

# PROTEST COMMITTEE DECISION

Case No: 1

Thursday Twilight 2 March 2023

PARTIES		
Boat or Committee or Person	Class/Fleet	Represented By/Not Present
Kaizen		Anthony Mellowes
Kayimai		Robert Speedy
Gambler		Stewart McGeedy
Sol		Carl Crafoord

WITNESSES	
Name	Boat – Committee - Role
Mark Bothwell	Sol
Garth Riley	Gambler

## Valid – Yes

### **Case Introduction:**

A 4 boat incident in the zone at the East Channel mark.

### **Procedural Matters:**

At the initial hearing between Kaizen and Kayimai it became apparent that Gambler and Sol may have broken a rule. The hearing was stopped in accordance with RRS 61.1(c) and Gambler and Sol were protested by the Protest Committee (RRS 60.3(a)(2)). The hearing was then restarted the next day.

Conflict of Interest - John Allan declared that he had a personal acquaintance with Robert Speedy (Kayimai). All parties consented to all members being members of the protest committee (RRS 63.4(b)).

### **Facts found:**

1. Wind speed was approximately 8 knots.
2. Kaizen, Kayimai and Gambler on port approaching the mark sailing downwind.
3. Kaizen to leeward of Kayimai by approximately 3 metres.
4. Kayimai to leeward of Gambler by approximately 3 metres
5. Sol on starboard, sailing downwind, outside of Gambler, approximately 20 metres apart, also approaching the mark.
6. All boats were overlapped when the first boat entered the zone, all sailing on a converging course.
7. At about one boat length from the mark, Sol gybed onto port to avoid contact with Gambler, causing contact between her boom and Gambler's side-stays.
8. Gambler pulled in their boom to avoid contact with Kayimai.
9. There was not enough room between Kayimai and Gambler to allow Kayimai to give mark room to Kaizen, and contact occurred between the port aft quarter of Kaizen and the starboard aft quarter of Kayimai causing minor damage.
10. No penalty turns were taken.

**Conclusion & Rules:**

1. Gambler on port failed to keep clear of Sol on starboard, and broke RRS 10.
2. Gambler to windward failed to keep clear of Kayimai to leeward, and broke RRS 11.
3. Kayimai to windward failed to keep clear of Kaizan to leeward, and broke RRS 11.
4. Sol, outside overlapped at the zone, failed to give Gambler mark-room, and broke RRS 18.2(b).
5. Gambler, outside overlapped at the zone, failed to give Kayimai mark-room, and broke RRS 18.2(b).
6. Kayimai, outside overlapped at the zone, failed to give Kaizan mark-room, and broke RRS 18.2(b).
7. Since Gambler was compelled to break RRS 10, 11 and 18.2(b) as a consequence of Sol breaking RRS 18.2(b), she is exonerated under RRS 43.1(a) for this breach.
8. Since Kayimai was compelled to break RRS 11 and 18.2(b) as a consequence of Gambler breaking RRS 18.2(b), she is exonerated under RRS 43.1(a) for this breach.
9. Sol did not avoid contact with Gambler when it was reasonably possible, and broke RRS 14.
10. It was not reasonably possible for Gambler, the boat sailing within the mark-room to which she was entitled, to avoid contact with Sol when it was clear that Sol was not giving mark-room. Gambler did not break RRS 14.
11. It was not reasonably possible for Kayimai, the boat sailing within the mark-room to which she was entitled, to avoid contact with Kaizan when it was clear that Gambler was not giving mark-room. Kayimai did not break RRS 14.
12. It was not reasonably possible for Kaizan, the boat sailing within the mark-room to which she was entitled, to avoid contact with Kayimai when it was clear that Kayimai was not giving mark-room. Kaizan did not break RRS 14.

**Decision:**

Sol to be scored DSQ in race 20.

**Protest Committee:**

Name John Allan NJ (Chair), Erica Kirby NJ, Wayne Thompson NJ, Rob Armstrong PCM, Kerry Burke PCM