

Royal Sydney Yacht Squadron

Saturday 10/2/2024

Protest:- Alouette (505) vs Whistling Kite (116)

Protest held at RSYS 12/2/2024 at 1900

Validity

There was serious damage to at least one vessel and as such under RRS61.1(a)(4) to protestor need only advise prior to the time limit.

Furthermore Whistling Kite has entered a counter protest.

Both protests shall be heard at once. Alouette shall be deemed to be the protestor as they submitted their form first

Facts found

1. Breeze was 15-20kts, gusting to mid 20's
2. The sea state was slight to choppy
3. Alouette was doing 6-7 knots
4. Whistling kite was doing 4-5 knots having slowed in their prestart manoeuvres
5. It was less than one minute to Division 1 start and as such Alouette is deemed not to be racing as it was prior to her preparatory signal.
6. Prior to the collision Alouette was on port tack.
7. Prior to the collision Whistling kite tacked onto starboard and completed her tack approximately 10 secs before the collision. At this time Alouette was 3-4 boats lengths from Whistling Kite.
8. Whistling Kite was restricted in their ability to avoid the collision due to the proximity of other vessels that were similarly in pre-start manoeuvres. They had assumed that Alouette was taking avoiding action but, by Alouette's own admission, their steering was compromised by a failure to de-power sufficiently to bear away. When this became apparent there was no reasonable action that Whistling Kite could have taken that would have prevented the collision

Conclusion

1. Alouette was the port tack keep clear boat
2. As Alouette was not racing they are required to "not interfere with a boat that is racing".
3. At the time Whistling Kite completed her tacked to starboard, acquiring rights under RRS10, there was sufficient room for Alouette to keep clear.
4. It was not reasonably possible for Whistling Kite to avoid the collision.

Decision

1. Alouette is to be scored DSQ

Rules Applicable

1. RRS10
2. RRS 23.1

Protest Committee Chair

Peter Campbell Lowndes
AS65217

Protest Panel: Peter Lowndes, Timothy Cox, Rowena Cremer