

Rules Specialist Group 2017-2020 Racing Rules of Sailing

National Juries

Issued 11 August 2018

1. [Validity of the prescription to rule 70.5](#)

The Rules Specialist Group has been asked to provide an opinion on the validity of the prescription to rule 70.5(b) and whether or not Australian Sailing can approve a National Jury for an event with competitors from overseas.

Rule 70.5 There shall be no appeal from the decisions of an international jury constituted in compliance with Appendix N. Furthermore, if the notice of race and the sailing instructions so state, the right of appeal may be denied provided that...

(b) a national authority so approves for a particular event open only to entrants under its own jurisdiction; or

The AS prescription to rule 70.5(b) states:

Australian Sailing prescribes that for events conducted on behalf of Australian Sailing or other major events Australian Sailing may agree to the appointment of a National Jury, which shall comply with Australian Sailing's policy on the appointment of a National Jury which is set out in Addendum A.

It has been the practice of AS to grant 'no appeals' status to events even when there are international competitors. It is this action which is being questioned.

There was much discussion and a range of views on this question, and it would not be accurate to state that the RSG have reached a unanimous position. A summary of those redacted comments is attached.

While we agree that the prescription itself is valid, it cannot be then used by AS in a way which changes the substance of 70.5 (b). That is clearly prohibited by 86.1 (a).

Some confirmation of this position may also be found in the RYA prescription which reads:

The RYA will not consider approving the denial of the right of appeal under rule 70.5(b) unless

(a) the event is open only to boats entered by an organization affiliated to the RYA, a member of such an organization or a personal member of the RYA;

(b) the RYA decides there is good reason to approve; the cost of an international jury which would otherwise be appropriate for the event is not a good reason;

(c) the protest committee is approved by the RYA; and

(d) application to the RYA is made no later than one month before the notice of race is to be issued. In exceptional circumstances, the RYA may consider a later application.

A copy of the RYA letter of approval shall be displayed on the official notice board.

However, the denial of appeal shall not apply to a party to a hearing under rule 69.2, Misconduct, but the decision of the protest committee shall determine the results of the event.

Australian Sailing Limited
ABN 26 602 997 562

Level 1, 22 Atchison Street
St Leonards NSW 2065

Locked Bag 806
Milsons Point NSW 1565
Australia

T +61 2 8424 7400

F +61 2 9906 2366

E office@sailing.org.au

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2. [Recommendation](#)

We therefore recommend that Australian Sailing review its application of the prescription to rule 70.5(b) and discontinue its practice of approving 'no appeals' status to Australian events which include competitors from outside its jurisdiction.

Submitted.

Murray Jones IJ
on behalf of
Australian Sailing Rules Specialist Group
11/08/2018