

# ROLEX SYDNEY HOBART YACHT RACE 2011

**Protest No:** 1

**Protest:** RACE COMMITTEE v INVESTEC LOYAL

## **FACTS FOUND:**

- 1 At approximately 0630 on 27<sup>th</sup> December when 30 nautical miles south of Merimbula, INVESTEC LOYAL conducted an interview with and at the request of the ABC helicopter.
- 2 Nearing the end of the interview, the crew member doing the interview, asked the helicopter crew if WILD OATS XI was flying a trysail, as against a mainsail.
- 3 When the helicopter crew responded that they were not sailors and could not answer the question, the crew member asked what colour the sail was.
- 4 On being advised the colour was grey and not a bright colour, the crew member responded 'copy that, that's great news.'

## **CONCLUSIONS AND RULES THAT APPLY:**

The race committee was justified in lodging the protest.

Michael Coxon, the INVESTEC LOYAL'S crew member's question to the helicopter crew was based on his concerns as a sail maker involved in the construction of the mainsail on WILD OATS XI that was new technology and was a very expensive development sail. Its forerunner on another boat had failed.

Michael Coxon, the CEO of North Sails Australia, therefore had a keen personal interest in its integrity and the information that the mainsail (the only one on board WILD OATS XI) was still being used, was of interest to Michael Coxon personally, but was of no 'help' to INVESTEC LOYAL as provided in rule 41.

The jury is satisfied that the question asked by Michael Coxon was based on commercial concerns and not for reasons of 'race information' as provided for by sailing instruction 49.1.

## **DECISION:**

Protest dismissed.

## **International Jury:**

John Kirkjian (Chairman), John Rountree, Tony Mooney, Tetsutaro Muramatsu  
Bryan Willis

Date: 29 December 2011

## **41 OUTSIDE HELP**

A boat shall not receive help from any outside source, except

- (a) help for an ill or injured crew member;
- (b) after a collision, help from the crew of the other boat to get clear;
- (c) help in the form of information freely available to all boats;
- (d) unsolicited information from a disinterested source, which may be another boat in the same race.

## **49. RADIO RESTRICTIONS**

**49.1** A boat is not permitted to request, and a boat working private schedules with other stations is prohibited from passing information in relation to, weather conditions or race information, except where requested by "JBW", or except as detailed in SI 40.5 or SI 49.2. No restriction is placed on the receiving of weather information broadcast by Government or commercial stations nor compliance with SI Appendix 1.

**49.2** A boat may be given express written authority by the Race Committee to broadcast a commentary, and in that event, unless otherwise stated, the following rules shall apply:

- (a) no reference shall be made during such a commentary to:
  - (i) weather conditions being experienced by the boat, other than in general terms.
  - (ii) boats in distress or emergency or wreckage sightings;
- (b) all information given shall be accurate (i.e. no deliberately false sightings or positions may be reported);
- (c) no information is to be given which may assist any other boat to ascertain or improve its position except to the extent permitted in SI 43; and
- (d) the skipper of the boat from which a commentary is broadcast shall be responsible for the detail and retain the text of the broadcast, and the boat may be protested should it be considered that the terms of this rule have been breached.

**49.3** The International Jury may impose a penalty at their discretion, depending upon their judgment of the seriousness of the infringement, should they find that SI 49.1 or SI 49.2 has been breached.

**49.4** Authority given to any boat under this SI 49 or SI 12.2 may be cancelled by the Race Committee at any of the position reporting schedules in which the boat in question participates or should participate, without reasons being given. A cancellation so issued will apply to the boat to which it is directed whether or not the transmission is received and shall have immediate effect.

**49.5** These restrictions apply to any electronic transmission medium, including HF, VHF and mobile cellular and satellite telephones.