

# Ocean Racing Club of Victoria

## Request for Redress

1. The Ocean Racing Club of Victoria has requested the Australian Sailing's Victorian Race Officials Committee to appoint an independent protest committee to consider their request for redress on behalf of two competitors, namely White Noise and Maverick, with respect to an interpretation of conflicting scoring rules for the 2017-2018 Offshore Championship, 'the Series,' according to the Notice of Race for the Series and the individual Notice of Race for each of the designated ocean races.
2. In doing so, the Race Committee have set out two possible Series scores for White Noise and Maverick and provided background notes relating to their respective entries in the various races comprising the Series.

## Facts Found

1. In this instance, the two boats concerned entered races to be counted towards the Series score, in the following divisions:
  - White Noise
    - Stanley – Unrestricted Monohull in IRC, AMS and PHF
    - Devonport – Unrestricted Monohull in IRC, AMS and PHF
    - King Island – Unrestricted Monohull in IRC, AMS and PHF
    - Port Fairy – Unrestricted Monohull in IRC, AMS and PHF
    - Apollo Bay – Unrestricted Monohull in IRC, AMS and PHF
  - Maverick
    - Stanley – Unrestricted Monohull in IRC, AMS and PHF plus Double Handed PHF
    - Hobart – Unrestricted Monohull in IRC, AMS and PHF plus Double Handed PHF
    - King Island – Unrestricted Monohull in IRC, AMS and PHF plus Double Handed PHF
    - Osaka – Double Handed IRC
2. Of these, only three races, namely Stanley, King Island and Hobart, are relevant in resolving the conflicting rules in the NoRs and therefore in determining the Series scores, as follows:
  - OC NoR clause 2.4 states: "If a boat has not entered in any measurement category, her result shall (be) calculated using her PHS result but in all other circumstances, her score in that race shall be the best measurement handicap result."
    - This would preclude Maverick from using her Double Handed PHF results as one or more of her scores in the Series except for the Osaka result. It would also preclude the Unrestricted Monohulls from using their PHF results.
    - This also applies to the balance of the fleet, who were not able to include their PHF score in their Series score.

- On the other hand, OC NoR 2.8 states: “For the purposes of Offshore Championship scoring, three boats starting in the relevant handicap category shall constitute a race.”
  - This conflicts with NoR 2.4 in that it may be interpreted to either mean that the Double Handed division of each race is to be treated as a separate race for the purposes of scoring the Series or that it only means that it is a race for which a separate trophy will be awarded.

### Conclusions and Rules that Apply

1. In determining the most appropriate resolution of this conflict, we have considered the following in the context of RRS 64.2 which requires a decision on redress ‘to be as fair an arrangement as possible (to all boats), whether or not they asked for redress:
  - The scores of boats in different divisions, namely ‘Double Handed’ boats and ‘Unrestricted Monohulls’, are being compared unfairly when one is calculated under a measurement system and the other on a performance handicap basis.
  - We note that a boat could not race in the Double Handed division without also receiving a combined division result which, presumably, could then be used to calculate a score in the Series on a truly comparative basis.
  - Not all boats are able to compete in all races, i.e., fully crewed boats in the ‘Unrestricted Monohulls’ divisions cannot enter the Double Handed division.
2. The protest committee has concluded that the Organising Authority acted improperly and, as a result, were in breach of RRS 62.1(a) by issuing a Notice of Race that was ambiguous and open to numerous conflicting interpretations as to which divisions of the races and what handicaps were applicable to boats competing in this Series, thereby not being able to determine a definitive winner.

### Decision

1. Redress is granted.
2. The PHF results are to be excluded from the Series score and only results determined under either of the measurement systems, being IRC or AMS, are to counted.
3. Maverick and White Noise are to be scored as follows:

Maverick	Stanley	IRC	9
	Hobart	IRC	5
	King Island	IRC	3
	<u>Osaka</u>	<u>IRC</u>	<u>3</u>
	<b>Total</b>		<b>20</b>

White Noise	Stanley	IRC	7
	Devonport	IRC	1
	King Island	IRC	2
	<u>Port Fairy</u>	<u>AMS</u>	<u>1</u>
	<b>Total</b>		<b>11</b>

4. All other scores are to stand.