage.

**Rules that Apply:** 10, 14  
**Decision:**

1. As Primo retired from the race no further penalty applies.

**Protest Committee:** Daniel Edwards (CJ), Jack Fullerton (CJ), Paul Mentiplay, and Darren Eger NJ (chairman)  
**Chairman's Signature:**   
**Decision Advised:** 19 March, 2018 at 2045

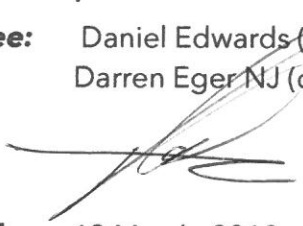
# Decision of Protest Committee

**Protest Number:** 3 (redress resulting from protest 3)  
**Protest Heard With:** -  
**Date of Hearing:** 19th March, 2018  
**Organising Authority:** SYC  
**Event:** SYC summer aggregate  
**Date of Incident:** 24 Feb, 2018  
**Race Number:** 3  
**Boat requesting redress:** Dream Sm8  
**Representative:** Robert Green  
**Boat(s) Protested:**  
**Representative:**  
**Translator(s):** N/A  
**Validity:** Valid  
**Facts Found:**

1. Primo broke rule 10, 14.
2. After the incident, Dream continued to sail the remainder of the downwind leg and chose to retire from the race.
3. Dream considered that she would be uncompetitive without a spinnaker. And therefore she chose to retire.
4. Dream was not carrying a spinnaker appropriate to the wind conditions.

**Diagram:** N/A.  
**Conclusions:**

1. Dream is denied redress on the grounds that her withdrawal from the race does not suffice Rule 62.

**Rules that Apply:** 10, 14  
**Decision:** .  
**Protest Committee:** Daniel Edwards (CJ), Jack Fullerton (CJ), Paul Mentiplay, and Darren Eger NJ (chairman)  
**Chairman's Signature:**   
**Decision Advised:** 19 March, 2018