

R K ROBERTSON 40TH INTERCLUB CHALLENGE SERIES

DECISION OF PROTEST COMMITTEE

PROTESTS #201801 & #201803

DATE OF HEARING: 23/01/2018

RACE: 4, hosted by RMYCT

PARTIES: 'Blueprint' represented by Rodney Scott and 'Mulloka' represented by Phil Darby

WITNESSES: Phil Dickson, Warren Princehorn, Graham Hatfield, Megan Evans

VALIDITY: The protests are valid. As the protests relate to the same incident, they are heard together.

FACTS FOUND:

1. Blueprint is a Bavaria 41 yacht (approximate length 12.5m) and Mulloka is a Northshore 31 yacht (approximate length 9.5m).
2. The boats were sailing Course 3 Easterly in about 17 knots of breeze and choppy waters on the windward leg to RMYCT Belmont mark which was to be rounded to port.
3. Blueprint, travelling at about 6 knots, entered the zone close hauled on starboard tack below the lay line and just before 2 of her lengths from the mark, tacked to a port close hauled course. Her speed out of the tack was about 4 knots.
4. As Blueprint crossed the starboard tack lay line, she luffed and tacked to a starboard close hauled course, completing her tack just above the lay line and about 12 metres from the mark. Her speed out of the tack was about 2 knots, her headsail sheet was fouled and the genoa was unable to be trimmed.
5. A member of Blueprint's crew was working to free the genoa sheet.
6. Blueprint's course was affected by leeway.
7. While Blueprint was tacking, Wild Cherry, a Northshore 33 yacht (approximate length 10m) travelling at about 6 knots close hauled on starboard tack on lay line to the mark, entered the zone on a course converging with aft quarter of Blueprint.
8. Mulloka was about 10metres directly astern of Wild Cherry.
9. Wild Cherry bore away below the layline to pass to leeward of Blueprint to avoid contact.
10. Blueprint completed her tack as Wild Cherry passed to leeward.
11. The overlap between Wild Cherry and Blueprint lasted for 3-4 seconds.
12. Wild Cherry steered up and rounded the mark with Blueprint about 10 metres from the mark.
13. Blueprint's speed and untrimmed headsail was obvious to Mulloka.
14. Mulloka bore away to pass to leeward of Blueprint.
15. There were no boats to leeward of Mulloka.
16. Mulloka established an overlap about 2 metres to leeward of Blueprint from clear astern and hailed "Keep up" and "Keep clear".
17. While overlapped with Blueprint, Mulloka did not have room to sail her proper course to the mark when her proper course (a course a boat would sail to finish as soon as possible in the absence of the other boats) was to sail close to it.
18. At that moment, still working to unfoul her genoa sheet, still affected by leeway and travelling at about 2 knots with main trimmed, Blueprint turned her wheel to luff and while

Mulloka held her course, Blueprint's stern swung to leeward and her aft quarter made contact with the starboard hull of Mulloka about 2 – 2.5 metres from the bow.

19. The contact occurred about 1 – 2 seconds after the overlap was established.
20. The contact caused a 10-15 cm scratch on Mulloka's hull.
21. The contact caused a slightly bent push-pit stanchion on Blueprint.
22. The boats continued overlapped with Mulloka advancing ahead and steering up as they passed the mark with Mulloka rounding it, leaving Blueprint behind.
23. The gap between Mulloka and the mark was about 0.5 metre.
24. No boat took a penalty.
25. Both boats finished the race.

CONCLUSIONS:

1. While tacking in the zone, rule 13 requires Blueprint to keep clear of other boats until she is on a close-hauled course. While Blueprint was tacking, it was necessary for Wild Cherry to alter course to avoid contact as required by rule 14. Blueprint broke rule 13 and is not exonerated.
2. Blueprint, a boat that tacked from port to starboard in the zone was required by rule 18.3 to give mark room to Wild Cherry and Mulloka who had both been on starboard tack since entering the zone and had established an overlap inside her.
3. When Mulloka established the overlap from clear astern, she became right of way boat and Blueprint as windward boat was required to keep clear by rule 11.
4. When Mulloka became right of way boat, Mulloka was initially required to give Blueprint room to keep clear as required by rule 15.
5. In the circumstances, Blueprint responded promptly to Mulloka's repeated hails to keep clear. Nevertheless, contact occurred causing damage.
6. Given the conditions and relative speeds of the boats and the very short time frame in which contact occurred, Mulloka did not give room to Blueprint to keep clear. Mulloka broke rule 15 but is exonerated for this breach by rule 21(a) as she was sailing within the mark-room to which she was entitled.
7. As a windward boat that did not keep clear, Blueprint broke rule 11 (a rule of Section A) but she is exonerated for this breach by rule 21(a) as she was sailing within the room to which she was entitled but was not given by Mulloka.
8. Mulloka, aware of the sailing conditions as well as Blueprint's slow speed, leeway, and untrimmed genoa needed to allow for all of these factors in determining the space Blueprint needed to keep clear, particularly in hailing Blueprint to "Keep up" and "Keep clear" rather than "Hold your course". In these circumstances, Mulloka's failure to give adequate room when such room could have been given and the consequent contact causing damage, was reasonably possible for Mulloka to avoid. Mulloka broke rule 14 and is not exonerated.
9. Having not been given the room required by Mulloka who was hailing "keep clear" and "keep up", it was not reasonably possible for Blueprint to avoid contact with Mulloka. Blueprint did not break rule 14.
10. Having prevented Mulloka from sailing her proper course, Blueprint broke rule 18.3 and is not exonerated.

RULE(S) APPLICABLE: 11, 13, 14, 15, 18.3, 21(a). Refer also to the definitions “room”, “mark-room”, “keep clear”, “zone”, “proper course”.

DECISION:

For her breach of rules 13 and 18.3 Blueprint is disqualified in race 4 of the R K Robertson 40th Interclub Challenge Series and Race 19 of the LMYC Annual Pointscore Series and Race 7 of the LMYC Summer Pointscore Series which were run conjointly.

For her breach of rule 14, Mulloka is disqualified in race 4 of the R K Robertson 40th Interclub Challenge Series and Race 18 of RMYCT Yearly Pointscore and Race 2 of the RMYCT Summer Pointscore which were run conjointly.

Parties were advised of the facts found, the applicable rules, the decision, the reasons for it and the penalties imposed in accordance with rule 65.1 on 25/01/2018.

PROTEST COMMITTEE: Evan McHugh (RMYCT) Chairman
Damien Boldyrew (LMYC)
Ross Ahrens (WASC)