

Australian Sailing Appeal Decision

2024-02 Gosford Sailing Club Race Committee v Nauti Gal

Appeal By: Race Committee

Arising from: A decision of the protest committee to award redress to Nauti Gal following a shortening of the course during race 2 held on 25th February 2024.

The following people have been appointed to the Appeal Panel for this appeal by Australian Sailing: John Standley (IJ) (Chair), Damien Boldyrew (IJ) David Brookes (IRO), Louise Davis (IRO) and Wayne Thompson (NJ, NU)

The Hearing

Nauti Gal requested redress believing she had been incorrectly scored after the race committee had signalled a shortened course.

The protest committee found the following facts:

1. On the 25/02/24 2 races were scheduled. The RO selected Course 12 for both races. Course 12 is a windward leeward course and describes the start /finish line as a gate, laid in the mid-way point of the leg which shall be crossed when sailing upwind from leeward mark 2. Division 1 and 2 sail 3 laps Division 3 sails 2laps. No instruction is described to prevent boats from sailing through the gate from mark1 to 2.
2. Sailing instruction 14.2 prescribes boats from sailing through the finish line in either direction when the RC boat is on Station that is when displaying the Blue Flag unless finishing the race.
3. There are no sailing instructions to describe any changes to RRS32.2.
4. On the 2nd lap of Race 2 the RO shortened the course for Divisions 2& 3 by displaying code flag S only, with 2 sound signals and by radioing the fleet on the prescribed fleet communications channel as per SI23.1(yachts are not required in the SIs to maintain a listening watch while racing.)
5. The RO's shortened course radio announcement also issued further instructions on finishing the race. These verbal instructions were confusing to the fleet.
6. At the time of displaying and announcing the shortened course the leading boats in Division 2 fleet were between the gate and mark 2L at the leeward end of the course on their second lap.
7. At the time of displaying and announcing the shortened course the leading boats in the division 3 fleet had rounded the windward mark W1 on their second lap and were approaching the gate.
8. Nauti Gal sailed through the gate in the direction of the last rounding mark W1.
9. The rest of the division 3 boats sailed from W1 and sailed past the gate either to port or to starboard on their course to mark 2L rounding and sailing upwind to the finish line thus completing 2 laps so sailing the full course.
10. Nauti Gal was not scored correctly as she was given time possibly reflecting her completing 2 laps of the course.
11. No division 3 boats were scored finished between L2 starboard and the RC boat.

12. No division 2 boats were scored finished between L2 starboard and the RC boat. All division 2 boats were scored finished when they sailed through the gate at the end of 2 laps. No Div 2 boats have sought redress.

And went on to conclude:

The RO shortened the course for divisions 2 and 3 so that where the leading boats were on the course determined which way the fleets would sail through the finish line. The further verbal finish instructions were confusing and invalid.

Nauti Gal in sailing from W1 to the finish line gate was the only Division 3 boat to finish correctly as she complied with the shortened course and the RRS Definition of Sail the Course (c).

The following rules apply, Definition-Sail the Course, 28.1, 32.1, 32.2, 62, 64.3.

And decided the following:

Redress granted. In granting redress Nauti Gal shall be re scored in first place and all other division 3 boats shall be scored NSC.

Due to the confusion referred to in paragraph 5 the PC will grant automatic redress to all the division 3 boats scored NSC and these boats shall be reinstated into the race and scored in their original finishing position with equal points for first place to Nauti Gal and Elusive Spirit.

Validity of Appeal

The appeal was lodged with Australian Sailing 15 days after the race committee received a written copy of the protest decision from the protest committee. This application therefore complies with the requirements of RRS R2.1(a). RRS R2.2 was also satisfied and therefore the submission is a valid appeal request.

Grounds of the appeal

The grounds of the appeal can be summarised as follows:

1. The Protest Committee has incorrectly concluded that Nauti Gal was the only Division 3 boat to finish the course when it sailed through a gate on the downwind leg of Course 12, however the 'gate' was not in operation on the downwind leg from Mark 1W to 2L.
2. The request for redress stated that "Only Naughty Gal crossed the finish line from the course side" potentially classing all other Division 3 boats as non-finishers or not sailed course, yet the other Division 3 boats were not advised of the date and time of the hearing and were not advised of the potential impact of their results as they should have been under RRS63.2
3. The Protest Committee Chairman failed to disclose as a Conflict of Interest that he was present in a meeting of a Technical Committee with the competitor lodging the request for redress, which concluded immediately prior to the hearing. (The only declarations of Conflict of Interest where that the members of the protest committee were competitors in the race in Division 1 and Division 2).

Appeal Panel discussions and conclusions:

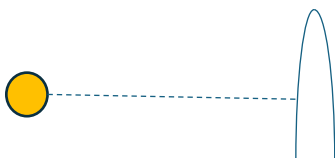
Appeal ground 1

The sailing instructions described the course as Start. 1W(P), 2L(P), Gate, 1W(P), 2L(P) Finish.

The appeal panel was provided with the following diagram by the race committee but it is noted that the diagram is not included in the sailing instructions.



1. Start
2. Gate
3. Finish



For a race to be shortened at a gate it must be at a gate that the boats are required to sail through. As the boats were not required to pass between the CV and the start/finish pin on the downwind leg this cannot be considered to be a 'gate'.

The protest committee therefore incorrectly concluded that Nauti Gal had finished the race when she sailed through the start/finish line when sailing from 1W to 2L.

On this ground the appeal is upheld.

Appeal ground 2

RRS 63.2 only requires *parties* to be notified of a hearing. The other competitors in Division 3 were not parties to the hearing as they were not the protestor or protestee and nor were they boats requesting redress or for whom redress was being requested. See RRS Definition of *Party*.

On this ground the appeal is denied.

Appeal ground 3

It is to be expected that members of a club will interact with each other. The fact that the PC chair and the hearing initiator attended a meeting at the club on a different topic is not, of itself, a conflict of interest.

The appeal panel is satisfied with comments made in rejoinders from Nauti Gal and the PC chair that the hearing matter was not discussed at the earlier technical committee meeting.

On this ground the appeal is denied.

Appeal Panel decision:

For the reasons stated in ground 1 the appeal is upheld.

Nauti Gal failed to finish when she passed between the start boat and the pin when sailing from 1W to 2 L.

The appeal committee has been advised by the RC that Nauti Gal was scored as finishing when she later crossed the finish line after rounding mark 2L but the rejoinder from Nauti Gal indicates that she may not have rounded mark 2L before heading back to the finish line to advise she would be seeking redress.

The appeal panel advises that the results of the race, as recorded by the race officer should stand on the basis that all boats sailed the course and finished within the time limit. RRS 90.3(d) applies.

Should Nauti Gal not have sailed the course, by rounding mark 2L before finishing, then the only option for her, under the RRS, is to acknowledge that and advise the RC that she is retiring from the race.
