

Fill in and tick as appropriate

Withdrawal requested ; signed Withdrawal permitted

Protest time limit ..**1149**.....

Protest, or request for redress or reopening, is within time limit Time limit extended

Protestor, or party requesting redress or reopening, represented by **Mark Gallagher**.

Other party, or boat being considered for redress, represented by **Skipper - Barry Cuneo**.

Names of witnesses**Nil**.....

Interpreters**N/A**.....

		Remarks
Objection about interested party	<input type="checkbox"/>	N
Written protest or request identifies incident	<input type="checkbox"/>	Y
'Protest' hailed at first reasonable opportunity	<input type="checkbox"/>	N/A
No hail needed, protestee informed at first reasonable opportunity	<input type="checkbox"/>	Y
Red flag conspicuously displayed at first reasonable opportunity	<input type="checkbox"/>	N/A
Red flag seen by race committee at finish	<input type="checkbox"/>	N/A

Protest or request valid, hearing will continue Protest or request invalid, hearing is closed

FACTS FOUND

1. **Envy Scooters notified Race Control they had been advised that there AIS was not visible on the Marine Traffic website at 1030 on Friday morning 30 min before the commencement of the race**
2. **The Race committee reported that Envy Scooter's AIS appeared to be intermittent on Marine Traffic**
3. **Envy Scooters reported their position on all Radio Scheds and were visible on the race tracker at all times while they were racing**
4. **Envy Scooters skipper is a Commercial Mariner - Master Grade 1 and gave expert testimony regarding the reliability of Type B – AIS and confirmed that there is currently no standard or performance criteria for this equipment**

Diagram of boat is endorsed by committee Committee's diagram is attached

CONCLUSIONS AND RULES THAT APPLY

Given that the RC could only provide evidence that Envy Scooters AIS was not visible on the Marine Traffic website and app intermittently, it was not shown that Envy Scooters AIS was not active in both modes at all times as required by NOR – Appendix B5

DECISION

Protest is dismissed Boat(s) is (are) disqualified ; penalized as follows :

Redress is not given ; given as follows :

Request to reopen a hearing is denied ; granted

Protest committee chairman and other members **Mark Dingley SJ – QLD, Erica Kirby NJ – NSW, Steve Hatch IJ/IU – NSW, Nev Willis IJ – QLD**

Chairman's signature .

J. Williams

Date and time