

# **CRUISING YACHT CLUB OF AUSTRALIA**

## **Wednesday Twilight Series Race 14**

**Protest**

**Division B**

**Hearing at the CYCA 23 February 2023 at 1900 Hours**

**Quetzalcoatl 2001 v Whistling Kite 116**

**Whistling Kite 116 v Quetzalcoatl 2001 & It Happens 9889**

**Protest Committee:** Erica Kirby, Timothy Cox, and John Kirkjian.

Quetzalcoatl was represented by: Anton Sweetapple.

Whistling Kite was represented by: Kym Evans.

It Happens was represented by David Chester.

### **FACTS FOUND:**

1. There was a collision between Quetzalcoatl and Whistling Kite that caused serious damage.
2. As both protests related to the same incident they were heard together.
3. Wind was from the northeast at varying speeds of 10 & 15 knots.
4. Both Quetzalcoatl and Whistling Kite had rounded the Shark Island mark and were sailing downwind on starboard tack with eased sheets, on a course to the Point Piper Mark, with a boat speed of approximately 3-5 knots, there were other boats sailing parallel both above and below them.
5. After rounding the Shark Island Mark Whistling Kite travelling faster came from clear astern an established an overlap to windward on Quetzalcoatl, their hulls were 2-3 metres apart,
6. Wild West was too leeward and overlapped on Quetzalcoatl their hulls were approximately 1-2 metres apart.
7. Whistling Kite was too leeward and overlapped on It Happens their hulls were 2-3 meters apart.
8. Quetzalcoatl hailed Whistling Kite to "Go up".
9. Whistling Kite responded by altered course to windward but failed to retract her boom which became entangled in the top starboard lifeline of Quetzalcoatl causing serious damage, including broken lifelines, damaged stanchions, damaged pulpit and push pit .
10. When Quetzalcoatl's stanchions gave way Whistling Kite turned sharply to windward and contact occurred between the stern of Whistling Kite and the starboard aft quarter of Quetzalcoatl.
11. When Whistling Kite altered course to windward her bow passed clear stern of It Happens.
12. As a consequence of her serious damage Quetzalcoatl retired from the race.
13. Whistling Kite continued racing and finished the race.

### **CONCLUSIONS**

1. Protest was declared valid pursuant to RRS 61.1(a)(4).
2. Quetzalcoatl a windward boat was keeping clear of Wild West a leeward boat.RRS11.
3. Whistling Kite, a windward boat failed to keep clear of Quetzalcoatl a leeward boat RRS 11.
4. Whistling Kite failed to avoid contact with Quetzalcoatl when it was reasonable possible to do so by retracting her boom. RRS 14


5. Whistling Kite having caused serious damage to Quetzalcoatl ,Whistling Kite was obligated to retire from the race RRS 44.1(b)
6. It was not reasonably possible for Quetzalcoatl to avoid contact with Whistling Kite owing to the close proximity of Wild West to leeward.
7. There was no rule broken between Whistling Kite and It Happens.

**RULES APPLICABLE:**

**RRS:** 11,14, 44.1, 61.1(a)(4) & Definition “keep clear”

**DECISION**

1. Whistling Kite is to be scored DSQ in Race 14
2. Protest between Whistling Kite and It Happens is dismissed.

A handwritten signature in black ink, appearing to read "John C. Kirkjian", with a long, sweeping horizontal stroke underneath.

*John C. Kirkjian*

*Chairman*