

GFS TWILIGHT PROTEST

FOXY and NAUGHTY CALL - GOLD DIVISION, DIVISION 2; DOWNHARBOUR RACE 16/3/2016

Protest Committee

Michael Murphy, chairman,

Paul Hanly,

Kristan Romuld

Boats

Protestor; Foxy represented by DJ Hodder. There were no other witnesses.

Protestee; Naughty Call represented by Colin Wiley. There were no other witnesses.

Event.

On 2/11/2016 Foxy and Naughty Call had rounded Cockatoo Island and were heading back towards the Lane Cove River and the finish line. The wind was variable, but about 10 knots at the time of this incident.

Both boats were on a starboard tack close hauled and heading approximately North. Their course was such that they would sail gradually into a line of moored boats along the Woolwich shore. Under the Sailing Instructions it is not permitted to sail through these moorings and they formed a continuing obstruction.

Naughty Call was clear ahead of Foxy and to leeward. As Naughty Call approached the last mooring in the line of moorings she would have to tack onto port to avoid sailing through the moorings. At that point DJ Holster, skipper of Foxy estimated that there were 5 to 6 boat lengths on a diagonal line between the boats, and that when Naughty Call tacked she would have to sail 3 to 4 boat lengths before she intersected with the course that Foxy was sailing. Colin Wiley, skipper of Naughty Call, said he did not dispute these distances and later estimated 4 boat lengths.

AS Naughty Call approached the mooring Colin Wiley said he called "Water" and "Tacking", and then tacked on to port. These calls were not heard by DJ Holster. Colin Wiley said he did not do a crash tack which would have stopped his boat dead in the water. He continued close hauled on port and expected Foxy to tack away from him.

In DJ Holster said he saw the tack and in his view there was adequate room for Naughty Call to duck behind Foxy. Because of the room he had not anticipated a "Water" call and did not hear it. When he saw that Naughty Call was not steering to duck him he called "Starboard" and when Naughty Call did not immediately change course, he tacked hard onto port to avoid a collision. He estimated that had neither boat tacked Foxy would have collided with Naughty Call amidships.

Naughty Call tacked on to port and the crew were still hauling in the sheets when Colin Wiley realised Foxy was not tacking and there was danger of a collision. He estimated the collision would have been nose to nose had neither boat tacked to avoid each other. He had by then just cleared the

mooring and tacked hard to a starboard course to avoid a collision. The boats did not collide, but were very close.

In Colin Wiley's view Foxy could have continued on its starboard course and would have missed him.

Facts found.

The committee finds that at the time that Naughty Call tacked on to port to avoid the mooring she was 3 to 4 boat lengths from the course being sailed by Foxy.

"Rule 20.1 Hailing

When approaching an obstruction, a boat may hail for room to tack and avoid a boat on the same tack. . . ."

Had Naughty Call needed room to tack and avoid Foxy she was entitled to call for "Water". However if Naughty Call had sufficient room to tack and then continue turning in a seamanlike manner and to duck past the stern of Foxy, she was not entitled to call for "Water".

The committee accepts that Colin Wiley from Naughty Call believed that there was some possibility of collision if he had tried to duck behind Foxy. However when a collision was imminent he was able to tack back onto starboard and in his view would have narrowly missed Foxy if Foxy had held her starboard course. Narrowly missing does not satisfy the "keep clear" requirement of rule 11, but shows that Naughty Call had some room to manoeuvre. The committee finds as a matter of fact that Naughty Call after tacking on to port had room to safely duck behind the stern of Foxy in a seamanlike manner. In these circumstances she was not entitled to hail for room to tack under rule 20.1.

The committee notes rule 20.2 (b) *"The hailed boat shall respond even if the hail breaks rule 20.1"*. Had the skipper of Foxy heard the call for room he would have been obliged to tack or call "You tack" irrespective of the fact that Naughty Call had room to duck behind Foxy. However the committee accepts as a fact that he did not hear the calls of "Water" or "Tacking", although the relative courses of the two boats while on Starboard tack should have alerted DJ Holster that a "Water" call was predictable. He believed that the situation was a straight forwarder port/starboard matter. In these circumstances he was not obliged to tack.

Naughty Call has breached rule 10.

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

By the time that Naughty Call tacked back from port to starboard she was so close to Foxy that Foxy was obliged by rule 14 to tack onto port to avoid the real possibility of a collision.

As a port tack boat Naughty Call did not keep clear of Foxy.

Penalties.

Naughty Call is disqualified.

Michael Murphy, Chairman

15/11/2016