

Rules Specialist Group 2017-2020 Racing Rules of Sailing

Application of 61.1(b) and Possible Conflict of Interest

Issued 19 February 2021

Question

I am hoping that you can help me clarify the application of RRS 61.1(b). Clearly, a protest committee can protest a boat as a result of facts found during consideration of a protest.

I believe it is the intention of the RRS (collectively) that such a protest would be heard as an extension of the protest(s) that gave rise to the new protest. Can you please confirm that is the case.

The alternative would be that a new protest committee would need to be formed to hear the protest raised by the original protest committee.

I don't believe that a member of a protest committee would have a conflict of interest (as defined in RRS) just because it is the protest committee making the protest. I have scoured the AS and WS websites, case book, and also done various google searches but cannot actually find an account of a protest by a protest committee.

RSG discussion and response

There appears to be some confusion about the application of RRS 61.1(b). Rule 61.1(b) relates to the situation where a race committee, technical committee or protest committee intends to protest a boat for an incident observed in the racing area and merely sets out the time limit for advising the boat and how that advice may be given.

The rule that allows a boat to be protested by the protest committee during the consideration of a protest is RRS 60.3(a)(2).

When the protest committee acts under rule 60.3(a)(2) it is required to act in accordance with rule 61.1(c) which requires it to close the current hearing, advise the boat concerned and then start a new hearing and hear the two protests together.

It should also be noted that when a protest committee invokes rule 61.1(c) it also needs to comply with rule 61.2 which requires the protest to be in writing.

A member of a protest committee does not have a conflict of interest just because they are part of the group that submitted the protest.

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However, each time a protest committee starts a hearing it needs to consider if any of the committee members may have a conflict of interest, as defined in the definitions¹ section of the rule book.

It is possible, therefore, that a member of the committee may not have a conflict of interest in an initial hearing but may have when the committee acts under rule 61.1(c) and starts a new hearing with another boat involved.

On behalf of Australian Sailing Rules Specialist Group

John Standley

Chair

19th February 2021

¹**Conflict of interest** A person has a *conflict of interest* if he

- (a) may gain or lose as a result of a decision to which he contribute
- (b) may reasonably appear to have a person or financial interest which could affect his ability to be impartial
- (c) has a close personal interest in a decision