

2025 Double Handed Race Index

Protest Executive Decision

Request for Redress

Protest Decision

Appeal

Appeal Decision

THIS SIDE FOR PROTEST COMMITTEE USE

Number Heard together with numbers

Fill in and tick as appropriate

Withdrawal requested Signature Withdrawal permitted

Protest time limit

Protest, or request for redress or reopening, is within time limit Time limit extended

Protestor, or party requesting redress or reopening, represented by

Other party, or boat being considered for redress, represented by

Names of witnesses

Interpreters

Remarks

No objection about interested party

Written protest or request identifies incident

'Protest' hailed at first reasonable opportunity

No hail needed; protestee informed at first reasonable opportunity

Red flag conspicuously displayed at first reasonable opportunity

Protest or request valid; hearing will continue Protest or request invalid; hearing is closed

FACTS FOUND

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.....

Diagram of boat is endorsed by committee Committee's diagram is attached

CONCLUSIONS AND RULES THAT APPLY

.....
.....

DECISION

Protest: dismissed Boat(s) is (are) disqualified

penalized as follows :

Redress: not given given as follows :

Request to reopen a hearing: denied granted

Protest committee chairman and other members

.....

Chairman's signature

Date and time

Request for Redress – Race Committee Error

Event Date: 18 May 2025

Location: Port Philip Bay, Melbourne, Australia

Race Committee Representative: [Simon Dryden, ORCV Race Director]

Details of Request:

Under **RRS 62.1(a)**, I, as Race Director, request redress on behalf of the majority of competitors in 2025 Double Handed race due to an error by the Race Committee in the course setup.

Facts:

- The intended course was: Start, Gate, RBYC 3 round to Port, SYC 5].
- Due to the location of the gate rounding RBYC 3 to port.
- Only two boats correctly identified and rounded the intended mark.
- The remainder of the fleet did not round the mark correctly due to the confusing course layout of the course.
- The error directly impacted the fairness and integrity of the race results.

Requested Redress:

That the results for this race be reviewed and amended as appropriate, potentially including:

- Scoring the affected boats in a fair manner based on their positions relative to each other

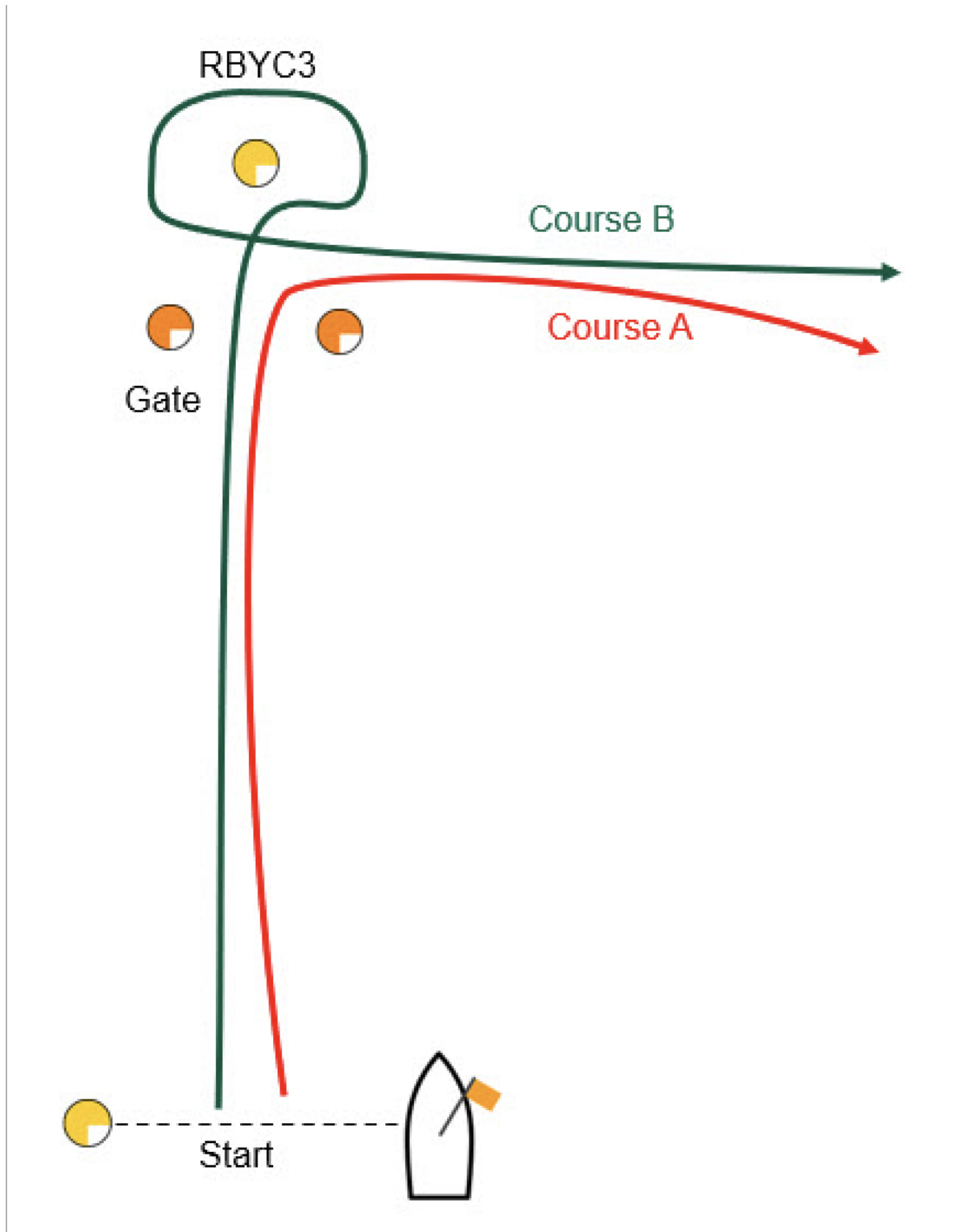
Conclusion:

This request is made in the interest of fairness and to uphold the integrity of the event. The Race Committee acknowledges the error and seeks to remedy the impact on the competitors through appropriate redress.

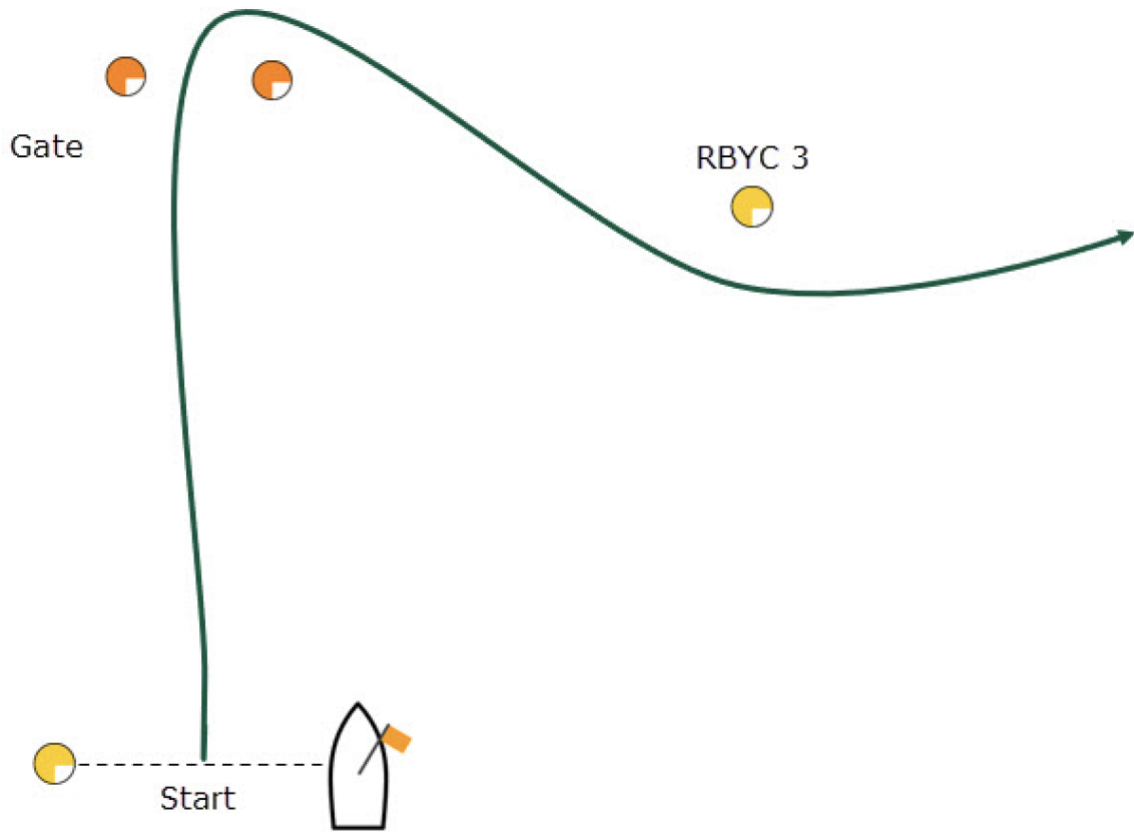
Signed,
Simon Dryden
Race Director



The course Sailed by Executive Decision and Affirmative Action



What the course should have been that I should have laid



In context, please talk with...

PROTEST COMMITTEE DECISION

Case No: 1

With Case(s): 2

Race: ORCV Two Handed Race 18/5/2025

PARTIES

Boat or Committee or Person	Class/Fleet	Represented By/Not Present
R1121		Will Sheers
SB110		Cameron Barwick
ORCV		Hannah Williams
R1121		Ben Frecheville
		Patrick
Sm63		James Russell
		David Richards
		John Handley
		Patrick de Koster
H1010		Ryan Grieves
H1010		Rodney Muller
Sm3600		Rod Smallman
RC		Simon Dryden

WITNESSES

Name	Boat – Committee - Role
Rod Smallman	Sm 3600

Valid – Yes (if ‘No’ use Facts Found to document this decision)

Case Introduction:

A boat alleges that all but three boats in Div 1-2 (including themselves), failed to sail the course set and displayed as per the sailing instructions, by failing to round a mark designated as a rounding mark.

The RC believing that they had made an error, applied for redress on behalf of the effected boats.

Protest Committee’s diagram attached.

Procedural Matters: (Conflicts of Interest, parties not present, extending time limits)

The hearings were conducted via a zoom call with all boats effected invited to attend.

Facts found:

1. The wind was 14-22knts.
2. The RC signalled that both divisions would be sailing Course 4 (C5) as described in the sailing instructions (SIs)
3. No amendments to the SIs and in particular, C5, had been posted on the ORCV website before 0700 on the day of the race nor at the commencement of the Sign on schedule as required in SI 2.2
4. C5 required boats to Start, sail through the gate and round RBYC3 to port, sail to SYC4 rounding it starboard, and then onto the remainder of the course
5. No changes to the course had been signalled.
6. The start boat was approximately .4Nm due north of navigational mark R2 (which was relayed over the radio to assist the fleet locate the start area).
7. The gate was set directly upwind from the start and 50m short of RBYC3 with RBYC3 appearing in the middle of the gate when viewed from the start boat.
8. R1121 and Sm3600 and AUS216 sailed through the gate and then sailed to RBYC3 and rounded it to port by sailing around in a counter clockwise loop.
9. The remainder of the fleet, both Div 1 and 2, having sailed through the gate, then sailed past RBYC3 passing it to port.
10. The RC had made a radio call advising boats to “leave RBYC3 to port” after observing boats sailing from the gate, passing RBYC3 to port but not rounding it, and sail on to SYC4.
11. AUS216 retired from the race.
12. The RC believed they had made an error by laying the gate in the wrong position relative to RBYC3 and SYC4, allowing it to be passed to port but not rounded to port.
13. The RC’s error was then compounded by radioing to competitors that they had to “leave RBYC3 to port”. They believe that this gave the impression to a significant number of boats that RBYC3 only had to be passed, not rounded as stated in the SIs.

Conclusion & Rules:

All boats except R1121 and Sm3600, failed to sail the course, and broke RRS 28.1.

The scores of the rest of the fleet that finished was made significantly worse through no fault of their own by an improper action of the race committee. Therefore, the requirements for redress in RRS 61.4(b)(1) are met.

Decision:

All boats that finished except R1121 and Sm3600 are to be scored NSC

Redress is granted for the rest of the fleet that finished: The rest of the fleet is to be scored points according to their finishing positions calculated with their finishing time and behind the finishing places of R1121 and Sm3600.

Request to Withdraw:

Request Approved:

Protest Committee:

Name Mikayla Thompson NJ, Darren Eger NJ (Chair)

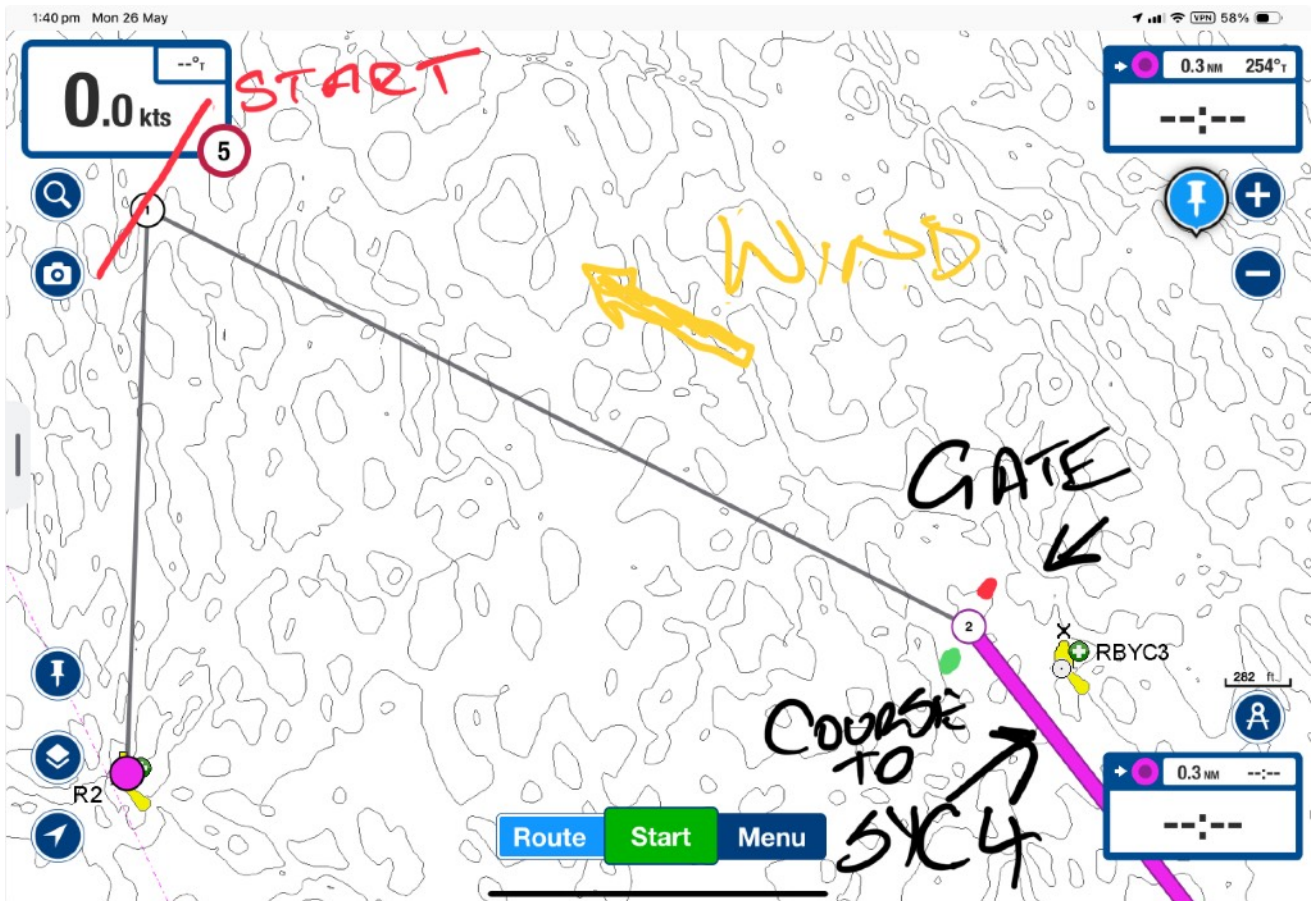
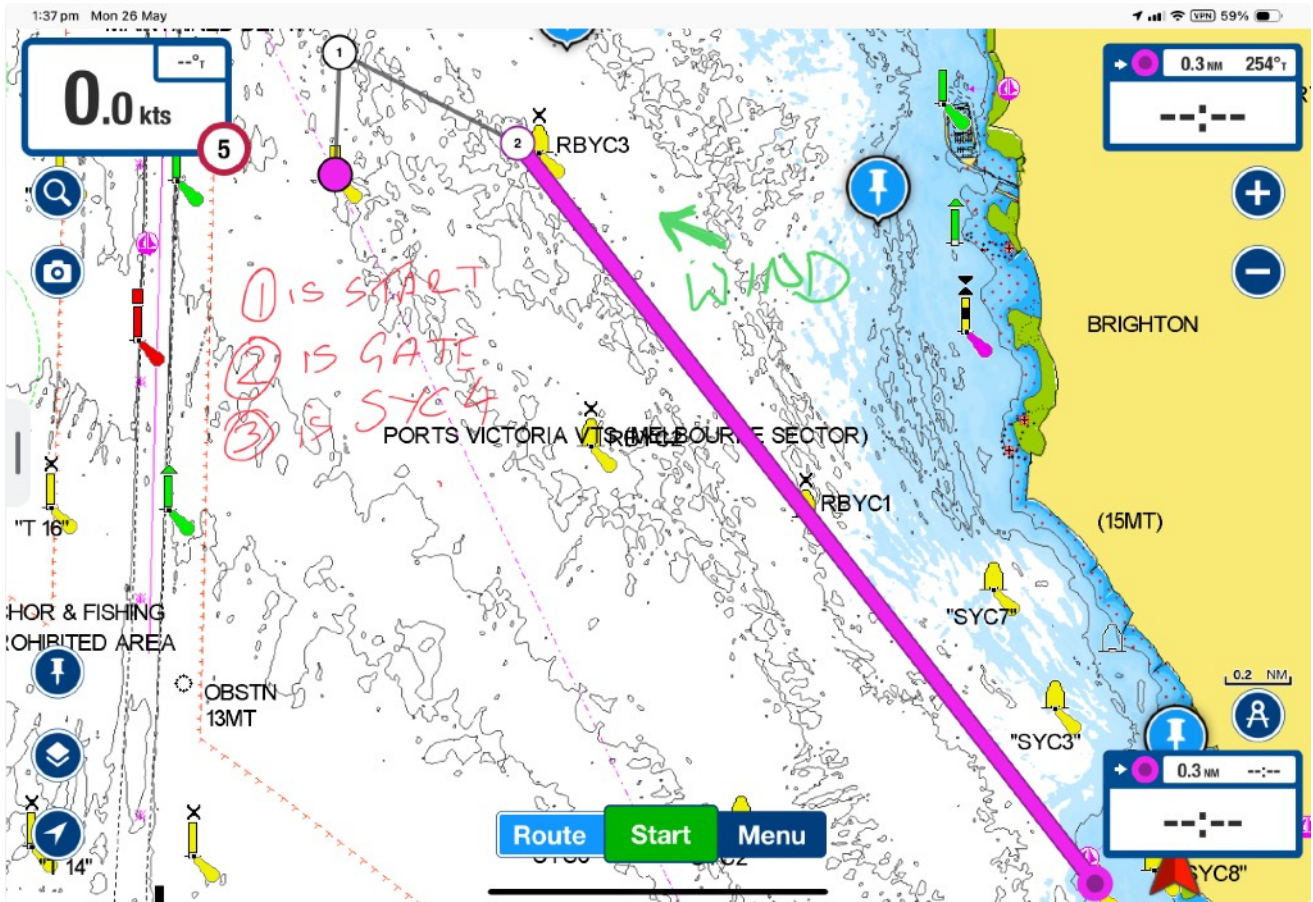
Signed:



Date, time: 27th May, 2025

ORCV Two Handed Race 18/5/2025

Appendix A: PC diagrams overlaid on navionics chart to show position of start and gate relative to marks RBYC3 and SYC4



Australian Sailing Appeal Decision

2025-06 ORCV Surprise vs PC

Appeal By: Surprise (Sm63)

Arising from: ORCV Two Handed Race held 18 May 2025

The following people have been appointed to the Appeal Panel for this appeal by Australian Sailing: Damien Boldyrew IJ IU, David Brookes IRO NJ, Murray Jones NJ, Richard Slater (Chair) IU IJ, John Whitfield NJ NU

The Protest

Executive Decision (R1121) protested multiple boats in both Divisions One and Two for not sailing the course. In addition, the Race Committee applied for redress on behalf of the affected boats.

The hearing was conducted over a video conference call, involving 13 parties on 22 May 2025. The written decision was provided to competitors on 31 May 2021.

The Protest Committee published the following:

1. *The wind was 14-22knts.*
2. *The RC signalled that both divisions would be sailing Course 4 (C5) as described in the sailing instructions (SIs)*
3. *No amendments to the SIs and in particular, C5, had been posted on the ORCV website before 0700 on the day of the race nor at the commencement of the Sign on schedule as required in SI 2.2*
4. *C5 required boats to Start, sail through the gate and round RBYC3 to port, sail to SYC4 rounding it starboard, and then onto the remainder of the course*
5. *No changes to the course had been signalled.*
6. *The start boat was approximately .4Nm due north of navigational mark R2 (which was relayed over the radio to assist the fleet locate the start area).*
7. *The gate was set directly upwind from the start and 50m short of RBYC3 with RBYC3 appearing in the middle of the gate when viewed from the start boat.*
8. *R1121 and Sm3600 and AUS216 sailed through the gate and then sailed to RBYC3 and rounded it to port by sailing around in a counterclockwise loop.*
9. *The remainder of the fleet, both Div 1 and 2, having sailed through the gate, then sailed past RBYC3 passing it to port.*
10. *The RC had made a radio call advising boats to "leave RBYC3 to port" after observing boats sailing from the gate, passing RBYC3 to port but not rounding it, and sail on to SYC4.*
11. *AUS216 retired from the race.*
12. *The RC believed they had made an error by laying the gate in the wrong position relative to RBYC3 and SYC4, allowing it to be passed to port but not rounded to port.*
13. *The RC's error was then compounded by radioing to competitors that they had to "leave RBYC3 to port". They believe that this gave the impression to a significant number of boats that RBYC3 only had to be passed, not rounded as stated in the SIs.*

Conclusion and Rules:

All boats except R1121 and Sm3600, failed to sail the course, and broke RRS 28.1.

The scores of the rest of the fleet that finished was made significantly worse through no fault of their own by an improper action of the race committee. Therefore, the requirements for redress in RRS 61.4(b)(1) are met.

Decision:

All boats that finished except R1121 and Sm3600 are to be scored NSC.

Redress is granted for the rest of the fleet that finished: The rest of the fleet is to be scored points according to their finishing positions calculated with their finishing time and behind the finishing places of R1121 and Sm3600.

The Appeal summary

The appeal was lodged on 6 June 2025, within seven days of receiving the written Protest Committee decision (refer RRS R2.1).

The ground of the appeal is that it was not possible for the protest committee to determine whether the requirement of RRS 28.1 had been met or not, based upon the facts found in the Protest Decision alone. This ground was broken down as points summarised below:

1. There are inadequate facts found to support the conclusion;
2. The Protest Committee diagrams are inconsistent with facts 6 and 7.
3. The Protest Committee failed to interpret the definition of sail the course correctly by failing to consider the string representing a boat's track as being drawn taut from the point on the starting line that it starts.
4. The Protest Committee failed to identify each boat's track in the Facts Found, with the claim that boats that started at a distance from the Race Committee vessel would have a string representing their track sailing the course as required in the Sailing Instructions.
5. The Protest Committee failed to include the length of the starting line in the Facts Found. Again, with the claim a boat starting a distance from the Race Committee vessel would have sailed the course.
6. The Protest Committee incorrectly concluded that only three boats sailed the course, and that many boats sailed the course.

Panel Request for more facts

As allowed by rule R5, the Appeal Panel requested and received the following additional facts or other information from the Protest Committee. The information, in part, is summarised as:

1. During the hearing, the RC described the start line, the upwind leg set at 110deg, leading to the gate.
2. The starting line was set squarely and directly downwind from the gate. '...I vaguely recall an estimate from [the race officer] of 600m but can't confirm that.'
3. Unlike a downhill gate, the gate the RC set was described as being shorter as it was there to guide the boats onto the next mark.
4. Based on the information provided at the hearing including that of the appellant, even if a boat had come from the left side of the course and rounded the port gate, the string from the port gate, to SYC4 when drawn taut, would fail to touch RBYC3.

Appeal Panel conclusions

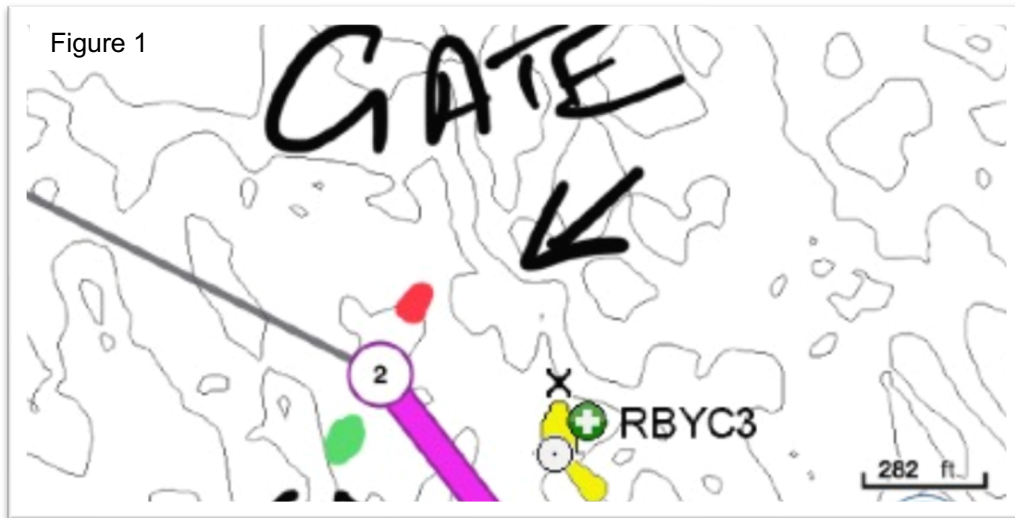
Point 1 – There are inadequate facts found to support the conclusion.

The panel agrees that the original facts were inadequate to support the conclusion. This issue has been rectified by the responses made by the Protest Committee following the rule R5 request.

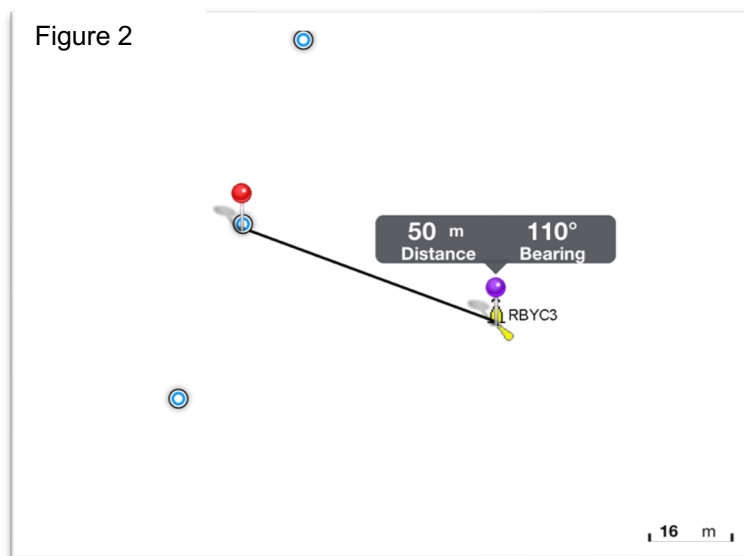
Point 2 - The Protest Committee diagrams are inconsistent with facts 6 and 7.

The starting line location in the endorsed diagram is consistent with written fact 6.

The Panel agrees that the hand drawn location of the gate marks in the endorsed diagram (Figure 1) is inconsistent with fact 7 in that the location of the gate marks in the endorsed diagram puts the gate marks approximately 150 m from RBYC3 and square to the course axis at approximately 112 m apart:



Based on the written facts and the RRS R5 response the location of the middle of the gate (and possible location of the gate marks) can be plotted (Figure 2). For this exercise and based on the RRS R5 response that the gate width was shorter than what is normal for a leeward gate, the panel has put the gate marks 70 m apart.

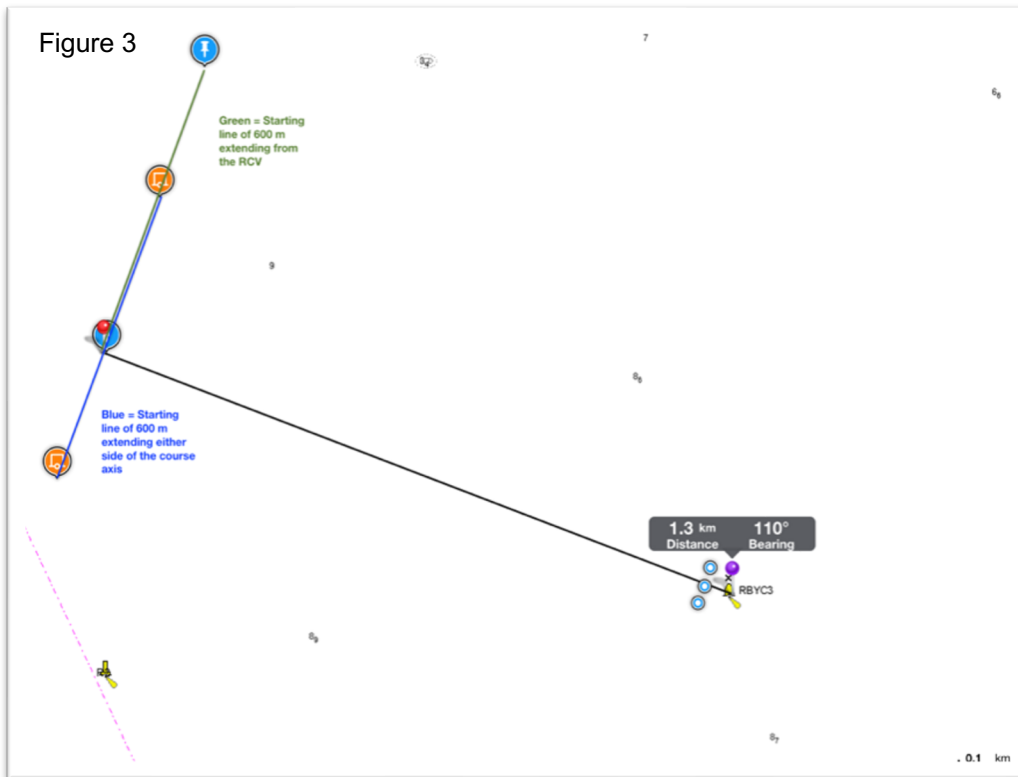


Regarding the starting line, the information provided in the RRS R5 response established that the starting line was set square to the course axis of 110° and that the line was about 600 m in length. The RRS R5 response also disclosed that the Race Committee may use the mobile application 'Buoyzone'.

The endorsed diagram shows the starting line is approximately 280 m in length. The panel notes that this is less than half the length recalled by the Protest Committee in its RRS R5 response.

The application 'Buoyzone' sets the centre of the starting line location based on a course axis. This may be why the diagram included by the Protest Committee extends both sides of the point used on the diagram. Other Race Committee processes for setting a starting line can be where the Race Committee Vessel is on the course axis and the starting line extends from that location.

Figure 3 is the scale drawing of a 600 m starting line where the angle of the line to the gate mark is in the centre of the starting line compared to the scenario where the line represents the Race Committee Vessel end of the starting line. This is created using the facts found (including the rule R5 answers).



The Appeal Panel recognises that there is inconsistencies between the written facts and the endorsed diagram and has used the different possible locations of starting line marks (based on the larger length of 600 m) and gate marks when reviewing the claims made by the appellant in point 3.

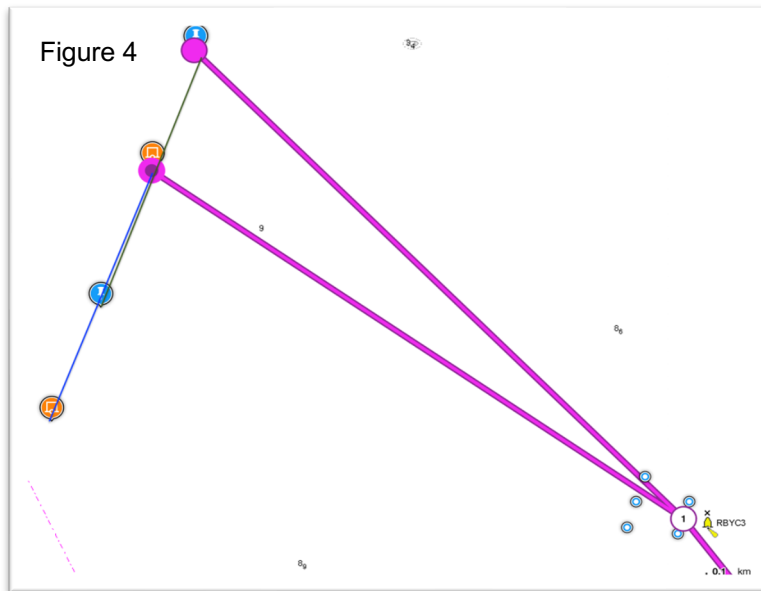
Point 3 - The Protest Committee failed to interpret the definition of sail the course correctly by failing to consider the string representing a boat's track as being drawn taut from the point on the starting line that it starts.

World Sailing Case 145, approved in 2024 is summarised as:

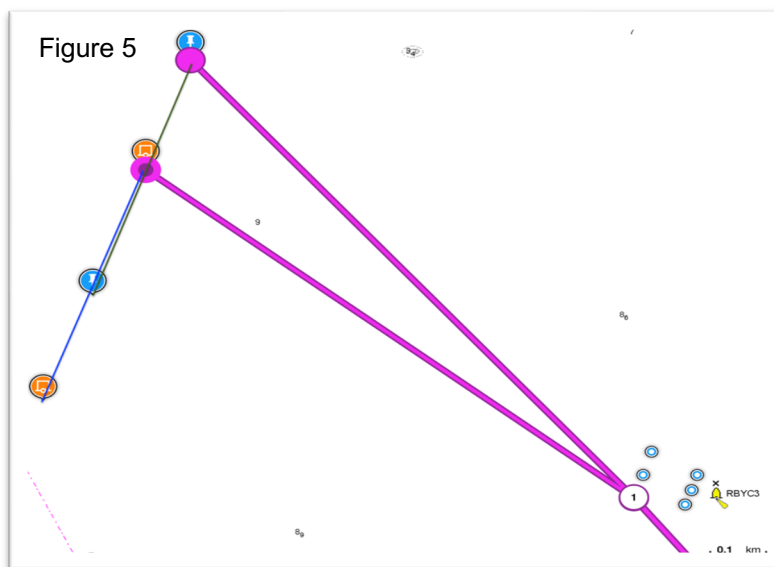
A boat's string, described in the definition Sail the Course, when drawn taut, is only constrained by the marks that begin, end or bound each leg of the course.

The best scenario for a string representing a boat's track to touch RBYC3 when drawn taut is if a boat started at the pin end of the starting line. There are no facts as to the width of the gate, only the facts that the gate is set at a 110° axis from the starting line and that the RBYC3 mark could be seen in the middle of the gate when viewed from the Race Committee Vessel.

As seen in Figure 4, even if the string representing a boat's track, when drawn taut, was to be constrained by the middle of the gate, located as per the RRS R5 response (when it should be constrained by the more southern gate mark) it does not touch RBYC3 from either possible location of the starting line pin mark.



As seen in Figure 5, when the gate mark location that is shown on the endorsed diagram is used (150 m from RBYC3 and the marks approximately 112 m apart), then the string representing a boat's track, when drawn taut, would lie further away from RBYC3.



Therefore, the evidence based on the facts found and the RRS R5 response confirms that the Protest Committee did interpret the definition of sail the course correctly.

Point 4 - The Protest Committee failed to identify each boat's track in the Facts Found, with the claim that boats that started at a distance from the Race Committee vessel would have a string representing their track sailing the course as required in the Sailing Instructions.

Refer point 3.

Point 5 - The Protest Committee failed to include the length of the starting line in the Facts Found. Again, with the claim a boat starting a distance from the Race Committee vessel would have sailed the course.

The Protest Committee endorsed a diagram as part of their decision. While the starting line was added freehand, using the scale on the diagram, the length of the starting line is approximately 280 m. In response to the rule R5 questions, the Protest Committee 'vaguely' recalled an estimate of 600 m.

Regarding the claim that a boat may have sailed the course, refer to point 3.

Point 6 - The Protest Committee incorrectly concluded that only three boats sailed the course, and that many boats sailed the course.

The Protest Committee concluded that only two boats sailed the course, R1121 and Sm3600. A third boat, AUS216, rounded RBYC3 but retired from the race. The Protest Committee found as a fact that all other boats in Divisions 1 and 2 only passed RBYC3. They did not round RBYC3 to port as described in the RRS Definitions Sail the Course (b) (2).

Based on the facts found, the Protest Committee's conclusion on this issue is correct.

Appeal Panel decision

The appeal is dismissed.

Based on the facts found in the hearing, including additional facts in response to the rule R5 request from the Appeal Panel, it was possible for the Protest Committee to determine whether the requirement of RRS 28.1 had been met or not. Additionally, the Protest Committee is correct in its conclusions.

6 June 2025

Appeal against ORCV Double-Handed Race Protest Decision

1. Introduction

- 1.1 This is an appeal (**Appeal**) against the decision of the protest committee in response to the protest by Executive Decision R1121 dated May 18th 2025 ("Protest form – Request for Redress R1121.pdf attached) in relation to the ORCV Double Handed Race held that day (**Race**). I have attached the protest decision: "2025 Double Handed Race Protest and redress Decision.pdf" (**Protest Decision**). There are insufficient facts found in the Protest Decision to reach the conclusion that 13/16 boats sailed an improper course and should be scored DNC. I am confident that many of the boats completed a valid course.
- 1.2 The central dispute is whether the disqualified boats sailed the course as required by RRS 28.1 given that they passed but did not fully encircle rounding mark RBYC3. As explained in paragraphs 2.3-2.5 below, the possibility of a line representing the track of these boats around the course touches RBYC3 when drawn taut inevitably depends on the position, length and angle of the start line, which were not adequately determined or listed as facts found in the Protest Decision. As requested in paragraph 3.2 below, the national authority should therefore require the protest committee to hold a re-hearing under RRS R5, and then the national authority should change or reverse the Protest Decision based on the provided facts under RRS 71.3.

2. Appeal Ground

It was not possible for the protest committee to determine whether the requirement of RRS 28.1 had been met or not, based upon the facts found in the Protest Decision alone.

- 2.1 (**Authority of appeal panel**) Under RRS 70.1, the factual findings of a protest committee cannot be appealed. However, RRS R5 provides that, where a national authority finds the protest committee's finding of facts *inadequate*, the authority shall require the committee to provide additional facts/information or reopen the hearing.
- 2.2 (**Incorrect appendix in Protest Decision**) The facts found (#'s 6 & 7) are improperly translated into a diagram at Appendix A of the Protest Decision. This Appendix A appears to be an informal illustration of the facts found and should be ignored as it is inconsistent with the section of the Protest Decision marked "*facts found*". In particular:
 - (a) contrary to the seventh fact found, the windward gate is not positioned 50m short (downwind) of RBYC3; and
 - (b) the red line with the word "START" written beside it cannot represent the start line as it starts and finishes on different sides of (the only approximate position of) the start boat.
- 2.3 (**Correct interpretation of RRS 28.1**) RRS 28.1 requires that a boat must sail the course. Under the RRS definition for "Sail the Course", a boat is taken to have sailed the course when:
 - (a) *she starts, "...when, her hull having been entirely on the pre-start side of the starting line at or after her starting signal, any part of her hull crosses the starting line from the pre-start side to the course side.;*
 - (b) ***a string representing her track until she finishes, when drawn taut,***

- (1) *passes each mark of the course for the race on the required side and in the correct order (including the starting marks),*
 - (2) ***touches each mark designated in the sailing instructions to be a rounding mark, and***
 - (3) *passes between the marks of a gate from the direction of the course from the previous mark; and then*
- (c) *she finishes.*

Therefore, the string representing the track for a given boat should be drawn taut from the point that any part of her hull first crossed the start line from the pre-start side after the starting signal.

- 2.4 **(Correct application of RRS 28.1)** The Protest Decision makes no attempt to identify or represent each boat's track. As explained in paragraph 2.3 above, there is no justification for the taut line to start at the boat end of the line (just as there is no justification for it to start at the pin end of the line). Each individual boat will have a different track depending on the position they started. Therefore, a boat will have sailed a valid course in the Race if a string representing her track from the point that any part of her hull first crossed the start line from the pre-start side after her starting signal, sailed on through the windward gate as set, then past RBYC3 leaving (rounding) it to port, and on to SYC4, when drawn taut, passes between the marks of the gate, then touches RBYC3 on her port side and extends to SYC4 in that order. In dispute is whether a taut line drawn from her established starting position to SYC4 (through the gate and leaving RBYC3 to port on the way) would bend around RBYC3 (making it a valid course).
- 2.5 **(Inadequate facts)** The facts found establish which course was to be sailed, the position of the gate 50m short of RBYC3, and that RBYC 3 appeared in the middle of the gate when viewed from the start boat. The facts found do not establish the length of the start line, the heading of the start line, the length of the gate, or where all of the disqualified boats started on the start line. This is inadequate to allow a determination as to whether the correct course could be, or was, sailed by any particular boat. This is because the notional string of a boat starting a sufficient distance from the start boat pulled taut would have touched RBYC3.

Two diagrams are exhibited to this Appeal to illustrate this point. Each diagram recreates Appendix 1 of the Protest Decision but with the gate drawn to scale 50m downwind of RBYC3 (consistent with the seventh fact found: see paragraph 2.2(a)). In both Exhibits, a line is drawn extending the alignment of marks RBYC3 and SYC4 with shading north and east indicating the area from which a boat could start and have a string line representing her track comply with RRS 28.1

- (a) In Exhibit 1, the start line is extended on an angle consistent with the red line in Appendix A.
- (b) In Exhibit 2, a circle is drawn around the position of the start boat drawn in Appendix A to reflect fact found #6 that the start boat was "*approximately*" 0.4 miles due north of R2. A start line is then drawn from a different position within this area, 0.4nm north of R2, and on a heading I recall. This demonstrates that the imprecision of the start boat's position and the undefined angle of the start line affects how much of the start line allows for boats to sail a valid course.

I note that the line was particularly long to accommodate the 38 entrants sailing 2 handed on a windy day extending well into the shaded area from where a boat starting would sail a valid course.

- 2.6 **(Unsupported conclusion)** By distinguishing 3 boats that sailed through the gate and then sailed to RBYC3 rounding it to Port in a counter-clockwise loop from the boats that did not, the protest committee's conclusion indicates that it was possible to determine that these 3 boats sailed the course when the rest did not. As explained in paragraph 2.5 above, this conclusion is not supported by the facts found. In my view many boats sailed a correct course.

3. Action Sought

- 3.1 **(RRS R5)** RRS R5 requires that, when a national authority decides a protest committee's finding of facts inadequate, the national authority "*shall require the committee to provide additional facts or other information, or to **reopen the hearing and report any new finding of facts**, and the committee shall promptly do so.*"
- 3.2 **(Appropriate action)** Given the number of boats in the fleet which were affected by the Protest Decision and the protest committee's failure to consider the position of the line in the original decision, the national authority should require the protest committee to reopen the hearing instead of asking them to unilaterally provide additional facts. The direction to reopen the hearing should require the protest committee to report:
- (a) the correct position of each end of the start line; and
 - (b) the length of the gate.

If the protest committee reports factual findings that show there was a section of the start line that boats could have started from and sailed a proper course without fully encircling RBYC3, the national authority should give the boats the benefit of the doubt and uphold the appeal (reversing the protest committee's decision) under RRS 71.3.

Yours sincerely

James Russell