

DECISION

Protest

Request Number: 04

Heard Jointly With Number(s): 01, 03

Event: Sail Sydney 2018 Race Number: 9

Hearing Date: 2018-12-06

PARTIES AND WITNESSES

Initiator: 49er FX - AUS 14 - Amelia Stabback

Respondent(s): 49er FX - JPN 117 - Anna Wazaki

Witnesses: Mike Alison, Chika Harada

VALIDITY

Objection to Jury: No

Within Time Limit: Within Time Limit

Incident Identified: Yes

Proper Hail: Protest hailed

Red Flag Displayed: Not required

DECISION: Request Valid

PROCEDURAL MATTERS

FACTS FOUND

1. 15 seconds before the start on the pre-start side of the start line with 18 knots of wind and waves, JPN 117 was stationery on starboard tack with boats either side of her.
2. The crew of JPN 117 were standing up in the boat with the sails on the port side.
3. JPN 117 moved astern slowly without backing her sails.
4. AUS 14 on port tack initially bore away to pass astern of the starboard tack boats including JPN 117.
5. AUS 14 altered her course slightly to weather, was hit by a gust of wind, losing control and rounds up.
6. Shortly thereafter, contact occurred between JPN 117 port wing and AUS 14 port bow causing damage to the foot-strap and port wing of JPN 117 and damage to the port side hull near the bow of AUS 14.
7. JPN 117 did not to start.
8. AUS 14 completed the race.
9. Neither boat completed a penalty turn.

Diagram: Protest Committee diagram attached

CONCLUSIONS AND RULES THAT APPLY

1. AUS 14 on port failed to keep clear of JPN 117 on starboard as required by rule 10.
2. AUS 14 did not avoid contact with JPN 117 when it was reasonably possible to do so as required by rule 14.
3. The contact caused damage to both boats.
4. It was not reasonably possible for JPN 117, the right of way boat, to avoid contact with AUS 14.
5. JPN 117 score in the race, through no fault of her own, was made significantly worse by physical damage because of the action of AUS 14 that was breaking a rule of Part 2.

DECISION

Date & Time: 2018-12-06 18:10 AEDT

AUS 14 is DSQ in race 9

Redress given to JPN 117. JPN 117 is to be scored in race 9, points equal to the average, to the nearest tenth of a point (0.05 to be rounded upward), of her points in all the races before the race in question.

PROTEST COMMITTEE

Chaired By: Mark Townsend (USA)

Committee Members: Lister Hughes (AUS), Philippe Mazard (FRA), Mike Alison (NZL), Howard Elliott (AUS)

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