

# DECISION

Request Number: 05

Request to Reopen

Event: 2019 Australian Etchells Championship Race Number: 3

Hearing Date: 2019-01-16

## PARTIES AND WITNESSES

**Initiator:** Etchells - AUS947 - Magpie - Graeme Taylor

**Respondent(s):** Race Committee

## VALIDITY

**Objection to Jury:** No

**Within Time Limit:** Within Time Limit

**Incident Identified:** Yes

**Proper Hail:** Hail not required

**Red Flag Displayed:** Not required

**DECISION:** Request Valid

## PROCEDURAL MATTERS

### FACTS FOUND

Graeme Taylor was present during the original hearing as an observer and therefore disqualifies himself to represent the boat in relation to this incident in any further hearings.

In relation to Claim #1

947 was mentioned on the RO tape recoding as "being close" to the line within the last minute prior to the start of Race 3

Whilst the boat was not identified as being OCS prior to the starting signal, this in itself does not automatically mean the boat was not actually OCS.

The RO did identify 947 as being one of the four OCS boats immediately after the starting signal.

In relation to Claim #2

The Jury subsequently viewed higher resolution video footage of the starting sequence and this clearly shows 947 to windward and advanced on 853 which was not identified as OCS.

The footage also shows 947 on the start line whilst the class flag is still visible on the start boat.

As such the fact that 853 was not identified as OCS has no bearing on 947 being OCS or not.

In relation to Claim #3

The lowering of the class flag and any error of such was not queried during the original hearing by either party or the RO.

This evidence was available during the original hearing and therefore does not constitute significant new evidence.

In relation to Claim #4

Neither party objected during the original hearing to the requests being heard together.

Both parties had the ability to present their evidence in the manner they wished and to call witnesses.

The Jury does not believe there was a procedural error in conducting the hearings together.

**Diagram:** Diagram not endorsed

### CONCLUSIONS AND RULES THAT APPLY

The Jury do not believe there has been a significant error made based on the evidence presented nor an error in its procedures.

The Jury do not believe any of the evidence presented in this request constitutes significant new evidence as required by rule 66.

### DECISION

The request to reopen hearing number 3 is denied.

**Date & Time:** 2019-01-16 15:49 AEST

### PROTEST COMMITTEE

**Chaired By:** Nev Willis (AUS)

**Committee Members:** Mark Gallagher (AUS), David Tallis (AUS)