

Royal Sydney Yacht Squadron

Saturday 14/10/23

Protest:- Vincero (AUS1343) vs Zara (1612)

Hearing at Royal Sydney Yacht Squadron on 17th October 2023 at 1800

Vincero was represented by Nick Kingsmill

Zara was represented by John Griffin

Validity

The protest was received by the race office within the time frame allowed in the SIs

AUS 1343 hailed protest. AUS1343 did not display a red flag.

As the damage to AUS1343 was serious (bent mast) the requirements of RRS61.1(a) do not apply, as per 61.1(a)(4). 1612 was informed of the protest within the protest time limit of RRS 61.3, as amended by the SIs.

This was not challenged by 1612

Facts found

1. AUS 1343 was competing in RSYS Etchells Club Championship Race 3
2. 1612 was competing in SASC Classic Overall Series Race 5.
3. At the time of the incident:
 - a. The wind was approximately 5-8 knots
 - b. The sea state was calm
4. AUS1343 was on starboard gybe having just crossed their finish line
5. Based on the weight of evidence, including an independent witness from another boat, 1612 was to windward of AUS1343 on port gybe.
6. 1612 collided with AUS1343 on the rear starboard side slewing her sideways and entangling the backstay.
7. The resulting entanglement bent the mast of AUS1343 which fits the definition of "serious damage".
8. Neither boat carried out a penalty turn.

Conclusion

1. AUS1343 is still deemed to be racing as per RRS Definitions "...clears the finishing line and marks..."
2. 1612 on port gybe was the keep clear boat (RRS10)
3. 1612 failed to keep clear and avoid contact (RRS14)
4. It was not reasonable possible for AUS1343 to take any action that would have avoided contact from the time it was clear that the other boat was not keeping clear (RRS14)

Rules Applicable

RRS10, RRS 14

Decision

Zara (1612) is to be scored DSQ in Race 5 of the SASC Classic Overall Series

Peter Campbell Lowndes

AS65217

Protest Committee: Peter Lowndes (RSYS) , Peter McCorquodale (SASC), Peter Davison (RSYS)

Closing Note:

The following is provided for informative purposes as the protest committee is aware that conflicting evidence was presented but witnesses and parties to the protest.

On the weight of evidence presented and on the balance of probabilities, the Protest Committee found that Zara was on port gybe.

If however Zara was on starboard, she would have been the either the windward, overlapped, keep clear boat (RRS11) or the clear astern, keep clear boat (RRS12). In no scenario presented during the protest would Zara not have been required to keep clear.