

Australian Sailing Rule 70.2 Request

2023-07 SYC RRS 70.2 Request for Confirmation or Correction of Protest Decision

Request by Southport Yacht Club Protest Committee, lodged on 24 August, 2023.

Arising from a Hearing of a Request for Redress held 14 August, 2023 relating to a competitor scored DNC in Race 2 of the of Southport Yacht Club 2023 Winter Series, subsequent to initially being scored as a Finisher. The competitor lodged a Protest Form on 30 July, 2023.

The following people have been appointed to the Request Panel by Australian Sailing: Ian Humphries Chair - NJ, NRO, IRC/ORC Measurer 2046, Steve Hatch IJ, Howard Elliott IJ, Ross Chisholm NJ, Peter Walsh RJ, Fred Haes RJ

The Protest:

The protest committee found the following facts:

1. Touche was scored DNC in Race 2 of SYC Winter Passage Series.
2. Touche had entered the series and provided the required supporting documentation
3. Touche was not advised prior start of Race 2 that entry was refused
4. Touche Signed on with Race Control
5. Touche Started correctly, Sailed the Course and was given a Finish Time
6. Some Days later, the Results were amended and Touche was scored DNC
7. Touche's Race score was changed from 3-6

The protest committee concluded:

1. Scoring of Touche was an improper action by the Race Committee
2. The change in race score was Significant
3. On relevant evidence supplied to the Redress matter, Touche contributed no fault to the DNC score
4. Rule(s) 62, A5.1

The protest committee decided the following:

1. Touche (and Esprit- Similarly scored) to be re-instated to the score initially recorded at the time of daily presentation.

Confirmation or Correction Request Summary

The protest committee made the following errors:

1. They failed to recognise that Rule 78 applied (Compliance with Class Rules; Certificates) and they erred in finding Fact 2: Touche had entered the series and provided the required supporting documentation.
2. They erred in concluding an improper action of the Race Committee and that Touche contributed no fault.
3. They erred in deciding Touche (and Esprit- Similarly scored) to be re-instated to the score initially recorded at the time of daily presentation.

Request Panel Decision on Confirmation or Correction

The Decision in the Request for Confirmation or Correction of Protest Decision under RRS70.2 is that the Decision of the Protest Committee is not confirmed, and the Request Panel has issued the following Correction to the SYC Protest Committee's decision as below:

Facts Found

1. Touche's ORC Rating Certificate expired on 30 June, 2023.
2. Touche did not hold a valid ORC Rating Certificate for Race 2 of the SYC Winter Passage Series.
3. Touche was scored DNC in Race 2 of SYC Winter Passage Series.

Conclusion and Rules

Touche did not meet the requirements to start in Race 2 of the SYC Winter Passage Series.

RRS 78

Decision

Request for Redress is denied.