

## Discretionary and Standard Penalties

*This addendum can only be changed after obtaining written approval from Australian Sailing and advice of this shall be included in the notice of race and the sailing instructions. Each event is required to publish an event specific list of SPs in Addendum J1-B.*

### 1 General

- 1.1 Clauses in the Notice of Race and Sailing Instructions may be marked with either or both of [SP] and [DP]. SP means Standard Penalty; DP means Discretionary Penalty.
- 1.2 The following clauses should be added at the start of the Notice of Race and Sailing Instructions.

*[DP] denotes a rule for which the penalty is at the discretion of the Protest Committee. This changes RRS 64.1. Australian Sailing DPs are listed in Addendum J1.*

*[SP] denotes a rule for which a standard penalty will be applied by the race committee without a hearing. This changes RRS 63.1, Appendix A4 and Appendix A5. SPs for this event are listed in Addendum J1. A breach of any rule in this Addendum by a boat shall not be grounds for protest by another boat. This changes RRS 62.1(a).*

- 1.3 The race score for a boat awarded SP or DP shall be the score she would have received without that penalty, made worse by the number of places stated in this Addendum or the Sailing Instructions.

When this Addendum or the sailing instructions specify a percentage, the penalty shall be that percentage of the score for Did Not Finish, rounded to the nearest whole number (0.5 rounded upward). The scores of other boats shall not be changed; therefore, two boats may receive the same score. However, the penalty shall not cause the boat's score to be worse than the score for Did Not Finish.

- 1.4 The Organising Authority for the event will publish a list of event specific SPs as Addendum J1-B. If no event specific Addendum J1-B is published Standard Penalties will not apply.
- 1.5 This Addendum J1 includes Addendum J1-A Australian Sailing Discretionary Penalty Base Bands and, if published, Addendum J1-B Event Standard Penalties. Addendum J1 takes precedence over Addendum J1-A and Addendum J1-B.

### 2 Standard Penalties (SP)

- 2.1 Where a clause is marked [SP] this means that for a breach of this clause (NoR or SI), and where the boat is identified, the Race Committee will apply the SP without a hearing.
- 2.2 Unless otherwise specified in the Sailing Instructions, the SP applied by the Race Committee shall be the penalty listed in this addendum.

- 2.3 The Race Committee, in addition to applying a SP, may protest the boat or support person.
- 2.4 The Race Committee are the only ones who can apply a SP.
- 2.5 A breach of any rule in this Addendum by a boat shall not be grounds for protest by another boat. This changes RRS 62.1(a).
- 2.6 When a SP is applied, it shall be applied to the race closest to the infringement.
- 2.7 Although the Race Committee may have applied a SP, the Protest Committee or Race Committee may, in the case of repeated or more serious breaches, at their discretion to protest the boat and possibly apply a further penalty. Such further penalty will be assessed as a DP.
- 2.8 In addition to 1.3, the minimum SP points penalty will be 2 points. However, the penalty shall not cause the boat's score to be worse than the score for Did Not Finish

### **3 Discretionary Penalties (DP)**

- 3.1 Where a clause is marked [DP] this means that for a breach of this clause (NoR or SI), the Protest Committee may apply a penalty other than DSQ in accordance with the guidelines in this document.
- 3.2 When the Protest Committee has discretion to decide the appropriate penalty for a breach, the penalties may range from zero points through to DNE. In determining the penalty, the Protest Committee will be guided by this document.
- 3.3 Discretionary Penalties are not just a list of standard penalties. The penalty should be adjusted as justified, while maintaining consistency. The overall concept is to establish a base penalty for a particular breach and then increase or decrease the penalty depending on the circumstances.
- 3.4 Suggested base penalties are listed in the attached tables. These suggest the base band for common specific breaches and the answers to some general questions to be used when there is no specific breach listed. When a range of penalties is suggested for a specific breach, use the general questions to determine the band for the specific breach.
- 3.5 Penalties are divided into 4 bands with the mid point being the normal basepenalty:

<b>Band</b>	<b>Competitor</b>	<b>Support Person</b>
1	0 - 10% (mid point 5%)	Ashore 1 race – 1 day (mid point half day)
2	10 - 30% (mid point 20%)	Ashore 1 - 2 days
3	30 - 70% (mid point 50%)	Ashore 1 - 2 days associated

		competitor DSQ nearest race
4	DSQ / DNE (starting point DSQ)	Regatta de registration – associated competitor entry revoked. Report to MNA.

- 3.6 Start by using the Base Penalty Band Tables to find which band applies. Consider the ‘base penalty’ to be at the mid-point of the band. Then determine if there is cause to increase or decrease the penalty within the band or to change the band.
- 3.7 A positive answer to these questions would lead to reducing the penalty.
- (a) Was the breach accidental?
  - (b) Was there a good reason or justification for the breach?
  - (c) Was the breach reported by the competitor?
  - (d) Did anyone who was not part of the boat’s crew or support team contribute to the breach?
- 3.8 A positive answer to these questions would lead to increasing the penalty.
- (a) Was the breach repeated?
  - (b) Was the breach deliberate as opposed to a misjudgment or carelessness?
  - (c) Was there any attempt to conceal the breach?
  - (d) Was anybody inconvenienced?
- 3.9 The Protest Committee may use other questions to determine if a penalty should be increased or decreased.
- 3.10 To calculate and apply the penalty:
- (a) The discretionary penalty may not make a boat’s score worse than retirement or disqualification.
  - (b) Percentage penalties are calculated to the nearest tenth of a point, (0.05 to be rounded upward).
  - (c) When the breach affected racing performance, it should be applied to all races sailed that day, provided any protest is valid for all races.
  - (d) When the breach does not affect racing performance and especially when it is largely administrative, the penalty should be applied to the race sailed nearest in time to that of the incident as specified in RRS 64.1.
- 3.11 When writing a decision applying a discretionary penalty, include the following statements:
- (a) Using the DP Guide a starting penalty of xx% was decided
  - (b) The penalty was decreased because.....or There were no circumstances to justify decreasing the penalty.

- (c) The penalty was increased because..... or There were no circumstances to justify increasing the penalty.
- (d) The penalty applied is xx% applied to [all races of the day] or to [race numbers yy]

3.12 General questions to be used when there is no specific breach in the Base Penalty Band Tables, or when the Base Penalty Band Tables suggest more than one band.

<b>Could the breach compromise safety?</b>	
No	1
Possibly but not certainly	2 - 3
Yes	4
<b>Can the boat prove it has not obtained a competitive advantage?</b>	
Yes, no advantage is possible.	1
No, possible advantage but not certain.	2 - 3
No, certain advantage	4
<b>Could the breach bring the sport into disrepute?</b> <i>(Note: if the Protest Committee considers that the sport may have been brought into disrepute, it should consider action under RRS 69, especially if no other rule is available.)</i>	
No	1
Possibly but not certainly	2 - 3
Yes	4
<b>Could the breach result in damage or injury?</b>	
No	1
Possibly but not certainly	2 - 3
Yes	4

**Attachments:**

The following attachments form part of and should be read in conjunction with this Addendum:

Addendum J1 – A - Australian Sailing Discretionary Penalty Base Bands (v2.0 201810)

Addendum J1 – B - Event Standard Penalties

Category	Breach	DP BAND
<b>Safety</b>		
	Failing to notify the Race Office when staying ashore	1
	Failing to comply with requirements for reporting retirement (failing to notify, not filling the form, filling the form later than the protest time limit)	1
	Removal of PFD other than briefly while changing or adjusting clothing or personal equipment	1-2
	Not wearing PFD while racing	4
	Not wearing helmet while racing	4
	Not signing in/out	1-2
	When non-compliance results in initiation of search and rescue	4
	Failing to avoid commercial traffic	1-4
<b>Berthing/Trailers</b>		
	Boat not in assigned place but has notified the OA	1
	Boat failing to promptly notify the OA	2
<b>Competitor Conduct</b>		
	Failing to comply with a reasonable request by an official	2-4
	Failing to follow instructions, failing to take proper care of, or interfering with the function of supplied equipment	1-4
<b>Leaving the Shore</b>		
	Failing to comply with an instruction to remain ashore (e.g. AP over H, D flag)	1-4
<b>The Start</b>		
	Failing to avoid the starting area not interfering with a racing boat	1
	Failing to avoid the starting area and breaking RRS 24.1.	4
<b>Equipment Inspection</b>		
	Failing to comply with instructions – good reason or justification	1
	Failing to comply with instructions – no good reason or justification	3
<b>Replacement of Crew or Equipment</b>		
	Failing to comply with instructions – good reason or justification	1
	Failing to comply with instructions – no good reason or justification	3
	Replacing crew or equipment with non-compliant crew or equipment	4
<b>Identification and Advertising</b>		
	Failing to apply event stickers as required (eg advertising, bow numbers, sail dots etc)	2-4
	Applied event stickers, but they failed to stay in place (0% if applied by OA)	1
	Failing to wear bib as required	1-2
	National Flag not applied	1
	National Flag applied but fails to stay in place	1
	National Flag applied but is not produced by an approved manufacturer as required by the Class Rules	1
<b>Radio Communication</b>		
	Making or receiving radio or text or cell phone message not available to all boats	3
<b>Trash Disposal</b>		
	Intentionally putting trash in the water	4
<b>Positioning Equipment</b>		
	Failing to collect or return equipment as required or sign out/sign in	1
	Failing to install or comply with installation instructions	3

Category	Breach	DP BAND
	If equipment was installed but its function is interfered with	4
<b>Class Rules</b>		
	Sail numbers and country codes	1
	Sail stops missing or out of place	2
	Sail set outside bands	3
	Modification of manufacturer supplied and controlled equipment	3
	Prohibited fairing or refinishing of hull/foil surfaces	4
	Use of equipment not registered (but certified)	3
	Safety equipment missing or inadequate	1-4
	Use of prohibited GPS or other electronics	4
	Use of uncertified equipment	4
	Missing or misplaced correctors	4
<b>Equipment outside measurement tolerances (excluding wear and tear)</b>		
	No possible effect on boat speed	1
	Possible but not significant effect on performance	2
	Any significant effect on performance	2-4
<b>Support Persons</b>		
	Failing to comply with a reasonable request by an official	2-4
	Failing to follow instructions, failing to take proper care of, or interfering with the function of supplied equipment	1-4
	Not wearing PFD while engine is turned on	1-4
	Not signing in/out	1-2
	Not carrying a VHF radio	1-2
	Not carrying the required safety equipment	2-4
	Not carrying equipment required by the NoR/SI	1-2

**Addendum J1-A is part of Addendum J1 and must be read in conjunction with Addendum J1**