

**Cruising Yacht Club of Australia**  
**CLUB MARINE WEDNESDAY**  
**TWILIGHTSERIES**

**Protest Hearing**  
**Papillon/5447 vs Liberte/6891**

Hearing at the Cruising Yacht Club of Australia on 22<sup>nd</sup> February 2018

**Event:** Race 13

**Papillon**, represented by: John Roth.

**Liberte**, not represented.

**FACTS FOUND**

1. LIBERTE was not represented at the hearing, therefore the protest committee acted in accordance with rule 63.3(b) and proceeded with the hearing.
2. PAPILLON was closed hauled on starboard tack.
3. LIBERTE was close hauled on starboard tack, ahead, and 50 to 100 meters to leeward of PAPILLON.
4. LIBERTE tacked on to port tack and bore away to pass behind the stern of PAPILLON.
5. LIBERTE altered course again to windward and contact occurred immediately between the bow of LIBERTE and three quarters along the port side of PAPILLON causing damage to PAPILLON.
6. LIBERTE retired from the race.

**CONCLUSION**

1. LIBERTE being port tack boat failed to keep clear of PAPILLON a starboard tack boat.
2. There was no reasonable opportunity for PAPILLON to avoid the collision.
3. LIBERTE having retired from the race cannot be further penalised

**RULES APPLICABLE**

10, 14, 63.3(b), 64.1(b) WS Case 99.

**DECISION**

No further penalty is applicable.

*Steve Hatch*

Chairman

22<sup>nd</sup> February 2018.

**Protest Committee:** Steve Hatch, Karl Garavan, Lister Hughes.