2 December 2020

**DECISION**

**RACING VICTORIA**

**and**

**MR FRED KERSLEY**

**Date of hearing:** 27 November 2020

**Panel:** Judge John Bowman (Chairperson).

**Appearances:** Mr Corie Waller appeared on behalf of the Stewards.

 Mr Fred Kersley represented himself.

**Charge:** Australian Rule of Racing (“AR”) 131(a) states a rider must not, in the opinion of the Stewards, engage in careless, reckless, improper, incompetent or foul riding.

**Particulars of charge:** Fred Kersley (Lady In The Sky) was found guilty of a charge of careless riding under the provision of AR131(a). The careless riding being that near the 800 metres he permitted his mount to shift out when not clear of All In A Day, resulting in that mare being taken out and hampering Pissaro, which was taken hold of. In the incident All In A Day was also hampered. Fred Kersley had his licence to ride in races suspended for a total of eight meetings to commence midnight 26 November, 2020 and to expire midnight 3 December, 2020. (2 metro, 6 provincial). In assessing penalty the Stewards were of the view that the incident qualified for the low range category of carelessness and took into account his excellent record.

**Plea:** Not Guilty

**DECISION**

Mr Fred Kersley, you are pleading not guilty to a charge of careless riding. It relates to your ride on “Lady In The Sky” in Race 5 over 2400 metres at Sandown on Wednesday, 25 November 2020. Others involved were Ms Alana Kelly, riding “All In A Day” and Mr Craig Williams, riding “Pissaro”. The alleged interference occurred on or near the bend at the 800 metre mark. The Stewards found a charge of careless riding made out and you are appealing against that decision.

I have viewed the video many times, and particularly the vision taken from Tower 3. It provides the clearest picture of what occurred. The incident took place towards the rear of the big field. You were travelling on the rail. Ms Kelly was to your immediate outside. Mr Williams had been last, not on or near the rail. Approaching the turn at the 800 metre mark, Mr Williams pulled out, three wide, to make his run. At about the 800 metre mark and on the bend, the position was that you were on the rail, Ms Kelly was to your outside and Mr Williams was to her outside and perhaps a neck to a half length behind her, but making ground.

It seems to me that you clearly moved off your line. There would appear to be little dispute concerning this. Your horse appeared to bump Ms Kelly’s which caused Mr Williams’ horse to go out to a noticeable degree. The Tower 3 vision would seem to confirm that Mr Williams’ horse did receive a bump, even if not a great one. The three horses then straightened out and there was no further interference. When interviewed later, you admitted that you did shift ground. Whether or not Mr Williams’ mount overreacted to the pressure from the inside, there is no doubt that it briefly raced considerably wider.

In short, the interreference to Pissaro was caused by your shift from the inside onto All In A Day, which forced Pissaro to go quite wide for a couple of strides before straightening again.

I am of the view that the charge of careless riding has been made out.

**PENALTY**

A suspension for 8 meetings seems to me to be fair and reasonable. No discount for a plea of guilty applies. The interference was in the low range, but nonetheless clearly occurred. A suspension for 8 meetings reflects this. The appeal is dismissed.

Kathleen Scully
Assistant Registrar, Victorian Racing Tribunal