



# **SCHEDULE OF LIMITATION PERIODS** in Civil Matters in New South Wales

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Edition No. 22  
Current as at June 2015

This Schedule is prepared as a guide for legal practitioners on the limitation periods which apply to causes of action instituted in New South Wales. The Schedule does not include every possible cause of action, nor every limitation period, nor does it comprehensively describe the limitation periods or the historical changes to those limitation periods. It is not intended to provide particular legal advice to readers or to be used by legal practitioners in substitution for their own research and enquiries. You should seek professional advice or conduct your own research to determine the accuracy and application of the information in this Schedule to any given facts. © Lawcover 2015

# SCHEDULE OF LIMITATION PERIODS in Civil Matters in New South Wales

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## PERSONAL INJURY

	Date	Limitation Period	Extensions/Supervisions
<b>PERSONAL INJURIES</b> (Common law claims that are not dealt with in the specific areas below)	Injuries and act/omissions prior to 6/12/02	<p>Injuries pre 1/9/90: 6 years from date when cause of action accrues: s14 <i>Limitation Act 1969</i></p> <p>Injuries post 1/9/90: 3 years from date when cause of action accrues: s18A <i>Limitation Act 1969</i></p> <p>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></p> <p>Minors – limitation period is suspended until minor reaches 18 years: s11(3) (definition) and s52(1)(d) <i>Limitation Act 1969</i></p> <p>Other legal disability – limitation period is suspended for duration of disability: s52(1)(d) <i>Limitation Act 1969</i></p> <p>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></p>	<p>ss57-60 and ss60A-60J and Schedule 5 <i>Limitation Act 1969</i></p> <p>s52 <i>Limitation Act 1969</i></p>
	Acts/omissions on or after 6/12/02 leading to injury	<p>First to expire of:</p> <p>(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</p> <p>(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)</p> <p>Note: For minors, the running of the limitation period is not suspended until minor reaches 18 years if the minor has a capable parent or guardian: s50F(2)(a) <i>Limitation Act 1969</i> and see also s50A(2)</p> <p>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></p> <p>Incapacitated person - limitation period <b>not</b> suspended if person is a “protected person”: s50F(2)(b) <i>Limitation Act 1969</i></p> <p>Latent injuries - no special provisions</p>	<p>s62A, s62B and ss50E-50F <i>Limitation Act 1969</i></p> <p>s52 <i>Limitation Act 1969</i></p>
<b>AIRCRAFT</b>	From 1/7/59	<p>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).</p> <p>For claims for injury or death from things falling from aircraft, see <i>Damage by Aircraft Act 1999</i> (Cth)</p>	<p>s30(3) and (4) <i>Civil Aviation (Carriers' Liability) Act 1959</i> (C'th)</p>
<b>COMPENSATION TO RELATIVES</b> (Common law claims arising from death that are not dealt with in the specific areas above or below)	Injuries and act/omissions prior to 6/12/02	<p>6 years from date of death where cause of action accrued before 1/9/90: s19(1)(a) <i>Limitation Act 1969</i></p> <p>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></p> <p>See under “Personal Injuries”</p>	<p>s60, s60D, s60E, s60F, s60H and s60I and Schedule 5 <i>Limitation Act 1969</i></p> <p>s52 <i>Limitation Act 1969</i></p>
	Acts/omissions on or after 6/12/02 leading to injury	<p>First to expire of:</p> <p>(a) 3 years from date when cause of action discoverable; or</p> <p>(b) 12 years from death of deceased: s50C(1)(a) and (b) and (3) <i>Limitation Act 1969</i></p> <p>See under “Personal Injuries”</p>	<p>s62A, s62B, s62C <i>Limitation Act 1969</i></p> <p>s52 <i>Limitation Act 1969</i></p>
<b>DUST DISEASES</b>	Any claim whenever occurring	<p>No limitation period: s12A <i>Dust Diseases Tribunal Act 1989</i></p> <p>cf: s12B <i>Dust Diseases Tribunal Act 1989</i></p> <p>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></p>	<p>Not applicable. Has no limitation period</p>

## PERSONAL INJURY

	Date	Limitation Period	Extensions/Supervisions
<b>MOTOR ACCIDENTS</b>	Prior to 5/10/99	<p>Injuries/death pre 1/7/87: 6 years from date of accident: s14 <i>Limitation Act 1969</i></p> <p>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</i> does not apply and there is no suspension of time for minors/other disability</p> <p>Note:</p> <ul style="list-style-type: none"> <li>Report to police within 28 days of accident – s42(1) MAA</li> <li>Notice of claim within 6 months of accident/death – s43(2) MAA</li> <li>No commencement of proceedings within 6 months of notice of claim – s52(1) and (2) MAA</li> <li>No commencement of proceedings within 90 days of complying with s50A or within 28 days of responding to offer – s52(1A) and (2) MAA</li> </ul>	<p><b>s58 <i>Limitation Act 1969</i></b></p> <p><b>s52(4) MAA s42 MAA</b></p> <p><b>s43A MAA</b> <b>(for claims after 1/1/94)</b></p> <p><b>s52(4A) MAA (for claims on or after 1/1/96)</b></p>
	From 5/10/99	<p><i>Motor Accident Compensation Act 1999</i> (MACA)</p> <ul style="list-style-type: none"> <li>Claim must be made within 6 months of accident or death. If not done, claimant must provide full and satisfactory explanation – s72 MACA</li> <li>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</li> <li>Note: Referral to MAS does not suspend time under s109 MACA</li> </ul> <p>Note that <i>Limitation Act</i> does not apply and there is no suspension of time for minors/other disability</p> <ul style="list-style-type: none"> <li>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</li> </ul>	<p><b>s73 MACA</b></p> <p><b>s109 MACA</b></p> <p><b>s110(4) and (5) MACA</b></p>
<b>PRODUCT LIABILITY</b>		See under “Other Civil Matters”	
<b>SHIPS</b>		<p>Proceedings to be commenced within 2 years 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 <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.</p> <p>If neither of above applies, see under “Personal Injuries”.</p>	<p><b>s22(4) <i>Limitation Act 1969</i>;</b> <b>s37(3) <i>Admiralty Act 1988</i></b> <b>(Cth)</b></p>
<b>SPORTING INJURY</b>	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>	<p><b>s21(2) <i>Sporting Injuries Insurance Act 1978</i></b></p>
<b>VICTIMS COMPENSATION</b>	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>	<p><b>Director may grant leave: s26(2), (2A), (2B), (2C) and (3) <i>Victims Support and Rehabilitation Act 1996</i></b></p>
	From 3/6/13	<p>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) and s40(4) <i>Victims Rights and Support Act 2013</i>.</p>	<p><b>s40(2), s40(3), s40(6) <i>Victims Rights and Support Act 2013</i></b></p>

## PERSONAL INJURY

	Date	Limitation Period	Extensions/Supervisions
<b>WORK INJURIES/ DEATH</b>  <b>1. NSW</b>  (A) Workers' Compensation Claims		<p>Notice of an injury must be given to employer as soon as practicable 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) and (7) WIMA</p>	<p><b>s254(2) to (4) WIMA</b></p> <p><b>s261(4), (5), (6) and (7) WIMA</b></p> <p><b>s327(5) WIMA "special circumstances"</b></p>
	(B) Common Law Proceedings/ Work Injury Damages (see s250 WIMA)	Proceedings filed since 26/11/01	<ol style="list-style-type: none"> <li>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</i> does not apply and there is no suspension of time for minors/other disability.</li> <li>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 WorkCover Authority Guidelines: s260 WIMA</li> <li>A claim for lump sum compensation must be made at the same time or prior to a claim for work injury damages: s280A WIMA</li> <li>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</li> </ol>
(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>	
<b>2. Commonwealth</b>  (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	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: the election provision in s45 <i>Safety, Rehabilitation and Compensation Act 1988</i> (Cth)	

## OTHER CIVIL MATTERS

	Date	Limitation Period	Extensions/Supervisions
<b>APPEALS</b>			
<b>1. NSW</b> To the Court of Appeal		<p>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:</p> <p>(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 if</p> <p>(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)).</p> <p>If no Notice of Intention to Appeal is filed and if:</p> <p>(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 if</p> <p>(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)).</p> <p>“material date” is defined in UCPR Rule 51.2</p> <p>For Cross-Appeals and Notices of Contention see UCPR Rules 51.17 and 51.40.</p>	<b>UCPR Rules 51.6, 51.10(2) and 51.16(2)</b>
	Not to the Court of Appeal		<p>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)).</p> <p>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)).</p> <p>“material date” is defined in UCPR Rule 50.2</p> <p>For Cross-Appeals and Notices of Contention see UCPR Rules 50.10, 50.11 and 50.13 and 51.40.</p> <p>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 WCCR Rule 16.2</p>
<b>2. Commonwealth</b> To Full Court of the Federal Court		Filed within 21 days from on which the judgment appealed from was pronounced or the date on which leave to appeal is granted: Federal Court Rule 36.03	<b>FCR Rules 36.03 and 36.05</b>
	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	<b>HCR Rule 41.02</b>
<b>BUILDING AND SUBDIVISION</b>			
<b>1. Contract</b>		6 years from the date on which the cause of action accrues: s14(1)(a) <i>Limitation Act 1969</i> . See also s14A.	<b>Generally no but see ss52–56 <i>Limitation Act 1969</i></b>
<b>2. Negligence</b>		6 years from the date on which the cause of action accrues: s14(1)(b) <i>Limitation Act 1969</i> . Also see: <i>Brookfield Multiplex Ltd v Owners Corporation Strata Plan 61288</i> [2014] HCA 36	<b>Generally no but see ss52–56 <i>Limitation Act 1969</i></b>

## OTHER CIVIL MATTERS

	Date	Limitation Period	Extensions/Supervisions
<b>BUILDING AND SUBDIVISION CONTINUED...</b>			
<b>3. Statutory Warranties For Residential Work</b>	From 15/01/15	<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 15/01/15 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> <p>Note: Prior to 01/02/12, section 18E provided that proceedings in respect of “structural defects” under section 18B must be brought within 7 years of the date of completion of the work. There is some debate, yet to be judicially resolved, as to whether this time period applies to contracts entered into prior to 01/02/12 only where the date of completion of the work was also prior to 01/02/12 or instead also in circumstances where the date of completion of the work occurred after 01/02/12. The latter position is consistent with the warranties being implied into the relevant contract at the time it is entered into; it is also the position seemingly adopted by NSW NCAT. However, practitioners must be aware that this area is unsettled.</p>	<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.</p>
<b>4. Claims to NSW Civil &amp; Administrative Tribunal</b>		<p>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(1) of the <i>Home Building Act 1989</i></p> <p>See s48K(1) <i>Home Building Act 1989</i> for the definition of “building claim”.</p>	
<b>5. Long Stop</b>		<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 occupational 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 is 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>s109ZK <i>Environmental Planning and Assessment Act 1979</i> See s109ZL <i>Environmental Planning and Assessment Act 1979</i> for definition of “building action” and “subdivision action”</p>	
<b>6. Homeowners Warranty Insurance</b>		<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 01/07/10</p>	<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.</p>



## OTHER CIVIL MATTERS

Date	Limitation Period	Extensions/Supervisions
<b>BUILDING AND SUBDIVISION CONTINUED...</b>		
<b>7. Council Decisions</b>	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>	
<b>8. Consent Authority</b>	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 (b) the date on which the application is taken to have been determined: s97(1) <i>Environmental Planning and Assessment Act 1979</i>	
<b>9. Certifiers</b>	Complaints against an accredited certifier under the <i>Building Professionals Act 2005</i> must be brought within 3 years of the matter giving rise to the complaint: s23 of the <i>Building Professionals Act 2005</i>	
<b>CHILD SUPPORT</b>		
	<p><b>For a declaration that a person should or should not be assessed in respect of the costs of the child:</b> within 56 days after being served with a notice confirming acceptance or rejection of an application for administrative assessment. See rule 4.20 Family Law Rules 2004 (Cth).</p> <p><b>Internally lodging objections to decisions:</b> 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 person is in Australia, or within 90 days if the person is habitually resident in a foreign country. See s81 <i>Child Support (Registration and Collection) Act 1988</i> (Cth).</p> <p><b>Opposing objections to decisions:</b> 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 habitually resident in a foreign country. See ss86 and 86A <i>Child Support (Registration and Collection) Act 1988</i> (Cth).</p> <p><b>For applications for review of decisions of a Registrar to the Social Security Appeals Tribunal:</b> within 28 days of the notice being served on the person if living within Australia, or within 90 days if person is habitually resident in a foreign country. See s90 <i>Child Support (Registration and Collection) Act 1989</i> (Cth), and see s89 for the types of decisions and who can review them.</p> <p><b>For appeals from a decision of the Social Security Appeals Tribunal under Part VIII of the <i>Child Support (Registration and Collection) Act 1989</i> (Cth) on a question of law:</b> within 28 days of the publication of the Statement of Reasons. See rule 4.22 Family Law Rules 2004 (Cth).</p> <p><b>For appeals to the Family Court and the Full Court of the Family Court from other Courts exercising original or appellate jurisdiction under the <i>Child Support (Assessment) Act 1989</i> (Cth),</b> leave is required, and appeals must be made within the time frames specified under the Family Law Rules 2004 (Cth). See ss102, 102A and 105 <i>Child Support (Assessment) Act 1989</i> (Cth) and ss 107, 107A and 110 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 Family Law Rules 2004 (Cth).</p>	<p><b>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).</b></p> <p><b>If the period for applying for review has ended, a person may make an application for review asking the SSAT Principal Member to consider the application for review despite the ending of the period. See s91 <i>Child Support (Registration and Collection) Act 1989</i> (Cth).</b></p> <p><b>Applications for an extension of time within which to institute an appeal may be heard and determined by a Judge of the Appeal Division or other Judge if there is no Judge of the Appeal Division available, or by a Full Court of the Family Court – see s102(8) <i>Child Support (Assessment) Act 1989</i> (Cth).</b></p>

## OTHER CIVIL MATTERS

Date	Limitation Period	Extensions/Supervisions	
<b>CHILD SUPPORT CONTINUED...</b>			
	<p><b>Notifications to the Registrar:</b></p> <ul style="list-style-type: none"> <li>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.</li> </ul> <p>See s23 <i>Child Support (Registration and Collection) Act 1988</i> (Cth).</p> <ul style="list-style-type: none"> <li>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.</li> </ul> <p>See s33 <i>Child Support (Registration and Collection) Act 1988</i> (Cth).</p> <ul style="list-style-type: none"> <li>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.</li> </ul> <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><b>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).</b></p>	
<b>CONSUMER CLAIMS</b>			
<b>1. General</b>	For consumer contracts 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)	
<b>2. NSW Civil &amp; Administrative Tribunal</b>		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: s7(4)(a)-(b) <i>Consumer Claims Act 1998</i>  This is subject to a long-stop of 10 years from the supply of the goods or service.	
<b>CONTRACT</b>			
<b>1. General</b>		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>	<b>Generally no but see ss52–56 <i>Limitation Act 1969</i></b>
<b>2. Contracts Review</b>		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 during the pendency of a maintainable proceeding arising out of or in relation to the contract: s16 <i>Contracts Review Act 1980</i>	
<b>DE FACTO RELATIONSHIPS</b>			
	From 1984 to 27/6/99	2 years from ceasing to live together: s18(1) <i>De Facto Relationships Act 1984</i>	<b>s18(2) <i>De Facto Relationships Act 1984</i></b>
	On or after 28/6/99	2 years after cessation of a domestic relationship: s18(1) <i>Property (Relationships) Act 1984</i>	<b>s18(2) <i>Property (Relationships) Act 1984</i></b>

## OTHER CIVIL MATTERS

Date	Limitation Period	Extensions/Supervisions
<b>DE FACTO RELATIONSHIPS CONTINUED...</b>		
From 1/3/09	<p><b>For property settlement</b> (s90SM <i>Family Law Act 1975</i> (Cth)) <b>or maintenance</b> (ss 90SE and 90SG <i>Family Law Act 1975</i> (Cth)) <b>proceedings:</b> 2 years after cessation of a de facto relationship. See s44(5) of the <i>Family Law Act 1975</i> (Cth). See also the <b>Family Law</b> section regarding limitation periods for:</p> <ul style="list-style-type: none"> <li>• appeals</li> <li>• cross-appeals</li> <li>• review of regional appeal Registrar's orders</li> <li>• review of orders or decisions of Registrars or Deputy Registrars</li> <li>• costs</li> <li>• claims for child bearing expenses</li> </ul>	<p>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. See s44(6) <i>Family Law Act 1975</i> (Cth).</p>
<b>DEFAMATION</b>		
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 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
<b>DISCRIMINATION</b>		
<b>1. NSW</b>		
From 2/5/05	The President of the Anti Discrimination Board <b>may</b> 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>	
From 13/4/00	<p>The President of HREOC <b>may</b> terminate a complaint if the complaint was lodged more than 12 months after the alleged unlawful discrimination took place: s46PH(1)(b) <i>Human Rights and Equal Opportunity Commission Act 1986</i> (Cth)</p> <p>Note: the definitions of “alleged unlawful discrimination” and “unlawful discrimination” in s3(1)</p> <p>See also Hunyor J: “Time limits for unlawful discrimination claims” in April 2006 (NSW) <i>Law Society Journal</i>, page 40</p>	<p>If the President terminates a complaint, application may be made to the Federal Court or the Federal Magistrates Court within 28 days of issue of notice of decision to terminate, or within such further time as the Court allows: s46PO(2) <i>Human Rights and Equal Opportunity Commission Act 1986</i> (Cth)</p>
From 5/8/09	<p>The President of the AHRC 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)</p> <p>Note: the definitions of “alleged unlawful discrimination” and “unlawful discrimination” in s3(1)</p>	<p>If the President terminates a complaint, application may be made to the Federal Court or the Federal Magistrates Court within 60 days 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)</p>

## OTHER CIVIL MATTERS

	Date	Limitation Period	Extensions/Supervisions
<b>FAMILY LAW</b>	From 5/1/76	<p><b>For property settlement (s79) or spousal maintenance (s74) proceedings:</b></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> <p><b>In relation to an appeal:</b></p> <p>a) Within 28 days after the date the order appealed from was made.</p> <p>See Rule 22.03 <i>Family Law Rules 2004</i></p> <p><b>In relation to a cross-appeal:</b> 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.</p> <p>See rule 22.08 <i>Family Law Rules 2004</i> (Cth).</p> <p><b>For Review of Regional Appeal Registrar's order:</b> within 14 days after the order is made.</p> <p>See rule 22.40 <i>Family Law Rules 2004</i> (Cth).</p> <p><b>For review of orders or decisions made by Registrars or Deputy Registrars:</b> 7 days or 28 days after the order was made depending on the power exercised. See rule 18.08 <i>Family Law Rules 2004</i> (Cth) and table 19.6 within that rule.</p> <p><b>Costs:</b></p> <p><b>An application for costs may be made:</b></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 19.08 and 10.11(4) <i>Family Law Rules 2004</i> (Cth).</p> <p><b>Costs in appeal matters:</b></p> <p><b>An application for costs may be made:</b></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> <p>a. the filing of a notice of discontinuance by the other party; or</p> <p>b. the abandonment of an appeal; or</p> <p>c. the dismissal of an appeal; or</p> <p>d. the dismissal of an application in relation to an appeal.</p> <p>See rule 22.53 <i>Family Law Rules 2004</i> (Cth) and Part 22.8 <i>Family Law Rules 2004</i> (Cth).</p> <p>(Note: Family Court Rules 1984 were replaced by the <i>Family Law Rules 2004</i>, which commenced on 29 March 2004).</p>	<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) and 44(4) <i>Family Law Act 1975</i> (Cth).</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 1.14 <i>Family Law Rules 2004</i> (Cth) regarding shortening or extension of time fixed under the Family Law Rules.</p> <p>A person may apply for an extension of time to appeal. See rule 1.14 <i>Family Law Rules 2004</i> (Cth).</p> <p>ss94(2D)(a) and 94AAA(10) (a) of the <i>Family Law Act 1975</i> (Cth), ss102(8)(a) and 102A(9)(b) of the <i>Child Support (Assessment) Act 1989</i> (Cth), ss107(7)(a) and 107A(9)(b) of the <i>Child Support (Registration and Collection) Act 1988</i> (Cth) and Part 22.7 of the <i>Family Law Rules 2004</i> (Cth).</p> <p>A person may apply for an extension of time to cross-appeal. See rule 1.14 <i>Family Law Rules 2004</i> (Cth).</p>

## OTHER CIVIL MATTERS

	Date	Limitation Period	Extensions/Supervisions
<b>FAMILY LAW CONTINUED...</b>			
	From 11/6/96	<p><b>In relation to claims for child bearing expenses</b> (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> <p><b>Child abduction</b></p> <p><b>For orders regarding return of a child:</b> 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>	<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.</p> <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.</p>
<b>FAMILY PROVISION</b>			
	Date of death from 1/9/83 to 28/2/09	<p><b>Applications for family provision orders</b></p> <p>An application for a family provision order must be filed within 18 months from the date of death: s16(1) <i>Family Provision Act 1982</i></p> <p>Note: The Court may order that a shorter period applies: s17 <i>Family Provision Act 1982</i></p>	<p>The Court may allow an application to be made outside the prescribed period if the parties consent or if sufficient cause is shown: s16(3) <i>Family Provision Act 1982</i></p> <p>See s16(5) <i>Family Provision Act 1982</i> if the date of death is unknown</p>
	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: 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>
	Date of death on or after 1/3/10	<p><b>Intestate Estates - Acquisition of Property by Spouse where Issue not of the Spouse:</b></p> <p>The spouse must exercise the election to acquire property:</p> <ul style="list-style-type: none"> <li>• within 3 months after the date of the s116 notice; or</li> <li>• 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) of the <i>Succession Act 2006</i></li> </ul>	<p>The Court may extend the time for making the election if there is sufficient cause: s117(2) <i>Succession Act 2006</i>.</p> <p>This discretion may not be exercised after the administration of the estate has been completed: s117(3) <i>Succession Act 2006</i></p>



## OTHER CIVIL MATTERS

Date	Limitation Period	Extensions/Supervisions
<b>FAMILY PROVISION CONTINUED...</b>		
	<p><b>Intestate Estates – Dividing Property between Spouses Equally:</b> Unless a distribution agreement or notice of an application for a distribution order is received within 3 months of issuing a distribution notice, the personal representative will make an equal division of property between multiple spouses: s125(2) <i>Succession Act 2006</i></p> <p><b>Intestate Estates – Distribution Orders</b> 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></p> <p><b>Intestate Estates - Indigenous Persons</b> 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></p>	<p>The application must be made within time <i>unless</i> the Court otherwise allows: s126(2) <i>Succession Act 2006</i></p> <p>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>.</p>
<b>JUDGMENTS (ENFORCEMENT OF)</b>		
	<p>12 years from date judgment first becomes enforceable: s17 <i>Limitation Act 1969</i></p> <p>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),</p> <p>For foreign judgments, 6 years after date of judgment: s6 <i>Foreign Judgments Act 1973</i> and s6 <i>Foreign Judgments Act 1991</i> (Cth)</p>	s6(5) <i>Foreign Judgments Act 1991</i> (Cth)
<b>MEDICAL NEGLIGENCE</b> See “Personal Injuries (common law claims)” on page 2		
<b>MISLEADING AND DECEPTIVE CONDUCT - actions for damages (see also “Torts”)</b>		
<b>1. NSW</b>	<p>For conduct prior to 1/1/11</p> <p>6 years after the date the cause of action accrues: s68(2) <i>Fair Trading Act 1987</i></p>	
	<p>From 1/1/11</p> <p>6 years after the date the cause of action accrues: ss236(2) and 237(3) <i>Australian Consumer Law</i></p> <p>This does not apply to personal injury actions: s74 <i>Fair Trading Act 1987</i> (See “Personal Injuries” above)</p>	
<b>2. Commonwealth</b>	<p>For conduct prior to 1/1/11</p> <p>6 years after the date the cause of action accrues: s82(2) and s87(1CA) <i>Trade Practices Act 1974</i> (Cth)</p> <p>See ss82(1B), 87CB, 87CC and 87CD <i>Trade Practices Act 1974</i> for the application of proportionate liability</p>	
	<p>From 1/1/11</p> <p>6 years after the date on which the cause of action accrued: ss236(2) and 237(3) <i>Australian Consumer Law</i></p> <p>See ss87CB, 87CC and 87CD <i>Competition and Consumer Act 2010</i> (Cth) for the application of proportionate liability</p>	
<b>MISLEADING AND DECEPTIVE CONDUCT - Financial Services</b>		
	<p>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)</p> <p>See s12GF(1B) <i>Australian Securities and Investments Commission Act 2001</i> for the application of proportionate liability</p>	

## OTHER CIVIL MATTERS

	Date	Limitation Period	Extensions/Supervisions
<b>PRODUCT LIABILITY</b> (see also "Torts")			
<b>1. NSW</b> Actions for damages (see also "Torts")  Against manufacturers and importers	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)  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>  Otherwise: 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 good: s143(1) <i>Australian Consumer Law</i>  This is subject to a 10 year long-stop: see s143(2) <i>Australian Consumer Law</i>	
<b>2. Commonwealth</b> 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>  Note: See ss82(IB), 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	
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 (s87(F)(1A) <i>Competition and Consumer Act 2010</i> )  See the definition of "date of discoverability": s87G <i>Competition and Consumer Act 2010</i> .	<b>See ss87H, 87J and 87K <i>Competition and Consumer Act 2010</i> (Cth) for extensions and stay of limitation</b>
<b>RECTIFICATION OF WILLS</b>			
	Date of death before 1/3/08	An application for an order for rectification of a will must be filed within 18 months from the date of death of the testator: s29A(2) <i>Wills Probate and Administration Act 1898</i>	<b>The Court may grant leave to make an application after the expiration of the 18 month period if sufficient cause is shown: s29A(3) <i>Wills Probate and Administration Act 1898</i></b>
	Date of death from 1/3/08 to 28/2/09	An application for an order for rectification of a will must be filed within 18 months from the date of death of the testator: s27(2) <i>Succession Act 2006</i>	<b>The Court may extend the period if it considers it necessary and the final distribution of the estate has not been made: s27(3) <i>Succession Act 2006</i></b>

## OTHER CIVIL MATTERS

Date	Limitation Period	Extensions/Supervisions
<b>RECTIFICATION OF WILLS CONTINUED...</b>		
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>	<b>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></b>
<b>RETAIL LEASES</b>		
<b>NSW Civil and Administrative Tribunal</b>	<p>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></p> <p>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></p> <p>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></p> <p>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></p>	
<b>SUPERANNUATION CLAIMS</b>		
	<p><b>Superannuation Complaints Tribunal</b></p> <p><b><i>Certain complaints to comply with written notice period</i></b></p> <p>A complaint to the Superannuation Complaints Tribunal (<b>Tribunal</b>) about the decision of:</p> <ol style="list-style-type: none"> <li>1. a trustee of a fund (s14(3) <i>Superannuation (Resolution of Complaints) Act 1993</i> (Cth));</li> <li>2. an insurer under an annuity policy (s15B(2)-(3) <i>Superannuation (Resolution of Complaints) Act 1993</i> (Cth));</li> <li>3. a retirement savings account provider (s15F(2) – (3) <i>Superannuation (Resolution of Complaints) Act 1993</i> (Cth)); or</li> <li>4. an insurer under a contract of insurance (s15J(2) – (3) <i>Superannuation (Resolution of Complaints) Act 1993</i> (Cth)),</li> </ol> <p>in relation to the payment of a death benefit, must be made within the period prescribed in a written notice to the complainant.</p> <p>Note: The Tribunal will not deal with any of the above complaints unless the complainant has previously attempted to have the matter resolved – see s19 <i>Superannuation (Resolution of Complaints) Act 1993</i> (Cth)</p> <p><b><i>Complaints about payments of total and permanent disability benefits - decisions of insurers</i></b></p> <ol style="list-style-type: none"> <li>1. A complaint to the Tribunal about a decision of an insurer relating to the payment of a disability benefit because of total and permanent disability must be made within one year from the date the decision was made: s15J(5) <i>Superannuation (Resolution of Complaints) Act 1993</i> (Cth).</li> <li>2. If, before the making of the decision, the person permanently ceased employment because of the physical or mental condition that gave rise to the claim for the disability benefit, the claim must have been lodged with the insurer within one year from the date that they permanently ceased that employment: s15J(6) <i>Superannuation (Resolution of Complaints) Act 1993</i> (Cth)</li> </ol>	<p><b>Note that the Tribunal does not have a discretion to extend the time limit that applies to complaints about the payment of total and permanent disability benefits</b></p>



## OTHER CIVIL MATTERS

Date	Limitation Period	Extensions/Supervisions
<b>SUPERANNUATION CLAIMS CONTINUED...</b>		
<p>Trustee's decision made from 1/11/94 to 30/6/13</p> <p>Trustee's decision made on or after 1/7/13</p>	<p>Note: The Tribunal will not deal with a complaint under s15J unless the complainant has previously attempted to have the matter resolved – see s19(4) <i>Superannuation (Resolution of Complaints) Act 1993</i> (Cth)</p> <p><b>Complaints about payments of total and permanent disability benefits - decisions of trustees</b></p> <ol style="list-style-type: none"> <li>1. A complaint to the Tribunal about the decision of a trustee of a superannuation fund or approved deposit fund relating to the payment of a disability benefit because of total and permanent disability must be made within 2 years from the date the decision was made: s14(6A)(b) <i>Superannuation (Resolution of Complaints) Act 1993</i> (Cth)</li> <li>2. A complaint to the Tribunal about the decision of a trustee of a superannuation fund or approved deposit fund relating to the payment of disability benefit because of total and permanent disability: <ul style="list-style-type: none"> <li>• must be made within 4 years from the date the decision was made if the decision relates to a person who, before the making of the decision, permanently ceased employment because of the physical or mental condition that gave rise to the claim for the disability benefit: s14(6A)(a) <i>Superannuation (Resolution of Complaints) Act 1993</i> (Cth);</li> <li>• must be made within 6 years from the date the decision was made in any other case: s14(6A)(b) <i>Superannuation (Resolution of Complaints) Act 1993</i> (Cth)</li> </ul> </li> </ol> <p>Note: If, before the making of the decision, the person permanently ceased employment because of the physical or mental condition that gave rise to the claim for the disability benefit, the claim must have been lodged with the trustee within 2 years from the date that they permanently ceased that employment: s14(6B) <i>Superannuation (Resolution of Complaints) Act 1993</i>(Cth)</p> <p><b>Limitation period for other complaints</b></p> <p>A complaint to the Tribunal (other than a complaint about a decision relating to a disability benefit because of total and permanent disability or a complaint to which a specific regime applies (see above)) must be brought within 12 months from the date the decision or conduct to which the complaint relates: s22(3) <i>Superannuation (Resolution of Complaints) Act 1993</i> (Cth)</p> <p><b>Claims under general law</b></p> <p>Note that the above relates to complaints brought before the Superannuation Complaints Tribunal under the <i>Superannuation (Resolution of Complaints) Act 1993</i> (Cth). Different limitation periods may apply in relation to causes of action brought before a Court under general law</p> <p><b>Appeals to the Federal Court</b></p> <ol style="list-style-type: none"> <li>1. A party may appeal to the Federal Court, on a question of law, from the determination of the Tribunal: s46(1) <i>Superannuation (Resolution of Complaints) Act 1993</i> (Cth)</li> <li>2. An appeal must be instituted 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(2)(a) <i>Superannuation (Resolution of Complaints) Act 1993</i> (Cth)</li> </ol>	<p>An extension may, in particular circumstances, be available under s22(3) <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>

## OTHER CIVIL MATTERS

	Date	Limitation Period	Extensions/Supervisions
<b>TORTS</b>			
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>	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	
<b>UNFAIR DISMISSAL</b>			
<b>1. NSW</b>	From 1991 to 1/9/96	21 days after termination or before termination if threat of termination: s246(2) <i>Industrial Relations Act 1991</i>	<b>s246(3) and (4) <i>Industrial Relations Act 1991</i></b> <b>s85(3) <i>Industrial Relations Act 1996</i> – if “sufficient reason” to do so</b> <b>s242(3) <i>Workers Compensation Act 1987</i></b>
	From 2/9/96	21 days after the dismissal of the employee: s85(1) <i>Industrial Relations Act 1996</i>  <b>Note 1: Reinstatement of dismissed injured employee:</b> The IRC may not make a reinstatement order “except in special circumstances” in respect of a dismissed injured employee who has applied unsuccessfully to the employer for reinstatement if the application to the employer was made more than 2 years after the injured employee was dismissed: s242 <i>Workers Compensation Act 1987</i> . The IRC may extend the time in “special circumstances”  <b>Note 2: An application to an industrial court for payment of money</b> (under Part 2 of Chapter 7 <i>Industrial Relations Act 1996</i> ) must be made within 6 years from the date the money became due (s369(3))	
	From 27/3/06	<b>Note 3: Unincorporated or State employer:</b> Where an employee’s employment is terminated and the employer either is unincorporated or is a State Government Instrumentality, the employee has a right, notwithstanding commencement of the <i>Workplace Relations Amendment (Work Choices) Act 2005</i> (Cth), to institute unfair dismissal proceedings against the employer pursuant to s85(1) of the <i>Industrial Relations Act 1996</i> within 21 days after termination or at any time prior to termination if a threat of termination is made  <b>Note 4: High Court decision:</b> On 14 November 2006 the High Court held that the Constitution did give the Commonwealth Parliament the requisite legislative power to enact the <i>Workplace Relations Amendment (Work Choices) Act 2005</i> (Cth) legislation (see <i>New South Wales and Ors v Commonwealth of Australia</i> [2006] HCA 52 at [462])	
	From 1/9/80	<b>Note 5: GREAT:</b> The Government and Related Employees Appeal Tribunal (GREAT) is an alternative jurisdiction to the NSW IRC for unfair dismissal claims for NSW public servants who must elect whether to prosecute an unfair dismissal claim before GREAT or before the NSW IRC. <i>The GREAT Act 1980</i> s29(2) provides that applications must be lodged within 28 days but there is no power for GREAT to grant an extension of time	
	From 1/1/12	2 years after discriminatory conduct (which includes dismissal for a prohibited reason) where criminal proceedings are commenced the District Court may order reinstatement – s111(b)(i) or (ii) <i>Work Health and Safety Act 2011</i>  1 year after discriminatory conduct (which includes dismissal for a prohibited reason) where civil proceedings are commenced the District Court may order reinstatement - s112(3)(c)(i) and (ii) and s113 <i>Work Health and Safety Act 2011</i>	

## OTHER CIVIL MATTERS

	Date	Limitation Period	Extensions/Supervisions
<b>UNFAIR DISMISSAL CONTINUED...</b>			
<b>2. Commonwealth</b>	Application to Commission for Reinstatement of Dismissed Injured Employee NSW Unfair Contract NSW Unfair Contract NSW	From 2/9/96  2 years after the injured employee was dismissed: s242(3) <i>Workers Compensation Act 1987</i>	s242(3) <i>Workers Compensation Act 1987</i> – “special circumstances”
		From 24/6/02  12 months after the termination of the contract: s108B(1) <i>Industrial Relations Act 1996</i>	From 9/12/05 the Commission may accept an application made within 3 months after the time prescribed in s108B(1) if the applicant satisfies the Commission there are exceptional circumstances: s108B(3) <i>Industrial Relations Act 1996</i>
		From 31/12/96 to 26/3/06  21 days from the day on which the termination took effect or notice of decision to terminate was given: s170CE(7) and (7A) <i>Workplace Relations Act 1996</i> (Cth)	s170CE(7) and (7A) <i>Workplace Relations Act 1996</i> (Cth) – on the principles in <i>Brodie-Hanns v MTV Publishing Ltd</i> (1995) 67 IR 298 including that “there is an acceptable explanation of the delay which makes it equitable to so extend.”
		From 27/3/06 to 30/6/09  21 days from the day on which the termination took effect or notice of decision to terminate was given: s643(14) and (15) of the <i>Workplace Relations Act 1996</i> (Cth) as amended by the <i>Workplace Relations Amendment (Work Choices) Act 2005</i> (Cth)  Note: The right to issue an application to the Commission is restricted to employees as defined by the Act and who are engaged by corporations employing 100 or more employees: ss643(1) and (10)	s643(15) <i>Workplace Relations Act 1996</i> (Cth) as amended by the <i>Workplace Relations Amendment (Work Choices) Act 2005</i> (Cth) – on the principles in <i>Brodie-Hanns v MTV Publishing Ltd</i> (1995) 67 IR 298 including that “there is an acceptable explanation of the delay which makes it equitable to so extend.”
		From 1/7/09 to 31/12/12  14 days after dismissal took effect s394(2) <i>Fair Work Act 2009</i> (Cth) An application for orders for breach of: (a) a civil remedy provision; (b) a safety net contractual entitlement; (c) an entitlement arising under subsection 542(1) <i>Fair Work Act 2009</i> (Cth),  must be made within 6 years after the day on which the contravention occurred.  General Protection Court Applications:  An application to Fair Work Australia (FWA) under s365 <i>Fair Work Act 2009</i> (Cth) (involving a dismissal): within 60 days of dismissal or “within such further period” as FWA allows  Where a Section 369 certificate is required, and application to FWA has been made within 60 days of alleged breach of general protections an application must be made within 14 days after issue of s369 certificate by FWA	Within such period as the FWA allows if there are exceptional circumstances s394(2) and (3) <i>Fair Work Act 2009</i> (Cth)  s366 <i>Fair Work Act 2009</i> (Cth)  s371(2) <i>Fair Work Act 2009</i> (Cth)

## OTHER CIVIL MATTERS

	Date	Limitation Period	Extensions/Supervisions
<b>UNFAIR DISMISSAL CONTINUED...</b>			
Unfair Dismissal Appeal	From 1/7/09 to 31/12/12 Continued...	FWA must not grant permission to appeal from a decision unless it is in the public interest to do so and if the appeal is based on an error of fact ss400(1)-(2) <i>Fair Work Act 2009</i> (Cth)  A person aggrieved by a decision made by FWA (other than a decision of the Full bench or the Minimum Wage Panel) or by the General Manager (or delegate) may appeal the decision with the permission of FWA if it is in the public interest to do so: ss604(1)-(2) <i>Fair Work Act 2009</i> (Cth)  Questions of law to be appealed to the Federal Court: s608 <i>Fair Work Act 2009</i> (Cth) within 21 days: Order 52 Rule 15 of the Federal Court Rules	<b>If there is a “special reason” Order 52 Rule 15(2) of the Federal Court Rules</b>
	From 01/01/13 to 5/12/13	An appeal to the Full Bench of the Fair Work Commission (FWC) may be instituted within 21 days after the date of the decision: rule 12.3(a) of the <i>Fair Work Australia Rules 2010</i> (Cth) the FWC must not grant permission to appeal unless it is in the public interest to do so and the appeal is based on an error of fact: ss400(1)-(2) <i>Fair Work Act 2009</i> (Cth)	<b>On application to the FWC, within such time as is allowed where there are good reasons for doing so: rule 12.3(b) of the <i>Fair Work Australia Rules 2010</i> (Cth) and [22] of the FWC Practice Note: Appeal Proceedings</b>
General Protections Application involving a dismissal	From 6/12/13	Within 21 calendar days after the date of the decision or order, an appeal may be instituted to the Full Bench of the FWC by lodging a notice of appeal: 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)	<b>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</b>
	From 01/01/13	An Application to the FWC under s365 <i>Fair Work Act 2009</i> (Cth) (involving a dismissal): within 21 days of dismissal or “within such further period” as the FWC allows: s366(1) <i>Fair Work Act 2009</i> (Cth)	<b>Within such period as the FWC allows if there are exceptional circumstances s366(1)(b) and (2) <i>Fair Work Act 2009</i> (Cth)</b>
General Protections Applications to the Court <i>after</i> making a General Protections Application to the Fair Work Commission involving a dismissal	From 01/01/13 to 31/12/13	A General Protections Court Application involving a dismissal must be made within 14 days after issue of a s369 certificate by the FWC: s371(2) <i>Fair Work Act 2009</i> (Cth). A s369 certificate cannot be issued unless a general protections application has been made to the FWC in accordance with s366 of the <i>Fair Work Act 2009</i> (Cth).	<b>Within such further period as the Federal Circuit Court of the Federal Court allows: s371(2) <i>Fair Work Act 2009</i> (Cth)</b>
	From 01/01/14	Within 14 days after the day the FWC issues a certificate under s368(3)(a) <i>Fair Work Act 2009</i> (Cth), 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)(c)(i) <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)(ii) <i>Fair Work Act 2009</i> (Cth).	<b>Within such period as the FWC allows: s369(1)(c)(i) <i>Fair Work Act 2009</i> (Cth)</b>  <b>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</b>
Unlawful Termination Application	From 01/01/13 to 31/12/13	Only if a person is not entitled to make a General Protections Court Application in relation to the conduct, an application to the FWC to deal with the dispute must be made within 60 days after employment was terminated: s774(1)(a) <i>Fair Work Act 2009</i> (Cth)	<b>Within such period as the FWC allows if there are exceptional circumstances s774(1)(b) and (2) <i>Fair Work Act 2009</i> (Cth)</b>

## OTHER CIVIL MATTERS

	Date	Limitation Period	Extensions/Supervisions
<b>UNFAIR DISMISSAL CONTINUED...</b>			
Unlawful Termination Application	From 01/01/13 to 5/12/13	An Unlawful Termination Court Application must be made within 14 days after issue of a s777 certificate by the FWC: s779(2) <i>Fair Work Act 2009</i> (Cth). A s777 certificate cannot be issued unless an unlawful termination application has been made to the FWC in accordance with s774 of the <i>Fair Work Act 2009</i> (Cth).	<b>Within such further period as the Federal Circuit Court or Federal Court allows: s779(2) <i>Fair Work Act 2009</i> (Cth)</b>
	From 1/1/14	<p>Within 21 days after employment was terminated, an application for the FWC to deal with a dispute under s773 <i>Fair Work Act 2009</i> (Cth) may be made: 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 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): s777(1)(c)(i) <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): s778(a)(ii) <i>Fair Work Act 2009</i> (Cth)</p>	<p><b>Provided there are exceptional circumstances, within such further period as the FWC allows under s774(2) <i>Fair Work Act 2009</i> (Cth): s774(1)</b></p> <p><b>(b) <i>Fair Work Act 2009</i> (Cth) Within such period as the FWC allows: s777(1)(c)(i) <i>Fair Work Act 2009</i> (Cth)</b></p> <p><b>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</b></p>
Application for an order to stop bullying under P6-4B <i>Fair Work Act 2009</i> (Cth)	From 1/1/14	<p>s789FC of the <i>Fair Work Act 2009</i> (Cth) allows a worker as defined to make an application to the FWC for an order to stop bullying occurring. The application must be made, and the proceedings conducted, while the worker remains "at work". In the case of an employee, this would be while the person remains an employee of the business or undertaking: <i>Shaw v Australia and New Zealand Banking Group Limited T/A ANZ Bank; Haines</i> [2014] FWC 3408</p> <p>Note: The FWC is expressly prohibited from making compensation orders in relation to bullying: s789FF(1) <i>Fair Work Act 2009</i> (Cth)</p>	
Other Fair Work Act 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), 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	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) may appeal the decision with the permission of the FWC. If the Commission is satisfied 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)	

## OTHER CIVIL MATTERS

	Date	Limitation Period	Extensions/Supervisions
<b>UNFAIR DISMISSAL CONTINUED...</b>			
General notes on appealing Fair Work Commission decisions (continued)	From 1/1/13	Note: <i>The Fair Work Act 2009</i> (Cth) appeal provisions in relation to appeals where the public interest criterion of s604(2) is not met are intended to embrace the historical case law that dealt with seeking leave to appeal.	





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