

Australian Sailing Appeal Decision

2026-03 RPAYC Condor vs Protest Committee

Appeal By: Condor

Arising from: Wednesday Autumn Series Race 1 18-02-2026

The following people have been appointed to the Appeal Panel for this appeal by Australian Sailing:
Ed Vincent NJ (Chair), Darren Eger NJ, Philippe Mazard IJ, Luke Tupper NJ, Phil Mostyn NJ.

The Protest

Protest RPAYC 2025-26 Wednesday Autumn Series Race 1 18-02-2026

Heard Wednesday 04-03-2026

1. Condor - Gerard Smith
 2. Pretty Women – Michael Green
 3. Mercury – Mark Waterhouse
 4. Bolter – Rick Welch
 5. Windy Too – Alice Lydement
 6. Vento – Campbell Letchford
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The Protest Committee published the following:

Facts Found

1. Condor observed what they considered to be a breach of the Sailing Instructions by all other boats in Division 1
 2. Condor flew a red flag
 3. The other Division 1 boats were outside hailing distance
 4. Condor made a radio broadcast "Protesting Division 1" that was not directed at any boat and was not in accordance with Routine Calling protocol. This call was not heard by any other boats.
 5. Condor finished first in Division 1 at 15.02 and the last boat at 15.09
 6. Condor lodged a protest at 15.47
 7. Protest Time limit is one (1) hour after the protesting boat's finishing time
 8. Condor notified a crew member of Pretty Women back in the clubhouse prior to the presentation
 9. Condor notified no other boats
 10. All other boats were notified by the Sailing Office, with Mercury not being notified till 6 days later.
- Rules RRS 60.2(b)(1)

Conclusion:

Rule 60.2(b)(1) requires, where the Protestee(s) is not within hailing distance at the time of the incident, the protestor is to inform the protestee of its intention to protest at the first reasonable opportunity.

The first reasonable opportunity would have either been (a) the point the boats first passed each other within hailing distance during the remainder of the race, or (b) in the vicinity of the finishing line immediately after the race. Considering that all Division 1 boats finished within 7 minutes this delay would not have impacted on Condor's ability to lodge its protest within the time limit.

Condor failed to meet the requirements of RRS 60.2(b)(1)

Decision: Protest is Invalid

The Appeal summary

The appeal was lodged on 19th March 2026, within seven days of receiving the written Protest Committee decision (refer RRS R2.1).

The grounds of the appeal are:

Ground 1

It is Condor's position that it has satisfied the requirements of validity.

Ground 2

Condor alleges that the PC did not follow correct process by not hearing evidence from the witness identified on the protest form.

Ground 3

Condor alleges that the PC did not comply with procedure by offering arbitration as stated in the SIs.

Ground 4

Request for redress

Condor alleges that even if the protest was ruled invalid, it should have been considered for redress.

Appeal Panel Conclusions

1. The facts found by the PC regarding validity support the decision that Condor did not meet the requirements of RRS 60.2(b)(1)

Decision: Appeal on Ground 1 dismissed.

2. Whether or not the witness evidence would have changed the PC decision; it is highly unlikely. However, the PC should have given the protestor the opportunity to call their witness, if these related to the request for redress.

Decision: Appeal on Ground 2 is upheld.

3. Appendix T applies only for breaches of Part 2 or RRS 31. The protest was for an alleged breach of SI 11.4 which does not meet the requirement for Appendix T2.

Decision: Appeal on Ground 3 is dismissed

4. Condor's protest form did indicate (box ticked) her intention to seek redress as required by RRS 61.2(a). As the hearing was closed due to it not meeting the criteria for validity, Condor was not able to make the request.

However, even though the PC found that the protest was invalid and did not proceed to a hearing, the PC should have heard the request for redress by the boat but did not do so.

Decision: Appeal on Ground 4 is upheld

Appeal Panel Decision:

The PC shall re-open the hearing to consider Condor's request for redress.
