5 August 2024

**DECISION**

**RACING VICTORIA**

**and**

 **MICKAËLLE MICHEL**

**Date of hearing:** 23 July 2024

**Date of decision:** 23 July 2024

**Panel:** Judge Marilyn Harbison (Deputy Chairperson), Ms Judy Bourke and Mr Des Gleeson.

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

Mr Matthew Hyland represented Ms Michel.

**Charge:** Australian Racing Rule (“AR”) 115(1)(a) states:

1. a jockey or apprentice jockey must not

(a) engage in misconduct

**Particulars:** The particulars of the charge being that following the running of Race 7, the Claremont Thoroughbred Maiden Plate, 1200 metres, at the Hamilton Race Club meeting on 30 May 2024, when you were the rider of Beurre Rouge, you misconducted yourself when returning to the mounting yard. By your own admission, you directed the phrase, "If you put me down, I'll put you down too," to Jack Hill, the rider of Six Steps.

**Plea:** Guilty

**DECISION**

1. This is an appeal from a decision of the Stewards made on 7 June 2024 in respect of jockey Ms Mickaelle Michel.
2. She was charged with misconduct under AR115(1)(a).
3. Ms Michel rode Beurre Rouge at Hamilton on 30 April 2024. At the conclusion of the race and continuing into the mounting yard she engaged in a verbal altercation with another jockey, Mr Jack Hill, rider of Six Steps. Although Mr Hill did not make a formal complaint, he gave evidence to the Stewards that after the argument had ended and whilst he was in the mounting yard talking to another jockey, Ms Michel continued the argument. There was conflicting evidence given by Mr Hill and Ms Michel as to what was said in the mounting yard. It is alleged in the particulars of charge that at one point, Ms Michel said to Hill – “if you put me down, I’ll put you down”.
4. Ms Michel was charged with misconduct for having uttered those words. She pleaded guilty. The Stewards suspended Ms Michel's licence for one month from 7 June 2024 to 7 July 2024. It is this decision which is the subject of this appeal.
5. The circumstances of this altercation and the circumstances under which these words were uttered were outlined in the evidence taken by the Stewards from several witnesses, including Mr Eddie Dwyer, the Clerk of Course, Mr Ryan the Official Photographer, Mr Corey Mallyon another jockey in the race, Mr Jack Hill and Mr Andrew Bobbin, trainer of Six Steps.
6. Ms Michel also gave evidence before the Stewards and before us. We have taken all of this evidence into account in considering this appeal.
7. Ms Michel is French by birth and has an incomplete understanding of the English language. It appears that the dispute arose as a result of her perception that Mr Hill had come from the outside during the race and crossed her line, failing to give her the room that she needed and creating a dangerous situation.
8. It was because of this alleged infraction that Ms Michel challenged Mr Hill after the race.
9. The Stewards have interpreted the phrase that she used as a threat, meaning that she threatened Mr Hill that she would deliberately cause a fall in a race with him. The Stewards characterised this threat as unwarranted, even if provoked, and deserving of stern punishment because to cause a fall in a race would be an extremely dangerous and even life-threatening act.
10. We do not consider that Ms Michel meant in saying this phrase that she would cause Mr Hill to fall in a race. Ms Michel said before us and has consistently said when questioned by the Stewards that she used the phrase to indicate that she wanted respect as a jockey and that if she was not given respect by Mr Hill then she would not respect him either. She did not want him to “put her down” or disrespect her. It was a plea for him to act professionally with her in his dealings with her, not a threat to actually cause a fall involving another jockey.
11. We are fortified in this view by the evidence given in the Stewards inquiry.
12. In particular, the witness Mr Ryan said that he thought that it was her grasp of the English language that was the problem. He thought that she did not mean the words harshly and that she did not understand the words that she actually said.
13. Mr Dwyer did not consider her behaviour threatening, but he said that the interaction with between the two jockeys in the mounting yard got to the stage where the crowd was becoming aware of it. He said that it was hard to say who was the aggressor, as Mr Hill was talking more than she was.
14. Ms Michel told the Stewards that she accepted that she went too far with her words and that she was much too aggressive, but she had considered herself in danger from Mr Hill’s action.
15. Ms Michel described to us the massive impact on her career that any suspension would have, given that she has an international career. She said that she was particularly concerned during this incident because she had almost died two years ago in a riding accident and was well aware of the dangers of inappropriate riding. Having gone through that trauma, in our opinion it was even more unlikely that she would wish to threaten another jockey with the same fate.
16. Ms Michel has an international reputation as a rider. She has ridden in 14 countries and has had no prior offences of this nature. She pleaded guilty at the first opportunity.
17. Clearly, she should not have become involved in a verbal altercation with Mr Hill, and it is regrettable that she chose to do so in circumstances where the public could observe her. We have been provided with two examples of recent decisions regarding verbal abuse. Each instance involved a fine. In our opinion the words used in this case, carrying the meaning we have determined, were far less offensive than either example.
18. In all the circumstances, we set aside the decision of the Stewards, allow the appeal and substitute a fine of $1,000, wholly suspended for 12 months.

Mark Howard

Registrar, Victorian Racing Tribunal