

Although it is not necessary for the decision the Tribunal finds, on the basis of the information presented, that the hearing which took place before the Stewards in this matter was not a fair hearing. The appellant should have been allowed the adjournment which he requested. Further the appellant should have been afforded some time in which to consider his position as well as the reasonable opportunity to call such witness or other evidence as he desired.

It is therefore the determination of the Tribunal that the two findings of guilt against the appellant in this matter be set aside.

The Chairman orders, by virtue of the provisions of section 17(9)(e) of the Racing Penalties (Appeals) Act, that the appellant be refunded the sum of \$135 which was paid to the West Australian Greyhound Racing Association in respect of the transcript as well as the \$50 fee which was paid on lodgement of the Appeal.



DAN MOSSENSON, CHAIRMAN