AUSTRALIAN SAILING

GUIDELINES FOR A BOAT SUBMITTING AN APPEAL FOLLOWING A PROTEST OR REDRESS HEARING

• To lodge an appeal, a person or boat must have been a *party* to the hearing. (The Definitions in the Rules defines a *party.*
• From the time of receiving the verbal decision at the hearing, the party has 7 days to request the decision in writing from the protest committee. (Rule 65.2)
• From the time of receiving the decision in writing, the party has 15 days to send the appeal to AS using the online lodgment function on the AS website [https://www.sailingresources.org.au/class-assoc/racing-rules/](https://www.sailingresources.org.au/class-assoc/racing-rules/).
• There is no cost to submitting an appeal.
• Every reasonable effort should be made to obtain and include all the documents listed and information required in Appendix R of the Rules. If there are reasons why some cannot be provided, then this should be noted on the appeal.
• The written appeal must state the reasons why it is believed the protest committee’s interpretation of a rule, or its procedures, were incorrect.
• An appeal is not a new hearing, so an appeal is not an opportunity to submit facts which were or should have been given at the hearing.
• An appeal is not an opportunity to argue against the facts stated by the protest committee. These have been ascertained from the evidence given at the hearing, and they cannot be over-turned by the appeal committee as the appeal committee was not present at the hearing.
• An appeal claiming incorrect procedures should include details of any actions taken by the appellant to correct the procedures, and state how the appellant could have been disadvantaged by those procedures.

WHAT HAPPENS NEXT?

• An appeal committee will be formed by AS from appropriately experienced, skilled and accredited judges. All will typically come from interstate and none will have a conflict of interest in the case.
• AS will send a copy of the appeal to the protest committee and the parties involved in the hearing and they will have 15 days to submit any comments.
• The invitation to submit comments is not an opportunity to submit additional facts or dispute the facts already stated by the protest committee. The facts have already been ascertained from the evidence given at the hearing.
• The appeal committee may request further information from the protest committee.
• The appeal committee with review the documents and decide on the appeal in accordance with rule 71 and inform the parties to the protest and the protest committee of the decision. The decision will also be published on the AS website.