

Rolex Sydney Hobart Yacht Race 2021



Cases 1 & 2

Decision of International Jury

Date of Hearing:	30 December 2021	
Date of Incident:	27-28 December 2021	
Protestors:	Ichi Ban AUS 0001	Matt Allen
	Race Committee	Lee Goddard
Protestee:	Celestial 9535	Richard Howard
Witness(es):	James Dagge – Celestial Navigator Jack McCartney – Celestial Tactician and Sailing Master	
Translator(s):	Nil.	
Objections to panel:	Nil.	

Validity – Ichi Ban v Celestial:

Facts:

1. Ichi Ban was beyond hailing distance at the time of the incident and notified Celestial of their intention to protest at the dock immediately after clearing biosecurity.
2. Ichi Ban displayed a red flag promptly after the incident and continued to display the flag until she finished.

Conclusion: Ichi Ban notified Celestial at the first reasonable opportunity. All other requirements for a valid protest were satisfied.

Decision: Protest is valid.

Validity – Race Committee v Celestial:

Facts:

The Race Committee informed Celestial of its intention to protest after Celestial finished the race following discussions with Celestial's skipper.

Conclusion: The Race Committee informed Celestial in accordance with 61.1(b). All other requirements for a valid protest were satisfied.

Decision: Protest is valid.

Procedural Matters:

Case No. 1 was heard together with Case No. 2 in accordance with RRS 63.2 since both hearings arose from the same incident.

Facts Found:

1. The wind was 7-15 knots.
2. At 2353 on 27 December 2021, the Race Committee received a telephone call from Australian Maritime Safety Authority (AMSA) Search and Rescue notifying the Race Committee that a Personal Locator Beacon (PLB) assigned to Wulf Wilkens, a crew member on Celestial, was activated.
3. At 2356, the Race Committee commenced attempting to contact Celestial on the satellite phone listed in their Sat Phone Declaration and received a "call could not be connected"



- error. The Race Committee continued to attempt to contact Celestial by Satellite Phone during the incident.
4. At approximately 2358 the Race Committee contacted Ichi Ban by satellite phone because they were the nearest boat and within 7 to 10 nm from Celestial. The Race Committee requested Ichi Ban contact Celestial on VHF 16 to clarify whether all were safe on board.
 5. Ichi Ban commenced calling Celestial on VHF 16 at 2358 and received no response, approximately every 2 minutes for 7 minutes.
 6. From 0007, Ichi Ban continued to attempt to contact Celestial at least every 5 minutes on VHF16 as requested by the Race Committee.
 7. The Race Committee was in frequent contact with AMSA throughout the incident in relation to the decision whether to deploy search and rescue aircraft from Essendon Airport, Victoria.
 8. Quest, who heard Ichi Ban's VHF radio call to Celestial, also attempted to contact Celestial on VHF 16 but no response was received.
 9. At 0057, following the Race Committee advising AMSA and in agreement with the Race Committee, Ichi Ban released a handheld white flare to attract Celestial's attention, but did not receive a response.
 10. At approximately 0120, following permission from AMSA and approval by the Race Committee, Ichi Ban released a red parachute flare in an attempt to attract Celestial's attention.
 11. At approximately 0130 Celestial contacted Ichi Ban on VHF 16 using the navigator's handheld VHF radio on deck. Ichi Ban informed Celestial that the reason for the red flare was to attract Celestial's attention at the request of the Race Committee due to the activated PLB.
 12. Celestial confirmed the PLB activation was accidental, and all crew were safe.
 13. Celestial deactivated the PLB.
 14. At 0139 Celestial sent a text message to the Race Committee through their satellite phone to confirm the PLB activation was accidental, and all crew were safe. An attempted satellite call failed.
 15. The Race Committee informed AMSA, enabling the search and rescue aircraft on standby to be stood down.
 16. Celestial's installed VHF radio was located on the port bulkhead near the mast, with a repeater to the navigation station. The radio was new in 2021.
 17. On the morning of the race start, the navigator tested the installed VHF radio and found it to be working satisfactorily.
 18. At all times during the incident, the VHF radio was turned on as indicated by power light and backlight illuminating channel 16 with volume turned up at the navigation station.
 19. Two additional handheld VHF radios were on board Celestial but not turned on during the incident until Celestial sighted the red flare. The navigator's handheld radio was then turned on and used to contact Ichi Ban.
 20. During the incident, Celestial's crew were fatigued.
 21. The Celestial navigator was seated at the navigation station for approximately 97% of the race time.
 22. During the incident, Celestial's engine and water maker were both turned on, which created significant noise below deck.
 23. Celestial did not hear any attempts to contact her on VHF during the incident.

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24. At other times in the race, Celestial heard Ichi Ban and other marine traffic using her installed VHF radio.
 25. The distance between Ichi Ban and Celestial did not significantly change throughout the incident duration.
 26. Twelve other PLBs were accidentally activated during the race, and in each case the boat responded to the Race Committee within 25 minutes (average response time 15 minutes).
 27. At all times Ichi Ban continued to race the boat and did not alter course as a result of the incident, however Ichi Ban did prepare and deploy two flares which temporarily affected her performance.
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Diagram: N/A

Conclusions:

Protests v Celestial:

1. For the purpose of SI 31.4, the International Jury interpret "listening" to be the ability to accurately receive and interpret messages in the communication process.
2. Celestial was able to communicate by handheld VHF radio with Ichi Ban once the red flare was sighted and was therefore within VHF range of Ichi Ban during the incident.
3. Either the equipment or procedures on board Celestial resulted in her failing to maintain a continuous listening watch on VHF 16 as required by SI 31.4.

Ichi Ban Redress:

4. At the time of deploying the flares, it was reasonable for Ichi Ban to assume that Celestial needed help.
 5. It is possible that Ichi Ban's finishing position in the race was made significantly worse through no fault of her own by giving help in compliance with RRS 1.1 to someone else than herself or her crew.
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Rules that Apply: SI 21.1, SI 31.4; RRS1.1, 61.1, 62.1(c), 63.2; and World Sailing Case 20

Decisions:

Protests v Celestial:

1. A Discretionary Penalty of 40 minutes in lieu of disqualification is to be added to Celestial's elapsed time as authorised by SI 21.1.
 2. In determining the penalty, the following matters were considered:
 - a. The specific penalties for other rule breaches within the RSHYR Sailing Instructions;
 - b. The World Sailing Discretionary Penalty Guide (which is, however, designed for use in a multi race event);
 - c. The appropriate penalty for a breach of a rule with potentially serious safety consequences;
 - d. The mitigating factor that the breach was accidental; and
 - e. The aggravating factor that the breach inconvenienced AMSA, the Race Committee and other competitors.
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Ichi Ban Redress:

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3. Redress is given to Ichi Ban. Ichi Ban's elapsed time is to be adjusted by deducting 3 minutes.
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International Jury:

David Tillett AM (Chair) (AUS NJ), Rosemary Collins (AUS IJ/NU), John Doerr (GBR IJ), Russell Green (NZL NJ/IU), Philippe Mazard (FRA IJ/NU), Jamie Sutherland (NZL IJ/NU)

Chairman's

Signature:

A handwritten signature in black ink, appearing to be 'D. Tillett', written over a horizontal line.

Date and Time 00:50 31 December 2021

Decision Advised:
