

Middle Harbour Yacht Club Wednesday Non-Spinnaker Series 2019

Request for Redress by Race Committee All Division 1 Boats

Hearing at Middle Harbour Yacht Club, on 11 September 2019 at 19:00 Hours.

CONFLICT OF INTEREST

Protest Committee members declared that they had no conflicts of interest except that Nicola Bethwaite declared that her husband competed in Division 1 of the series.

Parties consented to Nicola Behtwaite being a member of the protest committee in accordance with rule 63.4(b)

REQUESTS, PARTIES, REPRESENTATIVES AND ATTENDANCE

Request 1 was a request for redress by the race committee for Zen.

Request 2 was a request for redress by the race committee for All Boats in Division 1.

The two Requests related to the same incident and are to be heard together.

Notice of the date, time and place of the hearing was given to all parties by email, including copies of the requests for redress on 30 Aug. 2019, at 14:21pm.

The following boats competed in Race 13 Division 1 and are parties to the hearing:

MH22 Tempo

MH20 Advanced Philosophy

MH777 Lazy Dog

S802 Austmark

64221 Zen

represented by

Steven Ewin

No representatives of boats other than 64221 Zen came to the hearing and, notice of the hearing having been properly given, the protest committee continued the hearing in their absence in accordance with rule 63.3b.

FACTS FOUND

1. The course signalled for Race 13 was Course 9 which is specified in the Si as 1. Start MHYC - 2. AS Mark Lady Bay - 3. AS Mark Rocky Point - 4. AS Mark Edwards Beach - 5. AS Mark Manly West - 6. AS Mark Manly East - 7. AS Mark Cannae Point - 8. AS Mark Lady Bay (*) - 9. AS Mark Rocky Point - 10. AS Mark Edwards Beach - 11.(x) AS Mark Manly West - 12.(x) AS Mark Manly East - 13. AS Mark Cannae Point - 14. Finish MHYC.
2. Finish MHYC is defined in SI 6.1 as the Clubhouse Finish Line.
3. SI 4.2 provides

Courses will automatically be shortened at the mark indicated by () in the event that the leading boat in its division has not reached that mark by 1430 hours or 1500 in daylight savings. All subsequent marks will be omitted and the fleet will proceed directly to the finish after having rounded. The boat responsible for shortening shall fly a **yellow ribbon or flag** prominently from her backstay to advise the remainder of the fleet of her decision and immediately inform the race committee of her action by mobile phone on 9969 1244 or VHF CH72.*

4. No boat in Division 1 reached the Lady Bay mark, the mark indicate by (*) in the course description by 14:30 hours.
5. Zen, the first boat in Division 1, reached the Lady Bay mark about 14:40 hours, displayed a yellow flag, notified the race committee by phone to 9969 1244 and proceeded directly to the Clubhouse Finish Line.
6. About 14:45 hours, the race committee advised competitors by VHF, that the course would be shortened at Mark 10 Edwards Beach mark in accordance with rule 32. The race

committee vessel displayed flag S with two sounds near the Edwards Beach mark about 15:03 hours, and recorded finishing places and times there for all boats except Zen.

7. Zen crossed the Clubhouse Finish Line about 15:07 hours and this was recorded by a member of MHYC staff.
8. No other boats crossed the Clubhouse Finish Line before Zen did.
9. The race committee scored Zen DNF.

CONCLUSION AND RULES THAT APPLY

- A. .When no boat in Division 1 had reached the Lady Bay mark by 14:30 hours, the course was 'automatically' shortened by SI 4.2 so that all marks after the Lady Bay mark were omitted and boats were required to proceed directly to the Clubhouse Finish Line.
- B. Zen complied with the requirements of SI 4.2 and finished at the Clubhouse Finish Line in accordance with the definition of *finish*.
- C. Scoring Zen DNF was an improper action by the race committee which made Zen's place in the race and series significantly worse. No fault of Zen contributed to this worsening. Zen is entitled to redress in accordance with rule 62.1a.
- D. Zen finished the race in first place.
- E. Other boats in the race had a fair race among themselves and may not be penalised without a protest hearing in accordance with rule 63.1. Their places and scores should not be disturbed.

DECISION

Zen is to be given redress by being scored in first place in Race 13. The places and scores of other boats are to remain undisturbed.

Chairman

Protest Committee: John Allan NJ, Nicola Bethwaite, John Crawford