

MHYC Twilight Post Christmas Series
Request for Redress by Race Committee for
6777 Onya
MH118 Sirius
MH68 St Elmos Flyer
(the Boats)

Hearing conducted by exchange of emails with agreement of all parties.

Race Committee was represented by: David Staley sailing.manager@mhyc.com.au

Onya was represented by: Andrew Hurt andrew.hurt@acfservices.net.au

Sirius was represented by: Garth Riley garth@therileys.com.au

St Elmos Flyer was represented by: Gill Burton gbur5529@bigpond.net.au

FACTS FOUND

1. Race 2 in the MHYC Twilight Post Christmas Series was a pursuit handicap race governed by the MHYC *Notice of Race* and *Thursday Twilight Non-Spinnaker Series Sailing Instructions*, and in particular NOR 22.
2. SI 5.6 states 'Handicaps are available on the day of racing on the MHYC website.'
3. Handicaps for the Boats were incorrectly calculated from the results of Race 1.
4. Incorrect handicaps for Race 2 were published on the MHYC website on the day of the race.
5. The Boats ascertained their handicap starting times from the MHYC website about 15:00pm on the day of the race.
6. The errors were identified and correct handicaps were published on the MHYC website and on the club noticeboard not later than 16:45hr on the day of the race, less than two hours before the race.
7. The race committee took no steps, such as posting a notice to competitors and displaying flag L, or sending email or text messages to draw attention of the Boats to their changed handicaps.
8. The incorrect handicaps for the Boats were all earlier than the correct handicaps.
9. The Boats started in accordance with their incorrect handicaps, thus starting earlier than their correct handicaps and the Boats were identified as OCS by the race committee.
10. NOR 22.7 states:

22.7 There will be no recalls. A boat recorded as OCS will be penalised 5 minutes plus the difference between her nominated start time and actual start time. This amends RRS 29.1.
11. The race committee applied a five minute time penalty to the Boats, relying on SI 22.7.
12. Two provisions refer to the determination of places:
 - SI 12.1 states:

12.1 A boat's finish time shall be used for the calculation of its racing division results. The boat with the earliest finish time (after application of scoring penalties, if any) will be scored first.
 - NOR 22.8 states:

22.8 Boats will be scored in the order of crossing the finishing line, including any penalties incurred under NOR 22.6 & 22.7 and NOR 16 & 17 (if applicable).
13. NOR 22.8 forms part of NOR 22 Pursuit Handicap Races and is specifically applicable to Race 2.

CONCLUSION AND RULES THAT APPLY

- A. . The scores of the Boats were made significantly worse by the following improper action and omission of the race committee:
- Publication of incorrect handicaps on the MHYC website; and
 - Omission to take any steps to notify competitors of the later change to the correct handicaps.
- B. In the absence of any action by the race committee to draw their attention to changes in their handicaps, it was not reasonable for the Boats, having once referred to the MHYC website in good time to ascertain their handicaps, to take any further action to check the correctness of those handicaps. The worsening of the Boats scores was not by any fault of the Boats.
- C. The Boats are entitled to redress in accordance with rule 62.1(a).
- D. SI 22.8 requires boats other than those granted redress, or other penalties to be given finishing places in the order of crossing the finishing line. In accordance with rule 63.1, it is not permissible to give redress to the Boats in a manner which penalises other boats by making their score more unfavourable.

DECISION

Redress is to be given to the Boats as follows:

- **Adjustment to each boats finishing time to be calculated as follows:**

Elapsed Time = Observed Finishing Time – Race Start Time – Incorrect Handicap Start Time

Adjusted Finishing Time = Race Start Time + Correct Handicap Start Time + Elapsed Time

- **Adjusted Finish Place to be calculated using Adjusted Finishing Time in sequence of all boats' finishing times, but places and scores of boats with finishing times greater than those of the boats given redress are NOT to be changed.**

John
Chairman

Protest Committee: John Allan NJ, Steve Tucker, Harry Brigden