

MHYC Wednesday Non-Spinnaker Series

Requests for Redress by Race Committee for Austmark, Gambler and Advanced Philosophy

Hearing at Middle Harbour Yacht Club, on 19 April 2023 at 19:00.

Race Committee represented by: David Staley

Austmark represented by: Julie Hodder

Other parties did not come to the hearing

PROCEDURAL MATTERS

Conflict Of Interest

Protest Committee members declared that they had no conflicts of interest and no party objected to the members hearing the protest.

Attendance

Notice of the date, time and place of the hearing was given to all parties by email, including copies of the requests for redress. The protest committee proceeded with the hearing in accordance with rule 63.3(b).

Validity

Request 2023-12-2 was delivered within the protest time limit.

Request 2023-13-2 was delivered after the race committee had reviewed the results originally published and changed those results pursuant to rule 90.3(c), as soon as reasonably possible after the race committee learnt of the possibility that it may have done so in error.

The Requests are valid and relate to the same incident and were heard together in accordance with rule 63.2.

FACTS FOUND

- 1 The course signalled for Race 6 was Course 2 which is specified in the SI as 1. Start MHYC 2. AS Mark Manly West 3. AS Mark Manly East 4. AS Cannae Point 5. AS Mark Eastern Channel (*) 6. AS Mark Manly West 7. AS Mark Manly East 8. AS Mark Edwards Beach 9. Finish MHYC
- 2 Finish MHYC is defined in SI 6.1 as the Clubhouse Finish Line.
- 3 SI 4.2 provides
Courses will automatically be shortened at the mark indicated by () in the event that the leading boat in its division has not reached that mark by 1430 hours or 1500 in daylight savings. All subsequent marks will be omitted and the fleet will proceed directly to the finish after having rounded. The boat responsible for shortening shall fly a yellow ribbon or flag prominently from her backstay to advise the remainder of the fleet of her decision and immediately inform the race committee of her action by mobile phone on 9969 1244 or VHF CH72.*
- 4 Zen, the first boat in Division 1 had not reached the Eastern Channel mark by 14:31.
- 5 Ausmark, Gambler, and Advanced Philosophy sailed the shortened course, and finished in that order ahead of the other 7 boats which sailed the non-shortened course.

- 6 Ausmark, Gambler, and Advanced Philosophy were scored NSC by the race committee.
- 7 Other boats were scored in their finishing order.

CONCLUSION AND RULES THAT APPLY

- A When Zen had not reached the Eastern Channel mark by 14:30 the course was automatically shortened in accordance with SI 4.2.
- B Austmark, Gambler and Advanced Philosophy sailed the shortened course and complied with Rule 28.
- C The other boats also sailed the course in accordance with Rule 28.
- D Scoring Ausmark, Gambler, and Advanced Philosophy NSC was an improper action by the race committee that made their place in the race and series significantly worse through no fault of their own... Austmark, Gambler, and Advanced Philosophy are entitled to redress in accordance with Rule 62.1 (a).

DECISION

**Ausmark, Gambler and Advanced Philosophy are to be given redress as follows.
Ausmark, Gambler and Advanced Philosophy are to be reinstated in the race with their finishing places.**

The scores of the other boats are to remain undisturbed.

John Allan
Chairman

Protest Committee: John Allan NJ, Kerry Burke, John Crawford