



ROYAL NEW ZEALAND YACHT SQUADRON

PROTEST HEARING DECISION

| | | | |
|--------------|----------------------------------|--------------|------------------|
| PROTESTOR | <i>RNZYS Etchells 779</i> | REPRESENTED | Peter Linford |
| PROTESTEE | <i>Wasted Away 8032</i> | REPRESENTED | – |
| SERIES | Winter Series | DIVISION | C – Light |
| RACE & DATE: | Race 7 10/08/2019 | HEARING DATE | 19:15 12/08/2019 |

Validity/Procedure:

- *Protest* was hailed at first reasonable opportunity
- A red flag was not displayed but there was significant damage to the rig and hull of *RNZYS Etchells 779* and therefore RRS 61.1(a)(4) applies
- The *Protest* was valid, the *Protestee* was not present and the hearing continued under RRS 63.3(b)

Facts Found:

- Both boats were on a beat to windward in approximately 18-22 kts breeze. *RNZYS Etchells* was on starboard tack and *Wasted Away* on port tack on a converging course
- *RNZYS Etchells* hailed *Starboard* when the boats were approximately 30 seconds sailing distance apart.
- *Wasted Away* appeared to be bearing away to pass astern of *RNZYS Etchells*
- A gust of wind caught *Wasted Away* when it was approximately 1.5 boat lengths distant from *RNZYS Etchells* and there was a collision between the bow of *Wasted Away* and the area near the port chain plate of *RNZYS Etchells*
- There was significant damage to *RNZYS Etchells* and both boats retired

Conclusions And Rules That Apply:

- *Wasted Away* was the port tack boat and failed to keep clear of *RNZYS Etchells*, breaking RRS 10 and took a penalty by retiring
- It was not reasonably possible for *RNZYS Etchells* to avoid contact when it became obvious that *Wasted Away* was not keeping clear and so has not broken RRS 14
- *RNZYS Etchells* has had to withdraw from the series because of the damage and its place in the series has been made significantly worse through no fault of its own and is entitled to redress under RRS 62.1(b)

Decision:

- *Wasted Away* retired from the race and there is no further penalty
- Redress is granted to *RNZYS Etchells* and awarded points equal to its average place from Races 1 to 6 awarded for Race 7 and the remaining races in the series.

Protest Committee Panel:

Louis Mayo, Sean Bainbridge, Blair Park

Decision Advised:

19:45 12/8/2019