

Citation:	Tashi Hooper v Property Agents Board and anor [2026] TASCAT 44
Division:	General
Stream:	Occupational and Disciplinary
Parties:	Tashi Hooper (Appellant) Property Agents Board (First Respondent) Michelle White (Second Respondent)
Hearing Date:	Submissions were made in writing
Hearing Location:	Nil
Date of Orders:	2 April 2026
Date Reasons Issued:	2 April 2026
Panel:	L Jack, Senior Member
Orders Made:	<ol style="list-style-type: none">1. The application by Mr Hooper for the time for filing his appeal against a decision of the Property Agents Board to be extended to 12 February 2025 is dismissed.2. The appeal (Tribunal Reference ODS/2025/6) is dismissed for want of jurisdiction
Catchwords:	Appeal received by Tribunal out of time - Application to extend time for filing appeal – Principles relevant to Tribunal’s discretion – Application for extension dismissed – Tribunal without jurisdiction to hear appeal.
Legislation Cited:	<i>Property Agents and Land Transactions Act 2016</i> , s 116; <i>Tasmanian Civil and Administrative Tribunal Amendment (Additional Jurisdictions) Act 2025</i> ;

Tasmanian Civil and Administrative Tribunal Rules 202, r 11.

Cases Cited:

Ghimire v Karriview Management Pty Ltd [2019] FCA 1108;

OT v Asbestos Compensation Commissioner [2024] TASCAT 209;

Griggs v Kingborough Council [2025] TASCAT 229;

Gearman v General Manager of the Kingborough Council [2026] TASCAT 9.

Representation:

Appellant: Self-represented

First Respondent: Submitting appearance – Dobson Mitchell Allport

Second Respondent: Self-represented

File No:

ODS/2025/6

Publication Restriction:

Nil

REASONS FOR DETERMINATION

Background

1. The applicant, Mr Hooper, made a complaint to the Property Agents Board (the Board) on 9 May 2024. The complaint arose from a disclosure of Mr Hooper's personal information by a person who was the executive assistant to Ms Michelle White, a property agent.
2. The complaint arose because Mr Hooper was dissatisfied by Ms White's response when this occurred. He was unhappy that his personal information appeared to have been released to a third person and unhappy with Ms White's response, in that he said he had never received an apology and referred to Ms White's attitude to solving the issue as 'atrocious and unsatisfactory'.
3. In the course of obtaining further information about the complaint, the Board also received from Mr Hooper that Ms White has misrepresented certain matters in relation to a property purchased by Mr Hooper, where Ms White had been the selling agent for that property. In particular Mr Hooper complained that Ms White has misrepresented the quantum of body corporate fees payable at the presence of barbeque facility at the development where the property was located.
4. The Board undertook an investigation.
5. Ultimately the Board made a decision to dismiss the complaints made by Mr Hooper.
6. In relation to the complaint the Ms White had failed to make all reasonable efforts to resolve the complaint made to her by Mr Hooper regarding the release of his personal information, the complaint was dismissed .
7. In relation to the complaint that Ms White had engaged in false and misleading conduct, the complaint was dismissed.
8. The Board's decision was forwarded to Ms White and Mr Hooper on 29 November 2024.
9. The Board's covering letter advised the parties of their appeal rights under s 116 of the *Property Agents and Land Transaction Act 2016* to the then Property Agents Tribunal.

The purported appeal

10. On 12 December 2024 at 11.05am Mr Hooper attempted to send an email to the Property Agents Tribunal. However, he misspelt the word 'registrar' thus the email was sent to the email address registra@propertyagentstribunal.com.au.
11. It appears that Mr Hooper also sent a copy of the same correspondence to the Property Agents Board. Mr West, who was the complaints and investigations officer who had dealt with the original investigation from Mr Hooper's complaint to the board sent an email to Mr Hooper on 12 December 2024 at 3.17pm as follows:

Dear Mr Hooper,

Thank you for your email,

I wish to advise that it appears that you have sent notice of your appeal to an incorrect email address.

The correct email address is advised in the correspondence you received from the Board, dated 29 November 2024, is registrar@propertyagentstribunal.com.au however it appears the email address you sent notice of your appeal to is missing “r” from the end of the word “registrar” ie registra@propertyagentstribunal.com.au and you may wish to resend it to the correct address, if you have not already done so, prior to the end of the 14 day period for appeals to be lodged which is tomorrow, 13 December 2024. There is no requirement for you to send notice of your appeal or any further correspondence on this matter to me.

12. On 12 February 2025 Mr Hooper sent an email to the Property Agents Tribunal at the email address registrar@propertyagentstribunal.com.au with the subject with the heading ‘typo’ as follows:

The Registra.

Please accept this appeal, as you can see there was a typo. Brian West received this appeal. He could have forwarded it onto you. He was aware I had spent several times in hospital. I had also just stated dialysis. My head was not in a good space. I would appreciate it you would accept my appeal.

13. The appeal proceeded through the Property Agents Tribunal and after the commencement of the *Tasmanian Civil and Administrative Tribunal (Additional Jurisdictions Act) 2025* commenced on 1 July 2025, jurisdiction in relation to the appeal was transferred to this Tribunal.
14. At a time after the appeal file had been forwarded to the Tribunal, following review of the file it appeared there had not at any point been any consideration by the Property Agents Tribunal as to whether Mr Hooper’s appeal of the Board’s decision dated 29 November 2024 had been made within the 14 days permitted by s 116 of the PALT Act and, if not, whether Mr Hooper needed to seek and extension of time for the appeal to be filed.
15. In a Directions Hearing on 28 January 2026 Mr Hooper indicated that he wished to pursue his appeal and wished an application for an extension of time for the filing of his appeal to be determined by the Tribunal.
16. Neither Ms White nor the Board sought to be heard in relation to the application to extend.

Extension of time – principles

17. Section 116 of the PALT Act relevantly provides:

(1) An aggrieved person may appeal to the Tribunal against a decision of the Board under this Act.

(2)...

(3) An appeal under this section is to be made in writing –

(a) within 14 days after notice of the Board's decision is given to the person;
or

(b) within such further period as the Tribunal considers is appropriate in the interest of justice.

18. This Tribunal, in a number of decisions¹, has been guided by the principles relating to the exercise of a discretion to extend time from *Ghimire v Karriview Management Pty Ltd* [2019] FCA 1108 (*Ghimire*). Whilst the Tribunal's power to extend time under the PALT Act is expressed in slightly different terms to the Tribunal's powers to extend time generally², the principles would apply equally.
19. In *Ghimire*, Colvin J at [8] set out particular matters relevant to the exercise of the discretion:

There should be an adequate explanation for the delay. Generally, mere ignorance of the time limit is not a satisfactory explanation for the delay. A party wanting to appeal may be expected to investigate or inquire about the procedure and time limits for bringing an appeal.

The extent to which the applicant has taken steps to challenge or dispute the relevant decision in the intervening period will be considered.

If the outcome can be confidently predicted at the leave stage, it will seldom be in the interests of justice to grant leave where an appeal has little or no prospects of success because of the considerable additional cost and the impact on other litigants who have abided by time limits and are waiting for their appeals to be heard. However, the merits should be examined at a reasonably impressionistic level. The Court does not go into the merits in great detail and assesses the merits in a fairly rough and ready way.

The Court's view as to the strength of the claim may itself be a matter that is to be weighed with other matters so the fact that the claim might be viewed at the time of the application for an extension to be strong or weak is relevant.

Prejudice to the respondent, including prejudice that will be occasioned by having to defend the proceedings, is a material factor against the grant of an extension. The extent of that prejudice (which may vary depending upon the financial and other circumstances of the respondent) must be considered with some care.

Consequences for third parties should be brought to account, particularly more wide ranging effects that might flow if an appeal were allowed despite a period of delay.

These matters are not exhaustive and they are not rules to be rigidly applied. Also, it must be kept in mind that the Court has a general discretion to be exercised by reference to the particular circumstances of each case.

¹ See, for example *OT v Asbestos Compensation Commissioner* [2024] TASCAT 209, *Griggs v Kingborough Council* [2025] TASCAT 229 and *Gearman v General Manager of the Kingborough Council* [2026] TASCAT 9.

² Rule 11 of the *Tasmanian Civil and Administrative Tribunal Rules 2021*.

Evidence in support of the application

20. On 19 February 2026, in support of the application to extend the time to appeal, Mr Hooper filed an affidavit in the Tribunal. The content of the affidavit was as follows:

I submitted by "right to appeal" within the time required.

During this time I had several visits and stays in hospital.

Several medical and specialist appointments.

Recouping from my hospital stay.

Dealing with dialysis and the emergencies occurred during dialysis.

Sleepless nights and anxiety from the way I was treated by Michelle White.

Dealing with charcot foot and the complications of this disease.

Due to all of the above I had not been checking my emails as regularly as usual.

When I did check my numerous emails I found that my appeal application did not go through to the Registra but did go through to Mr Brian West who did not forward it on. The reason it didn't go through to the Registra was that one letter was missing from the address. I tried resending it. I finally went through and was accepted.

Consideration

21. I do not consider Mr Hooper's affidavit provides an adequate explanation for the delay of two months between the end of the appeal period on 13 December 2024 and the date that the appeal was sent to the Tribunal at its correct email address on 12 February 2025.
22. Mr West had no obligation to forward the appeal documents to the Tribunal at any time.
23. Although he also had no obligation to point out to Mr Hooper the typographical error in the email address that Mr Hooper had used to try to file the appeal, Mr West in fact did so in very clear terms, only about 4 hours after Mr Hooper's original email, and well within business hours.
24. Whilst I accept that Mr Hooper had a number of health challenges and was receiving medical treatment around the time period in question, he appears to have been well enough to engage with the appeal process on 12 December 2024. It is reasonable to infer, that Mr Hooper continued, even if only in the short term thereafter, to be able to read Mr West's response, and s 116(3)(a) of the forward the appeal to the correct email address.

25. Mr Hooper, in his appeal document, challenges some of the factual matters upon which the Board's decision to dismiss the complaint was made. A hearing before the Tribunal in its review jurisdiction is a hearing *de novo*, and Mr Hooper would certainly be able to put forward evidence that challenges the factual basis upon which the Board proceeded. However, an overall assessment of those factual matters as asserted by Mr Hooper suggests that, even if they were established by Mr Hooper before the Tribunal, they would be unlikely to carry significant evidentiary weight in relation to the substance of the complaints. My overall impression is the appeal has little merit.
26. In the circumstances of this particular matter, I do not consider that the exercise of the Tribunal's discretion to extend the time for Mr Hooper's appeal is in the interests of justice.
27. The Tribunal is therefore without jurisdiction to hear the appeal, and I must therefore dismiss it.

Orders

28. I make the following orders:
 - (a) The application by Mr Hooper for the time for filing his appeal against a decision of the Property Agents Board to be extended to 12 February 2025 is dismissed.
 - (b) The appeal (Tribunal Reference ODS/2025/6) is dismissed for want of jurisdiction