11 March 2022

**DECISION**

**RACING VICTORIA**

**and**

**JOHN ALLEN**

**Date of hearing:** 3 March 2022

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

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

Mr John Allen represented himself.

**Charge:** Australian Rule of Racing (“AR”) 131(a) states:

A rider must not, in the opinion of the Stewards:

(a) engage in careless, reckless, improper, incompetent or foul riding.

**Particulars of charge:** Rider John Allen (“Saintly Rose”) was found guilty of a charge of careless riding under the provisions of AR131(a). The careless riding being that passing the 700m, he permitted his mount to shift out when not sufficiently clear of “Morpurgo” which was taken out onto “Mokgadi” which in turn was taken out onto the heels of “Divaring” having to be checked. Mr Allen had his licence to ride in races suspended for a period to commence midnight 5 March 2022 to expire midnight 13 March 2022, a total of 9 race meetings (2 metropolitan, 7 provincial). In assessing penalty Stewards took into account his record and that the carelessness was in the low-range.

**Plea:** Not Guilty

**DECISION**

Mr John Allen, you are appealing against a decision of the Stewards made in relation to your ride on “Saintly Rose” in Race 3 over 2,600 metres at Ballarat on 27 February 2022. Other relevant riders were Mr Will Gordon on “Mokgadi”, Mr Declan Bates on “Divaring” and Mr Michael Poy on “Morpurgo”. The charge is one of careless riding at a point near the 700 metre mark.

At that point, reading from the outside in, Mr Bates mount was on the outside, more than four horses from the inside rail. Mr Gordon was to his inside and, in my opinion, his horse was not travelling as well as the horses around him. Mr Poy was inside Mr Gordon and to your immediate outside. In front of you were Mr Jarrod Fry, close to the rails, and immediately ahead of you was Mr Jake Noonan. Neither of their mounts was going particularly well and neither looked like figuring in the finish.

There is no doubt that, rounding the turn into the straight and at about the 700 metre mark, you moved to the outside of Mr Noonan’s mount, with the intention of seeing if you could take a run there. In so doing, there was a small bump involving your mount and Mr Poy’s. That took him wider and effectively Mr Gordon’s mount, which was not travelling particularly well, was squeezed back between Mr Poy and Mr Bates. You did not persevere in looking for a run to the outside of Mr Noonan and you were held up for a distance. As stated, Mr Gordon had been squeezed between Mr Poy and Mr Bates. It is a little difficult to tell because of the camera angle, but it does not seem to me that Mr Bates shifted in to any noticeable degree. He seems to have held his line. The pressure on Mr Gordon came from his inside.

I am of the view that the charge of careless riding has been made out. I say now that I do not consider it to be careless riding of a major nature. You effectively moved out briefly in order to see if the run was there and there was a bump of no great force. You did not persevere in trying to force a run. The appearance of what occurred may have been magnified by the fact that Mr Gordon’s horse was not travelling particularly well. I find the charge proven. Some may well consider you to be at least a little unlucky, in that a small bump to another horse as you shifted out for a look at a possible run resulted in a horse two from you, that did not look as if it was going to feature in the finish, being checked. However, I find the charge proven and I shall hear the parties as to penalty.

**PENALTY**

In relation to penalty, I would make the following observations. You do not have a good record with some four suspensions for careless riding and one for reckless riding in the last 10 months. I accept that you have had something in the order of 1,100 rides in the last year and you are probably the busiest rider in the state, but your record is still far from impressive.

However, I do regard your present offence as being somewhat unlucky. A very small bump was involved and you did not persevere in looking for a run. The fact that the horse two from you which was interfered with was tiring made it look worse.

In all the circumstances of this particular case, I uphold the appeal against penalty and reduce it to one of seven meetings. It is at that particularly low level because of the nature of the incident.

Kathleen Scully
Assistant Registrar, Victorian Racing Tribunal