

CONTENTS

If you are protested	1
On the water	1
Ashore	2
Pre-hearing meeting with an expert.	2
If the protest goes to a hearing	2
Making a protest.....	3
On the water	3
Ashore	4
Pre-hearing meeting with an expert.	4
If the protest goes to a hearing	4
Pre-hearing preparation.....	5
The hearing	5
What a Protest Committee may decide.....	6
When the hearing is over	6
Appeals.....	6
Redress	6

If you are protested

On the water

1. If another boat hails “**protest**” to you **and** displays a **red flag** make a quick call whether you are ‘in the wrong’.
2. If “Yes” decide whether you may address the wrong by taking:
 - (a) a Two-Turns Penalty for a breach of Part 2 of the Blue Book relating to right of way when boats meet; or
 - (b) a One-Turn Penalty for touching a mark.
3. If, however, the incident resulted in injury or serious damage or gave you a significant advantage (even if you took a penalty turn) and you are ‘in the wrong’, you must retire.

BBSC HANDBOOK SECTION 2, PART 18: PROTESTS AND REDRESS

4. In any event, make a note of other boats who may have witnessed the incident.

Ashore

5. If the protest is pursued ashore, make enquiries of the other skipper and potential witnesses and get their view of the facts.
6. Having established the facts:
 - (a) look at how the rules (the rules in the Blue Book, the Notice of Race and Sailing Instructions) may apply to the facts; and
 - (b) decide whether to admit an error or defend the protest.
7. In either event, you have the option of a pre-hearing meeting with an expert [see the Common Sailing Instructions] which may result in a penalty less than that which might be imposed by a Protest Committee – see what is said below under the heading “What a Protest Committee may decide” and contrast that with the lesser penalties under the heading “Pre-hearing meeting with an expert”.

Pre-hearing meeting with an expert.

8. If you and the other boat elect to have a pre-hearing meeting with an expert only you, a representative from the other boat and the expert may attend the meeting.
9. If after meeting with the expert, you accept that you have broken a rule, you will be penalised:
 - (a) in the case of a race other than a handicap start, by an increase in your elapsed time for the race by 3% or 5 minutes, whichever is the greater; or
 - (b) in the case of a race with a handicap start, one place.

If the protest goes to a hearing

10. If the protest is not resolved at a pre-hearing meeting, it will be referred to a Protest Committee appointed by the Keel, Trailable Boat & Multihull Race Committee.
11. The Protest Committee may hear evidence from the expert on the statements you and the representative from the other boat made at the meeting with the expert.

BBSC HANDBOOK SECTION 2, PART 18: PROTESTS AND REDRESS

12. If the protest does proceed to a hearing, read what is said below under the headings:

- If the protest goes to a hearing
- Pre-hearing preparation
- The hearing
- When the hearing is over

What is said under those headings applies equally to you as defending a protest as it does to the person making the protest.

13. Also, remember, if the protest is proceeding to a hearing, you may before it takes place admit the facts advanced by the protestor and indicate you are willing to accept the penalty to be imposed by the Protest Committee.

Making a protest

On the water

14. At the first reasonable opportunity:

- (a) hail “**protest**” to the other boat – make sure she hears you; **and**
- (b) display a **red flag** – the rules say it shall be displayed “conspicuously”.

The rule is clear that a protesting boat must **both** hail and display the red flag at the first reasonable opportunity. It is a mandatory requirement which must be strictly observed to allow the protested boat the opportunity to take a rule 44 penalty “...as soon after the incident as possible” and thus avoid a Protest Committee imposing a harsher penalty.

15. Make a note of other boats who may have witnessed the incident.

16. Check whether the other boat takes an appropriate penalty turn.

17. If the other boat takes an appropriate penalty turn, ask yourself:

Is it worth continuing with the protest?

If “No”, remove your red flag.

BBSC HANDBOOK SECTION 2, PART 18: PROTESTS AND REDRESS*Ashore*

18. First ask yourself:

Do I still want to protest?

If “Yes” read on.

19. If you are not sure the other boat knows you are going to protest her, tell the other skipper at the first reasonable opportunity.
20. Before lodging the protest make enquiries of the other skipper and potential witnesses to ensure that there is no misunderstanding of the incident upon which the protest might be based.
21. Having established the facts, look at how the rules (the rules in the Blue Book, the Notice of Race and Sailing Instructions) may apply to the facts and, again, ask yourself:

Do I still want to protest?

If “Yes”, read on.

22. Put your protest in writing and get it to a member of the Keel, Trailable Boat and Multihull Race Committee within 24 hours of the incident.
23. You may use the protest form in this Handbook. In any event, your protest must be in writing and shall [rule 61.2] identify:
- (a) you and the person you are protesting;
 - (b) the incident, including where and when it occurred;
 - (c) any rule (the rules in the Blue Book, the Notice of Race and Sailing Instructions) you believe was broken; and
 - (d) the name of the your representative.

Pre-hearing meeting with an expert.

24. As noted where this heading appears in the section “If you are protested”, you and the other boat may agree to have a pre-hearing meeting with an expert so read the paragraphs under that heading – they apply equally to you as the person making the protest.

If the protest goes to a hearing

25. Read the first two paragraphs under this heading where it appears in the section “If you are protested” – what is said there also applies to you as the person making the protest.

BBSC HANDBOOK SECTION 2, PART 18: PROTESTS AND REDRESS***Pre-hearing preparation***

26. Once you have been told by the Protest Committee when and where the hearing will be:
 - (a) Ensure that each witness you want to call is available. If not, seek an adjournment.
 - (b) Check Sailing Australia's website for any relevant rulings.
 - (c) Swot-up the relevant rules (the rules in the Blue Book, the Notice of Race and Sailing Instructions).

The hearing

27. The Protest Committee's task is to determine the facts and apply the relevant rules to those facts.
28. When invited by the Committee:
 - (a) state your version of the facts; and
 - (b) call the witnesses who may support your version of the facts – remember you may **not** 'coach' your witnesses prior to the hearing or 'lead' your witnesses to say what you want rather than what they actually saw; and
 - (c) explain to the Committee how you understand that facts as stated by you is a breach of a rule.
29. When the opportunity arises to ask a question of the other boat's representative or witnesses, confine your questions to establishing the facts – **do not**:
 - (a) argue with them; or
 - (b) seek their views on a rule.
30. If invited by the Committee to 'sum-up', keep it short and simple. While you may point to a weakness in the other boat's version of the facts or her interpretation of the rules, your focus should be on the facts established by you and how they amount to a breach of a rule.
31. Remember there are two sides to every story – remain calm, be polite and do not become argumentative – there is no gain in putting the Committee 'off-side'.

BBSC HANDBOOK SECTION 2, PART 18: PROTESTS AND REDRESS

32. Also, remember, if during the hearing, you see merit in the other boat's case and weakness in your case, you may withdraw.

What a Protest Committee may decide.

33. When the Protest Committee decides that a boat has broken a rule, it may:
- (a) decide not to impose a penalty;
 - (b) disqualify her;
 - (c) in the case of a race other than a handicap race, impose a time penalty by increasing her elapsed time for the race by 6% or ten minutes, whichever is the greater; or
 - (d) in the case of a handicap race, penalise her two places.

When the hearing is over

34. Whether the Committee decides in favour of you or against you, thank the Committee and shake hands with the representatives of the other boat.
35. Remember the Committee is not passing judgement on you but deciding the facts and applying the rules to those facts.
36. And remember it is a small Club – so don't crow if you win and don't sulk if you lose.

Appeals

37. You may appeal against a Protest Committee's decision or its procedures but not its findings on the facts [rule 70].

Redress

38. You may seek redress if, through no fault on your part, you believe that your score in a race or series has been, or may be, made significantly worse by:
- (a) an improper action or omission of the Club, its Keel, Trailable Boat & Multihull Race Committee, Equipment Auditor, Measurer or a Protest Committee (but not if you were a party to the protest leading to the Protest Committee's decision);

BBSC HANDBOOK SECTION 2, PART 18: PROTESTS AND REDRESS

- (b) injury or damage caused by a boat breaking a rule in Part 2 of the Blue Book or of a non-racing vessel that was required to keep clear;
 - (c) giving help in compliance with rule 1.1 of the Blue Book; or
 - (d) an action of a boat, or a member of her crew, that resulted in a penalty under rule 2 or a penalty or warning under rule 69.2(c).
39. Your request for redress must be in writing and identify the reason for making it.
40. The time limit for seeking redress in respect of an incident on the race track is 2 hours. Otherwise, the time limit is 72 hours after the publication of the relevant result.