

GFS TWILIGHT PROTEST

TAKANA and IZZI – Twilight Autumn Race 7, 21/11/2018

Protest Committee

Michael Murphy, chairman,

Paul Hanly,

John Veale

Boats

Protestor; Takana skippered by Paul Williams. Witnesses Julian Todd (Aurora); Graeme Davey (Gwizz); Don Ridley (Takana)

Protestee; Izzi. At the request of Andy Springer, the skipper, he was represented by Mark Worsley (crew).

Preliminaries;

Paul Williams and Mark Worsley agreed that a red flag was displayed by Takana and “Protest” hailed at the time of the incident. The Protest Form was lodged at 20.45 pm within the time limits for lodging a protest.

Event.

On 21/11/2018 a large fleet of boats mainly from the Blue and Black fleets were sailing East towards Goat Island. Izzi and Takana were sailing in the Blue Division. Izzi was astern of Takana and collided with her.

In his evidence Paul Williams said Takana was approaching the red buoy off the North East of Goat Island, on Starboard, with the wind predominately South to West. The wind was light and boat speed was slow. Izzi collided with Takana’s stern. Izzi may have achieved an overlap to windward by a very small distance, but the impact was predominately to the stern. Takana was not aware of Izzi approaching until the last moment. Takana’s skipper and crew were shocked by the impact and sailed to leeward out of the fleet to assess damage and decide what to do next. Within minutes a severe squall hit and after coping with the squall Takana decided to retire.

The evidence of Julian Todd and Graeme Davey was heard by speaker phone with the consent of both representatives.

Julian Todd was crewing on Aurora and saw Izzi collide with the stern of Takana just before she rounded the red buoy. The boat speed was 1 to 2 kts. There was not enough room for Izzi to go between Takana and the red buoy. (The red buoy forms part of the continuing obstruction of Goat Island.) The squall hit the fleet about 2 to 3 minutes after the collision and wind speed was a good 30 kts.

Graeme Davey was skippering GWizz, overlapped and to leeward of Takana as they approached the red buoy. He said Gwizz gave Takana room to clear red buoy and turned along the Eastern shore of Goat Island. Izzi ran into the starboard rear of Takana. GWizz had sailed half way along the Eastern shore of Goat Island before the squall hit. The wind speed in the squall was over 30 kts. After the squall Izzi was ahead of Gwizz and he was in a position to see Izzi if she had taken a Two Turn penalty near Balls Head, and he did not see Izzi take the penalty. He agreed that if Izzi had taken the turns he may not have seen her do so. He was concentrating on his own sailing.

Don Ridley was crew on Takana. Izzi hit Takana on the stern before the red buoy. There were a lot of boats. Takana then sailed clear of the other boats. The squall hit maybe 5 to 10 minutes after the collision.

Mark Worsley was crew on Izzi. The usual skipper, Andy Springer was not on board and the skipper for the race was David Sanders. Izzi was boxed in by other boats as they approached the red buoy. Izzi was travelling at about 1.5 kts and faster than Takana. Izzi let her sails off to slow down, but did not slow enough and had the choice of hitting Takana or the red buoy, and hit the stern of Takana. Later in his evidence Mark thought the collision had been as the boats were about 150 metres past the red buoy, but after hearing the other witnesses agreed the collision could have been before the red buoy had been passed. He said that he thought it would have been unsafe for Izzi to take a Two-Turn penalty after the collision and it was not safe until Izzi reached the Ball's Head area. After the collision Izzi put its sails on and sailed through the fleet. The squall hit soon after the collision and Izzi handled it better than most of the other boats and continued past the fleet, along the Eastern shore of Goat Island, along the Southern shore and clear of Goat Island. At about Ball's Head Izzi was clear of the fleet and took a Two-Turn penalty. She then continued to the finish. In Mark's opinion Izzi did not gain an advantage from the breach of the rules.

Facts found.

The Committee accepts the evidence of the majority of the witnesses and finds that Izzi collided with the stern of Takana immediately before she passed the red buoy. The collision was not caused by being hemmed in by the other boats. The committee accepts Mark's evidence and finds that Izzi could have slowed down sufficiently to avoid the collision if her sails had been let off early enough.

The collision was a breach of r 12.

"12 ON THE SAME TACK, NOT OVERLAPPED

When boats are on the same tack and not overlapped, a boat clear astern shall keep clear of a boat clear ahead."

r 44.1 allows a boat that has breached a rule in Part 2 to take a Two-Turn penalty. However, r 44.2 says;

"After getting well clear of other boats as soon after the incident as possible, a boat takes a One-Turn or Two-Turn Penalty by promptly making the required number of turns in the same direction, . . ."

The committee accepts Mark's evidence that Izzi took a Two-Turn penalty near Ball's Head and that Graeme Davey was not concentrating on Izzi at the time.

Mark initially thought that it could have been dangerous to following boats for Izzi to sail out of the fleet immediately after the collision, but agreed that if Izzi had kept her sails let off the other boats could have passed her and she could have sailed clear while still on the Eastern shore of Goat Island. The committee notes that Takana was just ahead of Izzi after the collision was able to immediately sail clear of the other boats, let her sails off, inspect the damage and attend to her crew, one of whom was visibly shaken by the collision.

The committee finds that Izzi's decision to pull on her sails after the collision and sail through the fleet was not acting to get clear of the other boats and take required penalty turns as soon as possible. Had Izzi kept her sails off the other boats could have sailed past her and she would have been clear. It may be that the squall would have prevented her from completing the turns until the squall passed. However, the committee finds that there would have been opportunity to sail clear at some point between the collision and passing Goat Island, and that taking a Two-Turn penalty near Ball's Head was not "*as soon after the incident as possible*" nor "*promptly*".

The Two-Turn penalty taken by Izzi was not in compliance with r 44.2 and does not exonerate her for her breach of r 12.

Penalties.

Izzi is disqualified.

Michael Murphy, Chairman

7/12/2018