



SCHEDULE OF LIMITATION PERIODS

in Civil Matters in the Australian Capital Territory

Edition No. 2

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)	Before 9/9/03	6 years from the date when the cause of action accrues: s11(1) <i>Limitation Act 1985</i> (ACT)	Court may extend time if just and reasonable to do so: s36 <i>Limitation Act 1985</i> (ACT)
	On or after 9/9/03	3 years from the day the injury happened For disease or disorder: 3 years after the day the injured person knows that they have suffered an injury and that it is related to someone else's act or omission: s16B(2) <i>Limitation Act 1985</i> (ACT)	Court cannot grant extension as div 3.2 does not apply: s36(5) Confirmation of cause of action will start time again: s32 <i>Limitation Act 1985</i> (ACT)
AIRCRAFT	From 1/7/59	2 years after the date of arrival of aircraft, or if it did not arrive, 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 personal injury arising substantially from sexual abuse to which the person was subjected as a child: s21C(2) <i>Limitation Act 1985</i> (ACT) Note: "subjected" includes witness: s21C(4) <i>Limitation Act 1985</i> (ACT)	
COMPENSATION TO RELATIVES (Common law claims arising from death that are not dealt with in the specific areas above or below, claims arising under part 3.1 <i>Civil Law (Wrongs) Act 2002</i> (ACT))		The last to expire of: (a) 6 years following the relevant wrongful act/neglect/default resulting in death; or (b) 3 years from the date of death s16 <i>Limitation Act 1985</i> (ACT)	ss38 & 39 <i>Limitation Act 1985</i> (ACT), extension up to 6 years for executor / personal representative
DUST DISEASES		See "Personal Injuries" above	
MOTOR ACCIDENTS	From 31/3/99 to 9/9/03	General: For injuries/death prior to 31 March 1999, see s11 <i>Limitation Ordinance 1985</i> (ACT) For injuries/death after 31 March 1999, 6 years from date of accident: s11 <i>Limitation Act 1985</i> (ACT) Claims against insurers: Driver must give written notice of the accident to the authorised insurer, or nominal defendant if uninsured, as soon as practicable after the accident: s189 <i>Road Transport (General) Act 1999</i> (ACT) For actions to enforce a claim against an authorised insurer, the claimant must give written notice of intention to make a claim to the insurer within 3 months after the motor accident: s190(1) <i>Road Transport (General) Act 1999</i> (ACT)	Time for giving notice can be extended by the insurer or the court: s190(2) <i>Road Transport (General) Act 1999</i> (ACT)
	From 9/9/03 to 1/10/08	General: 3 years from the day the injury happened For disease or disorder: 3 years after the day the injured person knows that they have suffered an injury and that it is related to someone else's act or omission: s16B(2) <i>Limitation Act 1985</i> (ACT) Claims against insurers: Driver must give written notice of the accident to the authorised insurer, or nominal defendant if uninsured, as soon as practicable after the accident: s189 <i>Road Transport (General) Act 1999</i> (ACT) For actions to enforce a claim against an authorised insurer, the claimant must give written notice of intention to make a claim to the insurer within 3 months after the motor accident: s190(1) <i>Road Transport (General) Act 1999</i> (ACT)	Time for giving notice can be extended by the insurer or the court: s190(2) <i>Road Transport (General) Act 1999</i> (ACT) See s30 and s30A <i>Limitation Act 1985</i> (ACT) for postponement of bar disability / children Confirmation of cause of action (eg admission of breach) will start time again: s32 <i>Limitation Act 1985</i> (ACT)

PERSONAL INJURY

Date	Limitation Period	Extensions/Suspensions
1/10/08 to 31/1/20	<p>General (Claims pursuant to <i>Road Transport (Third-Party Insurance) Act 2008</i> (ACT) (RTTPI Act)):</p> <p>3 years from the day the injury happened</p> <p>For disease or disorder: 3 years after the day the injured person knows that they have suffered an injury and that it is related to someone else's act or omission:</p> <p>s16B(2) <i>Limitation Act 1985</i> (ACT)</p> <p>s85 RTTPI Act: Complying Notice of Claim to be provided to CTP insurer before proceedings commenced and not later than the earlier of:</p> <p>(a) 9 months after:</p> <ol style="list-style-type: none"> the day the accident happened; or If symptoms are not immediately apparent, the day symptoms of the personal injury first appear; <p>(b) 1 month after:</p> <ol style="list-style-type: none"> the day the claimant first instructs a lawyer to provide advice about seeking damages; the day the respondent is identified. <p>For Notice of Claim to nominal defendant, see s86 <i>Road Transport (Third-Party Insurance) Act 2008</i> (ACT)</p> <p>For compulsory conferences and mandatory final offers, see s136 and s143 RTTPI Act</p> <p>For Lifetime Care and Support (Catastrophic Injuries) Scheme, see s83B RTTPI Act</p> <p>Commencing proceedings:</p> <p>s147(2) RTTPI Act: Where the parties have had a compulsory conference, the claimant may only begin a court proceeding not later than:</p> <ul style="list-style-type: none"> 60 days after the end of the conference; or A later day as agreed by the parties, or decided by the court, not later than 60 days after the end of the conference <p>s148(2) and s148(3) RTTPI Act: Where the parties have not had a compulsory conference, the claimant may only begin a court proceeding not later than:</p> <ul style="list-style-type: none"> the due date; or a later day agreed by the parties, or decided by the court, not later than the due date. <p>Due date means 60 days after the later of:</p> <ul style="list-style-type: none"> 6 months after respondent received notice of claim; the day the compulsory conference was dispensed with. <p>Where the court has dispensed with the obligation to exchange mandatory final offers under s142 RTTPI Act, the claimant may only begin a court proceeding not later than the day decided by the court when it dispenses with the obligation: s149 RTTPI Act</p> <p>Also see Part 4.10 RTTPI Act for judgment for noncompliance with time limits</p>	<p>See s30 and s30A <i>Limitation Act 1985</i> (ACT) for postponement of bar disability / children</p> <p>See s98 <i>Road Transport (Third-Party Insurance) Act 2008</i> (ACT) for claimant with a legal disability</p> <p>Confirmation of cause of action (eg admission of breach) will start time again: s32 <i>Limitation Act 1985</i> (ACT)</p> <p>Claimant may still begin proceedings outside the time limits in s147, s148 and s149 <i>Road Transport (Third-Party Insurance) Act 2008</i> (ACT), but the court may order the claimant pay the respondent's costs caused by the delay: s146(3) <i>Road Transport (Third-Party Insurance) Act 2008</i> (ACT)</p> <p>Respondent may apply for an order deciding a time by which the claimant must begin the proceeding: s146(3) <i>Road Transport (Third-Party Insurance) Act 2008</i> (ACT)</p> <p>If claimant doesn't bring a proceeding in accordance with an order under s146(3), the claim is barred: s146(4) <i>Road Transport (Third-Party Insurance) Act 2008</i> (ACT)</p>

PERSONAL INJURY

	Date	Limitation Period	Extensions/Suspensions
	From 1/2/20	<p>Claims pursuant to <i>Motor Accidents Injuries Act 2019 (ACT)</i> (MAIA)</p> <p>(A) Application for defined benefits</p> <p>Application for defined benefits must be made within application period: s59 MAIA</p> <p>Application period means:</p> <ul style="list-style-type: none"> for an injured person - the period of 13 weeks beginning on the date of the motor accident: s58(a) MAIA for a person who has paid, or is liable to pay, the funeral expenses OR for a dependant or personal representative of a person – the period of 13 weeks beginning on the date of death: s58(b) and s58(c) MAIA <p>An application for quality of life benefits, after receiving a receipt notice or late receipt notice under s60 MAIA must be made:</p> <p>(a) not earlier than 26 weeks after the date of the motor accident: s137(2)(a); and</p> <p>(b) not later than 4 years and 6 months after the date of the motor accident: s137(2)(b)</p> <p>(B) Common law damages</p> <p>Proceedings must be brought within 5 years after the day the injury happened: s16AA(2) <i>Limitation Act 1985 (ACT)</i></p> <p>s258 MAIA: Where the parties have had a compulsory conference, the claimant may only begin a court proceeding not later than:</p> <ul style="list-style-type: none"> 60 days after the end of the conference; or A later day as agreed by the parties, or decided by the court, not later than 60 days after the end of the conference <p>s166 MAIA and Note 1 under s16AA <i>Limitation Act 1985 (ACT)</i>: Injured person who has had Whole Person Impairment assessment has three months to make a claim, from:</p> <p>(a) if the injured person receives a notice under s141(5) MAIA – 26 weeks after the date of the notice</p> <p>(b) if the injured person receives a notice under s157(2) or s164(2) MAIA – the due date for the notice</p> <p>s220 MAIA and Note 2 under s16AA <i>Limitation Act 1985 (ACT)</i>: Injured person who has had a Significant Occupational Impact assessment has three months to make a claim, from the later of:</p> <p>(a) if the injured person receives a notice under s213(4) MAIA – the date of that notice;</p> <p>(b) if the ACAT makes an order under s218(1)(b):</p> <ol style="list-style-type: none"> if no appeal is made – the date the appeal period ends; or if an appeal is made – the date the appeal is finally decided 	<p>The insurer may accept late applications for:</p> <ul style="list-style-type: none"> income replacement benefits and/or treatment and care benefits within 2 years after the date of the motor accident; or for death benefits and funeral benefits within 1 year after the date of death; <p>If the insurer is satisfied that the applicant has a full and satisfactory explanation for the late application: s59 <i>Motor Accident Injuries Act 2019 (ACT)</i></p> <p>See s30 and s30A <i>Limitation Act 1985 (ACT)</i> for postponement of bar for disability and injuries to children</p> <p>Confirmation of cause of action (eg admission of breach) will start time again: s32 <i>Limitation Act 1985 (ACT)</i></p>
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: s19 <i>Limitation Act 1985 (ACT)</i></p> <p>For proceedings to enforce a claim or lien in relation to salvage services, 2 years from the date when the services were rendered: s19(2)</p> <p>If injury/death arises from a maritime claim (as defined in ss4,5 of the <i>Admiralty Act 1988 (Cth)</i>) then by s37 <i>Admiralty Act (Cth)</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 none of the above applies, see “Personal Injuries” above</p>	s19(3) <i>Limitation Act 1985 (ACT)</i> ; s37(3) <i>Admiralty Act 1988 (Cth)</i>

PERSONAL INJURY

	Date	Limitation Period	Extensions/Suspensions
VICTIMS COMPENSATION	Prior to 1/6/16	An application for financial assistance must be filed within 12 months after the day when the injury or damage was sustained: s27(2) <i>Victims of Crime (Financial Assistance) Act 1983</i> (ACT)	Time may be extended by court: s27(3) <i>Victims of Crime (Financial Assistance) Act 1983</i> (ACT)
	From 1/6/16	An application for financial assistance must be made within 3 years of the last of: (a) the day of the act of violence; (b) if 2 or more relevant acts, the day of the most recent act of violence; (c) if under 18 years on the day mentioned in (a) or (b), the day they turn 18 s32(1) <i>Victims of Crime (Financial Assistance) Act 2016</i> (ACT)	Time may be extended by commissioner: s32(2) <i>Victims of Crime (Financial Assistance) Act 2016</i> (ACT)
WORK INJURIES/ DEATH 1. ACT (A) Workers' Compensation Claims against employers	From 1/7/02	<p>Notice of injury must be given as soon as practicable after the injury and before the worker voluntarily leaves employment: s120 <i>Workers Compensation Act 1951</i> (ACT)</p> <p>A claim for compensation must be made within 3 years, either:</p> <p>(a) after the date of injury; or</p> <p>(b) if worker not aware when injury happened, after when the worker became aware of the injury; or</p> <p>(c) if worker dies, after the claimant became aware of the death s120(b) <i>Workers Compensation Act 1951</i> (ACT)</p> <p>Weekly compensation payments cease 8 days after the injury until the day after a claim is made, or if the injury prevents a claim, within 7 days of being able to make the claim: s38(2)</p> <p>Note: for the purposes of s120, time does not run while an injured person is an interim participant in the Lifetime Care and Support (LTCS) scheme, see s22A(2) <i>Lifetime Care and Support (Catastrophic Injuries) Act 2014</i> (ACT)</p> <p>For permanent injuries: claim for compensation may not be made earlier than 2 years after the injury, unless:</p> <p>(a) injury imminently fatal asbestos-related disease; or</p> <p>(b) injury stabilised; or</p> <p>(c) in any other case – the Magistrates Court allows the claim to be made</p> <p>s121 <i>Workers Compensation Act 1951</i> (ACT)</p> <p>For circumstances where early application is justified, see s121(3)-(4) <i>Workers Compensation Act 1951</i> (ACT)</p> <p>Claims against the Default Insurer (DI) Fund must be made within 1 month after the person becomes eligible to make the claim or such time the DI Fund manager allows: s170A <i>Workers Compensation Act 1951</i> (ACT)</p> <p>For eligibility, see s170 <i>Workers Compensation Act 1951</i> (ACT)</p>	ss120(2) & 120A <i>Workers Compensation Act 1951</i> (ACT)

PERSONAL INJURY

	Date	Limitation Period	Extensions/Suspensions
(B) Common Law claims for workers' compensation	On or after 9/9/03	<p>3 years from the date of injury: s16A <i>Limitation Act 1985</i> (ACT)</p> <p>If the worker is eligible to participate in the LTCS scheme in relation to the injury, they must apply to participate in the LTCS scheme before bringing proceedings: s182EA(2) <i>Workers Compensation Act 1951</i> (ACT)</p> <p>For eligibility under the LTCS scheme, see s15 <i>Lifetime Care and Support (Catastrophic Injuries) Act 2014</i> (ACT)</p> <p>Note: for the purposes of s16A, time does not run while an injured person is an interim participant in the LTCS scheme: s22A(2) <i>Lifetime Care and Support (Catastrophic Injuries) Act 2014</i> (ACT)</p> <p>s16A applies to claims against employers and third parties arising from compensable injury</p>	ss35 & 36 Limitation Act 1985 (ACT)
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 act/ omissions prior to 6/12/02	<p>See "Personal Injuries" above</p> <p>Note: the election provision in s45 <i>Safety, Rehabilitation and Compensation Act 1988</i> (Cth)</p>	
	Acts/omissions on or after 6/12/02 leading to injury	<p>See "Personal Injuries" above</p> <p>Note: Election provision in s45 <i>Safety, Rehabilitation and Compensation Act 1988</i> (Cth)</p>	

OTHER CIVIL MATTERS

	Date	Limitation Period	Extensions/Suspensions
APPEALS			
1. ACT To the Court of Appeal		<p>If leave is required under Division 5.4.2 <i>Court Procedure Rules 2006</i> ACT (Cth) (CPR) (for interlocutory decisions), Application for Leave to Appeal (Form 5.9) and supporting material must be filed not later than 7 days after the day the interlocutory order is given, or not later than any further time allowed: Rule 5312 <i>CPR</i></p> <p>Application and supporting material must be served not later than 3 days after the application is filed: Rule 4314(1) <i>CPR</i></p> <p>Notice of appeal and case summary must be filed by 28 days from final judgment, or any further time allowed by application within the 28-day period: Rule 5405(1)</p> <p>To apply for leave to appeal out of time from final judgment, see Rule 5333 <i>CPR</i></p> <p>If leave to appeal has been given, Notice of Appeal (Form 5.11) and case summary must be filed:</p> <ul style="list-style-type: none"> (a) not later than 7 days after the day leave to appeal is given, or not later than any further time allowed on application filed in the court before the end of the 7-day period: Rule 5405(1)(a)(i) <i>CPR</i>; or (b) not later than any time set by the Court of Appeal, or not later than any further time allowed on application filed in the court before the end of the time set: Rule 5405 (1)(a)(ii) <i>CPR</i> <p>In any other case, Notice of Appeal (Form 5.11) must be filed not later than:</p> <ul style="list-style-type: none"> (a) 28 days after the day the order was made; or (b) not later than any further time allowed on application filed before the end of the 28-day period <p>Rule 5405(b) <i>CPR</i></p> <p>Notice of Appeal must be served not later than 7 days after the day the notice is filed, but no later than 5 days before the day for settling the appeal papers: Rule 5409(6) <i>CPR</i></p> <p>For Cross-Appeals and Notices of Contention see Rule 5414 and Rule 5416 <i>CPR</i></p>	<p>Court of Appeal may, at any time and for special reasons, give leave to file a notice of appeal and case summary: s5405(2) <i>CPR</i></p>
Appeals to the Supreme Court of ACT		<p>If leave is required under Division 5.3.2, Application for Leave to Appeal (Form 5.2), accompanying affidavit and draft notice of appeal, must be filed not later than 28 days after the day the order is made, or not later than any further time allowed by the court: Rule 5072 <i>CPR</i></p> <p>Application accompanying affidavit and draft notice of appeal must be served not later than 3 days after the application is filed: Rule 5074(1)</p> <p>To apply for leave to appeal out of time, see Rule 5083 <i>CPR</i></p> <p>For leave to appeal under <i>Commercial Arbitration Act 2017</i> (ACT), see Rule 3253(2) <i>CPR</i></p> <p>If leave to appeal has been given, Notice of Appeal (Form 5.4) must be filed:</p> <ul style="list-style-type: none"> (a) not later than 7 days after the day leave to appeal is given, or not later than any further time allowed on application filed in the court before the end of the 7-day period: Rule 5103(c)(i) <i>CPR</i>; or (b) not later than any time set by the Supreme Court, or not later than any further time allowed on application filed in the court before the end of the time set: Rule 5103(c)(ii) <i>CPR</i> <p>If leave is <u>not</u> required, Notice of Appeal (Form 5.4) must be filed not later than:</p> <ul style="list-style-type: none"> (a) 28 days after the day the order was made; or (b) not later than any further time allowed on application filed before the end of the 28-day period <p>Rule 5103(d) <i>CPR</i></p> <p>Notice of Appeal must be served not later than 7 days after the day the notice is filed, but no later than 5 days before the day for settling the appeal papers: Rule 5107(5) <i>CPR</i></p> <p>For Cross-Appeals and Notices of Contention see Rule 5112 and Rule 5115</p>	

OTHER CIVIL MATTERS

	Date	Limitation Period	Extensions/Suspensions
APPEALS			
Other appeals		<p>For an appeal from a decision of the registrar of the Supreme Court, a Notice of Appeal (Form 5.1) must be filed:</p> <p>(a) for appeal of decision made under schedule 6 <i>CPR</i> (Corporations Rules) - not later than 28 days after the day the decision is made, direction given or act done: Rule 5014(1)(c) <i>CPR</i>;</p> <p>(b) for appeal of decision other than a decision at (a) above – not later than 5 days after the day the decision is made: Rule 5014(1)(a) <i>CPR</i></p> <p>For an appeal from a decision of the registrar of the Magistrates Court, a Notice of Appeal (Form 5.1) must be filed - not later than 5 days after the day the decision is made: Rule 5014(1)(b) <i>CPR</i></p> <p>Notice of Appeal must be served not later than 3 days after filing: Rule 5016(1) <i>CPR</i></p> <p>For appeals from orders or awards of Magistrates Court to Supreme Court of ACT, under <i>Workers Compensation Act 1951</i> (ACT), see s197 <i>Workers Compensation Act 1951</i> (ACT) and Part 4.5 <i>Magistrates Court Act 1930</i> (ACT)</p>	
2. Commonwealth To Full Court of the Federal Court		<p>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</p> <p>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</p> <p>Note: see s24 <i>Federal Court of Australia Act 1976</i> (Cth) for appeals from judgments of Supreme Court of ACT that the Federal Court has jurisdiction to hear and determine</p>	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 date on which cause of action accrues: s11(1) <i>Limitation Act 1985</i> (ACT)	If claim is for latent damage to property or economic loss in respect of such damage, court can extend the time: s40 <i>Limitation Act 1985</i> (ACT)
2. Negligence		6 years from the date on which the cause of action accrues: s11(1) <i>Limitation Act 1985</i> (ACT)	As above
3. Statutory Warranties for Residential Work		<p>For residential building work, proceedings for a breach of the statutory warranties under s88 <i>Building Act 2004</i> (ACT) must be brought within:</p> <p>(a) 6 years, for work in relation to a structural element of a building; or</p> <p>(b) 2 years, for work in relation to a non-structural element of a building,</p> <p>from the date of completion of the work: reg 38 <i>Building (General) Regulation 2008</i> (ACT)</p>	
4. Claims to ACT Civil & Administrative Tribunal		<p>ACAT has jurisdiction to hear building disputes: ss16 & 17 <i>ACT Civil and Administrative Tribunal Act 2008</i></p> <p>The ACAT has a jurisdiction to hear claims up to \$25,000 (s18), however the tribunal can still hear applications for a higher amount: see s21 <i>ACT Civil and Administrative Tribunal Act 2008</i></p>	

OTHER CIVIL MATTERS

	Date	Limitation Period	Extensions/Suspensions
BUILDING AND SUBDIVISION CONTINUED...			
5. Building Action		<p>A building action may not be brought in relation to any building work more than 10 years after:</p> <ul style="list-style-type: none"> (a) the date on which the certificate of completion was given; or (b) if (a) doesn't apply, the date when the last inspection took place if the certifier has inspected the building work, but no certificate issued; or (c) if (a) or (b) don't apply, the day the relevant building was first occupied or used <p>s142(1) <i>Building Act 2004</i> (ACT)</p> <p>A building action in relation to building work may not be brought more than 10 years after:</p> <ul style="list-style-type: none"> (a) the day the entity gave notice under s24(2) that the entity's appointment as certifier has ended; or (b) the day the entity's appointment as certifier ended under s19D and notice need not be given. <p>s142(1) <i>Building Act 2004</i> (ACT)</p> <p>See s140 for definition of "building action"</p>	<p>The limitation period in s142(1) and s142(2) does not apply to a building action if a shorter limitation period applies to the action under another Territory law: s142(3) <i>Building Act 2004</i> (ACT)</p>
6. Residential Building Insurance		<p>A claim under the insurance policy must be made within the 5-year period of the policy or within 90 days from when the claimant becomes aware of the existence of grounds for the claim: regs 40 and 41 <i>Building (General) Regulation 2008</i> (ACT), ss90(1)(c), (d) and (i) <i>Building Act 2004</i> (ACT)</p>	
7. Consent Authority		<p>An application for reconsideration of an ACT Planning and Land Authority decision to approve or refuse a development application must be made to the authority within 20 working days after notification of the original decision: s191(5) <i>Planning and Development Act 2007</i> (ACT)</p> <p>The ACAT has jurisdiction to review "reviewable decisions" under the <i>Planning and Development Act 2007</i> (ACT): s408A <i>Planning and Development Act 2007</i> (ACT)</p> <p>The applicant must file an application to ACAT within 28 days after:</p> <ul style="list-style-type: none"> (a) the day the decision is made; or (b) notice of the decisions is given; or (c) the person becomes aware of the decision. <p>See s10 <i>ACT Civil and Administrative Tribunal Act 2008</i></p> <p>See s407 and schedule 21, column 2 <i>Planning and Development Act 2007</i> (ACT) for reviewable decisions</p>	

OTHER CIVIL MATTERS

	Date	Limitation Period	Extensions/Suspensions
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</p> <p>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</p> <p>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</p> <p>See ss86 and 86A <i>Child Support (Registration and Collection) Act 1988</i> (Cth)</p> <p>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</p> <p>See s90 <i>Child Support (Registration and Collection) Act 1989</i> (Cth), and s29 <i>Administrative Appeals Tribunal Act 1975</i> (Cth)</p> <p>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</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>See 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 Child Support (Registration and Collection) Act 1989 (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>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</p> <p>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 s29(4) <i>Administrative Appeals Tribunal Act 1975</i> (Cth)</p>

OTHER CIVIL MATTERS

	Date	Limitation Period	Extensions/Suspensions
CHILD SUPPORT CONTINUED...			
		<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 (Cth)</i>, 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 (Cth)</i></p> <p>See s102 <i>Child Support (Assessment) Act 1989 (Cth)</i> (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 (Cth)</i>, 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 (Cth)</i></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 (Cth)</i></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 (Cth)</i></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 (Cth)</i></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 (Cth)</i> and s4 <i>Child Support (Registration and Collection) Act 1988 (Cth)</i> 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</p> <p>See s23(3) <i>Child Support (Registration and Collection) Act 1988 (Cth)</i></p>
CONSUMER CLAIMS			
1. General	For consumer contracts prior to 1/1/11	6 years after the date the cause of action accrues for breaches of the <i>Fair Trading (Australian Consumer Law) Act 1992 (ACT)</i> : s11 <i>Limitations Act 1985 (ACT)</i>	
	From 1/1/11	6 years after the date the cause of action accrues: ss236(2) and 237(3) Australian Consumer Law	
2. ACT Civil & Administrative Tribunal		<p>The ACAT can hear consumer claims of up to \$25,000: ss16 – 18 <i>ACT Civil and Administrative Tribunal Act 2008</i></p> <p>Despite its jurisdictional limit under s18, the ACAT can still hear applications for a higher amount: s21 <i>ACT Civil and Administrative Tribunal Act 2008</i></p>	Rule 38 <i>ACT Civil and Administrative Tribunal Procedure Rules 2020</i>
CONTRACT			
1. General		<p>6 years from date on which cause of action accrues: s11(1) <i>Limitation Act 1985 (ACT)</i></p> <p>12 years if cause of action founded on a deed: s13 <i>Limitation Act 1985 (ACT)</i></p>	

OTHER CIVIL MATTERS

	Date	Limitation Period	Extensions/Suspensions
DE FACTO RELATIONSHIPS			
	From 11/7/94	2 years after the day on which the domestic relationship ended: s13(1) <i>Domestic Relationships Act 1994</i> (ACT)	Court may grant leave to apply after end of limitation period if it is satisfied that greater hardship would be caused to the applicant if leave were refused than would be caused to the respondent if leave were granted: s13(2) <i>Domestic Relationships Act 1994</i> (ACT)
	From 1/3/09	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: 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: 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			
	Prior to 23/2/06	1 year from the date of publication: s21B(1) <i>Limitation Act 1985</i> (ACT)	Court may extend limitation period up to 2 years from date of publication: s21B(2) <i>Limitation Act 1985</i> (ACT)
	From 23/2/06 to 1/7/21	1 year from the date of publication: s21B(1) <i>Limitation Act 1985</i> (ACT)	Court may extend limitation period to 3 years from date of publication: s21B(2) <i>Limitation Act 1985</i> (ACT)
	On or after 1/7/21	1 year from the date of publication: s21B(1) <i>Limitation Act 1985</i> (ACT) If concerns notice given to prospective defendant within 56 days before 1 year limitation period expires, the limitation period is extended for 56 days minus any days remaining until 1 year limitation period expires: s21B(2)-(3) <i>Limitation Act 1985</i> (ACT) Note: 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: s21BC of <i>Limitation Act 1985</i> (ACT)	Court may extend limitation period to 3 years from date of publication: s21BB(2) <i>Limitation Act 1985</i> (ACT)

OTHER CIVIL MATTERS

	Date	Limitation Period	Extensions/Suspensions
DISCRIMINATION			
1. ACT	From 1/11/06	<p>For complaints prior to 1 November 2006, see <i>Discrimination Act 1991</i> (ACT)</p> <p>The commission may close a complaint at any time if more than 2 years have elapsed since the circumstances that gave rise to the complaint happened: s78 (1) <i>Human Rights Commission Act 2005</i> (ACT)</p> <p>The commission will close the complaint and take no further action in relation to it, if the complainant does not require the commission to refer the complaint to the discrimination tribunal, within 60 days after a notice containing a discrimination referral statement is given: s88(a) <i>Human Rights Commission Act 2005</i> (ACT)</p> <p>If the complainant does not ask the commission to refer the complaint within the 60-day period, the complainant may apply to the discrimination tribunal, under s78(2) <i>Discrimination Act 1991</i> (ACT), for the complaint to be heard: s88(b) <i>Human Rights Commission Act 2005</i> (ACT)</p>	The discrimination tribunal may grant the application only if satisfied that exceptional circumstances prevented the complainant from requiring the complaint to be referred to the tribunal within the 60 days: s78(3) <i>Discrimination Act 1991</i> (ACT)
	From 29/7/08	<p>The commission may close a complaint at any time if more than 2 years have elapsed since the circumstances that gave rise to the complaint happened: s78(1) <i>Human Rights Commission Act 2005</i> (ACT)</p> <p>If a complainant wishes to refer the complaint to the discrimination tribunal:</p> <p>(a) The complainant may ask the commission to refer the complaint to the ACAT within 60 days after the day the notice containing a discrimination referral statement is given to the complainant: s88(b) <i>Human Rights Commission Act 2005</i> (ACT). The commission must refer the complaint to the discrimination tribunal if the complainant asks it to refer the complaint within the 60-day period: s53 <i>Human Rights Commission Act 2005</i> (ACT).</p> <p>If the complainant does not ask the commission to refer the complaint within the 60-day period, the complainant may apply, under s78(2) <i>Discrimination Act 1991</i> (ACT), for the complaint to be heard: s88(c) <i>Human Rights Commission Act 2005</i> (ACT)</p>	The discrimination tribunal may grant an application, under s78 <i>Discrimination Act 1991</i> (ACT), only if satisfied that exceptional circumstances prevented the complainant from requiring the complaint to be referred to the tribunal within 60 days: s78(3) <i>Discrimination Act 1991</i> (ACT)
	From 2/2/09	<p>The commission may close a complaint at any time if more than 2 years have elapsed since the circumstances that gave rise to the complaint happened: s72(1) <i>Human Rights Commission Act 2005</i> (ACT)</p> <p>If a complainant wishes to refer the complaint to the ACT Civil and Administrative Tribunal:</p> <p>(a) The complainant may ask the commission to refer the complaint to the ACAT within 60 days after the day the notice containing a discrimination referral statement is given to the complainant: s88(b) <i>Human Rights Commission Act 2005</i> (ACT). The commission must refer the complaint to the ACAT if the complainant asks it to refer the complaint within the 60 day period: s53A(2) <i>Human Rights Commission Act 2005</i> (ACT).</p> <p>If the complainant does not ask the commission to refer the complaint within the 60 day period, the complainant may apply, under s53B(2) <i>Human Rights Commission Act 2005</i> (ACT), for the complaint to be heard by ACAT: s88(c) <i>Human Rights Commission Act 2005</i> (ACT)</p>	The ACAT may grant an application under s53B <i>Human Rights Commission Act 2005</i> (ACT), only if satisfied on reasonable grounds that exceptional circumstances prevented the complainant from requiring the complaint to be referred to the ACAT within the 60 day period: s53B(3) <i>Human Rights Commission Act</i> (ACT)

OTHER CIVIL MATTERS

	Date	Limitation Period	Extensions/Suspensions
DISCRIMINATION CONTINUED...			
2. Commonwealth	From 5/8/09 to 12/4/17	The President of the Australian Human Rights Commission may terminate a complaint if the complaint was lodged more than 12 months after the alleged unlawful discrimination took place: s46PH(1)(b) <i>Australian Human Rights Commission Act 1986</i> (Cth)	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) Note: Prior to 12 April 2013, applications made to Federal Court or Federal Magistrates Court
	From 13/4/17	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)	See above Note: On or after 1 September 2021, applications made to Federal Court or Federal Circuit and Family Court of Australia
EQUITY & TRUSTS			
Claims for breach of trust, Specific performance, injunctions and general equitable relief		6 years from the date on which cause of action accrues: s11 <i>Limitation Act 1985</i> (ACT)	
Claims by trustees and beneficiaries for fraud, fraudulent breach of trust, conversion and in respect of trust property		The later to expire of: (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 (b) the limitation period for the cause of action fixed by any other provision of the <i>Limitation Act 1985</i> (ACT) s27(1) <i>Limitation Act 1985</i> (ACT)	
FAMILY LAW			
	From 5/1/76	For property settlement (s79) or spousal maintenance (s74) proceedings: (a) If a divorce order has been made - 12 months after the date on which the divorce order took effect; or (b) If a decree of nullity of the marriage has been made – 12 months after the date of the making of the decree See s44(3) of the <i>Family Law Act 1975</i> (Cth)	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) See s44(5) and (6) <i>Family Law Act 1975</i> (Cth) in relation to de facto relationships
	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 De Facto section regarding limitation periods for property division prior to 1/3/09	The limitation period can be extended following the revocation of a maintenance agreement or a financial agreement in appropriate circumstances: ss44(3A) and (3B) <i>Family Law Act 1975</i> (Cth)

OTHER CIVIL MATTERS

	Date	Limitation Period	Extensions/Suspensions
FAMILY LAW CONTINUED...			
		<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</p> <p>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:</p> <p>See 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</p> <p>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:</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</p> <p>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:</p> <p>within 21 days after the order is made or the documents are rejected</p> <p>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:</p> <p>21 days after the order was made</p> <p>See Rule 14.05 of the <i>Federal Circuit and Family Court of Australia (Family Law) Rules 2021</i> (Cth)</p> <p>For review of Regional Appeal Registrar's order:</p> <p>within 21 days after the order is made or the documents are rejected</p> <p>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:</p> <p>21 days after the order was made</p> <p>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 60(3) of the <i>Bankruptcy Act 1966</i> (Cth) 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>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>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...			
		For review of orders or decisions made by Judicial Registrar in relation to costs assessment: 14 days after the order was made See Rule 12.53 of the <i>Federal Circuit and Family Court of Australia (Family Law) Rules 2021</i> (Cth)	
	From 11/6/96	In relation to claims for child bearing expenses (where father not married to mother) pursuant to s67G <i>Family Law Act 1975</i> (Cth): (a) any time during the pregnancy; or (b) after the birth, but not later than 12 months after the birth, except by leave of the Court. See s67G <i>Family Law Act 1975</i> (Cth)	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	Child abduction 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 See Regulation 16(1) <i>Family Law (Child Abduction Convention) Regulations 1986</i> (Cth)	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			
Family Provision Orders	Prior to 13/5/14	An application for a family provision order under s8 <i>Family Provision Act 1969</i> (ACT) shall be made within 12 months after the date when administration in respect of the estate of the deceased person has been granted: s9(1) <i>Family Provision Act 1969</i> (ACT)	The Supreme Court may extend the limitation period for bringing an application for a family provision order: s9(2) and s9(3) <i>Family Provision Act 1969</i> (ACT) An application for extension of time shall not be made after the estate has been lawfully and fully distributed: s9(4) <i>Family Provision Act 1969</i> (ACT)
	On or after 14/5/14	An application for a family provision order under s8 <i>Family Provision Act 1969</i> (ACT) shall be made within 6 months after the date when administration in respect of the estate of the deceased person has been granted: s9(1) <i>Family Provision Act 1969</i> (ACT)	See above
Intestate Estates	From 1/7/67	Intestate Estates – Claim by Spouse/Partner to dwelling house From 1/7/1967, the spouse may exercise an election to have their interest appropriated within 1 year after the date representation in the estate of the intestate is granted by the Supreme Courts: 49G (2) then <i>Administration and Ordinance Act 1929</i> (ACT) (then <i>Administration and Ordinance Act 1929</i> (ACT)) From 22/3/04, the partner may exercise an election to have their interest appropriated within 1 year after the date representation in the estate of the intestate is granted by the Supreme Courts: s49G(2) <i>Administration and Probate Act 1929</i> (ACT) See s49J <i>Administration and Probate Act 1929</i> (ACT) for where the right is not exercisable for certain tenancies Also see s49L <i>Administration and Probate Act 1929</i> (ACT)	The court may extend the period on the grounds in s49(G) <i>Administration and Probate Act 1929</i> (ACT)
		Intestate Estates – Indigenous Persons There are currently no specific legal mechanisms for indigenous estates in the ACT. Indigenous estates are distributed in accordance with the provisions in <i>Administration and Probate Act 1929</i> (ACT)	

OTHER CIVIL MATTERS

	Date	Limitation Period	Extensions/Suspensions
JUDGMENTS (ENFORCEMENT OF)			
		12 years from the date judgment first becomes enforceable: s14(1) <i>Limitations Act 1985</i> (ACT) 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 the date of judgment: s6 <i>Foreign Judgments Act 1991</i> (Cth)	Includes a judgment of a court of the ACT or any other place: s2, <i>Limitation Act 1985</i> (ACT) 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. ACT	For conduct prior to 1/1/11	6 years after the date the cause of action accrues for breaches of the <i>Fair Trading Act 1992</i> (ACT): s11 <i>Limitation Act 1985</i> (ACT)	
	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>	
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> (Cth) 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	
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> (Cth) for the application of proportionate liability	
PRODUCT LIABILITY (see also "Torts")			
1. ACT Actions for damages (see also "Torts")	For conduct prior to 1/1/11	6 years from the date when the cause of action accrues: s11(1) <i>Limitation Act 1985</i> (ACT), s46 <i>Fair Trading (Australian Consumer Law) Act 1992</i> (ACT)	
	From 1/1/11	6 years after the date the cause of action accrues: ss236(2) and 237(3) <i>Australian Consumer Law</i> 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>	
Against manufacturers and importers of goods	For conduct prior to 1/1/11	6 years from the date when the cause of action accrues: s11(1) <i>Limitation Act 1985</i> (Cth), s46 <i>Fair Trading (Australian Consumer Law) Act 1992</i> (ACT)	
	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: 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>	

OTHER CIVIL MATTERS

	Date	Limitation Period	Extensions/Suspensions
PRODUCT LIABILITY (see also “Torts”) CONTINUED...			
2. Commonwealth Actions for damages (see also “Torts”)	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) Note: See ss82(1B), 87CB, 87CC and s87CD of the <i>Trade Practices Act 1974</i> (Cth) 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> (Cth) 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>	
Actions against manufacturers and importers of goods	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> (Cth) 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> (Cth) This is subject to a 10 year long-stop: see s75AO(2) <i>Trade Practices Act 1974</i> (Cth)	
	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: (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>	
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> (Cth) 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> (Cth), save for injury and death resulting from smoking or other use of tobacco products: s87F(1A) <i>Competition and Consumer Act 2010</i> (Cth) See the definition of “date of discoverability”: s87G <i>Competition and Consumer Act 2010</i> (Cth)	See ss87H, 87J and 87K <i>Competition and Consumer Act 2010</i> (Cth) for extensions and stay of limitation
RECTIFICATION OF WILLS			
	For wills taking effect after 7/11/91	Generally, an application must be made within 6 months from date probate or administration granted: s12A(3) <i>Wills Act 1968</i> (ACT) Note: for other time limits for certain situations see subsections (4) and (5)	

OTHER CIVIL MATTERS

	Date	Limitation Period	Extensions/Suspensions
RETAIL LEASES			
Magistrates Court		<p>For actions arising under <i>Leases (Commercial and Retail) Act 2001</i> (ACT) there is no specific time limit to lodge claims/disputes with Magistrates Court (such as claims for unconscionable conduct: s22)</p> <p>The general limitation period of 6 years from the date when the cause of action accrues to apply: s11(1) <i>Limitation Act 1985</i> (ACT)</p> <p>For the disputes in which the Magistrates Court has jurisdiction: s17 <i>Leases (Commercial and Retail) Act 2001</i> (ACT)</p> <p>A dispute about leases no longer in force may be decided if an application is made within 6 years after the day, or last day, the conduct giving rise to the dispute happened: s18 <i>Leases (Commercial and Retail) Act 2001</i> (ACT)</p>	
SUPERANNUATION CLAIMS			
	Complaints made prior to 1/11/18	<p>Appeals to the Federal Court</p> <p>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)</p>	<p>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)</p>
	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 s1056 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; in relation to payment of a disability benefit because of total and permanent disability must be made: <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>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>

OTHER CIVIL MATTERS

	Date	Limitation Period	Extensions/Suspensions
SUPERANNUATION CLAIMS CONTINUED...			
		<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: s1057 <i>Corporations Act 2001</i> (Cth)</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>
TORTS			
General (Excluding damages for personal injury and other actions)	From 1/7/96	<p>6 years from date when cause of action accrues: s11(1) <i>Limitation Act 1985</i> (ACT)</p> <p>Note: this limitation period does not apply to a cause of action in relation to which another limitation period is provided by the <i>Limitation Act 1985</i> (ACT)</p>	
Claims for contribution between tortfeasors	From 1/7/96	<p>The first to expire of:</p> <p>(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</p> <p>(b) 4 years running from the date of the expiration of the limitation period for the principal cause of action.</p> <p>s21 <i>Limitation Act 1985</i> (ACT)</p>	
EMPLOYMENT TERMINATION AND BULLYING AND SEXUAL HARASSMENT CLAIMS			
1. ACT Unfair Dismissal	From 1/7/09	<p>Prior to 1/7/09: Territory employees covered under <i>Workplace Relations Act 1996</i> (Cth)</p> <p>Employees covered by Commonwealth legislation: <i>Fair Work Act 2009</i> (Cth)</p>	
Application for Reinstatement of Dismissed Injured Employee ACT	From 1/1/12	<p>Civil proceeding in relation to engaging in or inducing discriminatory conduct or coercive conduct (which includes dismissal for a prohibited reason) must be commenced not 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> (Cth)</p> <p>The court may order reinstatement under s112(3)(c)(i) <i>Work Health and Safety Act 2011</i> (Cth)</p> <p>Note: the same provision surrounding civil actions for discriminatory conduct and orders for reinstatement occur under s112 and s113 <i>Work Health and Safety Act 2011</i> (Cth)</p>	
2. Commonwealth Unfair Dismissal	Prior to 1/7/09	<p>See s643 <i>Workplace Relations Act 1996</i> (Cth) for actions between 1/7/97 and 30/08/01</p> <p>See s170CE <i>Workplace Relations Act 1996</i> (Cth) for actions between 27/4/06 and 30/6/09</p>	
	From 1/7/09 to 31/12/12	<p>Application must be made within 14 days after the dismissal took effect: s394(2)(a) <i>Fair Work Act 2009</i> (Cth)</p> <p>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)</p>	<p>FWC may allow more time if it is satisfied that there are "exceptional circumstances": s394(3) <i>Fair Work Act 2009</i> (Cth)</p>

OTHER CIVIL MATTERS

	Date	Limitation Period	Extensions/Suspensions
EMPLOYMENT TERMINATION AND BULLYING AND SEXUAL HARASSMENT CLAIMS CONTINUED...			
	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
General Protections Application involving a dismissal	From 1/1/13	For actions pre 1/1/13: Application must be made within 60 days after the dismissal took effect: s366(1)(a) An application must be made within 21 days after the dismissal took effect: s366(1)(a) <i>Fair Work Act 2009</i> (Cth) 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)	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)
General Protections Applications to the Court after making a General Protections Application to the Fair Work Commission involving a dismissal	From 1/1/14	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) 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)	Within such period as the FWC allows: s369(1)(c)(i) <i>Fair Work Act 2009</i> (Cth) 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
Unlawful Termination Application	From 1/1/14	An application must be made within 21 days after employment was terminated: s774(1)(a) <i>Fair Work Act 2009</i> (Cth) 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) 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) 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)	Within such further period as the FWC allows where there are exceptional circumstances: s774(1)(b) <i>Fair Work Act 2009</i> (Cth) 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) 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

OTHER CIVIL MATTERS

	Date	Limitation Period	Extensions/Suspensions
EMPLOYMENT TERMINATION AND BULLYING AND SEXUAL HARASSMENT CLAIMS CONTINUED...			
Application for an order to stop bullying under P6-4B <i>Fair Work Act 2009</i> (Cth)	From 1/1/14	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) 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)	
Application for an order to stop sexual harassment under P6-4B <i>Fair Work Act 2009</i> (Cth)	From 11/11/21	An application to the FWC for an order to stop sexual harassment occurring must be made, and the proceedings conducted, while the worker remains “at work”: ss789FC and 789FF <i>Fair Work Act 2009</i> (Cth) Note: The FWC is expressly prohibited from ordering payment of a pecuniary amount in relation to sexual harassment: s789FF(1) <i>Fair Work Act 2009</i> (Cth)	
Other Fair Work Act Applications	From 1/7/09	An application for orders for breach of: (a) a civil remedy provision (b) a safety net contractual entitlement (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: must be made within 6 years after the day on which the contravention occurred: s544 <i>Fair Work Act 2009</i> (Cth) 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)	
General notes on appealing Fair Work Commission decisions	From 1/7/09	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 604(2) <i>Fair Work Act 2009</i> (Cth) Note: Prior to 1/1/13 – reference to FWC was FWA	

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