

GFS TWILIGHT PROTEST

AVANTI and IZZI; IZZI and AVANTI – TWILIGHT RACE 5, 11TH January 2017

Protest Committee

Julian Todd, Chairman,

Kris Romuld,

Ian Smith

Boats

First Protest, Avanti and Izzi

Second Protest, Izzi and Avanti

Avanti. Represented by Peter Clarke. Witness Eric Duggan (crew).

Izzi. Represented by Ross Springer. Witnesses Rob Wilmott (crew) and Ashton Smith (Saoirse)

Preliminaries:

Ross Springer of Izzi said he raised a red flag and hailed “Protest” immediately after the collision. Peter Clarke said he did not hear a hail or see a red flag, but he did not dispute it had happened. The committee found as a matter of fact that this had happened.

Peter Clarke of Avanti said as soon as the boats were clear of each other he had hailed “Protest” and raised a red flag, made from old spinnaker material and showed it to the committee. Eric Duggan said he had a red flag with him and had gone to raise it, but saw that Peter had already raised a red flag. He heard the call of “Protest” from Peter. Ross Springer said he did not hear a hail, but in the wind was not sure he would have heard it. He also said he had checked Avanti as soon as the boats were clear, and had not seen any red flag. He disputed that a red flag was raised and asserted that Avanti’s protest was invalid. Rob Wilmott had not seen a red flag on Avanti, but had not deliberately searched to see if one had been raised.

In this situation where the recollections and observations of the witnesses were not reconcilable, the Protest Committee accepts that all witnesses were putting forward their genuinely held recollections of what they had seen and heard. The Committee notes the detailed evidence of Eric Duggan that he stopped raising his own red flag when he saw that Peter Clarke had already raised a red flag and finds as a matter of fact, and on the balance of probabilities, that Avanti raised a red flag as soon as the boats were clear. Avanti has complied with rule 61.1 (a)

Event.

1. Race 5 was sailed in SSE 16-34 kt conditions.
2. Soon after the start Izzi changed course onto a port tack near the tug boat mid river in the centre of Lane Cove River.
3. Avanti tacked onto starboard tack west of Onions Point and travelled towards the centre of Lane Cove River.
4. Saoirse was behind both boats and Ashton Smith saw the collision occur ahead.
5. Ross Springer on Izzi thought she would clear Avanti and did not keep a look out to starboard. Nor did Peter Clarke on Avanti keep a look out to port.
6. In response to a 25 kt southerly shift, Izzi was knocked to starboard, Avanti lifted. At this stage neither boat adjusted course.
7. Within 2 boat lengths, Peter Clarke on Avanti saw Izzi and realised that they may collide. He had the mainsheet eased and turned to port. In the strong wind Avanti did not respond well and the turn was limited. Izzi did not change course.
8. Avanti's bow roller hit Izzi's starboard quarter damaging the starboard stern pulpit and hull.
9. Both boats continued to race.
10. Neither boat took penalty turns.
11. Both skippers and all witnesses were of the view that it was unlikely that the boats would collide until they were approximately two boat lengths apart.

Facts found.

Izzi was on port tack and did not keep clear of Avanti on starboard tack as required by rule 10.

Avanti was on starboard tack, and as the right of way boat was required by rule 14 to avoid contact if reasonably possible. However she is not required to act to avoid contact until it is clear that the other boat is not keeping clear, rule 14 (a). As a matter of fact Avanti did act to avoid contact when it was clear Izzi was not going to keep clear, but in the wind and conditions at the time was not able to do so.

Had Peter Clarke on Avanti kept a better lookout he would have realised that if he left his avoiding action until it was clear that Izzi was not keeping clear, it was possible that he would not be able to avoid a collision.

At the relevant time before the collision Avanti did not change course so that rule 16 is not invoked.

Rule 10 ON OPPOSITE TACKS

When boats are on opposite tacks, a port tack boat shall keep clear of a starboard tack boat.

Rule 14 AVOIDING CONTACT

A boat shall avoid contact with another boat if reasonably possible. However a right-of-way boat or one entitled to room or mark room

(a) Need not act to avoid contact until it is clear that the other boat is not keeping clear or giving room or mark room, and

(b) . . .

Decision

Izzi is disqualified for breach of rule 10.

Julian Todd,

Chairman

28 January 2017