



Schedule of Limitation Periods in Civil Matters

in New South Wales

Edition No. 20

Current at August 2013

Schedule of Limitation Periods in Civil Matters in New South Wales

Edition No. 20
Current at August 2013

Contents

PERSONAL INJURY

Common Law Claims	1
Aircraft.....	1
Compensation to Relatives.....	1
Dust Diseases.....	1
Motor Accidents	2
Product Liability.....	3
Ships	3
Sporting Injuries	3
Victims Compensation.....	3
Work Injuries	4

OTHER CIVIL MATTERS

Appeals	8
Building and Subdivision	8
Consumer Claims.....	10
Contract	11
De Facto Relationships	11
Defamation	11
Discrimination.....	11
Family Law	12
Family Provision.....	12
Judgments	13
Medical Negligence	13
Misleading and Deceptive Conduct.....	13
Product Liability.....	15
Rectification of Wills.....	18
Retail Leases	18
Superannuation Claims.....	18
Torts.....	19
Unfair Dismissal	20

Schedule of Limitation Periods in Civil Matters in New South Wales

Edition No. 20
Current at August 2013

PERSONAL INJURY

page 01

	Date	Limitation Period	Extensions available
PERSONAL INJURIES (common law claims) (Excluding <i>Motor Accidents Compensation Act 1999</i> and <i>Motor Accidents Act 1988</i>) (For motor accidents, see below)	Pre 1/9/90	6 years from date when cause of action accrues: s14 <i>Limitation Act 1969</i> Latent injury - see below	ss58 and 59 <i>Limitation Act 1969</i> and see also ss52–56
	From 1/9/90 to 5/12/02	3 years from date when cause of action accrues: s18A <i>Limitation Act 1969</i> Latent injury – 3 years from becoming aware of the matters in s60I <i>Limitation Act 1969</i> : s60F, s60G and Schedule 5 <i>Limitation Act 1969</i> Minors – limitation period is suspended until minor reaches 18 years: s11(3) (definition) and s52(1)(d) <i>Limitation Act 1969</i>	ss52–56 <i>Limitation Act 1969</i> and s60A, s60B, s60C, s60E s60F, s60G, s60K and s60I <i>Limitation Act 1969</i> s52(1)(e) <i>Limitation Act 1969</i>
	From 6/12/02	First to expire of: (a) 3 years from the date when the cause of action is discoverable: s50C(1)(a) <i>Limitation Act 1969</i> ; or (b) 12 years from time when act or omission causing injury or death occurred: s50C(1)(b) <i>Limitation Act 1969</i> 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) Minors injured by parent or guardian or “close associate” of parent or guardian - a special (and longer) limitation period applies: s50E(1)(a) and (b) <i>Limitation Act 1969</i> Incapacitated person - limitation period not suspended if person is a “protected person”: s50F(2)(b) <i>Limitation Act 1969</i> Latent injuries - no special provisions	s62A, s62B and s51 <i>Limitation Act 1969</i> s62A, s62B, s62D and s51 <i>Limitation Act 1969</i>
AIRCRAFT	From 1/7/59	For claims for injury or death: • 2 years from date of arrival of aircraft at destination or, where aircraft does not arrive at destination, 2 years from: (a) the date on which aircraft ought to have arrived; or (b) the date on which the carriage stopped, whichever is the later: s34 <i>Civil Aviation (Carriers' Liability) Act 1959</i> (C'th). See also s5 of the <i>Civil Aviation (Carriers' Liability) Act 1967</i> For claims for injury or death from things falling from aircraft see <i>Damage by Aircraft Act 1999</i> (C'th) For claims for damage to, or loss or destruction of, baggage, the limitation period is 2 years as stipulated above. Periods for making a notice of claim range from 3 days to 21 days, see s30(2) <i>Civil Aviation (Carriers' Liability) Act 1959</i> (C'th)	s30(3) and (4) <i>Civil Aviation (Carriers' Liability) Act 1959</i> (C'th)
COMPENSATION TO RELATIVES (Excluding <i>Motor Accidents Compensation Act 1999</i> and <i>Motor Accidents Act 1988</i>) (For motor accidents, see below)	Pre 1/9/90	6 years from date of death where cause of action accrued before 1/9/90: s19(1)(a) <i>Limitation Act 1969</i>	s60, s60F, s60I and Schedule 5 <i>Limitation Act 1969</i>
	From 1/9/90 to 5/12/02	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>	s60, s60D, s60E, s60F, s60H and s60I <i>Limitation Act 1969</i>
	From 6/12/02	First to expire of: (a) 3 years from date when cause of action discoverable; or (b) 12 years from death of deceased: s50C(1)(a) and (b) and (3) <i>Limitation Act 1969</i>	s62A, s62B, s62C and s51 <i>Limitation Act 1969</i>
DUST DISEASES	Any claim whenever occurring	No limitation period: s12A <i>Dust Diseases Tribunal Act 1989</i> Note: If proceedings are not commenced in the Tribunal before the death of the injured person then no damages are recoverable by the estate for non-economic loss and the estate's claim for economic loss may be reduced: s12B <i>Dust Diseases Tribunal Act 1989</i> and s2 <i>Law Reform (Miscellaneous Provisions) Act 1944</i>	Not applicable. Has no limitation period

Schedule of Limitation Periods in Civil Matters in New South Wales

Edition No. 20
Current at August 2013

PERSONAL INJURY

page 02

	Date	Limitation Period	Extensions available
MOTOR ACCIDENTS	Pre 1/7/87	6 years from date of accident: s14 <i>Limitation Act 1969</i>	s58 <i>Limitation Act 1969</i>
	From 1/7/87 to 31/12/95	3.5 years from accident/death: s52(4) - <i>Motor Accidents Act 1988</i> (MAA)	s52(4) MAA
	From 1/1/96 to 4/10/99	3 years from accident/death – s52(4) MAA Note: • Report to police within 28 days of accident – s42(1) MAA • Notice of claim within 6 months of accident/death – s43(2) MAA • No commencement of proceedings within 6 months of notice of claim – s52(1) and (2) MAA • No commencement of proceedings within 90 days of complying with s50A or within 28 days of responding to offer – s52(1A) and (2) MAA	s52(4) MAA s42 MAA s43A MAA (for claims after 1/1/94) s52(4A) MAA (for claims on or after 1/1/96)
	From 5/10/99	<i>Motor Accident Compensation Act 1999</i> (MACA) • Claimant must report accident to police – s70 MACA • Claim must be made within 6 months of accident or death. If not done, claimant must provide full and satisfactory explanation – s72 MACA • Principal limitation period of 3 years – not including time when claimant referred to a claims assessor and exemption up until 2 months after certificate as to assessment or exemption is issued – s109 MACA • Note: Referral to MAS does not suspend time under s109 MACA Note: Any suspension of time for minors under s52(1)(d) of the <i>Limitation Act 1969</i> is excluded 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	s109 MACA s110(4) and (5) MACA
	From 1/10/06 for children under 16 (Clause 4 of <i>Motor Accidents (Lifetime Care and Support) Regulation 2006</i>) and from 1/10/07 for persons 16 and over	Where a person qualifies and is an interim participant in the Lifetime Care and Support Scheme, time in respect of lodging a claim for damages will not run: s11 <i>Motor Accidents (Lifetime Care and Support) Act 2006</i> Note: A person who has suffered a motor accident injury as a result of a motor accident occurring before the relevant Scheme commencement date may be accepted as a lifetime participant pursuant to paying an agreed contribution to the Fund	
	For claims made on or after 1/10/08	<i>Motor Accidents Compensation Act 1999</i> (MACA) • Claimant must report the accident to police within 28 days after the motor accident, unless a police officer attended the motor accident (“the police accident report requirement”) – s70(1) MACA • A person who makes a claim must provide the insurer with a full and satisfactory explanation for any non-compliance with the police accident reporting requirement s70(2) MACA • The claim cannot be referred for assessment under Part 4.4 if the police accident reporting requirement has not been complied with, unless the insurer has lost the right to reject the claim by either: (i) failing to reject the claim within 2 months of receipt on the ground of that non-compliance, or (ii) failing to ask for a full and satisfactory explanation for the non-compliance, or (iii) a claims assessor has assessed that sufficient cause existed to justify the delay in reporting the accident to a police office and a report was made within a reasonable period in the circumstances, or	s109(1), (3) and (4) MACA

Schedule of Limitation Periods in Civil Matters in New South Wales

Edition No. 20
Current at August 2013

PERSONAL INJURY

page 03

	Date	Limitation Period	Extensions available
MOTOR ACCIDENTS CONTINUED...	For claims made on or after 1/10/08 CONTINUED	(iv) the claim is exempt from assessment under Part 4.4 - s70 MACA - The insurer may apply to have a proceeding dismissed on the ground of non-compliance with the police accident report requirement within 2 months of the service of the statement of claim - s70 MACA - Claim must be made within 6 months of accident or death. If not done, claimant must provide full and satisfactory explanation - s72 MACA - Principal limitation period of 3 years – not including the time when claimant has been referred to the Authority for assessment and until 2 months after a certificate as to assessment or exemption is issued - s109 MACA - Note: Referral to MAS does not suspend time under s109 MACA Note: Any suspension of time for minors under s52(1)(d) of the <i>Limitation Act 1969</i> is excluded 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	s110(4) and (5) MACA If Court is satisfied sufficient cause existed – s110(4) and (5) MACA
PRODUCT LIABILITY		See under “Other Civil Matters”	
SHIPS	From 24/10/1913	For loss or damage on board a ship caused by another ship, 2 years from the date of death or personal injury, date lien arises, date of damage to cargo or freight or property, or, in respect of salvage, the date salvage services rendered were terminated: s396(1) <i>Navigation Act 1912</i> (C'th) See also s22(2) of the <i>Limitation Act 1969</i>	s396(3) of the <i>Navigation Act 1912</i> (C'th) s22(4) of the <i>Limitation Act 1969</i>
	From 31/10/91	1 year from date of payment where enforcing any contribution of an over-paid proportion of damages for death or personal injuries: s396(2) For goods carried by sea, usually 1 year from the date of delivery or date goods should have been delivered: Schedule 1 Article 3, paragraph 6 to the <i>Carriage of Goods by Sea Act 1991</i> (C'th), incorporating the Hague–Visby Rules	As above Schedule 1 Article 3 paragraphs 6 and 6 bis of the <i>Carriage of Goods by Sea Act 1991</i> (C'th) (incorporating the Hague–Visby Rules) provides an extension for such period as the parties may agree and provides an extension for claims for indemnity as applying to a Court seized of jurisdiction provided the period is not less than 3 months
SPORTING INJURY	From 16/2/79	12 months from injury/death: s21(1)(d) <i>Sporting Injuries Insurance Act 1978</i> Note: notice provisions: s20 and definitions: s4	s21(2) <i>Sporting Injuries Insurance Act 1978</i>
VICTIMS COMPENSATION	From 2/4/97	2 years after the relevant 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> Note: Leave to extend the 2 year limitation period may not be given if the application is for statutory compensation for prescribed expenses as defined	Director may grant leave: s26(2), (2A), (2B), (2C) and (3) <i>Victims Support and Rehabilitation Act 1996</i>
	From 3/6/13	An application for financial support or a recognition payment must be made within 2 years after the relevant act of violence or, if the victim was a child when the act of violence occurred, within 2 years after the day on which the child concerned turns 18: s40(1) and s40(4) <i>Victims Rights and Support Act 2013</i>	

Schedule of Limitation Periods in Civil Matters in New South Wales

Edition No. 20
Current at August 2013

PERSONAL INJURY

page 04

	Date	Limitation Period	Extensions available
VICTIMS COMPENSATION CONTINUED...	From 3/6/13 CONTINUED	An application for financial support or a recognition payment may be made by a family victim more than two years after the relevant act of violence that caused the death of the primary victim provided it is made within 2 years after it is established (whether or not by a court) that the primary victim died as a direct result of the relevant act of violence: s40(2) and 40(3) <i>Victims Rights and Support Act 2013</i> An application for a recognition payment in respect of an act of violence involving domestic violence, child abuse or sexual assault must be made within 10 years after the relevant act of violence occurred or, if the victim was a child when the act of violence occurred, within 10 years after the day on which the child concerned turns 18 years of age: s40(5) <i>Victims Rights and Support Act 2013</i> Claims may continue to be made under an application duly made in respect of an act of violence until whichever of the following occurs first: (a) the expiration of the period of 5 years after the application is made, (b) the total maximum amount of financial support that the victim is eligible to receive has been given: s40(6) <i>Victims Rights and Support Act 2013</i> There is no time limit on an application for financial support (being financial assistance of the kind specified in clause 8(2)(b) or (d) of the <i>Victims Rights and Support Regulation 2013</i>) or a recognition payment for a person who is a primary victim of an act of violence that occurs in the course of the commission of a sexual offence against a person who was under 18 years of age: s40(7) <i>Victims Rights and Support Act 2013</i> An application for internal review must be made within 28 days after the day on which the applicant is given notice of the decision: s49 <i>Victims Rights and Support Act 2013</i> An applicant may appeal to the Administrative Decisions Tribunal in respect to the internal review decision regarding a recognition payment: s51 <i>Victims Rights and Support Act 2013</i> An application to the Administrative Decisions Tribunal must be made within 28 days after the day on which the internal review is taken to have been finalised: s55(1)(d) and s55(2) <i>Administrative Decisions Tribunal Act 1997</i>. The internal review is taken to have been finalised if the applicant is notified of the outcome of the review or if the applicant is not notified of the outcome of the review, within 21 days after the application for the review is lodged: s53(9) <i>Administrative Decisions Tribunal Act 1997</i>.	s57 Administrative Decisions Tribunal Act 1997
WORK INJURIES 1. NSW (A) Workers' Compensation Proceedings	From 1/7/87 to 1/8/98	Compensation may not be recovered under the Act unless notice of injury is given to the employer ASAP after injury and before worker voluntarily leaves employment: s61(1) <i>Workplace Injury Management and Workers Compensation Act 1998</i> (WIMA)* *s61(1) WIMA provisions were formerly contained in s88 of <i>Workers Compensation Act 1987</i> (WCA) (repealed upon the commencement of WIMA, by the <i>Workers Compensation Legislation Amendment Act 1998</i> which commenced 1/8/98 but applies to injuries sustained on or after 1/7/87 but not brought as a proceeding until after 1/8/98)	s61(2) WIMA

Schedule of Limitation Periods in Civil Matters in New South Wales

Edition No. 20
Current at August 2013

PERSONAL INJURY

page 05

	Date	Limitation Period	Extensions available
WORK INJURIES 1. NSW (A) Workers' Compensation Proceedings CONTINUED... (B) Common Law Proceedings/ Work Injury Damages" (see s250 WIMA)	From 1/7/87 to 31/12/01	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: s65(13) WIMA** Exception – see s65(15) WIMA** Note: All lump sum claims for bodily impairment/losses and pain and suffering are to be made at the same time (as far as practicable): s65(6) WIMA** ** s65(6) WIMA provisions were formerly contained in s92 WCA (repealed upon the commencement of WIMA by the Workers Compensation Legislation Amendment Act 1998, which commenced 1/8/98, but applies to injuries sustained on or after 1/7/87, but not brought as a proceeding until after 1/8/98)	s65(12), (13), (14) and (15) WIMA
	Injuries and claims on or after 1/1/02	Notice of an injury must be given to employer ASAP and before worker voluntarily leaves employment: s254(1) WIMA Claim for compensation must be made within six months of injury or death: s261(1) WIMA Note: All lump sum claims for bodily impairment/losses and pain and suffering are to be made at the same time (as far as practicable): s263(1) WIMA Note: Appeal against a medical assessment must be made within 28 days after the assessment: s327(5) and (7) WIMA	s254(2) to (4) WIMA s261(4), (5), (6) and (7) WIMA s327(5) WIMA "special circumstances"
	Pre 1/7/87	6 years from date when cause of action accrues: s14 Limitation Act 1969 where proceedings filed before 1/7/87	s58 and s59 Limitation Act 1969 See also ss52–56 Limitation Act 1969
	Where proceedings have been filed prior to 27/11/01	<i>The Workers Compensation Amendment (Transitional) Regulation 2007</i> , Schedule 1, amends the <i>Workers Compensation Legislation Further Amendment Act 2001</i> in respect to Workers Compensation Common Law proceedings which were discontinued or struck out during the period between 27/05/01 and 27/11/01 for breach of the then Section 151C The regulation provides that claimants who had issued a proceeding prior to 27/11/01 and which were struck out because the proceeding was commenced within 6 months of injury are now entitled to claim lump sum benefits pursuant to Section 66 and 67 of the <i>Workers Compensation Act 1987</i> , and/or to seek work injury damages where the 15% whole person threshold is met (see the applicable mechanism and criteria below)	
	Where proceedings have not been filed prior to 27/11/01 (regardless of accident date)	1. 3 years from the date of injury except with the leave of the Court: s151D(2) WCA 2. 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 3. A claim for lump sum compensation must be made at the same time or prior to a claim for work injury damages: s280A WIMA 4. Compensation, including work injury damages, may not be recovered unless a claim for compensation has been made for the work injury within 6 months after the injury, accident or date of death: s261(1) WIMA	s65(12), (13), (14) and (15) and s261(4), (5), (6) and (7) WIMA

Schedule of Limitation Periods in Civil Matters in New South Wales

Edition No. 20
Current at August 2013

PERSONAL INJURY

page 06

	Date	Limitation Period	Extensions available
WORK INJURIES CONTINUED...	Where proceedings have not been filed prior to 27/11/01 (regardless of accident date) CONTINUED	5. Note: This has altered previous provision under s151C WCA whereby work injury damages are not available unless a statutory claim for compensation is made as required 6. For injuries after 1/1/02 notice of injury must be given to employer ASAP and before worker voluntarily leaves employment: s254(1) WIMA 7. No damages are payable unless the injury results in death or in a degree of permanent impairment that is at least 15%: s151H(1) WCA. This permanent impairment is assessed according to the WorkCover Guides for the Evaluation of Permanent Impairment: s322 WIMA. When determining the 15% permanent impairment threshold, the assessment of permanent impairment resulting from physical injury is to be assessed separately from permanent impairment resulting from psychological injury s151H(2) WCA. It is intended the Plaintiff and Defendant may reach agreement on this issue: s313 and s314 WIMA 8. If the degree of permanent impairment is disputed, proceedings cannot be instituted nor can a pre-filing statement ("PFS") be served until the impairment has been assessed by an AMS pursuant to s313 WIMA 9. Court proceedings cannot be commenced unless a PFS has been served on the defendant: s315 WIMA 10. However s315(2) WIMA provides that a PFS cannot be served unless: (a) defendant wholly disputes liability for the claim; (b) defendant has made an offer of settlement as required by s281 WIMA (that is within one month of permanent impairment being determined or two months of particulars being provided, whichever is the later) and one month has elapsed since offer; or (c) defendant has failed to determine the claim as required by s281 WIMA 11. If a defendant asserts a PFS is defective the defendant must notify the plaintiff within 7 days of service of the PFS: s317(1) WIMA. The plaintiff has to respond within 7 days by serving an advice accepting or denying the alleged defects: Rule 17.7(1) <i>Workers Compensation Commission Rules 2006</i> (WCCR). If the defendant has not within 7 days notified the plaintiff that the defendant no longer alleges the PFS is defective, the plaintiff must lodge the PFS, the defendant's notice, the plaintiff's advice and a request to the Registrar pursuant to s317(2) WIMA. A plaintiff's failure to comply with Rule 17.7(1) and (2) means the PFS is taken not to have been served: Rule 17.7(3) WCCR. (Note: The WCCR commenced on 1 November 2006 and apply to proceedings commenced before or after that date) 12. If the plaintiff refers to the Commission the determination of the defect s/he must lodge a certificate certifying service of the referral to the Commission within 2 working days: Rule 17.7(4) WCCR 13. Defendant must respond to PFS within 28 days or plaintiff can refer to mediation in the Workers Compensation Commission. If no response within 42 days defendant is precluded from filing a Defence denying liability: s316 WIMA/s318 WIMA	s254(2) and (3) WIMA

Schedule of Limitation Periods in Civil Matters in New South Wales

Edition No. 20
Current at August 2013

PERSONAL INJURY

page 07

	Date	Limitation Period	Extensions available
WORK INJURIES CONTINUED...	Where proceedings have not been filed prior to 27/11/01 (regardless of accident date) CONTINUED	14. A plaintiff must refer a claim for work injury damages for mediation unless the defendant does not respond within 42 days of service of the PFS: s318A WIMA 15. Pursuant to Rule 17.9 WCCR the plaintiff may apply for a referral to mediation by lodging an application for mediation, a copy of the PFS and all documents served with the PFS as required by Rule 17.4 WCCR and serve the application on the defendant within 7 days of registering the application and must certify service of the application on the defendant within 7 days of serving it 16. A defendant served with an application for mediation of a claim must within 21 days of registration lodge a response to the application and a copy of the pre-filing Defence and all information and documents served as required by rule 17.6, and must serve such response on the plaintiff within 7 days of lodging the response with the Commission: Rule 17.10(1) and (3) WCCR 17. Neither party may rely on any other information which is not included in the PFS or pre-filing Defence Note: Where a party to proceedings for work injury damages is a person under a disability (as defined in Rule 6.1 WCCR), the provisions of the Uniform Civil Procedure Rules 2005 relating to such persons apply to the proceedings as though they were proceedings in the District Court: rule 6.3 WCCR Note: Appeal against a medical assessment must be made within 28 days after the assessment: s327(5) and (7) WIMA	

Schedule of Limitation Periods in Civil Matters in New South Wales

Edition No. 20
Current at August 2013

OTHER CIVIL MATTERS

page 08

	Date	Limitation Period	Extensions available	
APPEALS 1. NSW To the Court of Appeal from the District and Supreme Courts	From 1/9/97	Appeal must be instituted 28 days after the material date: Part 51 Rule 5(1) Supreme Court Rules Note: definition of “material date” considered in Part 51 Rule 2 and Rule 5 Supreme Court Rules Appeal by leave must be instituted within 14 days after leave is given: Part 51 Rule 5(2) Supreme Court Rules	Part 51 Rule 5(4) <i>Supreme Court Rules</i>	
	Institution of application for leave to appeal from 1/2/98 to 31/12/07	Holding summons or ordinary summons to be filed and served within 28 days after material date: Part 51 Rule 4 Supreme Court Rules Note: If a holding summons is filed the claimant shall within 3 months file and serve an ordinary summons Note: An appeal by leave must be instituted within 14 days after leave is given: Part 51 Rule 5(2) Supreme Court Rules	Part 51 Rule 4(5) and (6) <i>Supreme Court Rules</i> Part 51 Rule 5(4) <i>Supreme Court Rules</i>	
	From 1/1/08	Notice of Intention to Appeal to be filed and served within 28 days after material date: Uniform Civil Procedure Rules (UCPR) Rule 51.6–51.9 If a notice of Intention to Appeal has been filed and served the Notice of Appeal or Summons seeking leave to appeal must be filed and served within 3 months after the material date: UCPR Rules 51.6, 51.9, 51.10 and 51.16 A summons seeking leave to appeal must be filed and served (where a Notice of Intention to Appeal has not been filed) within 28 days of the material date: UCPR Rule 51.10	UCPR Rules 51.6 and 51.9 in the discretion of the Court UCPR Rules 51.6 and 51.9 in the discretion of the Court UCPR Rule 51.10(2)	
	Application for leave to appeal from WCC Arbitrator to WCC Presidential Member	From 1/1/02	28 days after decision: s352 WIMA and Rule 16.2 WCCR	Rule 16.2(12) and 16.2(13) WCCR
	To Court of Appeal from WCC Presidential Member	From 1/1/02 to 31/12/07	28 days: Part 51 Rule 5(1) Supreme Court Rules and s353 WIMA	Part 51 Rule 5(4) <i>Supreme Court Rules</i>
		From 1/1/08	Notice of Intention to Appeal to be filed and served within 28 days after material date: UCPR Rules 51.6–51.9 If a notice of Intention to Appeal has been filed and served the Notice of Appeal or Summons seeking leave to appeal must be filed and served within 3 months after the material date: UCPR Rule 51.6, Rules 51.9, 51.10 and 51.16 A summons seeking leave to appeal must be filed and served (where a Notice of Intention to Appeal has not been filed) within 28 days of the material date: UCPR Rule 51.10	UCPR Rules 51.6 and 51.9 in the discretion of the Court UCPR Rules 51.6 and 51.9 in the discretion of the Court UCPR Rule 51.10(2)
2. Commonwealth To Full Court from single judge Federal Court	From 1976	21 days from the date of judgment, date leave is granted to appeal or any other date fixed by the Court: Rule 36.03 Federal Court Rules	Rule 36.05 <i>Federal Court Rules</i>	
BUILDING AND SUBDIVISION	From 1/7/98 to 31/7/08	s109ZK of the <i>Environmental Planning and Assessment Act 1979</i> provides that a building action or subdivision action may not be brought more than 10 years after the date of issue of the final Occupation Certificate or of the Subdivision or Compliance Certificate. This section does not extend any period under the <i>Limitation Act 1969</i> Note: Definition of “Building Action” and “Subdivision Action” Note: The transitional provision where the cause of action arises from any “prescribed activities” under the unamended <i>Local Government Act 1993</i> , or development consent under the unamended <i>Environmental Planning and Assessment Act 1979</i> Note: s109ZK is impacted by further amendments to provide for proportionate liability in economic loss or property damage claims where the cause of action arose on or after 26 July 2004 and proceedings were commenced on or after 1 December 2004		
	From 1/8/08	s109ZK of the <i>Environmental Planning and Assessment Act 1979</i> provides that, despite any law to the contrary, a building action may not be brought in relation to any building work: • more than 10 years after the date the relevant final occupational certificate is issued, or		

Schedule of Limitation Periods in Civil Matters in New South Wales

Edition No. 20
Current at August 2013

OTHER CIVIL MATTERS

page 09

	Date	Limitation Period	Extensions available
BUILDING AND SUBDIVISION CONTINUED...	From 1/8/08 CONTINUED	- if no final occupation certificate is issued, more than 10 years after 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 Despite any law to the contrary, a subdivision action may not be brought in relation to any subdivision work more than 10 years after: - the relevant subdivision certificate is issued in the case of work completed before the subdivision certificate is issued, or - from the date on which the compliance certificate certifying the work as complete has been issued if the work has been completed after the relevant subdivision certificate was issued Note: s109ZK is impacted by further amendments to provide for proportionate liability in economic loss or property damage claims where the cause of action arose on or after 26 July 2004 and proceedings were commenced on or after 1 December 2004	
	From 1/7/93	Challenging the validity or effectiveness of a decision of a Council: The validity or effectiveness of a decision of a Council may not be questioned in any legal proceeding on the ground 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 the Regulations (including the requirement as to the giving of notice) unless the proceeding is commenced within 3 months after the date of the decision: s729 <i>Local Government Act 1993</i>	
	From 1/1/02	Making a building claim in the Consumer, Trader and Tenancy Tribunal: The Tribunal has jurisdiction to hear a building claim up to \$500,000 (or other figure prescribed by regulation) (s48K(1) <i>Home Building Act 1989</i>) where: - The building claim is brought within 3 years of: - the date of the supply or last installment (s48K(3)), or - the failure to supply by the specified date (s48K(4)) - The insurance claim in respect of residential building work is brought within 10 years of the completion of the residential building work (s48K(6)) - The building claim for breach of a statutory warranty implied under Part 2C is lodged within 7 years from completion, or the required date for completion or, if no date, the date of the contract of the residential building work (s48K(7)) Note: A breach of warranty proceeding can be brought in respect of a deficiency of a different kind of work if: - the deficiency was in existence when the work to which the warranty relates was completed; and - was unknown or could not reasonably have been expected to be known at the conclusion of the earlier proceeding provided the proceeding is commenced within 7 years as noted above - The building claim for the supply of goods or services, not covered by subsections 3, 4, 6 and 7 of s48K, or a collateral contract, is made within 3 years from the date the contract was entered into (s48K(8))	
	From 1/1/02 to 31/1/12		
	From 1/2/12	Breach of Statutory Warranty - Proceedings for a breach of a statutory warranty must be commenced:- - before the end of the warranty period for breach - the warranty period is 6 years for a breach that results in a structural defect (as defined by the regulations) or 2 years in any other case	

Schedule of Limitation Periods in Civil Matters in New South Wales

Edition No. 20
Current at August 2013

OTHER CIVIL MATTERS

page 10

	Date	Limitation Period	Extensions available
BUILDING AND SUBDIVISION CONTINUED...	From 1/2/12 CONTINUED	(c) the warranty period starts on completion of the work to which it relates (d) if the work is not completed, the warranty period starts on:- (i) the date the contract is terminated, or (ii) if the contract is not terminated, the date on which work under the contract ceased, or (iii) if the contract is not terminated and work under the contract was not commenced, the date of the contract (e) if a breach of warranty "becomes apparent" within the last 6 months of the warranty period, proceedings may be commenced within a further 6 months after the end of the warranty period (f) a breach of warranty "becomes apparent" when any person entitled to the benefit of the warranty first becomes aware (or ought reasonably to have become aware) of the breach (<i>Home Building Act 1989</i> s 48K(7) and s18E). See also s18E(2).	
	From 1/7/98	An appeal from determination of a consent authority (s82A <i>Environmental Planning and Assessment Act 1979</i>): Must be made to the Court within 12 months of: (a) notice of determination; or (b) the date on which the application is taken to have been determined (s97(1)) An applicant, dissatisfied with a decision as to whether work was carried out to the satisfaction of the consent authority or an imposed condition (s80A(2)), has 12 months to appeal following notification or deemed determination under section 80A(3) and s97(1) An appeal must be made to the Court within 12 months (s97(3)) if dissatisfied as to a matter for "deferred commencement" consent under s80(3)	
	From 28/2/11	An appeal from determination of a consent authority Must be made to the Court within 6 months of: (a) notice of 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>) An applicant, dissatisfied with a decision as to whether work was carried out to the satisfaction of the consent authority or an imposed condition (s80A(2)), has 6 months to appeal following notification or deemed determination under section 80A(3) and s97(1) An appeal must be made to the Court within 6 months (s97(3)) if dissatisfied as to a matter for "deferred commencement" consent under s80(3)	
	From 1/3/07	Complaints against an accredited certifier under the <i>Building Professionals Act 2005</i> may be dismissed, inter alia, if the complaint relates to a matter that occurred more than 3 years before the making of the complaint. A complaint should be brought within 3 years of the matter giving rise to the complaint s23 Proceeding for offences pursuant to the <i>Building Professionals Act 2005</i> or the regulations must be commenced within 2 years of the date the alleged offence was committed s93(5)	
CONSUMER CLAIMS	From 1/3/99	A consumer claim must be made within 3 years from the date of (a) supply or failure of supply: s7(2) and (3) <i>Consumer Claims Act 1998</i>; and in any other case (b) a contract: s7(4) <i>Consumer Claims Act 1998</i>	

Schedule of Limitation Periods in Civil Matters in New South Wales

Edition No. 20
Current at August 2013

OTHER CIVIL MATTERS

page 11

	Date	Limitation Period	Extensions available
CONSUMER CLAIMS CONTINUED...	From 1/3/08	A consumer claim must be lodged within 3 years after the cause of action giving rise to the claim accrued: s7(4)(a) <i>Consumer Claims Act 1998</i> Note: The Tribunal does not have jurisdiction if the goods or services were supplied more than 10 years before the date the claim is lodged: s7(4)(b) <i>Consumer Claims Act 1998</i> Note: s7 does not affect any period of limitation under the <i>Limitation Act 1969</i> : s7(4)(A) Note: The extended definition of a consumer claim applies to consumer claims arising prior to 1/3/08 but not so as to affect any determination of the Tribunal before that date	
CONTRACT	From 1/1/71	6 years from date on which cause of action accrues: s14(1)(a) <i>Limitation Act 1969</i> . See also s14A 12 years if cause of action founded on a deed: s16 <i>Limitation Act 1969</i>	Generally no but see ss52–56 <i>Limitation Act 1969</i>
	From 24/4/80	For an application for relief under the <i>Contracts Review Act 1980</i> : (a) within 2 years of the date of the contract; (b) within 3 months before or 2 years after the time for performance of the contract; or (c) during the pendency of a maintainable proceeding arising out of or in relation to the contract: s16 <i>Contracts Review Act 1980</i>	
DE FACTO RELATIONSHIPS	From 1984 to 27/6/99	2 years from ceasing to live together: s18(1) <i>De Facto Relationships Act 1984</i>	s18(2) <i>De Facto Relationships Act 1984</i>
	On or after 28/6/99	2 years after cessation of a domestic relationship: s18(1) <i>Property (Relationships) Act 1984</i>	s18(2) <i>Property (Relationships) Act 1984</i>
	From 1/03/09	2 years after cessation of a de facto relationship: s44(5) of the <i>Family Law Act 1975</i>	s44(6) <i>Family Law Act 1975</i>
DEFAMATION	From 1/1/71 to 13/2/03	6 years from the date of publication: s14(1)(b) <i>Limitation Act 1969</i>	Generally no but see ss52–56 <i>Limitation Act 1969</i>
	From 14/2/03 to 31/12/05	1 year from the date of publication: s14B(3) <i>Limitation Act 1969</i>	ss56A–56D <i>Limitation Act 1969</i> Also see, generally, ss52–56 <i>Limitation Act 1969</i>
	From 1/1/06	1 year from the date of publication: s14B of the <i>Limitation Act 1969</i> (as amended by the <i>Defamation Act 2005</i>)	If satisfied that it was not reasonable in the circumstances for the plaintiff to have commenced an action within 1 year, a court may extend the limitation period up to 3 years running from the date of publication: s56A of the <i>Limitation Act 1969</i>. See also ss56B–56D
DISCRIMINATION 1. NSW	From 2/5/05	The President of ADB may decline a complaint if the whole or part of the conduct complained of occurred more than 12 months before the making of the complaint: s89B(2)(b) <i>Anti-Discrimination Act 1977</i>	
	From 13/4/00	The President of HREOC may 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> (C'th) Note: the definitions of “alleged unlawful discrimination” and “unlawful discrimination” in s3(1) See also Hunyor J: “Time limits for unlawful discrimination claims” in April 2006 (NSW) <i>Law Society Journal</i> , page 40	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> (C'th)

Schedule of Limitation Periods in Civil Matters in New South Wales

Edition No. 20
Current at August 2013

OTHER CIVIL MATTERS

page 12

	Date	Limitation Period	Extensions available
DISCRIMINATION 1. NSW CONTINUED...	From 5/8/09	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> (C'th) Note: the definitions of "alleged unlawful discrimination" and "unlawful discrimination" in s3(1)	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> (C'th)
FAMILY LAW	From 5/1/76	12 months from decree nisi becoming absolute for s79 (property settlement) and s74 (spousal maintenance) proceedings: s44(3) and (3A) of the <i>Family Law Act 1975</i> (C'th) Note: the definition of "matrimonial cause" in s4 In relation to an appeal, within 28 days after the date the order appealed from was made: Rule 22.03 <i>Family Law Rules 2004</i> (Note: <i>Family Court Rules 1984</i> were replaced by the <i>Family Law Rules 2004</i>, which commenced on 29 March 2004)	Generally no, but see s44(3A), (3B) and (4) <i>Family Law Act 1975</i> (C'th) ss94(2D)(a) and 94AAA(10)(a) of the <i>Family Law Act 1975</i> (C'th), ss102(8)(a) and 102A(9)(b) of the <i>Child Support (Assessment) Act 1989</i> (C'th), ss107(7)(a) and 107A(9)(b) of the <i>Child Support (Registration and Collection) Act 1988</i> (C'th) and Division 22.7.1 of the <i>Family Law Rules 2004</i>
	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> (C'th): (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	s67G(2) provides the Court must not grant leave unless refusal to grant leave would cause hardship
FAMILY PROVISION	From 1/9/83 to 28/2/09	18 months from death: s16(1) <i>Family Provision Act 1982</i> Note: that the Court may order a shorter period: s17 <i>Family Provision Act 1982</i>	s16(3) <i>Family Provision Act 1982</i> provides a discretion if sufficient cause is shown. Note also s16(5) if the date of death is unknown
	From 1/3/09	12 months from death: s58(2) of the <i>Succession Act 2006</i> Note: also s97 which gives the Court the power to determine a date and time of death if there is uncertainty	The Court may extend the limitation period if sufficient cause is shown s58(2)
	From 1/3/10	Intestate Estates - Acquisition of Property by Spouse where Issue not of the Spouse: Election to be exercised 3 months following service of s116 notice or within 3 months of grant of administration if spouse is the deceased's personal representative: s113, 115, 116(1)(c) and 117(1) of the <i>Succession Act 2006</i> Intestate Estates - Multiple Spouses Property to be Divided Equally: Unless application for distribution order made within 3 months of spouse receiving a distribution notice issued by personal representative: s125(2) <i>Succession Act 2006</i> Distribution Orders: within 3 months of s125(3) notice: s126(2) <i>Succession Act 2006</i> Intestate Estates - Indigenous persons: Application for a Distribution Order: within 12 months after the grant of administration: s133(3) <i>Succession Act 2006</i>	s116(1)(c), 117(2) and (3) <i>Succession Act 2006</i> s126(2) <i>Succession Act 2006</i> s133(3) <i>Succession Act 2006</i>

Schedule of Limitation Periods in Civil Matters in New South Wales

Edition No. 20
Current at August 2013

OTHER CIVIL MATTERS

page 13

	Date	Limitation Period	Extensions available
JUDGMENTS (ENFORCEMENT OF)	From 1/1/71	12 years from date judgment first becomes enforceable: <i>s17 Limitation Act 1969</i> Note: On or after 23/6/04 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: <i>s41(3)(c) Bankruptcy Act 1966</i> (C'th), as amended by the <i>Bankruptcy Legislation Amendment Act 2004</i> (C'th) For foreign judgments: 6 years after date of judgment: <i>s6 Foreign Judgments Act 1973</i> and <i>s6 Foreign Judgments Act 1991</i> (C'th)	s6(5) Foreign Judgments Act 1991 (C'th)
MEDICAL NEGLIGENCE		See "Personal Injuries (common law claims)"	
MISLEADING AND DECEPTIVE CONDUCT - actions for damages (see also "Torts") 1. NSW	From 1/9/87 to 24/8/03	3 years after the date the cause of action accrues: <i>s68(2) Fair Trading Act 1987</i>	
	From 25/8/03	6 years after the date the cause of action accrues: <i>s68(2) Fair Trading Act 1987</i> (as amended by the <i>Fair Trading Amendment Act 2003</i>) Note: This does not apply to a cause of action to which Division 6 of Part 2 of the <i>Limitation Act 1969</i> applies (i.e. personal injury actions): <i>s68(2A) Fair Trading Act 1987</i> , as amended	
	From 1/1/11	6 years after the date the cause of action accrues: <i>s236(2), s237(3) Australian Consumer Law</i> (NSW) Note: This does not apply to a cause of action to which Division 6 of Part 2 of the <i>Limitation Act 1969</i> applies (i.e. personal injury actions): <i>s74 Fair Trading Act 1987</i> , as amended Note: The <i>Australian Consumer Law</i> (NSW) text can be found in Schedule 2 of the <i>Competition and Consumer Act 2010</i> (C'th) and is applied as the law of NSW: <i>s28 Fair Trading Act 1987</i> (NSW)	
	Pre 26/7/01	6 years for causes of action arising before 26/7/01 provided that the previous 3 year limitation period had not expired by 26/7/01. Otherwise, 3 years for causes of action arising before 26/7/01: Clauses 21 and 32 of Schedule 1 <i>Trade Practices Amendment Act (No 1) 2001</i> (C'th)	
	From 26/7/01	6 years for causes of action arising after 26/7/01: <i>s82(2) and s87(1CA) Trade Practices Act 1974</i> (C'th) Note: For claims on or after 26/7/04 for negligently-inflicted economic loss or property damage made under <i>s82</i> , caused by conduct in breach of <i>s52 Trade Practices Act 1974</i> (C'th), damages are to be apportioned between wrongdoers: <i>s82(1B), s87CB of the Trade Practices Act 1974</i> (C'th) amended by Schedule 3 to the <i>Corporate Law Economic Reform Program (Audit Reform and Corporate Disclosure) Act 2004</i> (C'th) Also see definition of an apportionable claim and an excluded concurrent wrongdoer: <i>s87CB and s87CC, s87CD Trade Practices Act 1974</i> (C'th) amended by Schedule 3 to the <i>Corporate Law Economic Reform Program (Audit Reform and Corporate Disclosure) Act 2004</i> (C'th)	
	1/1/11	6 years after the date on which the cause of action accrued: <i>s236 Australian Consumer Law</i> Note: For claims on or after 1/1/11 for negligently-inflicted economic loss or property damage made under <i>s236 Australian Consumer Law</i> , caused by conduct in breach of <i>s18 Australian Consumer Law</i> , damages are to be apportioned between wrongdoers: <i>s87CB, s87CC and s87CD Competition and Consumer Act 2010</i> (C'th) Note: The <i>Australian Consumer Law</i> text can be found in Schedule 2 of the <i>Competition and Consumer Act 2010</i> (C'th)	
2. Commonwealth			

Schedule of Limitation Periods in Civil Matters in New South Wales

Edition No. 20
Current at August 2013

OTHER CIVIL MATTERS

page 14

	Date	Limitation Period	Extensions available
MISLEADING AND DECEPTIVE CONDUCT CONTINUED...	From 13/7/04 (personal injury damages claims only)	For personal injury damages claims relating to Part IVA, Division 1A or Division 2A of Part V or Part VA: see Part VIB <i>Trade Practices Act 1974</i> (C'th), as amended by the <i>Trade Practices Amendment (Personal Injuries and Death) Act (No.2) 2004</i> (C'th): (a) 3 years from the "date of discoverability" of an injury or death: s87F(1)(a) and s87G <i>Trade Practices Act 1974</i> (C'th) or (b) a 12 year long-stop period for injury or death, from the time when an act or omission causing injury or death occurred: s87F(1)(b) and s87H <i>Trade Practices Act 1974</i> (C'th) Note: For minors, the running of the limitation period is not suspended until the minor reaches 18 years if the minor has a capable parent or guardian: s87J(a) <i>Trade Practices Act 1974</i> (C'th) Minors injured by a parent or guardian or a person in a "close relationship" with a parent or guardian – a special (and longer) limitation period applies: s87K <i>Trade Practices Act 1974</i> (C'th) Incapacitated person – limitation period not suspended if an incapacitated person has a guardian or other person to manage the incapacitated person's estate under a law of a State or Territory relating to the protection of incapacitated persons: s87J(b) <i>Trade Practices Act 1974</i> (C'th) For claims for personal injury damages for injury or death to a person resulting from smoking or other use of tobacco products s87F(1)(b) providing for a 12 year long-stop period does not apply: s87(F)(1A) <i>Trade Practices Act 1974</i> (C'th) Latent injuries – see the definition of "date of discoverability" and provisions for extending the long-stop provisions up to a maximum of 3 further years. Otherwise, there are no special provisions for latent injuries	See the definition of "date of discoverability": s87G <i>Trade Practices Act 1974</i> (C'th) s87H(1)(b), (2) and (3) <i>Trade Practices Act 1974</i> (C'th)
	From 1/1/11	For personal injury damages claims relating to Part 2-2, 3-3, 3-4, 3-5 or Division 2 of Part 5-4 of the <i>Australian Consumer Law</i> see Part VIB <i>Competition and Consumer Act 2010</i> (C'th): (a) 3 years from the "date of discoverability" of an injury or death: s87F(1)(a) and s87G <i>Competition and Consumer Act 2010</i> (C'th) or (b) a 12 year long-stop period for injury or death, from the time when an act or omission causing injury or death occurred: s87F(1)(b) and s87H <i>Competition and Consumer Act 2010</i> (C'th) Note: For minors, the running of the limitation period is not suspended until the minor reaches 18 years if the minor has a capable parent or guardian: s87J(a) <i>Competition and Consumer Act 2010</i> (C'th) Minors injured by a parent or guardian or a person in a "close relationship" with a parent or guardian – a special (and longer) limitation period applies: s87K <i>Competition and Consumer Act 2010</i> (C'th). Incapacitated person - limitation period not suspended if an incapacitated person has a guardian or other person to manage the incapacitated person's estate under a law of a State or Territory relating to the protection of incapacitated persons: s87J(b) <i>Competition and Consumer Act 2010</i> (C'th) For claims for personal injury damages for injury or death to a person resulting from smoking or other use of tobacco products the 12 year long-stop period does not apply: s87(F)(1A) <i>Competition and Consumer Act 2010</i> (C'th) Latent injuries - see the definition of "date of discoverability" and provisions for extending the long-stop provisions up to a maximum of 3 further years: s87H <i>Competition and Consumer Act 2010</i> (C'th). Otherwise, there are no special provisions for latent injuries Note: The <i>Australian Consumer Law</i> text can be found in Schedule 2 of the <i>Competition and Consumer Act 2010</i> (C'th)	See the definition of "date of discoverability": s87G <i>Competition and Consumer Act 2010</i> (C'th) See extensions available: s87H(1)(b), (2) and (3) <i>Competition and Consumer Act 2010</i> (C'th)

Schedule of Limitation Periods in Civil Matters in New South Wales

Edition No. 20
Current at August 2013

OTHER CIVIL MATTERS

page 15

	Date	Limitation Period	Extensions available
MISLEADING AND DECEPTIVE CONDUCT - financial services	From 11/3/02	6 years for causes of action arising on or after 11/3/02: s12GF(2) and s12GM(5) <i>Australian Securities and Investments Commission Act 2001</i> (C'th), as amended by the <i>Financial Services Reform (Consequential Provisions) Act 2001</i> Note: For claims on or after 26/7/04 s12GF(1B) <i>Australian Securities and Investments Commission Act 2001</i> (C'th) as amended by Schedule 3 to the <i>Corporate Law Economic Reform Program (Audit Reform and Corporate Disclosure) 2004</i> (C'th), provides for proportionate liability for negligently inflicted economic loss or property damage in claims for contravention of s12DA <i>Australian Securities and Investments Commission Act 2001</i> (C'th)	
PRODUCT LIABILITY (see also "Torts") 1. NSW	From 1/9/87 to 25/8/03	3 years from date cause of action accrues: s68(2) <i>Fair Trading Act 1987</i>	
	From 25/8/03	6 years after the date the cause of action accrues: s68(2) <i>Fair Trading Act 1987</i> (as amended by the <i>Fair Trading Amendment Act 2003</i>) Note: This does not apply to a cause of action to which Division 6 of Part 2 of the <i>Limitation Act 1969</i> applies (i.e. personal injury actions): s68(2A) <i>Fair Trading Act 1987</i> , as amended	
	From 1/1/11	6 years after the date on which the cause of action accrues: s236(2), s237(3) <i>Australian Consumer Law</i> (NSW) Note: This does not apply to a cause of action to which Division 6 of Part 2 of the <i>Limitation Act 1969</i> applies (i.e. personal injury actions): s74 <i>Fair Trading Act 1987</i> (NSW) Note: The <i>Australian Consumer Law</i> (NSW) text can be found in Schedule 2 of the <i>Competition and Consumer Act 2010</i> (C'th) and is applied as the law of NSW: s28 <i>Fair Trading Act 1987</i> (NSW)	
	From 25/8/03	For actions against manufacturers and importers of goods (Division 5 of Part 4 of the <i>Fair Trading Act 1987</i> , as amended by the <i>Fair Trading Amendment Act 2003</i>) 3 years after the day on which the cause of action accrues: s40ZB(2) of the <i>Fair Trading Act 1987</i> , as amended Note: Action must be commenced within 10 years after the time of the first supply to a consumer of the goods to which the action relates: s40ZB(4) of the <i>Fair Trading Act 1987</i> , as amended Note: this does not apply to a cause of action to which Division 6 of Part 2 of the <i>Limitation Act 1969</i> applies (i.e. personal injury actions): s40ZB(1) of the <i>Fair Trading Act 1987</i> , as amended	
	From 1/1/11	Consumer guarantee actions against manufacturers and importers of goods (Part 3-2, Division A <i>Australian Consumer Law</i> (NSW)) 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> (NSW) Note: The <i>Australian Consumer Law</i> (NSW) text can be found in Schedule 2 of the <i>Competition and Consumer Act 2010</i> (C'th) and is applied as the law of NSW: s28 <i>Fair Trading Act 1987</i> (NSW)	
	From 1/1/11	For actions against manufacturers and importers of goods (Part 3-5 <i>Australian Consumer Law</i> (NSW)) 3 years from when the person became aware, or ought to have reasonably become aware of all of the following: 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> (NSW)	

Schedule of Limitation Periods in Civil Matters in New South Wales

Edition No. 20
Current at August 2013

OTHER CIVIL MATTERS

page 16

	Date	Limitation Period	Extensions available
PRODUCT LIABILITY CONTINUED...	From 1/1/11	Provided that the action must be commenced within 10 years of the supply by the manufacturer of the particular goods the subject of the action: s143(2) <i>Australian Consumer Law</i> (NSW) Note: The <i>Australian Consumer Law</i> (NSW) text can be found in Schedule 2 of the <i>Competition and Consumer Act 2010</i> (C'th) and is applied as the law of NSW: s28 <i>Fair Trading Act 1987</i> (NSW)	
	CONTINUED...		
2. Commonwealth		For common law claims - See "Personal Injury (common law claims)"	
	From 9/7/92	For "liability actions" as defined in s75AA of the Trade Practices Act 1974 (C'th) 3 years for actions against manufacturers/importers from time person becomes aware or ought reasonably to have become aware of the alleged loss, the defect and the identity of the manufacturer: s75AO(1) <i>Trade Practices Act 1974</i> (C'th) Note: Action must be commenced within 10 years of the supply by the manufacturer of the goods: s75AO(2) <i>Trade Practices Act 1974</i> (C'th)	
	13/7/04	For actions against manufacturers and importers of goods (Division 2A of Part V of the Trade Practices Act 1974 (C'th)) 3 years for actions against manufacturers/importers from time cause of action accrues: s74J <i>Trade Practices Act 1974</i> (C'th) See s74J(2)(a)–(b) for descriptions of when a cause of action accrues for claims pursuant to ss74B to 74H <i>Trade Practices Act 1974</i> (C'th) Note: Action must be commenced within 10 years of the first supply to a consumer of the goods: s74J(3) <i>Trade Practices Act 1974</i> (C'th)	
	From 1/1/11	Consumer guarantee actions against manufacturers and importers of goods (Part 3-2, Division A <i>Australian Consumer Law</i>) 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> Note: The <i>Australian Consumer Law</i> text can be found in Schedule 2 of the <i>Competition and Consumer Act 2010</i> (C'th)	
	From 1/1/11	For actions against manufacturers and importers of goods (Part 3-5 <i>Australian Consumer Law</i>) 3 years from when the person became aware, or ought to have reasonably become aware of all of the following: 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> Provided that the action must be commenced within 10 years of the supply by the manufacturer of the particular goods the subject of the action: s143(2) <i>Australian Consumer Law</i> Note: The <i>Australian Consumer Law</i> text can be found in Schedule 2 of the <i>Competition and Consumer Act 2010</i> (C'th)	
	Pre 26/7/01	For damages and other orders for contravention of Parts IV, IVA, IVB, V or VI of the Trade Practices Act 1974 (C'th) 6 years for causes of action arising before 27/7/01 provided that the previous three year limitation period had not expired by 26/7/01. Otherwise, 3 years for causes of action arising before 26/7/01: Clauses 21 and 32 of Schedule 1 <i>Trade Practices Amendment Act (No. 1) 2001</i> (C'th)	
	From 26/7/01	6 years for causes of action arising after 26/7/01: s82(2) <i>Trade Practices Act 1974</i> (C'th) Note: For claims on or after 26/7/04 for negligently-inflicted economic loss or damage to property made under s82, caused by conduct in breach of s52 of the <i>Trade Practices Act 1974</i> (C'th), damages are to be	

Schedule of Limitation Periods in Civil Matters in New South Wales

Edition No. 20
Current at August 2013

OTHER CIVIL MATTERS

page 17

	Date	Limitation Period	Extensions available
PRODUCT LIABILITY CONTINUED...	From 26/7/01 CONTINUED...	apportioned between wrongdoers: s82(1B), s87CB of the <i>Trade Practices Act 1974</i> (C'th) as amended by Schedule 3 to the <i>Corporate Law Economic Reform Program (Audit Reform and Corporate Disclosure) Act 2004</i> (C'th) Also see definition of an apportionable claim and an excluded concurrent wrongdoer: s87CB, s87CC, s87CD of the <i>Trade Practices Act 1974</i> (C'th) as amended by Schedule 3 to the <i>Corporate Law Economic Reform Program (Audit Reform and Corporate Disclosure) Act 2004</i> (C'th)	
	From 1/1/11	For damages and other orders for contravention of Chapter 2 or Chapter 3 of the Australian Consumer Law 6 years after the date on which the cause of action accrued: s236(2), s237(3) <i>Australian Consumer Law</i> Note: The <i>Australian Consumer Law</i> text can be found in Schedule 2 of the <i>Competition and Consumer Act 2010</i> (C'th)	
	From 13/7/04 (for personal injury damages claims only)	For personal injury damages claims relating to Part IVA, Division 1A or Division 2A of Part V or Part VA: see Part VIB <i>Trade Practices Act 1974</i> (C'th), as amended by the <i>Trade Practices Amendment (Personal Injuries and Death) Act (No.2) 2004</i> (C'th): (a) 3 years from the "date of discoverability" of an injury or death: s87F(1)(a) and s87G <i>Trade Practices Act 1974</i> (C'th) or (b) a 12 year long-stop period for injury or death, from the time when an act or omission causing injury or death occurred: s87F(1)(b) and s87H <i>Trade Practices Act 1974</i> (C'th) Note: For details of the application of Part VIB to minors, incapacitated persons, smoking-related injuries or death and latent injuries, refer to the summary found in "Misleading and deceptive conduct – Commonwealth" earlier in this Schedule	See the definition of "date of discoverability": s87G <i>Trade Practices Act 1974</i> (C'th) s87H(1)(b), (2) and (3) <i>Trade Practices Act 1974</i> (C'th)
	From 1/1/11	For personal injury damages claims relating to Part 2-2, 3-3, 3-4, 3-5 or Division 2 of Part 5-4 of the <i>Australian Consumer Law</i> see Part VIB <i>Competition and Consumer Act 2010</i> (C'th): (a) 3 years from the "date of discoverability" of an injury or death: s87F(1)(a) and s87G <i>Competition and Consumer Act 2010</i> (C'th) or (b) a 12 year long-stop period for injury or death, from the time when an act or omission causing injury or death occurred: s87F(1)(b) and s87H <i>Competition and Consumer Act 2010</i> (C'th) Note: For minors, the running of the limitation period is not suspended until the minor reaches 18 years if the minor has a capable parent or guardian: s87J(a) <i>Competition and Consumer Act 2010</i> (C'th) Minors injured by a parent or guardian or a person in a "close relationship" with a parent or guardian – a special (and longer) limitation period applies: s87K <i>Competition and Consumer Act 2010</i> (C'th). Incapacitated person – limitation period not suspended if an incapacitated person has a guardian or other person to manage the incapacitated person's estate under a law of a State or Territory relating to the protection of incapacitated persons: s87J(b) <i>Competition and Consumer Act 2010</i> (C'th) For claims for personal injury damages for injury or death to a person resulting from smoking or other use of tobacco products the 12 year long-stop period does not apply: s87(F)(1A) <i>Competition and Consumer Act 2010</i> (C'th)	See the definition of "date of discoverability": s87G <i>Competition and Consumer Act 2010</i> (C'th) See extensions available: s87H(1)(b), (2) and (3) <i>Competition and Consumer Act 2010</i> (C'th)

Schedule of Limitation Periods in Civil Matters in New South Wales

Edition No. 20
Current at August 2013

OTHER CIVIL MATTERS

page 18

	Date	Limitation Period	Extensions available
PRODUCT LIABILITY CONTINUED...	From 1/1/11 CONTINUED...	Latent injuries – see the definition of “date of discoverability” and provisions for extending the long-stop provisions up to a maximum of 3 further years: s87H <i>Competition and Consumer Act 2010</i> (C’t’h). Otherwise, there are no special provisions for latent injuries Note: The <i>Australian Consumer Law</i> text can be found in Schedule 2 of the <i>Competition and Consumer Act 2010</i> (C’t’h)	
RECTIFICATION OF WILLS	Pre 1/3/08	18 months from the date of death of the testator: s29A(2) <i>Wills Probate and Administration Act 1898</i>	s29A(3) <i>Wills Probate and Administration Act 1898</i> provides a discretion if sufficient cause is shown
	From 1/3/08 to 28/2/09	18 months from the date of death of the testator: s27(2) <i>Succession Act 2006</i> Note: that the Court may order a shorter period: s17 <i>Family Provision Act 1982</i>	s27(3) <i>Succession Act 2006</i> provides a discretion if the Court considers it necessary and final distribution of the estate has not been made
	From 1/3/09	12 months from the date of death of the testator: s27(2) <i>Succession Act 2006</i>	s27(3) <i>Succession Act 2006</i> provides a discretion if the Court considers it necessary and final distribution of the estate has not been made
RETAIL LEASES (Administrative Decisions Tribunal of NSW)		A party or former party to a current or lapsed retail shop lease may lodge a retail tenancy claim with the Administrative Decisions Tribunal within 3 years after the liability or obligation that is the subject of the claim arose: s71 <i>Retail Leases Act 1994</i> A lessor or lessee (defined to include a guarantor or covenantor) under a lease or former lease may lodge an unconscionable conduct claim with the Tribunal no later than 3 years after the alleged unconscionable conduct occurred: s71A <i>Retail Leases Act 1994</i> Note: 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>	From 1/1/06 a retail tenancy claim or an unconscionable conduct claim may be lodged with the Tribunal more than 3 years but not more than 6 years after the liability arose if the Tribunal is satisfied it is just and reasonable to do so: s71B <i>Retail Leases Act 1994</i>
SUPERANNUATION CLAIMS		In relation to a complaint to the Superannuation Complaints Tribunal following a person’s objection to the payment of a death benefit by a trustee of a fund, an annuity, a Retirement Savings Account (“RSA”) death benefit or a death benefit in relation to a contract of insurance – a complaint must be made to the Tribunal within the period prescribed by the trustee or insurer (as appropriate) in a written notice to the person: s14(3) <i>Superannuation (Resolution of Complaints) Act 1993</i> (C’t’h) for death benefits to be paid by a fund, s15B(2)–(4) <i>Superannuation (Resolution of Complaints) Act 1993</i> (C’t’h) for annuities, s15F(2)–(3) <i>Superannuation (Resolution of Complaints) Act 1993</i> (C’t’h) for RSA providers and 15J(2)–(3) <i>Superannuation (Resolution of Complaints) Act 1993</i> (C’t’h) for death benefits to be paid pursuant to a contract of insurance (i.e. the Tribunal cannot consider a complaint unless a person has complied with the internal complaints resolution service of the fund or insurer) and the complaint was not settled to the satisfaction of the person within 90 days or such longer period as is allowed by the Tribunal: s19 <i>Superannuation (Resolution of Complaints) Act 1993</i> (C’t’h) For complaints to the Tribunal about decisions of trustees of superannuation funds or approved deposit funds by a superannuation fund or an approved deposit fund or an insurer, as appropriate (other than decisions to admit persons to life policy funds): • in relation to the payment of a disability benefit made on or after 1/11/94 – complaint must be made to the Tribunal within 2 years of the decision to which the complaint relates: s14(6A) <i>Superannuation (Resolution of Complaints) Act 1993</i> (C’t’h) (but also see below)	

Schedule of Limitation Periods in Civil Matters in New South Wales

Edition No. 20
Current at August 2013

OTHER CIVIL MATTERS

page 19

	Date	Limitation Period	Extensions available
SUPERANNUATION CLAIMS CONTINUED...		- in relation to the payment of a disability benefit by a superannuation or approved deposit fund and the person permanently ceased employment because of the condition giving rise to the claim for a disability benefit prior to the decision being made – complaint cannot be lodged with the Tribunal unless a claim for payment was first lodged with the trustee within 2 years of permanently ceasing work: s14(6B) <i>Superannuation (Resolution of Complaints) Act 1993</i> (C'th) For complaints against insurers to the Tribunal against a decision of an insurer: - in relation to the payment of a disability benefit for total and permanent disability – complaint must be made to the Tribunal within 1 year of the decision to which the complaint relates: s15J(5) <i>Superannuation (Resolution of Complaints) Act 1993</i> (C'th) - in relation to the payment of a disability benefit because of total and permanent disability and the person permanently ceased particular employment because of a condition giving rise to the claim for a disability benefit, prior to the decision being made – a complaint cannot be lodged with the Tribunal unless a claim was first lodged with the insurer within 1 year of the person permanently ceasing work: s15J(6) <i>Superannuation (Resolution of Complaints) Act 1993</i> (C'th) A claim for a civil liability where a person suffers loss or damage because of the contravention of the insider trading rules must be commenced within 6 years after the day on which the cause of action arose: s1317K of the <i>Corporations Act 2001</i> (C'th) maintains a 6 year limitation period following the repeal on 11/3/02 of s185(3) <i>Superannuation Industry (Supervision) Act 1993</i> (C'th) Note: The above section does not affect any liability that a person may have under any other provision of the Act or any other law A party may appeal to the Federal Court on a question of law from a determination of the Tribunal, not later than 28 days after the date on which a copy of the determination is given to the person or such further period of time as the Federal Court may allow: s46(2)(a) <i>Superannuation (Resolution of Complaints) Act 1993</i> (C'th)	
TORTS (Excluding damages for personal injury and defamation)	From 1/1/71	6 years from date when cause of action accrues: s14(1)(b) <i>Limitation Act 1969</i> Limitation period is suspended while person is under a disability: (see s11(3) and s52(1)(d) <i>Limitation Act 1969</i>) Note: The provisions of Part 4 of the <i>Civil Liability Act 2002</i> providing for proportionate liability for economic loss and property damage claims apply where the cause of action arose on or after 26 July 2004 (see Clause 3 of the <i>Civil Liability Regulation 2003</i>) and proceedings were commenced on or after 1 December 2004	see s52(1)(e) <i>Limitation Act 1969</i> Generally no but see ss52–56 <i>Limitation Act 1969</i>
TORTS - Claims for contribution between tortfeasors	From 1/1/71	The first to expire of (i) 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 (ii) 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>) Note: The provisions of Part 4 of the <i>Civil Liability Act 2002</i> providing for proportionate liability for economic loss and property damage claims apply where the cause of action arose on or after 26 July 2004 (see Clause 3 of the <i>Civil Liability Regulation 2003</i>) and proceedings were commenced on or after 1 December 2004	

Schedule of Limitation Periods in Civil Matters in New South Wales

Edition No. 20
Current at August 2013

OTHER CIVIL MATTERS

page 20

	Date	Limitation Period	Extensions available
UNFAIR DISMISSAL 1. NSW	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>	s246(3) and (4) <i>Industrial Relations Act 1991</i> 23A(2) <i>Occupational Health and Safety Act 2000</i> – if “sufficient reason” to do so s242(3) <i>Workers Compensation Act 1987</i>
	From 2/9/96	21 days after dismissal: s23A(2) <i>Occupational Health and Safety Act 2000</i>	
		Note 1: Reinstatement of dismissed injured employee: 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”	
	From 27/3/06	Note 2: An application to an industrial court for payment of money (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)) Note 3: Unincorporated or State employer: 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> (C'th), 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	
	From 1/9/80	Note 4: High Court decision: 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> (C'th) legislation (see <i>New South Wales and Ors v Commonwealth of Australia</i> [2006] HCA 52 at [462]) Note 5: GREAT: 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. The <i>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	
Application to Commission for Reinstatement of Dismissed Injured Employee NSW Unfair Contract NSW	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>	
	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>

Edition No. 20
Current at August 2013

[illegible]

Schedule of Limitation Periods in Civil Matters in New South Wales

Edition No. 20
Current at August 2013

OTHER CIVIL MATTERS

page 22

	Date	Limitation Period	Extensions available
UNFAIR DISMISSAL 2. Commonwealth CONTINUED...	From 01/01/13	An appeal to the Full Bench of the Fair Work Commission may be instituted within 21 days after the date of the decision: r12.3(a) of the <i>Fair Work Australia Rules 2010</i> (C'th) the Fair Work Commission 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: s400(1)-(2) <i>Fair Work Act 2009</i> (C'th)	On application to the Fair Work Commission, within such time as is allowed where there are good reasons for doing so: r12.3(b) of the <i>Fair Work Australia Rules 2010</i> (C'th) and [22] of the Fair Work Commission Practice Note: Appeal Proceedings
		General Protections applications involving a dismissal An application to the Fair Work Commission under s365 <i>Fair Work Act 2009</i> (C'th) (involving a dismissal): within 21 days of dismissal or "within such further period" as the Fair Work Commission allows: s366(1) <i>Fair Work Act 2009</i> (C'th)	Within such period as the Fair Work Commission allows if there are exceptional circumstances s366(1)(b) and (2) <i>Fair Work Act 2009</i> (C'th)
		A General Protections Court Application involving a dismissal must be made within 14 days after issue of Section 369 certificate by the Fair Work Commission: s371(2) <i>Fair Work Act 2009</i> (C'th). A Section 369 certificate cannot be issued unless a general protections application has been made to the Fair Work Commission in accordance with s366 of the <i>Fair Work Act 2009</i> (C'th).	Within such further period as the Federal Circuit Court of the Federal Court allows: s371(2) <i>Fair Work Act 2009</i> (C'th)
		Unlawful Termination application Only if a person is not entitled to make a General Protections Court Application in relation to the conduct, an application to the Fair Work Commission to deal with the dispute must be made within 60 days after employment was terminated: s 774(1)(a) <i>Fair Work Act 2009</i> (C'th)	Within such period as the Fair Work Commission allows if there are exceptional circumstances s774(1)(b) and (2) <i>Fair Work Act 2009</i> (C'th)
		An Unlawful Termination Court Application must be made within 14 days after issue of Section 777 certificate by the Fair Work Commission: s779(2) <i>Fair Work Act 2009</i> (C'th). A Section 777 certificate cannot be issued unless an unlawful termination application has been made to the Fair Work Commission in accordance with s774 of the <i>Fair Work Act 2009</i> (C'th).	Within such further period as the Federal Circuit Court or Federal Court allows: s779(2) <i>Fair Work Act 2009</i> (C'th)
		Other <i>Fair Work Act</i> applications 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> (C'th). must be made within 6 years after the day on which the contravention occurred: s544 <i>Fair Work Act 2009</i> (C'th) A person aggrieved by a decision made by the Fair Work Commission (other than a decision of the Full bench or an Expert Panel) or by the General Manager (or delegate) may appeal the decision with the permission of the Fair Work Commission if it is in the public interest to do so: s604(1) and (2) <i>Fair Work Act 2009</i> (C'th)	

Schedule of Limitation Periods in Civil Matters in New South Wales

Edition No. 20
Current at August 2013

NOTES

page 23

Edition No. 20
Current at August 2013

page 24

Edition No. 20
Current at August 2013

page 25

Please send any suggestions for improvement
to this Schedule of Limitation Periods to
Lawcover at lawcover@lawcover.com.au



Lvl 12, 580 George St, Sydney NSW 2000 Australia
DX 11527 Sydney Downtown

Lawcover Pty Ltd | ABN 48 003 326 618
Lawcover Insurance Pty Ltd | ABN 15 095 082 509

Telephone (02) 9264 8855 | Facsimile (02) 9264 8844

lawcover@lawcover.com.au
www.lawcover.com.au