

SA Sailing Appeal Decision

2024-01 ILCA6 144167 vs ILCA6 188083

The appeal was lodged by ILCA6 188083 on 29 December 2023 after receiving the written decision on 20 December 2023. It arose from a protest concerning an incident as boats were approaching the starting line to start Race 9 at the SA Sailing Youth National Championships in December 2023.

The Appeal Panel tasked with deciding this appeal consisted of the following judges: David Hudson (IJ, NU, NRO) Chair, Luke Scott (IJ, NU, NRO), Patric Loydell (IJ, NU, NRO), Peter Clayton (NJ).

The Protest

The Protest Committee found the following facts:

1. 144167 was stationary on starboard close to the starting line.
2. 188083 came in from astern establishing an overlap to weather of 144167.
3. An unknown boat came in from astern establishing an overlap to leeward of 144167. 4 An unknown boat came in from astern establishing an overlap to weather of 188083. 5. 144167 hailed 188083 to keep clear and luffed.
6. 188083 initially kept clear by luffing.
7. 188083 curtailed her luff to avoid contact with the unknown boat to weather.
8. 188083's transom made contact with aft starboard quarter of 144167.
9. 188083 did not to a penalty.

The Protest Committee's facts found included a diagram in the form of a photo of model boats positioned on a table representing the incident. In their comments on the appeal they wrote: "Both parties agreed that the diagram reflected the situation before the photograph was taken." The diagram is attached to this report.

The Protest Committee concluded that:

1. 188083 to windward failed to keep clear of 144167 to leeward, and broke RRS 11.
2. By knowingly breaking rule 11 and not taking the appropriate penalty, 188083 failed to compete in compliance with the principles of sportsmanship and fair play. 188083 broke RRS 2

The Protest Committee decided that:

1. 188083 is disqualified.
2. The disqualification is not excludable.

Validity of the Appeal

The appeal was sent to SA Sailing within the 15-day time frame as required by RRS R2.1(a), and all other requirements of RRS R2 were met. The appeal is therefore valid.

The Appeal Summary

1. Based on the submission by ILCA6 188083, the Appeals Committee noted the grounds for her appeal against the Protest Committee's first decision (her disqualification) to be that the

Committee erred in not exonerating her under RRS 43.1(a) for breaking RRS 11 when she failed to keep clear of 144167. This was because ILCA6 188083 believes:

- (a) that she was obliged by RRS 19.2(b) to give the unknown windward boat room to pass between her and the starting mark (committee boat),
- (b) that 144167 was obliged to give both 188083 and the unknown boat to windward room under RRS 16.1 to keep clear when she luffed, and room under RRS 19.2(b) to pass between her and the starting mark when overlapped, and
- (c) that 144167 compelled 188083 to break RRS 11 by failing to give that room.

2. The grounds for ILCA6's appeal against the Protest Committee's second decision (disqualification not excludable) are that "There are no facts to indicate that 188083 knowingly broke a rule and that she would not be exonerated".

3. In concluding the submission, the appellant states: "I believe that the PC should have found that 144167 broke RRS 14, 16.2 and 19 and that 144167 should be scored DSQ in race 9".

Appeal Panel Comments and Conclusions

- 1. The appeal by ILCA6 188083 is based on her mistaken belief that RRS 19.2(b) was in effect, and that (a) she was therefore obliged to give the unknown boat to windward room between herself and the committee boat, and (b) ILCA6 144167 was similarly obliged to give both ILCA6 188083 and the unknown boat room between herself and the committee boat.
- 2. The preamble to RRS SECTION C makes it clear that none of the Section C rules, of which RRS 19 is one, was in effect in this incident.
- 3. It is clear from the Facts Found, and acknowledged by the appellant, that ILCA6 188083 broke RRS 11.
- 4. In the submission the appellant's description of ILCA6 144167's actions when she luffed are consistent with the Protest Committee's diagram: "144167 luffed significantly between her position 1 and 2 to nearly head to wind" and "between position 2 and 3 144167 continued to hold her luff." On this basis, since ILCA6 188083 was clear astern and free to keep clear by either luffing or slowing down when ILCA6 144167 changed course between positions 1 and 2, ILCA6 144167 clearly did not break RRS 16.1.
- 5. It is also clear, and acknowledged by the appellant, that there are no facts to indicate that the unknown windward boat broke a rule.
- 6. There are therefore no grounds for exonerating ILCA6 188083 for breaking RRS 11.
- 7. Regarding the appellant's belief that the Protest Committee should have found that ILCA6 144167 broke RRS 14, 16.2 and 19, the facts found do not indicate a breach of RRS 14 by ILCA6 144167, and neither RRS 16.2 nor RRS 19 were in force in this incident.
- 8. There are no facts to indicate that ILCA6 188083 broke RRS 2.

Appeal Panel Decision

1. The Protest Committee's decision to disqualify ILCA6 188083 is upheld, and the appeal against this decision is denied.

2. ILCA6 188083's appeal against the decision that her disqualification is not excludable is upheld.

3. ILCA6 188083's score in ILCA6 Race 9 of the 2023 SA Sailing Youth National Championships is changed from DNE to DSQ.

