



ROLEX SYDNEY HOBART YACHT RACE 2022

INTERNATIONAL JURY DECISION

CASE 6 – Race Committee vs Gunshot (Sail No. NZL 8425)

Parties:

Gunshot represented by David Walsh

Race Committee ('RC') represented by Peter Whitford

Witnesses:

Kam MacDonald who is the navigator from Gunshot

Hearing Date: 31 December 2022

1. Procedural Matters:

N/A

2. Facts Found:

- 2.1. The wind was strong with a significant sea state at the time of this incident.
- 2.2. The Sailing Master of the boat was injured with three cracked ribs and was out of action below deck. As a result, the skipper of the boat was on the helm for extended periods and on deck until at least 02:00.
- 2.3. The Navigator fell from the companionway into the cabin, sustaining injuries including concussion. In this fall his Personal Locator Beacon ('PLB') was activated.
- 2.4. At 23:38 on 28 December 2022, the RC received notification from Australian Maritime Safety Authority ('AMSA') Search and Rescue notifying them that a PLB assigned to a crew member on Gunshot, was activated.
- 2.5. At 23:40, the Hobart Race Control ('HRC') commenced attempting to contact Gunshot by HF Radio. Following failure to contact Gunshot by HF radio, HRC called Gunshot on the satphone at 23:41 and 23:52 and did not establish contact. HRC and the Radio Relay Vessel - JBW continued to attempt to contact Gunshot by satphone and HF Radio during the incident.
- 2.6. In the first two hours of 29 December 2022, HRC contacted Helsal 3 and Ariel requesting that they contact Gunshot on VHF 16. Helsal 3 and Ariel reported back to HRC that their attempts to contact Gunshot on VHF 16 were unsuccessful.
- 2.7. At 02:20 HRC contacted Kraken 42S and requested they contact Gunshot on VHF 16. Kraken 42S reported back they had broken communication with Gunshot and advised Gunshot that if it was in distress that it should send a flare. Gunshot heard this communication, and no flare was deployed as the boat was not in distress.



- 2.8. At 02:52 GUNSHOT contacted HRC by satphone stating all was ok and they were proceeding to Hobart. They also stated that the PLB had been deactivated.
- 2.9. At 03:19 HRC made a satphone call to GUNSHOT and again requested the PLB be deactivated.
- 2.10. At 03:52 AMSA advised HRC that the PLB was deactivated.
- 2.11. During this incident, Gunshot had difficulty in transmitting with two VHF radios and their HF radio.

3. Conclusions and Rules:

- 3.1. For the purpose of SI 31.4, the International Jury continues to interpret “listening” to be the ability to accurately receive and interpret messages in the communication process.
- 3.2. From the 00:18 to 02:20 on 29 December 2022, either the equipment or procedures (possibly contributed to by injuries to crew) on Gunshot resulted in her failing to maintain a continuous listening watch on VHF 16 as required by SI 31.4.

4. Decisions:

- 4.1. A Discretionary Penalty of 40 minutes in lieu of disqualification is to be added to Gunshot’s elapsed time (SI 21.1.)
- 4.2. In determining the penalty, the following matters were considered:
 - The specific penalties for other rule breaches within the Sailing Instructions;
 - The 2021 RSHYR Jury decision in the case of Race Committee vs Celestial;
 - The appropriate penalty for a breach of a rule with potentially serious safety consequences;
 - The mitigating factor that the breach was accidental; and
 - The aggravating factor that the breach inconvenienced AMSA, the RC and other competitors.

Decision Published: 12:30, 31 December 2022.

David Tillett AM AUS NJ – Chairman, Jamie Sutherland NZL IJ/NU, Richard Slater AUS IJ/IU, Russell Green NZL NJ/IU, Philippe Mazard FRA IJ/NU