



2016 - 2017 SAILING HANDBOOK

Royal Sydney Yacht Squadron – 10 September 2016 to 1 April 2017

NOTICE TO ETHELLS COMPETITORS

MINI REGATTA SAILING

Overview

The Sydney Fleet is seeking to promote fair play on and off the racecourse to ensure all fleet members can be assured of high quality and enjoyable Etchells racing.

On water incidents are a disruptive but inevitable part of our sport. The Fleet for some time have been considering initiatives that can improve the knowledge and use of rules and assist with amicable and prompt resolution of on water issues without removing the pathway for parties to pursue a resolution via a protest.

Two key changes are being introduced for mini regattas in the 2016-17 season;

- Boats after finishing may make a voluntary acknowledgement for a race incident and take a Scoring Penalty
- Mediation to be conducted immediately after racing as a voluntary and non-binding process to assist with resolution of on course incidents

Voluntary Acknowledgement

The voluntary acknowledgement process allows a skipper at any time before the end of protest time to take a penalty that is less than a DSQ or RET in relation to an incident to which Part 2 of the Racing Rules of Sailing (RRS) apply. As with completing a 360 or 720, this acknowledgement shall not be an admission of guilt.

The scoring penalty that will be described in the SIs shall be a scoring penalty equal to a finishing place mid-way between the boat's actual finishing place and the score for a disqualification. Half points shall be disregarded and the points of other boats shall not be adjusted.

Note that in the SIs rule 63.1 will not be altered meaning that a protestor can still elect to proceed with a protest even if the protestee has taken an acknowledgement.

Mediation Process for Mini-regattas

A boat can initiate a mediation if it believes an Etchells may have infringed a rule of Part 2 of the RRS as part of an incident to which it was a party.

Protest mediation may be a new concept to many competitors. It is used to resolve on water incidents and reduce the need for full protest hearings, as:

- It will allow both parties to discuss the incidents and rules applicable and therefore;
- It may give a protesting boat the opportunity to withdraw the protest before there is a protest hearing.
- It may give a protested boat the chance to avoid a full protest hearing by accepting a lesser penalty than may be received at a protest hearing.

Key elements of the mediation will be as follows;

- The mediation hearing will last for just a few minutes (less than 10) and will be conducted in a private setting and friendly manner. Mediation can also be conducted via telephone.
- There will be just the mediators and parties (skippers) in attendance. No witnesses will be involved. Given that mediation is voluntary, a mediation can take place with the mediator and one other party only.
- The process follows the similar process to a protest with the protestor then protestee present their description and view of rules applicable. The mediator will ask questions of his own and facilitate questions between the parties.
- All that is said to the mediator will be kept private unless the parties elect otherwise. A record will be kept.

- The mediator will try to help the parties to settle the matter. The mediator's role is not to make a determination but rather facilitate consensus between the parties.
- Protest mediation will seek to assist the parties arrive at one of 2 outcomes. This can result when the parties either:
 - conclude that no rule was broken and would probably be dismissed by the protest committee, or
 - conclude that a rule was broken and give the offending boat(s) a chance to accept a scoring penalty that will be less severe than a protest room DSQ.
- As mediation is voluntary, a mediator cannot "force" a competitor into any course of action, because:
- Even if the mediator believes no rule was broken, the protesting boat may still have the matter taken to a full protest hearing.
- Even if the mediator believes a rule was broken by a boat, the boat can still have the matter taken to a full protest hearing.

As the mediation is voluntary, the parties may proceed with a protest and full hearing, however this of course risks that the protest may not be valid or that protestor may themselves be disqualified.

A panel / roster of appropriately experienced and knowledgeable fleet members will be formed and for each mini regatta members of that panel will be available to conduct the mediation ashore post racing. To assist with coordination of mediation, to initiate a mediation, within 5 minutes of the last boat to finish a race in which the incident took place the boat must advise the CV of its intention to protest. Within 10 minutes of the last boat to finish the last race of the day, the CV will communicate via VHF notifying competitors of boats (sail no.) and race number for whom the RC has been advised that protests may be lodged and mediation will be initiated.

Within 1 hour of the finishing time of the last boat, the Mediators will advise the parties of the time and place of the mediation (The mediation can be held by teleconference and should ideally commence within 90 minutes of the last boats finishing time).

Mike Tyquin
 Sydney Etchells Fleet
 RSYS

RSYS Race Committee
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