

## **PROTEST HEARING HELD ON 25th February 2019**

Between

Graeme Davey of G-Whizz Sail No 3425, and  
Paul Williams of Takana Sail No 6827

### **Committee**

Alan Bull (Chair), Paul Stubbs and Kristian Romald

### **Occurrence**

Collision at 1809 hrs. Close to and just before the start line of Blue Division on the 13th Feb 2019

### **Present**

For Takana Skipper Paul Williams and crew as witness, Al Mclvor, Don Ridley  
For G-Whizz Skipper Graeme Davey and crew Ann Davey, Peter Shultz  
Also Representing Takana but on Arurora was Jullian Todd. Michael Murphy was present as an observer.

### **Preliminaries**

Both yachts were taking part on Blue Division Twilight race organized by GFS. Both skippers submitted forms within the time limit and both called protest and displayed red protest flags. Both had no objection to the formation of the Committee and saw no impediment for the hearing to proceed.

### **Event**

The wind was light reportedly up to around 5 knots, but variable. Takana initially on starboard tack turned into the wind close to the clearance mark at the northern end of the start line where they found they had arrived early and after turning to port luffed to prevent crossing the line. Simultaneously, G-Whizz was reaching parallel to the line in the direction of the northern mark and as she approached saw Takana and called out that she would "go behind you". Takana gave a physical signal that she had "no steerage". However, G-Whizz did not change course sufficiently and collided with Takana's starboard side approximately 2 meters from the stern at an angle between 45 and 90 degrees.

### **Witnesses and Observations**

Prior to the collision, Paul Williams (Takana) and witness Al Mclvor and Dan Ridley testified that Takana had no or very little "way" and testified that Paul Williams took his hands off the steering wheel to indicate that Takana was in irons. Julian Todd testified he did not notice any change in wind pressure and no witness noticed any boats heeling during this sequence of events. Both Julian Todd and Al Mclvor reported no change to the sails and very little change in direction of G-Whizz, and in addition to Takana Skipper Paul Williams, both attest that there was sufficient room for G-Whizz to take evasive action to avoid a collision. When asked Graeme Davey confirmed that no adjustment was made to his main sheet.

## **Facts Found**

Takana had tacked from starboard to port, but was luffed up on port tack and had either not reached close hauled at the time of the collision or had deliberately stalled to prevent crossing the start line early.

G-Wizz did steer to go behind Takana, but with the change in wind direction did not compensate with a corresponding change in the sails and steerage and as a result G-Whizz failed to clear Takana. Had G-Wizz adjusted her sails and altered course she would have cleared Takana and avoided the resulting collision.

## **Decision of the Committee**

The committee freely debated this incident and unanimously resolved that: -

Takana put herself in a difficult position by luffing close to the clearance mark and consequently stalling thus creating an obstruction while tacking. By taking this action she breached Rule 13 of the Yachting Rules and after withdrawing from the race does not incur any penalty but is considered disqualified.

G-Whizz elected to pass behind Takana but failed to clear Takana and so breached Rule 14 of the Yachting Rules. G-Whizz is disqualified from this race.