



SCHEDULE OF LIMITATION PERIODS

in Civil Matters in New South Wales

Edition No. 29

Current as at August 2022

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PERSONAL INJURY

| | Date | Limitation Period | Extensions/Suspensions |
|---|--|--|--|
| PERSONAL INJURIES (Common law claims that are not dealt with in the specific areas below) | Injuries and acts/omissions prior to 6/12/02 | Injuries pre 1/9/90: 6 years from date when cause of action accrues: s14 <i>Limitation Act 1969</i> Injuries post 1/9/90: 3 years from date when cause of action accrues: s18A <i>Limitation Act 1969</i> Latent injury – 3 years from becoming aware of the matters in s60I <i>Limitation Act 1969</i> : s60F, s60G and Schedule 5 <i>Limitation Act 1969</i> Minors – limitation period is suspended until minor reaches 18 years: s11(3) (definition) and s52(1)(d) <i>Limitation Act 1969</i> Other legal disability – limitation period is suspended for duration of disability: s52(1)(d) <i>Limitation Act 1969</i> Ultimate bar – period of 30 years from date when cause of action accrues (including minors/other legal disability) but not for latent injury: s51 <i>Limitation Act 1969</i> | Injuries pre 1/9/90: ss52, 57-60, 60F-60J, Schedule 5 <i>Limitation Act 1969</i> Injuries post 1/9/90: ss52, 60A-60J, Schedule 5 <i>Limitation Act 1969</i> |
| | Acts/omissions on or after 6/12/02 leading to injury | First to expire of: (a) 3 years from the date when the cause of action is discoverable: s50C(1)(a) <i>Limitation Act 1969</i> (no extension of this period is available); or (b) 12 years from time when act or omission causing injury or death occurred: s50C(1)(b) <i>Limitation Act 1969</i> (limited rights of extension exist) For criteria of discoverability see s50D <i>Limitation Act 1969</i> Note: For minors, the running of the limitation period is not suspended until minor reaches 18 years if, and for the period, the minor has a capable parent or guardian: s50F(2)(a) <i>Limitation Act 1969</i> and see also s50A(2) (but see Child Abuse cases below) Minors injured by parent or guardian or “close associate” of parent or guardian - limitation period commences when minor turns 25, or from date of discovery (whichever is the latter): s50E(1)(a) and (b) <i>Limitation Act 1969</i> (but see Child Abuse cases below) Incapacitated person - limitation period not suspended if person is a “protected person”: s50F(2)(b) <i>Limitation Act 1969</i> Latent injuries - no special provisions | s62A, s62B and ss50E-50F <i>Limitation Act 1969</i> s52 <i>Limitation Act 1969</i> |
| AIRCRAFT | From 1/7/59 | 2 years after the date of arrival of aircraft, the date on which the aircraft should have arrived, or the date on which it stopped (whichever is later): s34 <i>Civil Aviation (Carriers' Liability) Act 1959</i> (Cth) For claims for injury or death from things falling from aircraft, see <i>Damage by Aircraft Act 1999</i> (Cth) | No extensions or suspensions except in respect of baggage: s30(3) and (4) <i>Civil Aviation (Carriers' Liability) Act 1959</i> (Cth) |
| CHILD ABUSE CASES | Any claim whenever occurring | No limitation period for victims of “child abuse” which includes sexual or physical or any other connected abuse perpetrated against a person who is under 18 – ss6A(1), (2) and (3) <i>Limitation Act 1969</i> Extends to actions under the <i>Compensation to Relatives Act 1897</i> as well as actions surviving on the death of a person for the benefit of the person's estate under section 2 of the <i>Law Reform (Miscellaneous Provisions) Act 1944</i> – s6A(5) <i>Limitation Act 1969</i> The removal of this limitation period applies retrospectively: Schedule 5, Part 3, clause 9 <i>Limitation Act 1969</i> | |
| COMPENSATION TO RELATIVES (Common law claims arising from death that are not dealt with in the specific areas above or below) | Deaths and acts/omissions prior to 6/12/02 | 6 years from date of death where cause of action accrued before 1/9/90: s19(1)(a) <i>Limitation Act 1969</i> 3 years from date of death where cause of action accrues on or after 1/9/90: s19(1)(b) <i>Limitation Act 1969</i> See under “Personal Injuries” | s60, s60D, s60E, s60F, s60H and s60I and Schedule 5 <i>Limitation Act 1969</i> s52 <i>Limitation Act 1969</i> |
| | Acts/omissions on or after 6/12/02 leading to death | First to expire of: (a) 3 years from date when cause of action discoverable; or (b) 12 years from death of deceased: s50C(1)(a) and (b) and (3) <i>Limitation Act 1969</i> See under “Personal Injuries” | s62A, s62B, s62C and ss50E-50F <i>Limitation Act 1969</i> |

PERSONAL INJURY

| | Date | Limitation Period | Extensions/Suspensions |
|------------------------|------------------------------|---|--|
| DUST DISEASES | Any claim whenever occurring | No limitation period: s12A <i>Dust Diseases Tribunal Act 1989</i> cf: s12B <i>Dust Diseases Tribunal Act 1989</i> Note: if proceedings are not commenced in the Tribunal before the death of the injured person, then no damages are recoverable by the Estate for non-economic loss and the Estate's claim for economic loss may be reduced: s12B <i>Dust Diseases Tribunal Act 1989</i> and s2 <i>Law Reform (Miscellaneous Provisions) Act 1944</i> | |
| MOTOR ACCIDENTS | Prior to 5/10/99 | Injuries/death pre 1/7/87: 6 years from date of accident: s14 <i>Limitation Act 1969</i> Injuries/death post 1/7/87: Generally 3 years from date of accident s52(4) <i>Motor Accidents Act 1988</i> (MAA). Note that <i>Limitation Act 1969</i> does not apply and there is no suspension of time for minors/other disability Note: <ul style="list-style-type: none"> • Report to police within 28 days of accident – s42(1) MAA • Notice of claim within 6 months of accident/death – s43(2) MAA • No commencement of proceedings within 6 months of notice of claim – s52(1) and (2) MAA • No commencement of proceedings within 90 days of complying with s50A or within 28 days of responding to offer – s52(1A) and (2) MAA | s58 Limitation Act 1969 s52(4) MAA s42 MAA s43A MAA (for claims after 1/1/94) s52(4A) MAA (for claims on or after 1/1/96) |
| | From 5/10/99 | <i>Motor Accident Compensation Act 1999</i> (MACA) <ul style="list-style-type: none"> • Claim must be made within 6 months of accident or death. If not done, claimant must provide full and satisfactory explanation – ss72, 73 MACA • Principal limitation period of 3 years – not including time from when claim is referred for assessment and continuing up until 2 months after certificate as to assessment or exemption is issued – s109 MACA • Note: Referral to MAS does not suspend time under s109 MACA • Note that <i>Limitation Act 1969</i> does not apply and there is no suspension of time for minors/other disability • Where the insurer gives a claimant a notice requiring the claimant to commence Court proceedings, pursuant to s110(1) MACA, the claimant must commence proceedings within 3 months of receipt of the notice or the claim is taken to be withdrawn – s110(2) and (3) MACA | s73 MACA s109 MACA s110(4) and (5) MACA |
| | From 1/12/17 | <i>Motor Accident Injuries Act 2017</i> (MAIA) Injuries/death on or after 1/12/17: <ul style="list-style-type: none"> • Claim for statutory benefits must be made within 3 months of accident • If a claim for statutory benefits is not made within 28 days of accident, weekly payments are not payable in respect of any period before the claim is made • Note: a claim may be made after 3 months if full and satisfactory explanation for delay is provided and the claim is made within 3 years after the accident or the claim results in over 10% permanent impairment • Principal limitation period of 3 years – not including time from when claim is referred for assessment and continuing up until 2 months after certificate as to assessment or exemption is issued • A claim for damages cannot be made before the expiration of 20 months after the accident unless the claim is for death or an injury resulting in a degree of permanent impairment greater than 10% • A claim cannot be referred for assessment more than 3 years after the accident without a full and satisfactory explanation and leave from a claims assessor | s6.13(1) MAIA s6.13(2) MAIA s6.13(3)(a) and (b) MAIA s6.32 MAIA s6.14 MAIA s7.33 MAIA |

PERSONAL INJURY

| | Date | Limitation Period | Extensions/Suspensions |
|--|----------------------------------|---|--|
| PRODUCT LIABILITY | | See under "Other Civil Matters" | |
| SHIPS | | <p>Proceedings to be commenced within 2 years from date of death or injury to enforce a claim or lien for injuries/death caused by one vessel to persons on board another: s22 <i>Limitation Act 1969</i></p> <p>If injury/death arises from a maritime claim (as defined in ss4,5 of the <i>Admiralty Act 1988</i> (Cth)) then by s37 <i>Admiralty Act</i>, if no claim is brought under another Act or law, limitation period is 3 years from the date the cause of action arises</p> <p>If neither of the above applies, see under "Personal Injuries"</p> | s22(4) <i>Limitation Act 1969</i>; s37(3) <i>Admiralty Act 1988</i> (Cth) |
| SPORTING INJURIES | From 16/2/79 | <p>12 months from injury/death: s21(1)(d) <i>Sporting Injuries Insurance Act 1978</i></p> <p>Note: notice provisions: s20</p> | s21(2) <i>Sporting Injuries Insurance Act 1978</i> |
| VICTIMS COMPENSATION | Prior to 3/6/13 | 2 years after the act of violence, or if claimant is a family member 2 years after death of primary victim: s26(1) <i>Victims Support and Rehabilitation Act 1996</i> | Director may grant leave: s26(2), (2A), (2B), (2C) and (3) <i>Victims Support and Rehabilitation Act 1996</i> |
| VICTIMS COMPENSATION | From 3/6/13 | <p>No time limit for claims for certain financial support applications or a recognition payment by a primary victim of sexual assault, provided victim was under 18 years at the time of the incident(s): s40(7) <i>Victims Rights and Support Act 2013</i></p> <p>Otherwise:</p> <p>For a recognition payment for an act of domestic violence, child abuse or sexual assault, 10 years. For a child, 10 years after the day the child turns 18: s40(5) <i>Victims Rights and Support Act 2013</i></p> <p>All other applications must be made within 2 years of the relevant act of violence. For a child, 2 years after the day the child turns 18: s40(1) <i>Victims Rights and Support Act 2013</i></p> <p>Note that claims may continue to be made under a duly made application, until the expiration of 5 years from the making of the application: s40(6) <i>Victims Rights and Support Act 2013</i></p> | s40(2), s40(3), s40(6) <i>Victims Rights and Support Act 2013</i> |
| WORK INJURIES/ DEATH 1. NSW (A) Workers' Compensation Claims | From 1/1/02 | <p>Notice of an injury must be given to employer as soon as possible and before worker voluntarily leaves employment: s254(1) <i>Workplace Injury Management and Workers Compensation Act 1998</i> (WIMA)</p> <p>Claim for compensation must be made within six months of injury or death: s261(1) WIMA</p> <p>Failure to make a claim for work injury within 6 months is not a bar to recovery if the failure was occasioned by ignorance, mistake, absence from the State or other reasonable cause and if claim made within 3 years of the injury, accident or death or results in death or serious and permanent disablement: s261(4) WIMA</p> <p>Note: Appeal against a medical assessment must be made within 28 days after the assessment: s327(5) WIMA</p> | s254(2) - (4) WIMA s261(4) - (7) WIMA s327(5) WIMA |
| (B) Common Law Proceedings/ Work Injury Damages (see s250 WIMA) | Proceedings filed since 26/11/01 | <ol style="list-style-type: none"> 3 years from the date of injury except with leave of the Court: s151D(2) <i>Workers Compensation Act 1987</i> (WCA). For the purpose of s151D, time does not run during certain limited periods (s151DA WCA). Note that <i>Limitation Act 1969</i> does not apply and there is no suspension of time for minors/other disability Court proceedings for work injury damages cannot be commenced until a claim for such damages has been made: s262 WIMA. A claim for work injury damages must be made in accordance with Workers Compensation Guidelines: s260 WIMA A claim for lump sum compensation must be made at the same time or prior to a claim for work injury damages: s280A WIMA | s151D(2) WCA |

PERSONAL INJURY

| | Date | Limitation Period | Extensions/Suspensions |
|---|---|---|---------------------------|
| (B) Common Law Proceedings/ Work Injury Damages (see s250 WIMA) | | 4. Compensation, including work injury damages, may not be recovered unless a claim for compensation has been made for the work injury within 6 months after the injury, accident or date of death: s261(1) WIMA. Note also three year period in s261(4) WIMA | s261(4) - (7) WIMA |
| (C) Workers Compensation Recovery Under s151Z WCA by Insurers | From 1/2/90 | 6 years from date of each payment: s14(1) <i>Limitation Act 1969</i> | |
| 2. Commonwealth | | | |
| (A) Workers Compensation Claims | | Notice of claim must be given in writing to the relevant authority as soon as practicable: s53 <i>Safety, Rehabilitation and Compensation Act 1988</i> (Cth) | |
| (B) Common Law Proceedings | Injuries and acts/omissions prior to 6/12/02 | See under "Personal Injuries" Note: the election provision in s45 <i>Safety, Rehabilitation and Compensation Act 1988</i> (Cth) | |
| | Acts/omissions on or after 6/12/02 leading to injury | See under "Personal Injuries" Note: Election provision in s45 <i>Safety, Rehabilitation and Compensation Act 1988</i> (Cth) | |

OTHER CIVIL MATTERS

| | Date | Limitation Period | Extensions/Suspensions |
|--|------|--|---|
| APPEALS | | | |
| 1. NSW To the Court of Appeal | | A Notice of Intention to Appeal to be filed and served within 28 days after the material date (<i>Uniform Civil Procedure Rules 2005</i> (UCPR) Rules 51.6–51.8) and, once done, if: (a) no leave is required to appeal, a Notice of Appeal to be filed and served within 3 months after the material date (UCPR Rules 51.9 and 51.16(1)(b)); or (b) leave is required to appeal, a Summons seeking leave to appeal to be filed and served within 3 months after the material date (UCPR Rules 51.9 and 51.10(1)(a)). A Notice of Appeal is to then be filed and served within 7 days of leave being granted (UCPR Rule 51.16(1)(a)). If no Notice of Intention to Appeal is filed and if: (a) no leave is required to appeal, a Notice of Appeal to be filed and served within 28 days after the material date (UCPR Rule 51.16(c)); or (b) leave is required to appeal, a Summons seeking leave to appeal to be filed and served within 28 days after the material date (UCPR Rule 51.10(1)(b)). A Notice of Appeal is to then be filed and served within 7 days of leave being granted (UCPR Rule 51.16(1)(a)). Note: “material date” is defined in UCPR Rule 51.2 For Cross-Appeals and Notices of Contention see UCPR Rules 51.17 and 51.40 | UCPR Rules 51.6, 51.10(2) and 51.16(2) |
| To NSW Courts other than the Court of Appeal | | If no leave is required to appeal, a Summons commencing an appeal to be filed and served within 28 days after the material date (UCPR Rule 50.3(1)) If leave is required to appeal, a Summons seeking leave to appeal to be filed and served within 28 days after the material date (UCPR Rule 50.12(1)) Note: “material date” is defined in UCPR Rule 50.2 For Cross-Appeals and Notices of Contention see UCPR Rules 50.10, 50.11 and 50.13 Any Application for Leave to Appeal from a Workers Compensation Commission Arbitrator (WCCA) to a Presidential member is to be made within 28 days of the WCCA decision: s352 WIMA and <i>Workers Compensation Commission Rules 2011</i> (NSW) (WCCR) Rule 16.2 | UCPR Rules 50.3 and 50.12 WCCR Rules 16.2(12) and 16.2(13) |
| 2. Commonwealth To Full Court of the Federal Court | | If leave is required to appeal, an application for leave to appeal must be filed within 14 days after the date on which the judgment was pronounced or the order was made, or the date fixed by the Court from which the leave to appeal is sought: Federal Court Rule 35.13 Filed within 28 days after the judgment appealed from was pronounced or the date on which leave to appeal is granted: Federal Court Rule 36.03 | FCR Rules 35.14, 36.03 and 36.05 |
| Applications for special leave to appeal to the High Court | | Filed within 28 days after the judgment below was pronounced: High Court Rule 41.02 | HCR Rule 41.02 |
| BUILDING AND SUBDIVISION | | | |
| 1. Contract | | 6 years from the date on which the cause of action accrues: s14(1)(a) <i>Limitation Act 1969</i> . See also s14A | Generally no but see ss52–56 Limitation Act 1969 |
| 2. Negligence | | 6 years from the date on which the cause of action accrues: s14(1)(b) <i>Limitation Act 1969</i> . Note: the <i>Design and Building Practitioners Act 2020</i> commenced on 11 June 2020, creating a new, non-delegable statutory duty of care owed to landowners (and their successors in title) by people carrying out “construction work” to exercise reasonable care to avoid economic loss caused by defects: s37. | Generally no but see ss52–56 Limitation Act 1969 |

OTHER CIVIL MATTERS

| | Date | Limitation Period | Extensions/Suspensions |
|---|---------------|---|---|
| BUILDING AND SUBDIVISION CONTINUED... | | | |
| | | This effects a statutory repeal of the principles outlined in <i>Brookfield Multiplex Ltd v Owners Corporation Strata Plan 61288</i> [2014] HCA. S14(1)(b) <i>Limitation Act 1969</i> applies to this statutory duty of care. | |
| 3. Statutory Warranties For Residential Work | From 15/1/15 | <p>For residential building work, proceedings for a breach of implied statutory warranty under s18B <i>Home Building Act 1989</i> must be brought within:</p> <p>(a) 6 years, where the breach results in a major defect in residential building work; or</p> <p>(b) 2 years, for any other case,</p> <p>from the date of completion of the work (for defective work claims) or the date of termination of the contract, cessation of the work or the date of the contract (for incomplete work claims): s18E <i>Home Building Act 1989</i></p> <p>Note: the wording of s18E relevantly changed on 15/1/15 from “structural defect” to “major defect”. The definition of “major defect” is significantly narrower than “structural defect”, thereby limiting the works to which the 6 year limitation will apply</p> | s18E(1)(e) <i>Home Building Act 1989</i> - if the breach of warranty becomes apparent within the last 6 months of the limitation period, proceedings may be commenced within a further 6 months after the end of that period |
| 4. Claims to NSW Civil & Administrative Tribunal | | <p>NSW Civil and Administrative Tribunal (NCAT) has jurisdiction to hear a building claim up to \$500,000 (or other figure prescribed by regulation) where that claim is brought within 3 years of the last date of the supply of goods or service or the date on which the supply of goods or service was to be made: s48K of the <i>Home Building Act 1989</i></p> <p>See s48A <i>Home Building Act 1989</i> for the definition of “building claim”</p> | |
| 5. Long Stop | | <p>A building action may not be brought in relation to any building work more than 10 years after:</p> <p>(a) the date on which the relevant final occupation certificate was issued (or if an occupation certificate is not required, the date on which the compliance certificate was issued) or</p> <p>(b) the last date on which the building work was inspected by a certifying authority, or if no such inspection has been conducted, the date on which that part of the building in relation to which the building work was carried out, is first occupied or used</p> <p>A subdivision action may not be brought in relation to any subdivision work more than 10 years after the date on which the:</p> <p>(a) relevant subdivision certificate was issued in the case of work completed before the subdivision certificate was issued, or</p> <p>(b) compliance certificate certifying the work as complete was issued, if the work has been completed after the relevant subdivision certificate was issued</p> <p>s6.20 <i>Environmental Planning and Assessment Act 1979</i></p> <p>See s6.19 <i>Environmental Planning and Assessment Act 1979</i> for definition of “building action” and “subdivision action”</p> <p>Note: this long stop is applicable to the new statutory duty of care in respect of “construction work” contained in s37 <i>Design and Building Practitioners Act 2020</i></p> | |
| 6. Homeowners Warranty Insurance | From 25/10/11 | <p>Any claim under a Homeowners Warranty Insurance (HOWI) Policy for defective residential building work must be made within the policy period, being 6 or 2 years, depending on the nature of the defect: 103B <i>Home Building Act 1989</i></p> <p>See s103BC <i>Home Building Act 1989</i> for the 10 year long-stop for insurance claims for HOWI Policies issued prior to 1/7/10</p> | s103BB(2) <i>Home Building Act 1989</i> - if relevant loss becomes apparent within the last 6 months of the policy period, a claim may be brought within a further 6 months after the end of that period. There is no extended claim period for a loss that arises from non-completion of work |

OTHER CIVIL MATTERS

| | Date | Limitation Period | Extensions/Suspensions |
|--|--|---|--|
| BUILDING AND SUBDIVISION CONTINUED... | | | |
| 7. Council Decisions | | Any proceedings challenging the validity or effectiveness of a decision of a Council on the grounds that, in making or purporting to make the decision, the Council failed to comply with a procedural requirement of the <i>Local Government Act 1993</i> or its Regulations must be commenced within 3 months after the date of the decision: s729 <i>Local Government Act 1993</i> | |
| 8. Consent Authority | | An appeal from determination of a consent authority must be made to the Court within 6 months of: (a) the date on which the applicant received notice of the determination or it is registered on the NSW planning portal; (b) the date of deemed refusal under s8.11 <i>Environmental Planning and Assessment Act 1979</i> Or, within 12 months if the relevant date determined by (a) and (b) above occurs between 25 March 2020 and 25 March 2022: s8.10 <i>Environmental Planning and Assessment Act 1979</i> | |
| 9. Certifiers | | Proceedings for an offence against the <i>Building and Development Certifiers Act 2018</i> must be commenced within 3 years after the date of the alleged offence: s119 <i>Building and Development Certifiers Act 2018</i> | |
| CHILD SUPPORT | | | |
| | | <p>For a declaration that a person should or should not be assessed in respect of the costs of the child: within 56 days after being served with a notice confirming acceptance or rejection of an application for administrative assessment See Rule 1.13 <i>Federal Circuit and Family Court of Australia (Family Law) Rules 2021</i> (Cth)</p> <p>Internally lodging objections to decisions: where the person is an Australian resident: within 28 days after a notice of the decision is served on the person, or within 28 days after the decision first comes to the notice of the person where the decision relates to an appealable collection refusal; or within 90 days if the person is a resident of a reciprocating jurisdiction See s81 <i>Child Support (Registration and Collection) Act 1988</i> (Cth).</p> <p>Opposing objections to decisions: may lodge written notice in opposition to objection within 28 days after service on them of the objection if the person opposing the objection lives in Australia, otherwise within 90 days after service on them of the objection if the person opposing the objection is a resident of a reciprocating jurisdiction See ss86 and 86A <i>Child Support (Registration and Collection) Act 1988</i> (Cth). See 87AA in relation to care percentage decisions</p> | <p>A person may apply to the Registrar to consider the objection outside time – see s82 <i>Child Support (Registration and Collection) Act 1988</i> (Cth)</p> |
| | From 1/7/15 (previously reviews lay with the Social Security Appeals Tribunal) | <p>For applications for review of decisions of a Registrar to the Administrative Appeals Tribunal (AAT first review): within 28 days of the notice being served on the person if living within Australia, or within 90 days if person is a resident of a reciprocating jurisdiction See s90 <i>Child Support (Registration and Collection) Act 1989</i> (Cth), and s29 <i>Administrative Appeals Tribunal Act 1975</i> (Cth). See s89 <i>Child Support (Registration and Collection) Act 1989</i> (Cth) for the types of decisions and who can apply to review them.</p> <p>There is no time limitation for applying for a review of a decision relating to a care percentage, however if made after the usual 28/90 day period the date of the effect of the review decision will be the date the application was made (s87AA <i>Child Support (Registration and Collection) Act 1989</i> (Cth))</p> <p>For applications for further review (AAT second review) in relation to s92 (decision to refuse an extension of time for a person to make an application for AAT first review) or an AAT first review care percentage decision or a decision in relation to the date of effect of a decision by AAT first review of a care percentage decision: within 28 days of the written reasons for the AAT first review decision, or, where no written reasons are given, within 28 days of receipt of the first review decision. Or within 90 days if person is a resident of a reciprocating jurisdiction</p> | <p>If the period for applying for review has ended, a person may make an application for review asking the AAT to consider the application for review despite the ending of the period if it is considered reasonable in all the circumstances to do so. See ss91-93 <i>Child Support (Registration and Collection) Act 1989</i> (Cth), s29(7) <i>Administrative Appeals Tribunal Act 1975</i> (Cth)</p> <p>If there is no time prescribed, the application must be lodged within a reasonable time after the decision was made. See s 29(4) <i>Administrative Appeals Tribunal Act 1975</i> (Cth)</p> |

OTHER CIVIL MATTERS

| | Date | Limitation Period | Extensions/Suspensions |
|---|--|--|---|
| CHILD SUPPORT CONTINUED... | | | |
| | | <p>See s 96A <i>Child Support (Registration and Collection) Act 1989</i> (Cth) and s43 <i>Administrative Appeals Tribunal Act 1975</i> (Cth) and s29 <i>Administrative Appeals Tribunal Act 1975</i> (Cth)</p> <p>For appeals from a decision of the Administrative Appeals Tribunal under Part VIII of the <i>Child Support (Registration and Collection) Act 1989</i> (Cth) on a question of law: within 56 days of receipt of the written reasons for the AAT decision or such other time as provided for by the Federal Court</p> <p>See Rule 1.13 <i>Federal Circuit and Family Court of Australia (Family Law) Rules 2021</i> (Cth) and ss44, 44AA and 44AAA <i>Administrative Appeals Tribunal Act 1975</i> (Cth)</p> <p>For appeals to the Division 1 of the Federal Circuit and Family Court of Australia from other Courts exercising original or appellate jurisdiction under the <i>Child Support (Assessment) Act 1989</i> (Cth), leave is required, and appeals must be made within the time frames specified under the <i>Federal Circuit and Family Court of Australia (Family Law) Rules 2021</i> (Cth)</p> <p>See s102 <i>Child Support (Assessment) Act 1989</i> (Cth) (and s110 – noting that a departure order cannot be made in respect of a period that is more than 18 months earlier- with leave 7 years) and s107 of the <i>Child Support (Registration and Collection) Act 1988</i> (Cth), and see the Family Law section of this document for appeal limitation periods under the <i>Federal Circuit and Family Court of Australia (Family Law) Rules 2021</i> (Cth)</p> | <p>A person may apply for an extension of time to appeal or to make an application for leave to appeal. See Rule 13.03 and 15.06 of the <i>Federal Circuit and Family Court of Australia (Family Law) Rules 2021</i> (Cth)</p> |
| | | <p>Notifications to the Registrar:</p> <ul style="list-style-type: none"> Where an order is made or a maintenance agreement is registered or approved by a Court, and a registrable maintenance liability arises or the order or agreement varies or affects a registrable maintenance liability, the payee and payer shall notify the Registrar within 14 days of the order being made or agreement being registered <p>See s23 <i>Child Support (Registration and Collection) Act 1988</i> (Cth)</p> <ul style="list-style-type: none"> Where an order is made or a maintenance agreement is registered or approved by a Court, and the order or agreement varies or affects a registered maintenance liability, the payee shall notify the Registrar within 14 days of the order being made or agreement being registered <p>See s33 <i>Child Support (Registration and Collection) Act 1988</i> (Cth)</p> <ul style="list-style-type: none"> Upon the happening of an affecting event, the payee of an enforceable maintenance liability shall notify the Registrar within 14 days after the happening of the event <p>See s34 <i>Child Support (Registration and Collection) Act 1988</i> (Cth) and s4 <i>Child Support (Registration and Collection) Act 1988</i> (Cth) for definition of “affecting event”</p> | <p>The payee is not required to give the Registrar notice if the payee, within that period of 14 days, elects, by giving the Registrar a notice, not to have the registrable maintenance liability enforced. See s23(3) <i>Child Support (Registration and Collection) Act 1988</i> (Cth)</p> |
| CONSUMER CLAIMS | | | |
| 1. General | For consumer contracts prior to 1/1/11 | <p>6 years after the date the cause of action accrues: s68(2) <i>Fair Trading Act 1987</i></p> <p>Note: This does not apply to personal injury actions: s68(2A) <i>Fair Trading Act 1987</i></p> | |
| | From 1/1/11 | <p>6 years after the date the cause of action accrues: ss236(2) and 237(3) <i>Australian Consumer Law</i></p> <p>Note: This does not apply to personal injury actions: s74 <i>Fair Trading Act 1987</i> (See “Personal Injuries” above)</p> | |
| 2. NSW Civil & Administrative Tribunal | | <p>A consumer claim (of up to \$40,000) to be made to NCAT within 3 years after the cause of action giving rise to the claim accrued: s79L(1)(a) <i>Fair Trading Act 1987</i></p> <p>This is subject to a long-stop of 10 years from the supply of the goods or service: s79L(1)(b) <i>Fair Trading Act 1987</i></p> | |

OTHER CIVIL MATTERS

| | Date | Limitation Period | Extensions/Suspensions |
|-------------------------------|--------------------------|--|--|
| CONTRACT | | | |
| 1. General | | 6 years from date on which cause of action accrues: s14(1)(a) <i>Limitation Act 1969</i> . See also s14A <i>Limitation Act 1969</i> 12 years if cause of action founded on a deed: s16 <i>Limitation Act 1969</i> | Generally no but see ss52–56 <i>Limitation Act 1969</i> |
| 2. Contracts Review | | For an application for relief under the <i>Contracts Review Act 1980</i> : (a) within 2 years of the date of the contract; (b) within 3 months before or 2 years after the time for performance of the contract; or (c) during the pendency of a maintainable proceeding arising out of or in relation to the contract: s16 <i>Contracts Review Act 1980</i> | |
| DE FACTO RELATIONSHIPS | | | |
| | From 1984 to 27/6/99 | 2 years from ceasing to live together: s18(1) <i>Property (Relationships) Act 1984</i> | s18(2) <i>Property (Relationships) Act 1984</i> |
| | On or after 28/6/99 | 2 years after cessation of a domestic relationship: s18(1) <i>Property (Relationships) Act 1984</i> | s18(2) <i>Property (Relationships) Act 1984</i> |
| | From 1/3/09 | For property settlement (s90SM <i>Family Law Act 1975</i> (Cth)) or maintenance (ss90SE and 90SG <i>Family Law Act 1975</i> (Cth)) proceedings: 2 years after cessation of a de facto relationship See s44(5) of the <i>Family Law Act 1975</i> (Cth) See also the Family Law section regarding limitation periods for: <ul style="list-style-type: none"> • appeals • cross-appeals • review of regional appeal Registrar's orders • review of orders or decisions of Registrars or Deputy Registrars • costs • claims for child bearing expenses | Applications may be made out of time with leave of the Court if the Court is satisfied that hardship would be caused to the party or a child if leave were not granted, or, if, in maintenance proceedings, the party was unable to support himself/herself without an income tested pension, allowance or benefit at the expiration of the standard limitation period. Applications may be made out of time with leave of the Court, or with the consent of both parties. See s44(5) and (6) <i>Family Law Act 1975</i> (Cth) |
| | In Western Australia | Within 2 years after the relationship ended: s205ZB <i>Family Court Act 1997</i> (WA) | Court may grant leave to apply after limitation period if satisfied that hardship would occur to a de facto partner if leave were not granted. See s205ZB <i>Family Court Act 1997</i> (WA) |
| DEFAMATION | | | |
| | From 1/1/71 to 13/2/03 | 6 years from the date of publication: s14(1)(b) <i>Limitation Act 1969</i> | Generally no but see ss52–56 <i>Limitation Act 1969</i> |
| | From 14/2/03 to 31/12/05 | 1 year from the date of publication: s14B(3) <i>Limitation Act 1969</i> | ss56A–56D <i>Limitation Act 1969</i> Also see, generally, ss52–56 <i>Limitation Act 1969</i> |
| | From 1/1/06 | 1 year from the date of publication: s14B(1) of the <i>Limitation Act 1969</i> (as amended by the <i>Defamation Act 2005</i>). | s56A <i>Limitation Act 1969</i> . See also ss56B–56D |
| | From 1/7/21 | If concerns notice given to prospective defendant within 56 days before 1 year limitation period expires, limitation period is extended for 56 days minus any days remaining until 1 year limitation period expires: s14B(2) and (3) <i>Limitation Act 1969</i> (as inserted by <i>Defamation Amendment Act 2020</i>) Note: s14B(4) of the <i>Limitation Act 1969</i> (as inserted by <i>Defamation Amendment Act 2020</i>) that for a publication of a matter in electronic form, the date of publication means the day on which the matter was first uploaded for access or sent electronically to a recipient. See also s14C <i>Limitation Act 1969</i> (as inserted by <i>Defamation Amendment Act 2020</i>) as to the date of publication for certain republications. | |

OTHER CIVIL MATTERS

| | Date | Limitation Period | Extensions/Suspensions |
|--|-------------|--|---|
| DISCRIMINATION | | | |
| 1. NSW | From 2/5/05 | <p>The President of the Anti-Discrimination Board may decline a complaint if the whole or part of the conduct complained of occurred more than 12 months before the making of the complaint: s89B(2)(b) <i>Anti-Discrimination Act 1977</i> (NSW)</p> <p>Within 21 days after the date on which notice is given in writing of the President's decision to decline a complaint pursuant to sections 87B(4) or 92 of the <i>Anti-Discrimination Act 1977</i> (NSW), notice may be given to the President in writing to refer the complaint to the Civil and Administrative Tribunal: s93A <i>Anti-Discrimination Act 1977</i> (NSW)</p> | If a complaint has not been resolved within 18 months after the date it was made, can request the complaint to be referred to the Civil and Administrative Tribunal: s93B(1) <i>Anti-Discrimination Act 1977</i> (NSW) |
| 2. Commonwealth | From 5/8/09 | <p>The President of the Australian Human Rights Commission may terminate a complaint if the complaint was lodged more than 6 months after the alleged acts, omissions or practices took place: s46PH(1)(b) <i>Australian Human Rights Commission Act 1986</i> (Cth)</p> | If the President terminates a complaint, an application alleging unlawful discrimination by one or more of the respondents of the terminated complaint may be made by any affected person in relation to the complaint to the Federal Court or the Federal Circuit Court within 60 days after the date of issue of notice of decision to terminate (or within such further time as the Court allows): s46PO(2) <i>Australian Human Rights Commission Act 1986</i> (Cth) |
| EQUITY & TRUSTS | | | |
| Specific performance, injunctions and general equitable relief | | No specific limitation period. Where appropriate, the Court will apply a limitation period by analogy with the limitation period applicable to the most analogous common law claim (e.g. if the most analogous common law claim is a breach of contract, the analogous limitation period is 6 years from date on which cause of action accrues: s14(1)(a) <i>Limitation Act 1969</i> ; s23 <i>Limitation Act 1969</i>) | Generally no but see ss52–56 <i>Limitation Act 1969</i> |
| Claims for breach of trust | | <p>The later to expire of:</p> <p>(a) 6 years from the date on which cause of action accrues; or</p> <p>(b) the limitation period for the cause of action fixed by any other provision of the <i>Limitation Act</i> (s48 <i>Limitation Act 1969</i>)</p> | Generally no but see ss52–56 <i>Limitation Act 1969</i> |
| Claims by trustees and beneficiaries for fraud, fraudulent breach of trust, conversion and in respect of trust property | | <p>The later to expire of:</p> <p>(a) 12 years from the date when the facts giving rise to the cause of action are discovered or may with reasonable diligence be discovered and that the cause of action has accrued; or</p> <p>(b) the limitation period for the cause of action fixed by any other provision of the <i>Limitation Act</i> (s47 <i>Limitation Act 1969</i>)</p> | Generally no but see ss52–56 <i>Limitation Act 1969</i> |
| FAMILY LAW | | | |
| | From 5/1/76 | <p>For property settlement (s79) or spousal maintenance (s74) proceedings:</p> <p>(a) If a divorce order has been made - 12 months after the date on which the divorce order took effect; or</p> <p>(b) If a decree of nullity of the marriage has been made – 12 months after the date of the making of the decree</p> <p>See s44(3) of the <i>Family Law Act 1975</i> (Cth)</p> | Applications may be made out of time with leave of the Court, or with the consent of both parties. See ss44(3), 44(3AA), 44(4) and 44(6) <i>Family Law Act 1975</i> (Cth) |

OTHER CIVIL MATTERS

| | Date | Limitation Period | Extensions/Suspensions |
|-------------------------|-------------|---|---|
| FAMILY LAW CONTINUED... | | | |
| | From 1/3/09 | <p>For property settlement (s90SM <i>Family Law Act 1975</i> (Cth)) or maintenance (ss 90SE and 90SG <i>Family Law Act 1975</i> (Cth)) proceedings:</p> <p>2 years after cessation of a de facto relationship See s44(5) of the <i>Family Law Act 1975</i> (Cth)</p> <p>See also the De Facto section regarding limitation periods for property division prior to 1/3/09</p> <p>Filing of applications seeking parenting orders during the Christmas school holiday period: for applications other than urgent applications, the application must be filed before 4.00pm on the second Friday in November of the application year. See Rule 5.03 of the <i>Federal Circuit and Family Court of Australia (Family Law) Rules 2021</i> (Cth)</p> <p>In cases of urgency the usual criteria for an urgent hearing will apply: Rule 5.03 of the <i>Federal Circuit and Family Court of Australia (Family Law) Rules 2021</i> (Cth)</p> <p>In relation to an appeal:</p> <p>(a) Within 28 days after the date the order appealed from was made See Rule 13.03 of the <i>Federal Circuit and Family Court of Australia (Family Law) Rules 2021</i> (Cth)</p> <p>In relation to a cross-appeal: the later of:</p> <p>(a) 14 days after the Notice of Appeal is served on the cross-appellant; or</p> <p>(b) 28 days after the date the order appealed from was made See Rule 13.07 of the <i>Federal Circuit and Family Court of Australia (Family Law) Rules 2021</i> (Cth)</p> <p>For review of Appeal Judicial Registrar's order: within 21 days after the order is made or the documents are rejected See Rule 13.40 of the <i>Federal Circuit and Family Court of Australia (Family Law) Rules 2021</i> (Cth)</p> <p>For review of orders or decisions made by a Senior Judicial Registrar or a Judicial Registrars: 21 days after the order was made See Rule 14.05 of the <i>Federal Circuit and Family Court of Australia (Family Law) Rules 2021</i> (Cth)</p> <p>Bankruptcy:</p> <p>See section 60(2) and (3) of the <i>Bankruptcy Act</i> for effect of petition for bankruptcy (stay on proceedings) and election by Trustee to prosecute or discontinue action</p> <p>Costs:</p> <p>An application for costs may be made:</p> <p>(a) at any stage during proceedings, or</p> <p>(b) within 28 days after a final order is made, or</p> <p>(c) within 28 days after the filing of a notice of discontinuance by the other party</p> <p>See Rule 10.03 and 12.13 <i>Federal Circuit and Family Court of Australia (Family Law) Rules 2021</i> (Cth).</p> | <p>See s44(5) and (6) <i>Family Law Act 1975</i> (Cth) in relation to de facto relationships</p> <p>The limitation period can be extended following the revocation of a maintenance agreement or a financial agreement in appropriate circumstances. (See ss44(3A) and (3B) <i>Family Law Act 1975</i> (Cth))</p> <p>Also see generally Rule 15.06 of the <i>Federal Circuit and Family Court of Australia (Family Law) Rules 2021</i> (Cth) regarding shortening or extension of time fixed under the <i>Federal Circuit and Family Court of Australia (Family Law) Rules 2021</i> (Cth)</p> <p>A person may apply for an extension of time to appeal. See Rule 15.06 of the <i>Federal Circuit and Family Court of Australia (Family Law) Rules 2021</i> (Cth)</p> <p>A person may apply for an extension of time to cross-appeal. See Rule 15.06 of the <i>Federal Circuit and Family Court of Australia (Family Law) Rules 2021</i> (Cth)</p> |

OTHER CIVIL MATTERS

| | Date | Limitation Period | Extensions/Suspensions |
|-------------------------|----------------------------------|--|--|
| FAMILY LAW CONTINUED... | | | |
| | | <p>Costs in appeal matters:</p> <p>An application for costs may be made:</p> <p>(a) at any stage during an appeal or an application for leave to appeal, or</p> <p>(b) within 28 days after</p> <ol style="list-style-type: none"> the filing of a notice of discontinuance by the other party; or the abandonment of an appeal; or the dismissal of an appeal; or the dismissal of an application in relation to an appeal <p>See Rule 13.54 of the <i>Federal Circuit and Family Court of Australia (Family Law) Rules 2021</i> (Cth)</p> <p>For review of orders or decisions made by Judicial Registrar in relation to costs assessment: 14 days after the order was made</p> <p>See Rule 12.53 of the <i>Federal Circuit and Family Court of Australia (Family Law) Rules 2021</i> (Cth)</p> | |
| | From 11/6/96 | <p>In relation to claims for child bearing expenses (where father not married to mother) pursuant to s67G <i>Family Law Act 1975</i> (Cth):</p> <p>(a) any time during the pregnancy; or</p> <p>(b) after the birth, but not later than 12 months after the birth, except by leave of the Court</p> <p>See s67G <i>Family Law Act 1975</i> (Cth)</p> | s67G(2) <i>Family Law Act 1975</i> (Cth) provides the Court must not grant leave unless refusal to grant leave would cause hardship |
| | From 1/1/87 | <p>Child abduction</p> <p>For orders regarding return of a child: The Family Court must make an order if an application is filed within one year of the child's removal or retention</p> <p>See Regulation 16(1) <i>Family Law (Child Abduction Convention) Regulations 1986</i> (Cth)</p> | Regulation 16(2) <i>Family Law (Child Abduction Convention) Regulations 1986</i> (Cth) stipulates that even if an Application is brought outside of the 1 year time limit referred to in Regulation 16(1)(b), the Court must still make an Order returning the child if the Court is satisfied that the person opposing the return has not established that the child has settled in his or her new environment |
| FAMILY PROVISION | | | |
| | Date of death on or after 1/3/09 | <p>An application for a family provision order must be filed within 12 months from the date of death: s58(2) of the <i>Succession Act 2006</i></p> <p>Note: the Court may determine a date of death if the date of death is uncertain: s97 <i>Succession Act 2006</i></p> | <p>The Court may extend the limitation period if sufficient cause is shown or if the parties to the proceedings consent to the application being made out of time: s58(2) <i>Succession Act 2006</i></p> <p>Note that there are restrictions on the making of notional estate orders by the Court when an application for a family provision order is made more than 12 months after the date of death: s90 <i>Succession Act 2006</i></p> |

OTHER CIVIL MATTERS

| | Date | Limitation Period | Extensions/Suspensions |
|--|----------------------------------|---|---|
| FAMILY PROVISION CONTINUED... | | | |
| | Date of death on or after 1/3/10 | Intestate Estates - Acquisition of Property by Spouse where Issue not of the Spouse: The spouse must exercise the election to acquire property: <ul style="list-style-type: none"> • within 3 months after the date of the s116 notice; or • within 3 months after the grant of administration if the spouse is the deceased's personal representative: s113, 115, 116(1)(c) and 117(1) <i>Succession Act 2006</i> | The Court may extend the time for making the election if there is sufficient cause: s117(2) <i>Succession Act 2006</i> This discretion may not be exercised after the administration of the estate has been completed: s117(3) <i>Succession Act 2006</i> |
| | | Intestate Estates – Dividing Property between Spouses Equally: Unless within 3 months of issuing a distribution notice, a distribution agreement has been entered or a notice of an application for a distribution order is made, the personal representative may make an equal division of property between multiple spouses: s125(2) <i>Succession Act 2006</i> Intestate Estates – Distribution Orders If the personal representative has given written notice under s125(3), an application for a distribution order must be made within 3 months of the date the personal representative provides written notice under s125(3): s126(2) <i>Succession Act 2006</i> Intestate Estates - Indigenous Persons An application for a distribution order by a personal representative of an Indigenous intestate (under s133) must be made within 12 months after the grant of administration: s133(3) <i>Succession Act 2006</i> | The application must be made within time <i>unless</i> the Court otherwise allows: s126(2) <i>Succession Act 2006</i> The Court may allow a longer period for an application under s133. However, no application may be made after the intestate estate has been fully distributed: s133(3) <i>Succession Act 2006</i> |
| JUDGMENTS (ENFORCEMENT OF) | | | |
| | | 12 years from date judgment first becomes enforceable: s17 <i>Limitation Act 1969</i> A bankruptcy notice will not be issued in respect of a judgment or order for payment of monies where more than 6 years has elapsed since the date of judgment or the date the order was made by a court: s41(3)(c) <i>Bankruptcy Act 1966</i> (Cth) For foreign judgments, 6 years after date of judgment: s6 <i>Foreign Judgments Act 1991</i> (Cth) | s6(5) <i>Foreign Judgments Act 1991</i> (Cth) |
| MEDICAL NEGLIGENCE See "Personal Injuries (common law claims)" on page 2 | | | |
| MISLEADING AND DECEPTIVE CONDUCT - (1) actions for damages (see also "Torts") | | | |
| 1. NSW | For conduct prior to 1/1/11 | 6 years after the date the cause of action accrues: s68(2) <i>Fair Trading Act 1987</i> | |
| | From 1/1/11 | 6 years after the date the cause of action accrues: ss236(2) and 237(3) <i>Australian Consumer Law</i> This does not apply to personal injury actions: s74 <i>Fair Trading Act 1987</i> (See "Personal Injuries" above) | |
| 2. Commonwealth | For conduct prior to 1/1/11 | 6 years after the date the cause of action accrues: s82(2) and s87(1CA) <i>Trade Practices Act 1974</i> (Cth) See ss82(1B), 87CB, 87CC and 87CD <i>Trade Practices Act 1974</i> for the application of proportionate liability | |
| | From 1/1/11 | 6 years after the date on which the cause of action accrued: ss236(2) and 237(3) <i>Australian Consumer Law</i> See ss87CB, 87CC and 87CD <i>Competition and Consumer Act 2010</i> (Cth) for the application of proportionate liability | |

OTHER CIVIL MATTERS

| | Date | Limitation Period | Extensions/Suspensions |
|--|-----------------------------|--|------------------------|
| MISLEADING AND DECEPTIVE CONDUCT - (2) Financial Services | | | |
| | | 6 years after the date on which the cause of action accrued: ss12GF(2) and 12GM(5) <i>Australian Securities and Investments Commission Act 2001</i> (Cth) See s12GF(1B) <i>Australian Securities and Investments Commission Act 2001</i> for the application of proportionate liability | |
| PRODUCT LIABILITY (see also "Torts") | | | |
| 1. NSW Actions for damages (see also "Torts") Against manufacturers and importers of goods | For conduct prior to 1/1/11 | 6 years after the date the cause of action accrues: s68(2) <i>Fair Trading Act 1987</i> Note: This does not apply to personal injury actions: s68(2A) <i>Fair Trading Act 1987</i> | |
| | From 1/1/11 | 6 years after the date the cause of action accrues: ss236(2) and 237(3) <i>Australian Consumer Law</i> Note: This does not apply to personal injury actions: s74 <i>Fair Trading Act 1987</i> (See "Personal Injuries" above) Loss or damage suffered by non-party consumers: 6 years after the day on which the cause of action accrued, or the declaration was made: s239 <i>Australian Consumer Law</i> | |
| | For conduct prior to 1/1/11 | 3 years after the day on which the cause of action accrued: s40ZB <i>Fair Trading Act 1987</i> | |
| | From 1/1/11 | 3 years from when the person became aware, or ought to have reasonably become aware, of the alleged loss or damage, the safety defect of the goods and the identity of the person who manufactured the goods: s143(1) <i>Australian Consumer Law</i> This is subject to a 10 year long-stop: see s143(2) <i>Australian Consumer Law</i> Indemnification of suppliers by manufacturers: within 3 years after the earliest of: (a) the day the supplier made a payment with a respect to the liability of the supplier to the consumer, or (b) the day on which a proceeding was commenced by the consumer against the supplier: s274(4) <i>Australian Consumer Law</i> | |
| 2. Commonwealth Actions for damages (see also "Torts") Against manufacturers and importers of goods | For conduct prior to 1/1/11 | 6 years after the date the cause of action accrues: s82(2) and s87(1CA) <i>Trade Practices Act 1974</i> Note: See ss82(1B), 87CB, 87CC and s87CD of the <i>Trade Practices Act 1974</i> for the application of proportionate liability | |
| | From 1/1/11 | 6 years after the date on which the cause of action accrued: ss236(2) and 237(3) <i>Australian Consumer Law</i> Note: See ss87CB, 87CC and 87CD of the <i>Competition and Consumer Act 2010</i> for the application of proportionate liability Loss or damage suffered by non-party consumers: 6 years after the day on which the cause of action accrued, or the declaration was made: s239 <i>Australian Consumer Law</i> | |
| | For conduct prior to 1/1/11 | 3 years after the day on which the cause of action accrued: s74J <i>Trade Practices Act 1974</i> For defective goods: within 3 years after the time the person became aware, or ought reasonably to have become aware, of the alleged loss, the defect and the identity of the person who manufactures the action goods: s75AO(1) <i>Trade Practices Act 1974</i> This is subject to a 10 year long-stop: see s75AO(2) <i>Trade Practices Act 1974</i> | |

OTHER CIVIL MATTERS

| | Date | Limitation Period | Extensions/Suspensions |
|--|----------------------------------|---|--|
| PRODUCT LIABILITY (see also "Torts") CONTINUED... | | | |
| 2. Commonwealth Against manufacturers and importers of goods | From 1/1/11 | Consumer guarantees: 3 years from the date the consumer became aware or ought reasonably to have become aware that the consumer guarantee had not been complied with: s273 <i>Australian Consumer Law</i> Indemnification of suppliers by manufacturers: within 3 years after the earliest of: (c) the day the supplier made a payment with a respect to the liability of the supplier to the consumer, or (d) the day on which a proceeding was commenced by the consumer against the supplier: s274(4) <i>Australian Consumer Law</i> | |
| Personal injury | | For personal injury damages claims relating to products, 3 years from the "date of discoverability" of an injury or death: ss87F(1)(a) and 87G <i>Competition and Consumer Act 2010</i> This is subject to a 12 year long-stop from the time when an act or omission causing injury or death occurred: ss87F(1)(b) and s87H <i>Competition and Consumer Act 2010</i> , save for injury and death resulting from smoking or other use of tobacco products: s87F(1A) <i>Competition and Consumer Act 2010</i> See the definition of "date of discoverability": s87G <i>Competition and Consumer Act 2010</i> | See ss87H, 87J and 87K <i>Competition and Consumer Act 2010</i> (Cth) for extensions and stay of limitation |
| RECTIFICATION OF WILLS | | | |
| | Date of death on or after 1/3/09 | An application for an order for rectification of a will must be filed within 12 months from the date of death of the testator: s27(2) <i>Succession Act 2006</i> (NSW) | The Court may extend the period for making an application if it considers it necessary and the final distribution of the estate has not been made: s27(3) <i>Succession Act 2006</i> (NSW) |
| RETAIL LEASES | | | |
| NSW Civil and Administrative Tribunal | | A party or former party to a current or lapsed retail shop lease may lodge a retail tenancy claim with NCAT within 3 years after the liability or obligation that is the subject of the claim arose: s71 <i>Retail Leases Act 1994</i> A lessor or lessee (defined to include a guarantor or covenantor) under a lease or former lease may lodge an unconscionable conduct claim with NCAT no later than 3 years after the alleged unconscionable conduct occurred: s71A <i>Retail Leases Act 1994</i> Disputes may not be the subject of proceedings before any Court unless and until the Registrar has certified that mediation has failed or is unlikely to resolve the dispute: s68 <i>Retail Leases Act 1994</i> A claim may be lodged with NCAT more than 3 years but not more than 6 years after the liability arose if the Tribunal is satisfied it is just and reasonable to do so: s71B <i>Retail Leases Act 1994</i> | |
| SUPERANNUATION CLAIMS | | | |
| | Complaints made prior to 1/11/18 | Appeals to the Federal Court A party may appeal to the Federal Court, on a question of law, from the determination of the Superannuation Complaints Tribunal within 28 days after the date on which a copy of the determination of the Tribunal is given to the person seeking to appeal: s46 <i>Superannuation (Resolution of Complaints) Act 1993</i> (Cth) | The Federal Court has a discretion to allow a party additional time to institute an appeal: s46(2)(a) <i>Superannuation (Resolution of Complaints) Act 1993</i> (Cth) |

OTHER CIVIL MATTERS

| | Date | Limitation Period | Extensions/Suspensions |
|------------------------------------|-------------------------------|---|---|
| SUPERANNUATION CLAIMS CONTINUED... | | | |
| | Complaints made after 1/11/18 | <p>Death Benefits</p> <p>A complaint to the Australian Financial Complaints Authority (AFCA) about the decision of:</p> <ol style="list-style-type: none"> the trustee of a relevant fund; an insurer in relation to a superannuation complaint; or a retirement savings account (RSA) provider; <p>in relation to payment of a death benefit, must be made within 28 days of the decision maker having given the person notice of their decision in accordance with s 1056 of the <i>Corporations Act 2001</i> (Cth)</p> <p>See also <i>AFCA Complaint Resolution Scheme Rules</i> dated 13/1/21, Rule B.4.1.3</p> <p>TPD Benefits</p> <p>A complaint to the AFCA about the decision of:</p> <ol style="list-style-type: none"> a trustee of a fund; an insurer (where the premiums under the policy have been paid from an RSA); or a retirement savings account provider; <p>in relation to payment of a disability benefit because of total and permanent disability must be made:</p> <ul style="list-style-type: none"> within four years of the decision maker's decision about the disability claim – if the complainant permanently ceased employment because of the physical or mental condition that gave rise to the claim for the disability benefit (subject to the complainant making the claim to the decision maker within two years of permanently ceasing employment); or within six years of the decision maker's decision about the disability claim – if the complainant did not permanently cease employment because of the physical or mental condition that gave rise to the claim for the disability benefit <p>See <i>AFCA Complaint Resolution Scheme Rules</i> dated 13/1/21, Rule B.4.1.1</p> <p>Other Superannuation Complaints</p> <p>Generally AFCA will not consider other types of superannuation complaints unless submitted to AFCA within two years of the date of the IDR response (including where the complainant has an interest in the death benefit, but was not properly notified of the proposed payment or the objection period). see <i>AFCA Complaint Resolution Scheme Rules</i> dated 13/1/21, Rule B.4.1.5</p> <p>Appeals to the Federal Court</p> <p>A party to a superannuation complaint may appeal to the Federal Court, on a question of law, from AFCA's determination of the complaint within 28 days of the determination of AFCA being given to the person: s 1057 <i>Corporation Act 2001</i> (Cth)</p> | <p>If the complainant did not object to the Financial Firm's proposed decision within 28 days of the Financial Firm giving notice of the proposed decision, they cannot make a complaint to AFCA in relation to the decision made: <i>AFCA Complaint Resolution Scheme Rules</i> dated 13/1/21, Rule B.4.1.3.</p> <p>AFCA cannot deal with a complaint made out of time in relation a TPD Decision or payment of a death benefit: <i>AFCA Complaint Resolution Scheme Rules</i> dated 13/1/21, Rule B.4.4.1.</p> <p>AFCA may consider a complaint submitted after the time limits set out in Rules B.4.1.5 if it considers that special circumstances apply: <i>AFCA Complaint Resolution Scheme Rules</i> dated 13/1/21, Rule B.4.4.2.</p> <p>The Federal Court has discretion to allow a party additional time to institute an appeal: s1057 <i>Corporations Act 2001</i> (Cth)</p> |

OTHER CIVIL MATTERS

| | Date | Limitation Period | Extensions/Suspensions |
|---|--------------|--|--|
| TORTS | | | |
| Excluding damages for personal injury and defamation | From 1/1/71 | 6 years from date when cause of action accrues: s14(1)(b) <i>Limitation Act 1969</i> Note: this limitation period is applicable to the new statutory duty of care in respect of "construction work" contained in s37 <i>Design and Building Practitioners Act 2020</i> | Generally no but see ss52–56 <i>Limitation Act 1969</i> |
| Claims for contribution between tortfeasors | From 1/1/71 | The first to expire of: (a) 2 years running from the date on which the cause of action for contribution first accrues to the plaintiff or to a person through whom the plaintiff claims; or (b) 4 years running from the date of the expiration of the limitation period for the principal cause of action (s26(1) <i>Limitation Act 1969</i>) See also Part 4 of the <i>Civil Liability Act 2002</i> for the application of proportionate liability | |
| EMPLOYMENT TERMINATION AND BULLYING CLAIMS | | | |
| 1. NSW Unfair Dismissal | From 2/9/96 | An application must be made not later than 21 days after the dismissal of the employee: s85(1) <i>Industrial Relations Act 1996</i> (NSW) An application to an industrial court for payment of money (under Part 2 of Chapter 7 <i>Industrial Relations Act 1996</i> (NSW)) may only be made if the money became due within the period of 6 years immediately before the application was made: s369(3) <i>Industrial Relations Act 1996</i> (NSW) | Required to accept out of time application if an application relating to the same dismissal has been made under Cth law and criteria is met: s85(2) <i>Industrial Relations Act 1996</i> (NSW) May accept out of time application if "sufficient reason" to do so s85(3) <i>Industrial Relations Act 1996</i> (NSW) |
| Application for Reinstatement of Dismissed Injured Employee NSW | From 2/9/96 | Application to be made no more than 2 years after the injured worker was dismissed: s242(3) <i>Workers Compensation Act 1987</i> (NSW) | If application for reinstatement out of time, can make reinstatement order "in special circumstances": s242(3) <i>Workers Compensation Act 1987</i> (NSW) |
| | From 1/1/12 | Civil proceedings in relation to engaging in or inducing discriminatory conduct or coercive conduct (which includes dismissal for a prohibited reason) must not be commenced more than 1 year after the date on which the applicant knew, or ought to have known, that the cause of action accrued – s113(1) <i>Work Health and Safety Act 2011</i> (NSW) The court may order reinstatement under s112(3)(c)(i) <i>Work Health and Safety Act 2011</i> (NSW) Note: the same provisions surrounding civil actions for discriminatory conduct and orders for reinstatement occur under the Commonwealth <i>Work Health and Safety Act 2011</i> – ss112 and 113 | |
| 2. Commonwealth Unfair Dismissal | From 1/1/13 | Application must be made within 21 days after the dismissal took effect: s394(2)(a) <i>Fair Work Act 2009</i> (Cth) An application for costs orders relating to an unfair dismissal proceeding must be made within 14 days after the FWC determination or discontinuance: s402 <i>Fair Work Act 2009</i> (Cth) | FWC may allow more time if it is satisfied that there are "exceptional circumstances": s394(3) <i>Fair Work Act 2009</i> (Cth) |
| Unfair Dismissal Appeal | From 6/12/13 | An appeal must be lodged within 21 calendar days after the date of the decision or order: Rule 56(2) of the <i>Fair Work Commission Rules 2013</i> (Cth) The FWC must not grant permission to appeal unless it is in the public interest to do so and, if the appeal is based on an error of fact, it is a significant error of fact: ss400(1)-(2) <i>Fair Work Act 2009</i> (Cth) | On application to the FWC, within such time as is allowed where there are good reasons for doing so: Rule 56(2)(c) of the <i>Fair Work Commission Rules 2013</i> (Cth) and [22] of the FWC Practice Note: Appeal Proceedings |

OTHER CIVIL MATTERS

| | Date | Limitation Period | Extensions/Suspensions |
|---|-------------|---|--|
| EMPLOYMENT TERMINATION AND BULLYING CLAIMS CONTINUED... | | | |
| General Protections Application involving a dismissal | From 1/1/13 | <p>An application must be made within 21 days after the dismissal took effect: s366(1)(a) <i>Fair Work Act 2009</i> (Cth)</p> <p>An application for an order for costs in relation to a general protections application involving dismissal must be made within 14 days after the FWC finishes dealing with the dispute: s377 <i>Fair Work Act 2009</i> (Cth)</p> | <p>The time period may be extended to such period as the FWC allows if there are exceptional circumstances and taking into account certain criteria at s366(2) <i>Fair Work Act 2009</i> (Cth)</p> |
| General Protections Applications to the Court <i>after</i> making a General Protections Application to the Fair Work Commission involving a dismissal | From 1/1/14 | <p>Within 14 days after the day the FWC issues a certificate under s368(3) (a) <i>Fair Work Act 2009</i> (Cth) stating that all reasonable attempts to resolve the dispute have been or are likely to be unsuccessful, notice can be given to the FWC for it to arbitrate the dispute if, following a conciliation conference, the parties agree to the FWC arbitrating the dispute: s369(1) <i>Fair Work Act 2009</i> (Cth)</p> <p>Within 14 days after the day the FWC issues a certificate under s368(3) (a) <i>Fair Work Act 2009</i> (Cth), a General Protections Court Application may be made: s370(a) <i>Fair Work Act 2009</i> (Cth)</p> | <p>Within such period as the FWC allows: s369(1)(c)(i) <i>Fair Work Act 2009</i> (Cth)</p> <p>Within such further period as the Court allows: s370(a)(ii) <i>Fair Work Act 2009</i> (Cth) unless the application includes an application for an interim injunction in which case the 14 day limit does not apply</p> |
| Unlawful Termination Application | From 1/1/14 | <p>An application must be made within 21 days after employment was terminated: s774(1)(a) <i>Fair Work Act 2009</i> (Cth)</p> <p>If, following a conciliation conference, the parties agree to the FWC arbitrating the dispute, notification is to be given to the FWC within 14 days after the day the FWC issues a certificate under s776(3)(a) <i>Fair Work Act 2009</i> (Cth) stating that all reasonable attempts to resolve the dispute have been or are likely to be unsuccessful: s777(1) <i>Fair Work Act 2009</i> (Cth)</p> <p>If, following the conciliation conference, an unlawful termination Court application is made to the Court, the court application must be made within 14 days after the day the FWC issues a certificate under s776(3) (a) <i>Fair Work Act 2009</i> (Cth) stating that all reasonable attempts to resolve the dispute have been or are likely to be unsuccessful: s778(a) <i>Fair Work Act 2009</i> (Cth)</p> <p>An application for an order for costs in relation to an unlawful termination matter must be made within 14 days after the FWC finishes dealing with the dispute: s781 <i>Fair Work Act 2009</i> (Cth)</p> | <p>Within such further period as the FWC allows where there are exceptional circumstances: s774(1)(b) <i>Fair Work Act 2009</i> (Cth)</p> <p>An application for the FWC to arbitrate a dispute may be made within such period as the FWC allows: s777(1)(c)(i) <i>Fair Work Act 2009</i> (Cth)</p> <p>An unlawful termination court application may be made within such further period as the Court allows: s778(a)(ii) <i>Fair Work Act 2009</i> (Cth) unless the application includes an application for an interim injunction in which case the 14 day limit does not apply</p> |
| Application for an order to stop bullying under P6-4B <i>Fair Work Act 2009</i> (Cth) | From 1/1/14 | <p>An application to the FWC for an order to stop bullying occurring must be made, and the proceedings conducted, while the worker remains "at work": ss789FC and 789FF <i>Fair Work Act 2009</i> (Cth)</p> <p>Note: The FWC is expressly prohibited from ordering payment of a pecuniary amount in relation to bullying: s789FF(1) <i>Fair Work Act 2009</i> (Cth)</p> | |

OTHER CIVIL MATTERS

| | Date | Limitation Period | Extensions/Suspensions |
|--|-------------|---|------------------------|
| EMPLOYMENT TERMINATION AND BULLYING CLAIMS CONTINUED... | | | |
| Other <i>Fair Work Act</i> Applications | From 1/1/13 | <p>An application for orders for breach of:</p> <p>(a) a civil remedy provision</p> <p>(b) a safety net contractual entitlement</p> <p>(c) an entitlement arising under s542(1) <i>Fair Work Act 2009</i> (Cth) being a safety net contractual entitlement of a national system employer or employee:</p> <p>must be made within 6 years after the day on which the contravention occurred: s544 <i>Fair Work Act 2009</i> (Cth)</p> <p>A Court cannot make an order in relation to an underpayment under s545 of the <i>Fair Work Act 2009</i> (Cth) if it relates to a period that is more than 6 years before the proceedings commenced: s545(5) <i>Fair Work Act 2009</i> (Cth)</p> | |
| General notes on appealing Fair Work Commission decisions | From 1/1/13 | <p>A person aggrieved by a decision made by the FWC (other than a decision of the Full Bench or an Expert Panel) or a decision made under the <i>Fair Work (Registered Organisations) Act 2009</i> (Cth) by the General Manager (or delegate) or the Registered Organisations Commissioner (or delegate) may appeal the decision with the permission of the FWC. If the FWC is satisfied that it is in the public interest to do so, it must grant permission to appeal: ss604(1) and (2) <i>Fair Work Act 2009</i> (Cth)</p> | |

NOTES

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Lawcover Insurance Pty Limited
ABN 15 095 082 509

Level 13, 383 Kent Street
Sydney NSW 2000
DX 13013 Sydney Market Street

lawcover.com.au

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