



## Protest Committee Decision

Cases 2 and 3,

regarding race 2 of Division 1 and 2 of the Broken Bay Offshore Series

Div 1- Requests for Redress from:

Tailwind (Shaw Russet), Enigma (Bob Bennett), Windy 2 (Carl Wilson), Firefly (David Hirsch), Excess Moment (Frank Walker), Pretty Woman (Richard Hudson), Showtime (not represented), and the Race Committee (Teddy Anderson)

Div 2 - Requests for Redress from: Kalika 3 (Ian Audsley), and the Race Committee (Teddy Anderson)

Hearing Date: 18 October 2017

### Facts Found:

1. Conditions were rain and drizzle, short and steep wave-state with wind over 20 knots, decreasing into the teens later in the day.
2. The Race Committee set windward / leeward courses for Div 1 and Div 2 with a bearing of the marks at 150° from the BJ Mark. The marks were 2, 4, and 8 nm from BJ mark.
3. Due to an error with the instrumentation on the RC vessel, the Race Committee set the marks at an approximate bearing of 115°.
4. The first mark to be rounded by each division was approximately 5.4 nm away from the signalled location (08 mark for Div 1) and approximately 1.2nm away from the signalled location (02 mark for Div 2).
5. The laid marks were not visible from their correct location.
6. Div. 1 at 08. The lead boats found no mark at the position signalled by the Race Committee and proceeded to sail in different directions, trying to find the mark.
7. Div 1 at 04. Mark 04 was also not in the correct position and no change of course was signalled at BJ.
8. Div. 2 at 02. The lead boats found no mark at the position signalled by the Race Committee, Pacesetter proceeded to sail downwind towards the next mark while other boats sailed further to the East After some time, Pacesetter changed course and sailed to the same mark that the other Div 2 boats rounded. Kalika 3 sailed back to Pittwater and subsequently had a conversation with the Race Officer inside Pittwater.

9. A number of boats called the Race Committee via VHF. Some boats also had text and mobile conversations with the Race Committee and Organising Authority regarding the missing mark. All VHF conversations were on the VHF channel that the SI's required to be on and monitored.
10. Mark 08 was not laid due to the depth of water. The mark boat displayed code flag M with no sound signals. No communication of this replacement of marks was made to competitors on the designated VHF channel prior to boats reaching the vicinity of 08,
11. After some time having difficulty communicating with the race committee, the yachts received the position of a Race Committee vessel that was approximately 115° from BJ
12. Some Div 1 boats rounded the Race Committee vessel while other boats sailed back to Pittwater, some of those because they calculated they could not sail the extra distance required and finish within the race time limit.
13. Pekljus (Div 1) retired from the race with damage prior to any boats realising the error by the Race Committee.

#### Conclusions:

1. The Race Committee made an error in positioning marks 01, 02, 04 and 08 approximately 35° left of the communicated bearing from BJ (RRS 62.1(a)).
2. No boats in Div 1 could locate the mark and after approximately 1 hour some boats only discovered the location of mark 08 after soliciting the information from the Race Committee.
3. While the NoR and SI's require all yachts to monitor the designated VHF channel, rule 41 is not amended to allow solicited information from the race Committee that assists the boat in the race. The facts about the possible breach of RRS 41 were discovered in the redress hearing. While this is a moot point due to the decision, the Protest Committee is prevented to protest those boats (RRS 60.3(a)).
4. The improper action by the Race Committee adversely affected nearly all boats in both fleets in some way. Both fleets are scored via handicap that will have an adverse effect on future handicaps. The Protest Committee does not believe there is a fair nor equitable way to adjust the times or scores to negate the adverse effects of the Race Committee error.

5. While only one boat was scored as retired in Div 2, many boats were disadvantaged by the Race Committee error when they effectively stopped racing at the communicated position of mark 02 and went in different directions, searching for the mark. These various losses of time and distance then impacted their place on handicap.
6. Pekljus "had fault of her own" as referred by RRS 62.1 in that she had to retire from the race due to damage.
7. Boats in both divisions that failed to sail the course, and returned back to Pittwater were not at fault due to the fact that the error in positioning marks 08, 04 and 02 were substantial, given the conditions, that finding the mark while still racing was not practical. For the Div 1 boats, the Protest Committee believe the only way any boat found mark 08 was via outside assistance.

**Decision:**

1. Pekljus is to remain being scored as retired from Race 2. All other yachts in Div 1 that were recorded as coming to the starting area for race 2 are to be scored points for race 2 equal to their average of races 1,3,4,5 and 6.
2. All yachts in Div 2 that were recorded as coming to the starting area for race 2 are to be scored points for race 2 equal to their average of races 1,3,4,5 and 6.

Verbal Decision given, 2000 hrs, 18 October 2017.

Written Decision provided to Sailing Office, 1500 hrs, 22 October 2017.

Steve Hatch IU/IJ Chairman

David Tallis IU/IJ

Richard Slater IU/IJ