

**Middle Harbour Yacht Club
J24 Australian Championship - 2020
Protest 2: 2638 Calypso v 4792 Phoenix
Protest 3: 2638 Calypso v 5085 Sailpac
Protest 4: 5085 Sailpac v 2638 Calypso
Protest 5: 4791 Phoenix v 2638 Calypso**

Hearing at MHYC, on 3 January 2020 at 18:30 Hours.

Calypso was represented by: Matt Pearce

Sailpac was represented by: Ali Devlin

Phoenix was represented by: Joanna Lecka

Witness for Protest Committee was: Simon Grain (4792 Jet)

Witnesses for Phoenix were: Maria Tzannes, Ben Hunter.

CONFLICT OF INTEREST

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

PROCEDURE

1. Protests 2, 3, 4 and 5 related to the same or closely related incidents and the protest committee heard the protests together.
2. The incident(s) resulted in the holing and sinking of **Phoenix** and serious damage to **Calypso**. The protests were valid.
3. During the course of the hearing it became apparent to the protest committee that there was one distinct incident involving contact between **Calypso** and **Jet** in which **Jet** may have broken a rule. This incident preceded other incidents, although it may have caused them.
4. The protest committee decided to protest 4792 **Jet**, closed the hearing, informed **Jet** that the protest committee intended to protest her by giving her a completed protest form (Protest No 6), and notified all the parties that the original and new protests would be heard at 10:00 hr on 4 Jan 20, in accordance with rule 61.1(a).

**Further Hearing 4 January 2020
Protest 2: 2638 Calypso v 4792 Phoenix
Protest 3: 2638 Calypso v 5085 Sailpac
Protest 4: 5085 Sailpac v 2638 Calypso
Protest 5: 4791 Phoenix v 2638 Calypso
Protest 6: Protest Committee v 4792 Jet**

Hearing at MHYC, on 4 January 2020 at 10:00 Hours.

Calypso was represented by: Matt Pearce

Sailpac was represented by: Ali Devlin

Phoenix was represented by: Joanna Lecka

Jet was represented by: Simon Grain

Witnesses for Jet were: Warren Slater (4788 Jab).

CONFLICT OF INTEREST

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

PROCEDURE

1. Protests 2, 3, 4, 5 and 6 related to the same or closely related incidents and the protest committee heard the protests together.
2. The incident(s) resulted in the holing and sinking of **Phoenix** and serious damage to **Calypso**. The protest against **Jet** was made by the protest committee in accordance with rule 61.1(a). The protests were valid.
3. Protest 6 by the protest committee concerned an incident involving contact between **Calypso** and **Jet**. It was, in substance, the incident protested by **Calypso** in Protest 2, which incorrectly identified **Phoenix** as the boat to windward of **Calypso**. This incident preceded other incidents, although it may have caused them. **Jet** was not involved in the subsequent incidents.
4. The protest committee considered that it may have heard sufficient evidence to reach conclusions and decisions on protested incidents other than the incident between **Calypso** and **Jet** in the previous hearing.
5. The protest committee conducted this hearing in the following steps, which were advised to the parties at the beginning of the hearing:
 - Hear all evidence as to the windward/leeward contact involving **Calypso**, and allegedly, **Jet**, afresh, so that **Jet** has the opportunity to hear all evidence and question witnesses;
 - Allow all parties to present any additional evidence about the subsequent incidents.
 - Allow all parties to sum up their cases.
 - Protest committee deliberations.
 - Informing the parties of the protest committee decision.

FACTS FOUND

1. Race 6 was started in approximately 15 knots and choppy waters.
2. All boats on starboard approaching the start, **Calypso** to leeward of Jab, Jab to leeward of **Jet**, which was to leeward of **Sailpac**, which was to leeward of **Phoenix**.
3. Jab luffed **Jet**, forcing her to sail head to wind.
4. Jab then bore away, gained speed and started the race.
5. **Jet** bore away to accelerate and hit **Calypso** on the starboard quarter, rotating **Calypso** onto port tack into the path of **Sailpac**.
6. **Jet** then bore away and passed behind **Calypso**.
7. **Sailpac** on starboard luffed in an attempt to avoid **Calypso** on port but contact occurred between the bow of **Sailpac** and the forward quarter of **Calypso**.
8. **Sailpac** then rode up between the staunchions of **Calypso**
9. **Phoenix** luffed to keep clear **Sailpac**.
10. **Sailpac** and **Calypso**, engaged together, moved into the path of **Phoenix**.
11. **Phoenix** on starboard could not avoid **Calypso** on port and contact occurred between the bow of **Phoenix** and the starboard forward section of **Calypso**.

12. **Phoenix** was holed in the bow, below the waterline, and sank without finishing the race.
13. **Sailpac** received physical damage to her stem fitting, topsides and toerail and continued in the race, placing last.
14. **Calypso** received serious damage to her starboard toe rail, topsides and staunchions and did not finish the race.
15. No boats took penalty turns.
16. The protest committee's diagram is attached.

CONCLUSION AND RULES THAT APPLY

- A. **Jet** to windward did not keep clear of **Calypso** to leeward on the same tack, breaking rule 11.
- B. **Jet** did not avoid contact with **Calypso** when it was reasonably possible to do so breaking rule 14.
- C. **Calypso** on port boat did not keep clear of **Sailpac** on starboard breaking rule 10.
- D. **Calypso** as port boat did not keep clear of **Phoenix** on starboard breaking rule 10.
- E. It was not reasonably possible for **Calypso** to avoid contact with **Jet**, **Sailpac** or **Phoenix**. **Calypso** did not break rule 14.
- F. It was not reasonably possible for **Sailpac** to avoid contact with **Calypso**. **Sailpac** did not break rule 14.
- G. It was not reasonably possible for **Phoenix** to avoid contact with **Calypso**. **Phoenix** did not break rule 14.
- H. **Calypso** was compelled by **Jet** breaking rule 11, to break rule 10 and is exonerated with respect to both **Sailpac** and **Phoenix** in accordance with rule 64.1(a).
- I. **Calypso's** score in race 6 was made significantly worse through no fault of her own by **Jet** breaking rule 11 and she is entitled to redress in accordance with rule 62.1(c).
- J. **Sailpac's** score in race 6 was made significantly worse through no fault of her own by **Calypso** breaking rule 10. and she is entitled to redress in accordance with rule 62.1(c)
- K. **Phoenix's** score in race 6 was made significantly worse through no fault of her own by **Calypso** breaking rule 10 and she is entitled to redress in accordance with rule 62.1(c).

DECISION

Jet is disqualified in Race 6.

Calypso, Sailpac, and Phoenix are to be given redress, being scored points equal to the average, to the nearest tenth of a point (0.05 to be rounded upward), of their points in races 1 to 5, excluding, for each boat, the worst of those scores.

John Allan
Chairman

Protest Committee: John Allan NJ, Erica Kirby NJ, Nicky Bethwaite

