11 March 2025

**DECISION**

**RACING VICTORIA**

**and**

**JOHN ALLEN**

**Date of hearing:** 20 February 2025

**Date of decision:** 20 February 2025

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

**Appearances:** Mr Scott Quill appeared on behalf of the Stewards.

Mr Matthew Hyland represented Mr John Allen.

**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:** Mr John Allen (Asawin) was found guilty of a charge of careless riding under the provisions of AR131(a), in that near the 300m he permitted his mount to shift out when not sufficiently clear of Honour De Hero, resulting in Honour De Hero being tightened and restrained to avoid the heels of Steely Hustler. John Allen had his licence to ride in races suspended for a total of 9 race meetings, with the period to commence Sunday, 23 February 2025 and to expire Sunday, 2 March 2025. Accordingly, John Allen will be able to return to ride on Monday, 3 March 2025 In assessing penalty, account was taken of his good record and that the incident was in the low range category.

**Plea:** Not Guilty

**DECISION**

Mr John Allen, you are appealing in relation to the finding of the Stewards that you breached Australian Rule of Racing (“AR”) 131(a) – that is, that you are guilty of careless riding. This charge concerns your ride on “Asawin” in Race 4 at Ararat on Sunday, 16 February 2025. The race was over 1,300 metres.

The basis of the charge concerns an incident near the 300 metre mark. Other jockeys involved were Ms Melissa Julius, who was riding “Honour De Hero”, and Ms Jaylah Kennedy, who was riding “Steely Hustler”. Ms Linda Meech’s mount played no direct role in what occurred, save that both your mount and Ms Julius’ mount was originally trying to get a run between horses, her mount being one of those.

I have viewed the video many times and have had the benefit of helpful submissions from Mr Scott Quill, on behalf of the Stewards. Mr Matthew Hyland on your behalf and some input from yourself. My attention was drawn to aspects of the video material, with various frames being frozen.

There was considerable concentration on the potential of a run past Ms Meech and when that opened up. Ms Julius seems to me to have been in the better position to have taken that run. I am not persuaded by an argument that she had effectively given up on it and had voluntarily taken her horse to the outside and in the vicinity of Ms Kennedy’s mount, thereby leaving the run in question to you.

In my opinion, she did not completely surrender the right to take that run. You drove into the run, making contact with her horse, and causing her to have to take hold of her horse and steer it towards the outside rail before straightening again in the vicinity of Ms Kennedy’s horse. In other words, she was bumped and forced out of the run that she intended to take. This was done by you. Your horse went on to take the run.

In my opinion, this was careless riding. There was, at the time, effectively only room for one horse in the gap, as it opened. You bumped her out of that run which was rightfully hers.

This was careless riding. I am not suggesting that you deliberately made contact with or rode into her mount. You were determined to get the run as it opened up and in so doing made contact with her horse, causing her to take hold and steer out behind Ms Kennedy.

The charge of careless riding has been proved to my comfortable satisfaction.

I shall hear the parties on the question of penalty.

**PENALTY**

I have heard the submissions of the parties on the question of penalty. The penalty imposed by the Stewards was one of suspension of nine meetings. In so finding, they took into account your record, which is very good. You are a particularly busy and top class jockey.

However, bearing in mind all the circumstances, including the fact that you unsuccessfully contested the matter, the penalty of suspension for nine meetings seems to me to be appropriate.

Accordingly, the appeal in relation to penalty is dismissed. I shall leave it to the parties to determine the commencement date of the penalty but will be available for assistance should that be required.

Mark Howard

Registrar, Victorian Racing Tribunal