

# LAND COURT OF QUEENSLAND

CITATION: *Rayment v Valuer-General* [2023] QLC 15

PARTIES: **Bruce Leslie Rayment**  
(applicant)

v

**Valuer-General**  
(respondent)

FILE NOs: LVA108-23  
LVA109-23

DIVISION: General

PROCEEDING: Jurisdiction – s 158 *Land Valuation Act 2010*

DELIVERED ON: 12 October 2023

DELIVERED AT: Brisbane

HEARD ON: Submissions closed 15 September 2023

HEARD AT: Heard on the Papers

JUDICIAL REGISTRAR: GJ Smith

ORDER: **1. The Court has jurisdiction to hear and determine each of the appeals.**

CATCHWORDS: PRACTICE AND PROCEDURE – Failure to file Notice of Appeal in time – *Land Valuation Act 2010* sections 157 and 158 — where an applicant’s agent mistakenly believed registry to be open — where agent emailed Notice of Appeal shortly after registry closure — late filing — whether slip by agent — whether reasonable excuse.

*Land Valuation Act 2010* s 158  
Practice Note 1 of 2022

*Director-General, Department of Transport v Congress Community Development and Education* (1998) 19 QLCR 168, applied.

APPEARANCES: Not applicable

## Background

- [1] These applications arise pursuant to s 157 of the *Land Valuation Act 2010* (the LVA) and require the Court to decide if it has jurisdiction to hear and decide proposed appeals against annual valuations as at 1 October 2020 for two grazing properties separately located in the Barcoo and Diamantina Shires.
- [2] An objection decision notice in respect of each property was issued by the respondent to the applicant on 5 April 2023.
- [3] Each proposed Notice of Appeal was emailed to the Court on 5 June 2023 at 4:36pm. By virtue of paragraph 6 of *Practice Note 1 of 2022* appeals filed after the registry closure at 4:30pm are deemed to be filed on the next day that the registry is open.
- [4] Pursuant to s 158 of the LVA, the appeal can only be heard if the Court was satisfied that there was a reasonable excuse for not filing the notice of appeal within the appeal period.

## Legislation

- [5] Section 158 of the LVA provides –  
Late filing
  - (1) This section applies if a valuation appeal notice is filed after the appeal period has ended.
  - (2) The Land Court can hear the appeal only if—
    - (a) the valuation appeal notice was filed 1 year or less after the objection decision notice was issued; and
    - (b) the appellant satisfies the court there was a reasonable excuse for not filing the notice within the appeal period.

*Example of reasonable excuse—*

The notice of the valuer-general's decision or the valuation appeal notice was lost or delayed in the ordinary course of post.

## Materials and submissions

- [6] The material relied upon by the applicant is a Notice of Appeal filed on 29 August 2023. The document is signed by Mr Bruce Coutts, an accountant engaged by Mr Rayment to prepare and lodge the appeal notice for each property. Notwithstanding the format of this document, it is in substance a chronology of events and associated

correspondence. It is of evidentiary value, but serves no purpose as a Notice of Appeal.

- [7] On 12 September 2023 detailed submissions were filed by the respondent. These submissions raise no objection to the material relied by the applicant and do not seek to challenge any factual matter relied on by the applicant. Accordingly, the document filed on 29 August 2023, has been admitted into evidence<sup>1</sup>.

## Conclusion

- [8] With the consent of the parties, the question of the Court’s jurisdiction to hear the substantive appeals has been determined based on the written materials filed, without the need for an oral hearing of evidence and submissions.

- [9] Although a finding that the applicant had a “*reasonable excuse*” for not filing during the appeal period is not opposed by the respondent; the Court must none the less be satisfied that such a finding is established on the evidence.

- [10] It is uncontroversial that:

- i. The unavailability of critical valuation advice delayed the finalisation of the appeal notices during the afternoon of 5 June 2023.
- ii. The actual late filing of the notices was due to a mistaken belief by the applicant’s agent that the registry hours extended until 5:00pm on weekdays.
- iii. The applicant, Mr Rayment did not contribute to the delayed filing in any way.

- [11] Having considered the undisputed evidence, the Court has concluded that the mistaken belief by the applicant’s agent regarding the registry hours may be considered a “slip” as apprehended by Muir J in *Congress Community*<sup>2</sup>. Reasonable excuse is therefore established, and the Court has jurisdiction to hear and determine both appeals.

## Orders

- 1. The Court has jurisdiction to hear and determine each of the appeals.**

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<sup>1</sup> Exh 1.

<sup>2</sup> *Director-General, Department of Transport v Congress Community Development and Education* (1998) 19 QLCR 168, 171-172.