



Decision of Protest Committee

Protest Number:	09
Protest Heard With:	11 Both protests related to the same incident and the jury heard both protests together.
Date of Hearing:	3 March 2019
Class / Division:	Performance Non Spinnaker Div 2.
Date of Incident:	03 March 2019
Race Number:	4
Boat Contesting:	MH107 Sol
Representative	Kevin Gray
Boat(s) Protested:	MH17 Eau de Vie
Representative:	Mark Bothwell Witness David Naismith
Validity:	Valid
Facts Found:	<ol style="list-style-type: none">1. Sol and Eau de Vie were running downwind on port tack towards the leeward mark to be rounded to starboard.2. Eau de Vie was clear ahead of Sol.3. Both boats gybed to round the mark4. When Eau de Vie reached the zone Sol was clear astern.5. Sol then hardened up short of the mark to keep clear of Eau de Vie.6. Eau de Vie rounded up, and hit the mark.7. Eau de Vie then passed head to wind onto port tack and there was contact between Eau de Vie's bow and Sol's port quarter.8. There was damage to Eau de Vie's bow and Sol's port quarter.9. Neither boat took a penalty turn.
Diagram:	
Conclusions:	<ol style="list-style-type: none">1. Eau de Vie touched the mark. Eau de vie broke rule 31.2. Eau de Vie a right of way boat changing course did not give Sol room to keep clear. Eau de Vie broke rule 16.13. When Eau de Vie passed head to wind she did not keep clear of Sol as required by rule 13.4. Eau de Vie did not avoid contact when it was reasonably possible to do so. Eau de Vie broke rule 14.5. It was not reasonably possible for Sol to avoid contact when it became clear that Eau de Vie was not keeping clear of her. Sol did not break rule 14.
Rules that Apply:	
Decision:	Eau de Vie is disqualified in Race 4.
Protest Committee:	Simon Barrington NJ NSW, John Allan NJ NSW, Erica Kirby NJ NSW and Rob



— 2019 —
SYDNEY
HARBOUR
REGATTA

Ware IJ VIC (chairman)

Chairman's Signature:

A handwritten signature in black ink, appearing to be 'Ware IJ'.

Decision Advised: