



Case 3

Decision of International Jury on Reopening

Date of Hearing:	1 January 2021	
Date of Original Hearing:	31 December 2021	
Requestor:	Celestial 9535	Murray Jones
Interested Parties	Race Committee	Lee Goddard
	Ichi Ban AUS 0001	Matt Allen
Witness(es):	Nil.	
Translator(s):	Nil.	
Objections to panel:	Nil.	
Validity: The Request to Reopen was in writing and received within the required time period.		

Procedural Matters:

1. Celestial requested a reopening of Cases 1 and 2.
2. It was not practicable to have new members of the International Jury given the request timing, however the meeting was chaired by a different jury member to the initial hearing (see RRS 66.3). The parties did not object.
3. David Tillett attended the consideration of the Conflict of Interest claim as an interested party but stood down from the International Jury panel considering the matter.
4. Following the International Jury's decision regarding the Conflict of Interest issue, David Tillett joined the panel for the remainder of the meeting.

Submissions:

Conflict of Interest

1. Celestial submitted that David Tillett and Matt Allen, having previously had dinner together with their wives at an unspecified time, was evidence of a conflict of interest.
2. David Tillett submitted that he:
 - a. is an acquaintance of Matt Allen, through their mutual involvement as volunteers in the governance and administration of the sport of Sailing;
 - b. has no family or professional relationship with Matt Allen, and has no involvement with the yacht Ichi Ban; and
 - c. has not visited Matt Allen's residence or been on board his yacht.

Validity:

3. Celestial presented photo evidence of Ichi Ban at an unknown location and time. The red flag was visible and it was not clear whether the flag was furled. Celestial acknowledged the photo was not determinative.



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4. Celestial submitted that the Race Committee could not “observe” this alleged breach of the rules in the racing area. She submitted that the Race Committee were therefore required to inform Celestial of their intention to protest at the first reasonable opportunity.
 5. Celestial repeated arguments presented in the initial hearing that the requirement for Ichi Ban and the Race Committee to notify Celestial at the first reasonable opportunity were not met.

Race Data from Ichi Ban

6. Celestial submitted that race data from Ichi Ban was not used to substantiate loss of time in contradiction to Fact 25 and repeated arguments presented in the initial hearing that three minutes is not justified.

Satellite Phone Issues

7. Celestial submitted that satellite phone issues were widespread in the fleet.
8. No evidence was presented to substantiate the claim that the Race Committee used an incorrect satellite phone number when attempting to contact Celestial.

Antenna Inspection evidence

9. Celestial submitted that Celestial’s navigator inspected the masthead antenna on 31 December 2021 and discovered that the antenna cable was connected by one wire thread, which may have resulted in an intermittent fault affecting Celestial’s ability to receive VHF transmissions in some conditions.

Diagram: N/A

Conclusions:

Conflict of Interest:

1. No evidence was submitted that would meet the RRS definition of Conflict of Interest for David Tillett.

Validity issues:

2. The evidence Celestial submitted in respect of Ichi Ban’s protest flag is not significant.
3. The meaning of “observe” in RRS 61.1(b) is not limited to visual observations. Other methods of observation include audio communication. Therefore, the International Jury did not make a significant error in determining that the Race Committee’s protest was valid.
4. The International Jury is not satisfied that it has made a significant error in the original hearing in respect of Ichi Ban’s notification of intention to protest at the first reasonable opportunity. Given the Race Committee protest against Celestial is valid, the validity of Ichi Ban’s protest is irrelevant to the outcome and therefore cannot be a significant error.

Race Data from Ichi Ban

5. The International Jury was satisfied by the evidence provided in the initial hearing in respect of Ichi Ban’s redress. No new evidence was submitted by Celestial to support a claim that the International Jury made a significant error.

Satellite Phone Issues

6. The submissions by Celestial regarding satellite phone issues were not relevant to the decision in Cases 1 and 2 which were limited to VHF radio requirements.

Antenna Inspection Evidence

Rolex Sydney Hobart Yacht Race 2021



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7. The evidence that Celestial submitted is not new because Celestial had an opportunity to inspect the masthead antenna prior to the initial hearing. World Sailing Case 115 refers.
 8. Having regard to other evidence presented in the initial hearing, such evidence, if provided in the initial hearing, would not be determinative in establishing compliance with SI 31.4.

Therefore, considering all the submissions from Celestial, the requirements in RRS 66.1 for reopening the hearing are not met.

Rules that Apply:	RRS Conflict of Interest definition, RRS 61.1(b), 63.4 and 66; World Sailing Conflict of Interest Guidelines; and World Sailing Case 115
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Decisions:
Cases 1 and 2 will not be reopened.

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

**Chairman's
Signature:**

John Doerr

Date and Time	14:02 1 January 2022
Decision Advised:	
