

SYDNEY HARBOUR REGATTA 2024

PROTEST COMMITTEE DECISION

Case No: 1

With Case(s):

Race: 1

PARTIES		
Boat or Committee or Person	Class/Fleet	Represented By/Not Present
Renaissance		Craig Carless
Ambitious		David Matthews
Impulse		Derek Minihane

WITNESSES	
Name	Boat – Committee - Role
Gary Carless	Renaissance
Bill Nock	Ambitious
Kirk Hendzlik	Impulse

Valid – Yes

<p>Case Introduction:</p> <p>Contact at the start line between 3 boats causing damage.</p>
<p>Procedural Matters: <i>(Conflicts of Interest, parties not present, extending time limits)</i></p> <p>Kerry Bourke attended as an observer (crew on Renaissance)</p> <p>At the time of the incident it was obvious to Ambitious that serious damage. Nevertheless, Renaissance failed to attempt to inform Ambitious/Impulse of the protest within the protest time limit, as required by RRS 61.1(a)(4).</p> <p>After the hearing, the protest committee decided that it had made a significant error during the hearing and a reopening was scheduled for 3 March 2024 (RRS 66.1).</p> <p>At the reopened hearing a conclusion was added (8) and the decision regarding Impulse was amended.</p>
<p>Facts found:</p> <ol style="list-style-type: none">1. Wind was approximately 15-20 knots with choppy sea-state.2. Renaissance to leeward of Impulse, to leeward of Ambitious – boats on starboard approaching the start.3. Renaissance would pass close to the start boat.4. Renaissance luffed to close the gap to the start boat and Impulse tacked to avoid Renaissance and the start boat causing contact with Ambitious.5. The contact between Impulse and Ambitious caused Ambitious to bare away and hit Renaissance where Ambitious' bow pierced the starboard stern quarter of Renaissance.6. Renaissance retired.7. Impulse took a penalty turn.

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Conclusion & Rules:

1. After passing head to wind and before being on a close-hauled course, Impulse failed to keep clear of Ambitious. Impulse broke RRS 13.
2. Impulse did not avoid contact when it was reasonably possible, and broke RRS 14.
3. It was not reasonably possible for Ambitious, the right-of-way boat to avoid contact with Impulse when it was clear that Impulse was not keeping clear. Ambitious did not break RRS 14.
4. Ambitious to windward failed to keep clear of Renaissance to leeward, and broke RRS 11.
5. Since Ambitious was compelled to break RRS 11 as a consequence of Impulse breaking RRS 13, she is exonerated under RRS 43.1(a) for this breach.
6. It was not reasonably possible for Renaissance, the right-of-way boat to avoid contact with Ambitious when it was clear that Ambitious was not keeping clear. Renaissance did not break RRS 14.
7. Renaissance's score in races 1 and 2 was made significantly worse through no fault of her own by physical damage because of an action of Impulse that resulted in a penalty under Part 2.
8. Since Impulse caused serious damage by her breach, her penalty was to retire as required by RRS 44.1(b). Impulse did not retire (but took a penalty turn), breaking RRS 44.1(b).

Decision:

1. Impulse to be scored DSQ in race1.
2. Redress is given to Renaissance. Renaissance is to be scored in races 1 and 2, points equal to the average, rounded to the nearest tenth of a point (0.05 to be rounded upward), of her points in all races sailed.

Request to Withdraw:

Request Approved:

Protest Committee:

Name Erica Kirby NJ (Chair), Penny Dilworth RJ, Rob Armstrong, John Crawford

International Jury: No

Signed: Erica Kirby

Date, time: 3 March 2024 11am