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APPLICATION FOR REVIEW OF THE APPEAL DECISIONS OF YACHTING NEW SOUTH WALES DATED 23 MAY 2007
Rule 69 hearing: Mr. P. Woodhead

I refer to an application to review the decisions of the Appeal Committee of Yachting New South Wales (No 14/07 dated 23 May 2007 in the matter of the rule 69 hearing called by the protest committee involving Mr. P. Woodhead) and advise that the Yachting Australia Appeal Review Panel has considered the application.

Appeal Overview

The appellant submitted six grounds to YNSW contending the protest committee's decision or its procedures were improper. The Appeal Committee of YNSW addressed each of those grounds in detail, providing detailed reasons for its denial of five grounds and its upholding of one ground which had no material effect on the protest committee's decision.

Application for Review Overview

The applicant requested a review of the appeal decision claiming that the Appeal Committee (a) failed to identify significant failures by the protest committee to observe and apply the rules, and (b) that these failures resulted in significant unfairness to the applicant.

In support of these claims the applicant submitted each of the six original appeal grounds, providing with each of those grounds additional argument or information or testimony which may have not been included in his appeal, and further argument against each of the Appeal Committee's decisions.

Review of Decisions

Ground 1

The Review Panel has found there is no compelling reason to overturn this appeal decision. The decision of the Appeal Committee and its reasons are supported, and the appeal decision has not misinterpreted any Racing Rule which has resulted in any significant unfairness to the applicant.

Ground 2

The Review Panel has found there is no compelling reason to overturn this appeal decision. The decision of the Appeal Committee and its reasons are supported, and the appeal decision has not misinterpreted any Racing Rule which has resulted in any significant unfairness to the applicant.

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Ground 3

The Review Panel has found there is no compelling reason to overturn this appeal decision. While the lengthy processes since the initial incident are evident the decision of the Appeal Committee is supported, and the appeal decision has not misinterpreted any Racing Rule which has resulted in any significant unfairness to the applicant.

Ground 4

The Review Panel has found there is no compelling reason to overturn this appeal decision. The decision of the Appeal Committee and its reasons are supported, and the appeal decision has not misinterpreted any Racing Rule which has resulted in any significant unfairness to the applicant.

The applicant has correctly drawn attention to the omission by the Appeal Committee to address that part of his ground claiming it is not acceptable for one party to make an allegation, investigate the allegation, hear the allegation, find the allegation proven and impose a penalty. But such a similar procedure is contained within the Racing Rules of Sailing which clearly provides for a protest committee to protest a boat, call a hearing, hear the protest, even act as a witness, uphold the protest and impose a penalty.

Ground 5

The Review Panel has found there is no compelling reason to overturn this appeal decision. The decision of the Appeal Committee and its reasons are supported. The Appeal Committee directed that the 127 days penalty imposed by the protest committee should be reduced by the time of suspension already served. Any question whether suspension already served was proper or not is not part of this review, but as the Appeal Committee decision effectively reduced the 127 days penalty to zero, the appeal decision has resulted in no significant unfairness to the applicant.

Ground 6

The Review Panel has found there is no compelling reason to overturn this appeal decision. The decision of the Appeal Committee and its reasons are supported. The applicant has disputed or provided argument concerning 'facts found', principally directed towards 'providing assistance'. The Appeal Committee has correctly focussed upon the pertinent matter of 'good manners'. The appeal decision has not misinterpreted any Racing Rule which resulted in any significant unfairness to the applicant.

Conclusion

As there has been no misinterpretation of any of the Racing Rules of Sailing which has resulted in significant unfairness to the applicant, the decision of the Appeal Committee is confirmed.

Yours sincerely,

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