

CRUISING YACHT CLUB OF AUSTRALIA

Wednesday Twilight Series Race 14

Protest reopening

Division B

Hearing at the CYCA 23 Marsh 2023 at 1900 Hours

Quetzalcoatl 2001 v Whistling Kite 116

Whistling Kite 116 v Quetzalcoatl 2001

Protest Committee: Erica Kirby, Greg Halls, Karl Garavan, Timothy Cox, and John Kirkjian.

Quetzalcoatl was represented by: Anton Sweetapple.

Whistling Kite was represented by: Kym Evans

FACTS FOUND:

1. The protests between Quetzalcoatl and Whistling Kite heard on the 23rd February 2023 is reopened in accordance with RRS 66.1.
2. Quetzalcoatl did not hail protest and display a red flag until after the two yachts were disentangled.
3. Whistling Kite did not hail protest and display a red flag until after the two yachts were disentangled.
4. As there was a collision between Quetzalcoatl and Whistling Kite that resulted in serious damage to Quetzalcoatl, each protest was declared valid in accordance with the provisions of RRS61.1(a)(4).
5. The two protests related to the same incident, and they were heard together.
6. Wind was from the northeast at varying speeds of 10 & 15 knots with smooth sea.
7. Quetzalcoatl (12.33m) had rounded the Shark Island mark clear head of Whistling Kite (11m) and was sailing downwind on starboard tack, on 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 Quetzalcoatl.

8. After rounding the Shark Island Mark Whistling Kite with poled out headsail and extended boom travelling faster than Quetzalcoatl came from clear astern of Quetzalcoatl an established an overlap to windward of Quetzalcoatl who was two sails reaching, their hulls were 2-3 metres apart.
9. Wild West (11.9m) was too leeward and overlapped on Quetzalcoatl their hulls were approximately 1-2 metres apart.
10. Whistling Kite was sailing on a lower course to Quetzalcoatl owing to the configuration of its sails as evidenced by the photograph provided by Whistling Kite.
11. Quetzalcoatl and Whistling Kite were sailing on a converging course.
12. Whistling Kite took no action 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 (evidence confirmed by Whistling Kite's mainsheet hand Nigel Maitland).
13. 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.
14. Owing to her serious damage Quetzalcoatl retired from the race.
15. Whistling Kite continued racing and finished the race.

CONCLUSIONS

1. Quetzalcoatl did not hail protest at the first reasonable opportunity.
2. Quetzalcoatl did not display her red flag at the first reasonable opportunity.
3. Whistling Kite did not hail protest at the first reasonable opportunity.
4. Whistling Kite did not display her red flag at the first reasonable opportunity.
5. Neither the protests of Quetzalcoatl and Whistling Kite complied with the provisions of RRS 61.1a and would have been declared invalid and closed pursuant to RRS 63.5, however as Quetzalcoatl had suffered serious damage the protest were declared valid pursuant to RRS 61.1(a)(4).
6. The photos produced by Whistling Kite were taken by Nicholas Ward a crew member of the yacht Thirlmere at 18:42 hours and according to his written statement approximately 10 to 20 seconds before the incident, Nicholas Ward was looking forward at the time, he heard but did not see the incident. During that time lapse at 5.5 knots the boats would have travelled between 30m and 60m depending on the elapsed time. The photos were taken from directly ahead of the boats and the depth of field of the camera makes it impossible to

determine when an overlap begins or even if it exists, in the photo It Happens appears to be almost clear ahead of Whistling Kite, and Whistling Kite appears to be overtaking Quetzalcoatl .

7. Quetzalcoatl a windward boat complied with her obligation to keep clear of Wild West a leeward boat.RRS11.
8. Whistling Kite, a windward boat failed to keep clear of Quetzalcoatl a leeward boat RRS 11.
9. Whistling Kite failed to avoid contact with Quetzalcoatl when it was reasonable possible to do so by retracting her boom. RRS 14
- 10.Whistling Kite having caused serious damage to Quetzalcoatl was obligated to retire from the race RRS 44.1(b)
- 11.It was not reasonably possible for Quetzalcoatl to avoid contact with Whistling Kite owing to the proximity of Wild West to leeward.

RULES APPLICABLE:

RRS: 11,14, 16.1, 17, 44.1, 61.1(a)(4),63.5,66 & Definition “keep clear”

DECISION

1. Whistling Kite is to be scored DSQ in Race 14

Erica Kirby

Chairwoman