

Middle Harbour Yacht Club Property Industry Regatta

Exile v Kayimai

Hearing at Middle Harbour Yacht Club, on 26 March 2019 at 18:00 Hours.

Exile represented by: Graham Turner

Kayimai represented by: Rob Aldis

CONFLICT OF INTEREST

Protest Committee members declared that they had no conflicts of interest.

VALIDITY

The incident resulted in an injury and Exile informed Kayimai of her intention to protest. The requirements of rule 61.1a(4) are met and the protest is valid.

FACTS FOUND

1. Race 1 was sailed in wind S 20-25kt.
2. **Kayimai** was sailing downwind on port tack.
3. **Exile** was sailing downwind on starboard tack.
4. **Kayimai** became aware of **Exile** converging on her when she was 200m away.
5. **Exile** became aware of **Kayimai** and hailed when she was 40 to 50m away.
6. **Exile** heard and saw no response from **Kayimai**.
7. **Exile** bore away slightly
8. **Kayimai** bore away slightly.
9. There was contact between the starboard forward section of **Exile** and the port transom corner of **Kayimai** causing damage including interior deflection and peeling of gel-coat to **Exile** and superficial damage to **Kayimai**.
10. Two crew of **Kayimai** were injured, one requiring hospital admission and the other first aid attendance.

CONCLUSION AND RULES THAT APPLY

- A. **Kayimai, on port tack did not keep clear of Exile on Starboard tack. Kayimai broke rule 10.**
- B. **Kayimai did not avoid contact when it was reasonably possible for her to do so. Kayimai broke rule 14.**
- C. **Exile did not avoid contact when it became clear to her that Ka was not keeping clear. Exile broke rule 14.**

DECISION

Kayimai is disqualified from Race 1.

Exile is disqualified from Race 1

John Allan
Chairman

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

THIS SIDE FOR PROTEST COMMITTEE USE

Number

2019-03-15-1

Heard together with numbers

Fill in and tick as appropriate

Withdrawal requested Signature

Withdrawal permitted

Class

Fleet

Race

Protest time limit

Protest, or request for redress or reopening, is within time limit

Time limit extended

Protestor, or party requesting redress or reopening, represented by

Other party, or boat being considered for redress, represented by

Names of witnesses

Interpreters

Remarks

No objection about interested party

Written protest or request identifies incident

'Protest' hailed at first reasonable opportunity

No hail needed; protestee informed at first reasonable opportunity

Red flag conspicuously displayed at first reasonable opportunity

Protest or request valid; hearing will continue

Protest or request invalid; hearing is closed

FACTS FOUND

Written Decision to follow

Diagram of boat is endorsed by committee

Committee's diagram is attached

CONCLUSIONS AND RULES THAT APPLY

DECISION

Protest: dismissed

Boat(s) ^{*Exide Kayman*} is (are) disqualified from race(s) *1* penalized as follows :

Redress: not given

given as follows :

Request to reopen a hearing: denied

granted

Protest committee chairman and other members

Chairman's signature

John Adler

Date and time

*26 Mar 19
1940 hr*

2019-03-15-1

Received by race office: Number ①

Date and time 16:30hrs

Signature *[Signature]*

PROTEST FORM – also for requests for redress and reopening

Fill in and tick as appropriate

1. EVENT *PIF REGATTA* Organizing authority *MHYC* Date *15/3/19* Race no.

2. TYPE OF HEARING

- Protest by boat against boat Request for redress by boat or race committee
- Protest by race committee against boat Consideration of redress by protest committee
- Protest by protest committee against boat Request by boat or race committee to reopen hearing
- Consideration of reopening by protest committee

3. BOAT PROTESTING, OR REQUESTING REDRESS OR REOPENING

Class *DIV 3* Fleet *PIF FLEET* Sail no. *AUS888K* Boat's name *EXILE*.
Represented by *ROB REYNOLDS* Tel., e-mail *0410 620 200*

4. BOAT(S) PROTESTED OR BEING CONSIDERED FOR REDRESS

Class *DIV* Fleet *PIF FLEET* Sail no. *MH46* Boat's name *KAYIMAI*

5. INCIDENT

Time and place of incident

Rules alleged to have been broken *10*

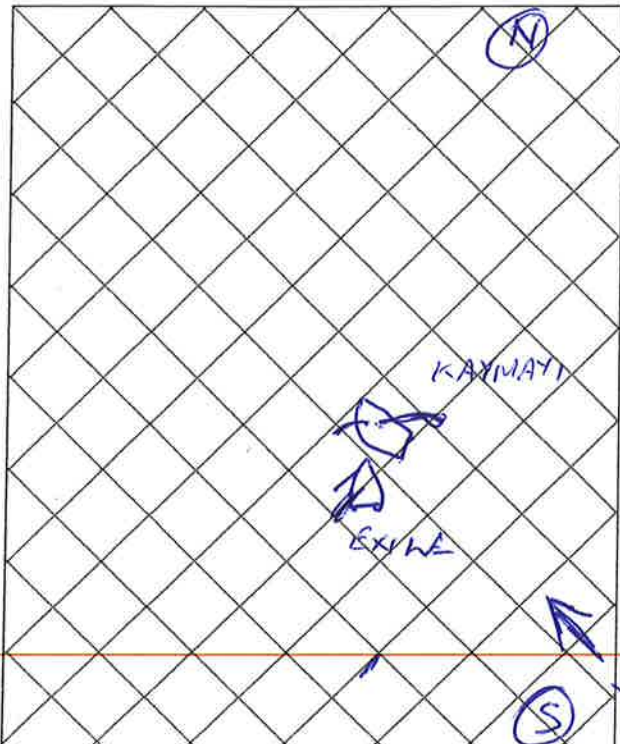
Witnesses *GRAHAM TURNER, DAVID SHERWOOD, DAVID GRINSTON*

6. INFORMING PROTESTEE How did you inform the protestee of your intention to protest?

- By hailing When? *IMMEDIATELY* Word(s) used *I AM PROTESTING YOU*
- By displaying a red flag When? *WITHIN 2 MINUTES*
- By informing her in some other way Give details

7. DESCRIPTION OF INCIDENT

Diagram: one square = hull length; show positions of boats, wind and current directions, marks.



ON STARBOARD TACK HEADING TOWARDS CHOWDER BAY (CALLED STARBOARD) TO KAYIMAI WHO WOULD NOT RESPOND. KAYIMAI KEPT COMING UP TO PORT AND EXILE HAD INSUFFICIENT ROOM TO AVOID A COLLISION