

Cruising Yacht Club of Australia
LAND ROVER WINTER SERIES 2016

Protest Hearing
Sante/6226 Vs Arch Nemesis/69200

Hearing at the Cruising Yacht Club of Australia on 26th May 2016.

Event: Race 4

Sante, represented by: Rob Segaert

Arch Nemesis , Represented by, Jeffrey Taylor

FACTS FOUND

1. ARCH NEMESIS was sailing free on starboard.
2. SANTE sailing free on starboard, travelling faster, established a leeward overlap within two boat lengths of ARCH NEMESIS.
3. SANTE pulled away to pass behind HANNI, a close hauled starboard tack boat.
4. ARCH NEMESIS also passed behind HANNI.
5. SANTE was now heading for Clarke Island below her course to LM3 Mark and hailed ARCH NEMESIS to go up to allow her to pass Clarke Island, ARCH NEMESIS did not respond.
6. Contact occurred between ARCH NEMESIS boom and the bimini on SANTE.
7. SANTE pulled away to avoid further contact and at the same time ARCH NEMESIS went up and contact occurred between the aft starboard quarter of SANTE and the aft port quarter of ARCH NEMESIS.
8. SANTE was getting very close to Clarke Island and continued to call for room, without a response from ARCH NEMESIS.
9. In desperation, SANTE hailed 'Water' and ARCH NEMESIS altered course to windward giving SANTE the room she required.
10. SANTE was sailing her proper course to LM3 mark and still overlapped with ARCH NEMESIS, hailed for mark room at the zone.
11. ARCH NEMESIS responded by bearing down, resulting in contact between ARCH NEMESIS port bow and SANTE aft quarter causing damage to SANTE.
12. Both boats continued racing and neither took a two turn penalty.
13. SANTE was unable to avoid contact with ARCH NEMESIS.
14. ARCH NEMESIS did not take any action to avoid SANTE

CONCLUSION

1. There was a collision between the yachts that resulted in damage that was obvious to both boats and one of them intended to protest, the protest is declared valid in accordance with RRS 61.1 (a)(4).
2. ARCH NEMESIS being windward boat failed to keep clear of SANTE a leeward boat in the first incident.
3. When SANTE entered the zone she was entitled to mark-room which ARCH NEMESIS did not give.

4. The action of ARCH NEMESIS in failing on two separate incidents to keep clear of SANTE is in violation of Rule 2.

RULES APPLICABLE

RRS 2, 11, 14, 17, 18.2, & 61.1(a)4. Definitions of “keep clear” & “mark room”

DECISION

ARCH NEMESIS is to be scored DNE under Rule 2 in Race 4

John Kirkjian
Chairman
26th May 2016.

Protest Committee: Karl Garavan, John Kirkjian, Lister Hughes.