11 December 2020

**DECISION**

**RACING VICTORIA**

**and**

**BEN ALLEN**

**Date of hearing:** 30 November 2020

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

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

Mr James Winks appeared on behalf of Mr Allen.

**Charge:** Australian Rules 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:** Ben Allen (Mighty Oasis) was found guilty of a charge of careless riding under the provision of AR131(a). The careless riding being that passing the 600 metres he permitted his mount to shift out when not clear of Eaton, taking that gelding out, which then tightened Creative Hero and Sleepless between Eaton and Saint Eustance. Ben Allen had his licence to ride in races suspended for a total of nine meetings to commence midnight 3 December, 2020 and to expire midnight 11 December, 2020. (4 metro, 5 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 record and that he was serving a careless riding suspension to expire 3 December, 2020.

**Plea:** Not Guilty

**DECISION**

Mr Ben Allen, you have been charged with careless riding in Race 5 at Sandown on 25 November 2020. The race was over 2400 metres. You were riding Mighty Oasis. The other principal horses and jockeys involved were Mr Teo Nugent on Eaton and Ms Laura Lafferty on Creative Hero. The incident occurred on and just after the home turn, passing the 600 metres mark.

I have viewed the video many times. Approaching the home turn, the leader was Just You, ridden by Mr Will Price. Behind him and to his outside was Mr Nugent. Ms Lafferty was further out. You were behind the leader on the rails. On and rounding the turn, Mr Nugent appeared to wobble a little and move further away from the rails. You moved off the rails and into the gap between Mr Nugent and Mr Price. Mr Nugent had the whip in his right hand. You went through the gap. Mr Nugent’s horse bumped Ms Lafferty, who was the main recipient of interference. At no time did Mr Nugent stop riding out his mount.

I have difficulty in seeing the careless riding by you. You did not force the gap. You have admitted making slight contact with Mr Nugent’s mount, but it was indeed slight and quite difficult to see – more in the nature of a brush. The interference to Mr Lafferty seems to have come mainly from Mr Nugent, who continued to ride out his mount.

After considering the transcript and watching the various video angles many times, I cannot be comfortably satisfied that this charge has been made out. I am of the view that you were entitled to take the run which you did and the interference to Ms Lafferty was not caused by you.

The appeal is upheld and the charge dismissed.

Mark Howard  
Registrar, Victorian Racing Tribunal