

PROTEST COMMITTEE DECISION Case No: 1 With Case: 2 Race: 3

PARTIES		
Boat or Committee or Person	Class/Fleet	Represented By/Not Present
Outer Circle	Division 1	Dennis Arnott
Odyssey	Division 1	Simon Oliver
Bear Necessity	Division 1	Not Present

WITNESSES	
Name	Boat – Committee - Role

Valid – Yes

<p>Case Introduction: Contact while tacking prior to the start</p>
<p>Procedural Matters: <i>(Conflicts of Interest, parties not present, extending time limits)</i></p> <ul style="list-style-type: none"> • Protest 1 was Outer Circle protesting Odyssey and Bear Necessity. • Protest 2 was Odyssey protesting Outer Circle. • Protest 1 was invalid as Outer Circle failed to conspicuously display a red flag at the first reasonable opportunity, as required by RRS 60.2(a). However, as protest 2 was valid, the hearing continued. • Erica Kirby told the hearing that her husband had raced in the same division. She was not taking part in this series. All parties consented to Erica being a panel member (RRS 63.3(c)) • Geoff Ford told the hearing that he had raced in the same division. He was crewing on another boat and his own boat, Avalon, did not race. All parties consented to Geoff being a panel member (RRS 63.3(c))
<p>Facts found:</p> <ol style="list-style-type: none"> 1. Outer Circle is a J99 (9.9m). 2. Odyssey is a Pogo 36. 3. Bear Necessity is a C&C 115 (38 foot). 4. Wind was approximately 18 knots and gusty with light seas. 5. At 1 minute to the start, Odyssey on Starboard and Outer Circle on port sailing to pass behind Odyssey, both boats sailing close-hauled. 6. Bear Necessity on starboard on a collision course with Outer Circle. 7. At one boat length away from Bear Necessity, Outer Circle started to tack and contact occurred between Outer Circle and Odyssey. 8. No boats retired. 9. No boats took a penalty turn.

Balmain Sailing Club Pre-Christmas Twilight Series

Conclusion & Rules:

1. When acquiring right of way through her own actions, Bear Necessity gave Outer Circle room to keep clear in accordance with RRS 15.
2. After passing head to wind and before being on a close-hauled course, Outer Circle failed to keep clear of Odyssey. Outer Circle broke RRS 13.
3. Outer Circle did not avoid contact with Odyssey even though it was reasonably possible, and broke RRS 14(a).
4. It was not reasonably possible for Odyssey, the right-of-way boat to avoid contact with Outer Circle when it became clear that Outer Circle was not keeping clear. Odyssey did not break RRS 14(a).
5. By knowingly breaking rules 13 and 14 and not taking the appropriate penalty, Outer Circle failed to compete in compliance with the principles of sportsmanship and fair play as stated in RRS Basic Principles. Outer Circle broke RRS 2.

Decision:

Outer Circle is DNE in race 3.

Request to Withdraw:

Request Approved:

Protest Committee:

Name: Erica Kirby NJ (Chair), Ray Miller, Geoff Ford