

Cruising Yacht Club of Australia

Makers Mark Monday Twilight Series 2016

Race 9

Protest Hearing: 2

SELKIE 9201 v MENAGE A TROIS 6928

Hearing at the Cruising Yacht Club of Australia on 8 December 2016.

Protest Committee: Lister Hughes, Douglas Talty & John Kirkjian

SELKIE, represented by: Chris Antico

MENAGE A TROIS, represented by: Karl Matiszik

FACTS FOUND

1. The protest was declared valid under Rule 61.1(a)4.
2. SELKIE was sailing close hauled on starboard tack approaching the starting line to start.
3. MENAGE A TROIS was on a close-hauled course on starboard tack aiming below the pin.
4. MENAGE A TROIS believing she could clear SELKIE'S bow tacked on to port and was approaching the starting line to start.
5. SELKIE and MENAGE A TROIS were now sailing on a collision course.
6. Selkie hailed "starboard" on a number of occasions.
7. MENAGE A TROIS with little boat speed attempted to bear away to pass astern of SELKIE
8. A collision occurred.
9. MENAGE A TROIS'S bow sprit made contact with the port side of SELKIE causing damage to the lifelines and two of SELKIE'S stanchions
10. It was not reasonably possible for SELKIE to avoid the contact with MENEAGE A TROIS. owing to the presence of other boats above and behind her
11. MENAGE A TROIS carried a one turn penalty however SI 18.1 requires a two-turn penalty.
12. Both boats finished the race.

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 valid in accordance with RRS 61.1 (a)(4).
2. MENAGE A TROIS a port tack boat failed to keep clear of SELKIE a starboard tack boat.
3. MENAGE A TROIS failed to avoid contact with SELKIE when it was reasonably possible for her to do so.
4. MENAGE A TROIS failed to take the appropriate two turn alternative penalty as required by Sailing Instruction 18.1 for breaching a rule of Part 2

RULES APPLICABLE

10, 14.61.1(a)4, Definition of "keep clear" & SI 18.1

DECISION

MENAGE A TROIS is to be scored DSQ in race 4

John Kirkjian

Chairman

8th December 2016.