1 December 2021

**DECISION**

**HARNESS RACING VICTORIA**

**and**

**SCOTT RAINS**

**Date of hearing:** 19 November 2021

**Panel:** Justice Shane Marshall (Deputy Chairperson) and Dr June Smith.

**Appearances:** Mr Andrew Cusumano appeared on behalf of the Stewards.

Mr Scott Rains represented himself.

**Charge:** Australian Harness Racing Rule (“AHRR”) 194 (b) states:

A person who:

(b) Has in his possession or on his premises or under his control;

An substance or preparation that has not been registered, labelled, prescribed or obtained in compliance with relevant State and Commonwealth legislation is guilty of an offence.

**Particulars of charge:** 1. At all relevant times, you were a licensed trainer and driver with Harness Racing Victoria (“HRV”) and a person bound by the Australian Harness Racing Rules (“AHRR”);

2. On 25 June 2021 a stable inspection was conducted by Stewards at Longlea, which is your registered training premises;

3. You were present during the stable inspection when a box labelled “Dr Bells” containing a bottle which contained liquid was located in your possession and under your control;

4. The product “Dr Bells” is a substance or preparation that has not been registered in compliance with relevant State and Commonwealth legislation.

**Plea:** Guilty

**DECISION**

1. Mr Scott Rains is a registered harness racing trainer who has stalls at Longley, an eastern suburb of Bendigo. Harness Racing Victoria (“HRV”) Stewards conducted a routine stable inspection at Mr Rain’s stable. There they found a bottle of a substance labelled “Dr Bells”. The bottle, together with a number of other items had been given to him by the wife of a former trainer when that trainer retired. Mr Rains was told at the time by that lady that “if a horse was a bit off it would pick them up”. The substance contains atropine, hyoscine and strychnine. It has its origins in Canada and was sold widely in the USA and advertised as having amazing healing and medicinal qualities for horses. It was used for the treatment of colic and inflammation, as well as for coughs and chills. It is not registered in Australia under any federal or state legislation. Atropine and hyoscine have the potential to be performance enhancing. They act on the nervous system and can induce and increase heart rate and muscle relaxation. Strychnine is most often used as a lethal pesticide. In low doses it can have a toxic effect. It has no place in a racing stable.

2. Stewards of HRV have charged Mr Rains under Australian Harness Racing Rule 194 (b) with having on his premises a substance which is not registered under relevant State or Commonwealth legislation. Mr Rains pleaded guilty to the offence at the earliest opportunity. At the time that he was given the substance, he put it in a drawer and gave no further thought to it. He did not check its credentials. He now knows that he should have done so and disposed of it if it was not registered in accordance with relevant State or Commonwealth legislation. It was open to him to seek veterinary advice in order to check its contents.

3. In setting a penalty, we take into account Mr Rains’ guilty plea and the fact that he did not intentionally keep the product on his premises with a view to using it. He simply did not take time to check what precisely it was and whether he was allowed to have it at his stables. We also take into account Mr Rains’ good record as a trainer.

4. On the other hand, the principles of general deterrence and the sending of a message to trainers that they must be scrupulous about what substances they use in their stables means that the offence must be considered as a significant one.

5. In all the circumstances, we impose a penalty of a $500 fine. However, given that Mr Rains has an excellent record and came upon the product in unusual circumstances and forgot that it was in his possession, it is appropriate to suspend $200 for a period of 24 months.

Mark Howard
Registrar, Victorian Racing Tribunal