

Cruising Yacht Club of Australia

Protest Hearing Swish/226 vs Midnight Rambler/8338

Hearing at the Cruising Yacht Club of Australia on 5th November 2015.

Event: Ocean Pointscore, Race 2.

Swish, represented by: Steven Proud

Midnight Rambler, Represented by, Ed Psaltis

VALIDITY

1. SWISH hailed 'Protest' during the incident.
2. SWISH displayed a red flag, initially hand held, and then attached it to the rear rail within 14 seconds of the incident.

VALIDITY CONCLUSION

The protest is valid.

FACTS FOUND

1. SWISH was close hauled on Starboard tack approaching Bradleys Head.
2. MIDNIGHT RAMBLER was close hauled on starboard sailing about 10 boat lengths to leeward of SWISH and ahead of her.
3. MIDNIGHT RAMBLER tacked onto port tack.
4. Approaching Bradleys Head, MIDNIGHT RAMBLER initially had room to alter course to go behind SWISH.
5. Subsequently realising they were on a collision course with SWISH, and as they were close to Bradleys Head rocks they hailed 'Water'.
6. SWISH, on a collision course with MIDNIGHT RAMBLER tacked to avoid a collision.
7. On completion of her tack SWISH was about a boat length to leeward of MIDNIGHT RAMBLER.
8. There was no contact between the boats.

CONCLUSION

MIDNIGHT RAMBLER being on port tack failed to keep clear of SWISH a starboard tack boat.

RULES APPLICABLE

Rule 10, OPS S.I. 21.3(a)

DECISION

MIDNIGHT RAMBLER is to be penalised 6 places in OPS Race 2 in accordance with OPS S.I. 12.3(a).

Mark Pryke

Chairman

5th November 2015.

Protest Committee: Steve Hatch, Mark Pryke, Lister Hughes.

The protest Committee indorses Swish's diagram which is attached.