

AUSTRALIAN RADIO YACHTING ASSOCIATION (Inc)

STANDARD SAILING INSTRUCTIONS

APPENDIX A

A. Protest Mediation

- A.1 A mediation hearing will be conducted for all protests lodged in accordance with rule 61 which allege an infringement of a rule of Part 2 or Part 4 or rule 28 or 31. Such hearings will be held subsequent to the protest being lodged and prior to the protest hearing.
- A.2 The time and place of the mediation hearing will be decided by the mediator and such advice may be given verbally. One representative of each boat shall attend the mediation hearing and no witnesses shall be allowed. The mediator shall decide the manner in which testimony is given.
- A.3 After taking testimony at a mediation hearing the mediator shall make one of the following conclusions:
- (a) The protest does not comply with rule 61 and the protestor may withdraw the protest.
 - (b) No rule was broken and the protestor may withdraw the protest.
 - (c) A rule was broken by one or more of the boats involved and the infringing boat(s) may accept a penalty less than a DSQ. If so accepted, the protestor shall withdraw the protest.

For Multi Fleet Racing the penalty shall be to retire and score points for RAF.

For Single Fleets, the penalty shall be a score equal to a finishing place mid-way between the boat's actual finishing place and a disqualification (half points shall be rounded down and the points of other boats shall not be adjusted). However, if a boat breaks rule 28, Sailing the Course, the penalty shall be to retire and score points for RAF.

- (d) The matter shall proceed to a protest hearing.

(This may be because rules other than of Part 2 or Part 4 or rules 28 or 31 are or may be involved, or because evidence is too complex or divergent to reach a reasonable and timely conclusion, or due to the apparent severity of the alleged infringement, or for any other reason decided by the mediator.)

- A.4 A mediation hearing shall not be re-opened. No conclusion of a mediator shall be subject to appeal or be grounds for redress.
- A.5 Should the protest proceed to a protest hearing then the mediator may be a member of the Protest Committee. Any evidence given by a mediator during a protest hearing shall be given only in the presence of the parties to the hearing.