



SCHEDULE OF LIMITATION PERIODS

in Civil Matters in the Northern Territory

Edition No. 1

Current as at August 2020

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This Schedule is prepared as a guide for legal practitioners on the limitation periods which apply to causes of action instituted in the Northern Territory. 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 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 2020

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PERSONAL INJURY

	Date	Limitation Period	Extensions/Suspensions
PERSONAL INJURIES (Common law claims that are not dealt with in the specific areas below)	From 1/7/96	3 years from date when the cause of action accrues: s12(1)(b) <i>Limitation Act 1981</i> (NT) Cannot commence proceedings unless notice of claim is given to the respondent: <ul style="list-style-type: none"> • Within 12 months after the date of injury; or • If the symptoms of the injury are not immediately apparent, within 12 months after the day on which symptoms first appear: s7 and s8(1) <i>Personal Injuries (Civil Claims) Act 2003</i> (NT) Claimant can give notice of claim after expiry period if there is a reasonable reason for the delay in giving the notice, and the Court gives leave to do so: s8(3) <i>Personal Injuries (Civil Claims) Act 2003</i> (NT)	S44(3)(b): <i>Limitation Act 1981</i> (NT): Extension of limitation period S44(7): Extension applies to actions arising under the <i>Compensation (Fatal Injuries) Act 1974</i> (NT) Time not to run where person is under a disability (infant or disabled person, or a convicted person who after conviction is undergoing a sentence of imprisonment): s36 <i>Limitation Act 1981</i> (NT)
AIRCRAFT	From 1/7/59	Personal injury or death: 2 years after the date of arrival of aircraft, or in the event that the aircraft didn't arrive the date on which the aircraft should have arrived, or the date on which the carriage stopped (whichever is the later date): s34 <i>Civil Aviation (Carriers' Liability) Act 1959</i> (Cth) For claims for injury or death from things falling from aircraft, see <i>Damage by Aircraft Act 1999</i> (Cth)	No extensions or suspensions except in respect of baggage: s30(3) and (4) <i>Civil Aviation (Carriers' Liability) Act 1959</i> (Cth)
CHILD ABUSE CASES	Any claim whenever occurring	No limitation period for victims of "child abuse" which includes sexual or physical abuse, or psychological abuse that arises from the sexual or physical abuse, perpetuated against a person who is under 18: s5A <i>Limitation Act 1981</i> (NT) The removal of this limitation period applies retrospectively: s55(2) <i>Limitation Act 1981</i> (NT)	Extends to actions under the <i>Compensation (Fatal Injuries) Act 1974</i> (NT) and actions surviving on the death of a person for the benefit of the person's estate under the <i>Law Reform (Miscellaneous Provisions) Act 1956</i> – s5A(4) <i>Limitation Act 1981</i> (NT)
COMPENSATION TO RELATIVES (for actions arising under s7 or s13 <i>Compensation (Fatal Injuries) Act 1974</i> (NT))	Deaths and act/omissions prior to 21/9/11	12 months from date of death: s7 <i>Compensation (Fatal Injuries) Ordinance 1938</i> (NT)	General power of the Court to extend prescribed time limit: s44 <i>Limitation Act 1981</i> (NT)
	Deaths and act/omissions on or after 21/9/11	3 years from the date of death: s17 <i>Limitation Act 1981</i> (NT) Note: if no action has been commenced by and in the name of the personal representative of the deceased within 6 months from the date of death, one or more persons can bring such an action under s13(1) <i>Compensation (Fatal Injuries) Act 1974</i> (NT) Note: requirements to bring an action under s13 in s13(2) <i>Compensation (Fatal Injuries) Act 1974</i> (NT)	General power of the Court to extend prescribed time limit: s44 <i>Limitation Act 1981</i> (NT) Time not to run where person is under a disability (infant or disabled person, or a convicted person who after conviction is undergoing a sentence of imprisonment): s36 <i>Limitation Act 1981</i> (NT)
DUST DISEASES	Any claim whenever occurring	No limitation period applies to an action for damages for personal injury arising from a dust disease: s12(2)(a) <i>Limitation Act 1981</i> (NT) Note: if proceedings are commenced and the injured person dies as a result of the disease before the action is determined, the exclusion for damages for pain or suffering, bodily or mental harm or curtailment of expectation of life in s6(c)(ii) of the <i>Law Reform (Miscellaneous Provisions) Act 1956</i> (NT) does not apply: S6(2) <i>Law Reform (Miscellaneous Provisions) Act 1956</i> (NT) See definition of "dust disease" in s12(3) <i>Limitation Act 1981</i> (NT)	

PERSONAL INJURY

	Date	Limitation Period	Extensions/Suspensions
MOTOR ACCIDENTS Claim for compensation	From 1/7/96	<p>A claim under the <i>Motor Accidents (Compensation) Act 1979</i> (NT) shall be made as soon as practicable after the accident, or the change in circumstances giving rise to the claim for variation of the benefit, occurred: s31(1) <i>Motor Accidents (Compensation) Act 1979</i> (NT)</p> <p>The Motor Accidents Commission may refuse to consider claims made later than 6 months after the date of the accident or the occurrence giving rise to the claim for variation: s31(2) <i>Motor Accidents (Compensation) Act 1979</i> (NT)</p> <p>The Motor Accidents Commission shall refuse to consider a claim made later than 3 years after the date of the accident or the occurrence giving rise to the claim for variation: s31(3) <i>Motor Accidents (Compensation) Act 1979</i> (NT)</p> <p>Report to the police - no later than 24 hours after the accident: s31A <i>Motor Accidents (Compensation) Act 1979</i> (NT) and s19(2) <i>Traffic Regulations 1992</i></p>	S31(3)(d) Motor Accidents (Compensation) Act 1979 (NT) – For a claimant who had not attained the age of majority at the time of the accident or the occurrence giving rise to the claim for the variation, the claim must be brought no later than 3 years after the date the claimant attained the age of majority
Merits Review of Compensation	Post 1/7/96	Request for review: 90 days after receipt of notice of the original decision, or if notice of the original decision is not given when the claimant becomes aware of the decision: s28A <i>Motor Accidents (Compensation) Act 1979</i> (NT)	
Referral to Motor Accidents (Compensation) Appeals Tribunal		<p>If the claimant is aggrieved by the decision – 28 days after receipt of notice of the review decision, or if notice of the review decision is not given, when the claimant becomes aware of the decision: <i>Motor Accidents (Compensation) Act 1979</i> (NT)</p> <p>If the designated person does not make a review of the decision: the end of the period of 30 days, or as otherwise provided by s28B <i>Motor Accidents (Compensation) Act 1979</i> (NT)</p>	
SHIPS		<p>Proceedings to be commenced within 2 years from date of death or injury to enforce a claim or lien for injuries/death caused by one vessel to persons on board another, or for damage or loss to another vessel or that vessel's cargo, freight or property on board: s20(3) <i>Limitation Act 1981</i> (NT)</p> <p>Proceedings to be commenced within 2 years from the date when the salvage services were rendered for an action to enforce a claim or lien in respect of salvage services: s20(4) <i>Limitation Act 1981</i> (NT)</p> <p>If injury/death arises from a maritime claim (as defined in ss4,5 of the <i>Admiralty Act 1988</i> (Cth)) then by s37 Admiralty Act, if no claim is brought under another Act or law, limitation period is 3 years from the date the cause of action arises</p> <p>If the above does not apply, see under the “Personal Injuries” section</p>	<p>s20(5) Limitation Act 1981 (NT)</p> <p>s37(3) Admiralty Act 1988 (Cth)</p>
VICTIMS COMPENSATION 1. Victims of Crime Application for awards of financial assistance	Prior to 3/6/13	2 years after occurrence of compensable violent act, injury or death: s31(1) <i>Victims of Crime Assistance Act 2006</i> (NT)	<p>The Director of the Crime Victims Services Unit may accept an application made after the expiry of the time limit if the circumstances justify it: s31(2) Victims of Crime Assistance Act 2006 (NT)</p> <p>See s31(3) Victims of Crime Assistance Act 2006 (NT) for the factors for which the Director must have regard</p>

PERSONAL INJURY

	Date	Limitation Period	Extensions/Suspensions
Applications to increase		Once financial assistance has been granted, the applicant may apply for an increase within 3 years after the date of payment. If the applicant was a child at the date of payment, then within 3 years after the person becomes an adult: s46(1) <i>Victims of Crime Assistance Act 2006</i> (NT) The Territory must pay the financial assistance within 28 days after the Director gives a notice to an applicant awarded increased financial assistance: s46(10) <i>Victims of Crime Assistance Act 2006</i> (NT)	
Applications to review		Applications for review in the NTCAT must be made 28 days after the relevant day, being either: a) the day the applicant was notified of the decision; or b) if the applicant applied for a written statement of reasons, the day the written statement is provided, or the day by which the written statement was required to be provided – whichever is earlier See s48 <i>Victims of Crime Assistance Act 2006</i> and ss94(3) <i>Northern Territory Civil and Administrative Tribunal Act 2014</i> (NT)	Generally, the Tribunal may extend or shorten this time limit: s68(1) <i>Northern Territory Civil and Administrative Tribunal Act 2014</i> (NT), r13.1 <i>Northern Territory Civil and Administrative Tribunal Rules 2016</i>
WORK INJURIES/ DEATH	Pre 22/5/15	Notice of the Claim: notice of the relevant injury must be given or served on the employer as soon as practicable (s80 <i>Workers Rehabilitation and Compensation Act</i> (NT)) and before the worker voluntarily leaves employment (s182 <i>Workers Rehabilitation and Compensation Act</i> (NT))	
1. NT			
(A) Notice of injury and Claim for Workers Compensation	From 22/5/15	Notice of the Claim: notice of the relevant injury must be given or served on the employer as soon as practicable: s80 <i>Return to Work Act 1986</i> (NT) and before the worker voluntarily leaves employment: s182 <i>Return to Work Act 1986</i> (NT) Appeal against assessment of Medical practitioner – 28 days: s72(3)	
(B) Complaint in respect of an offence under <i>Return to Work Act 1986</i> (NT)	Pre 22/5/15	3 years after the date on which the alleged offence occurred: s179 <i>Workers Rehabilitation and Compensation Act</i> (NT) Note: A claim can only be made with approval in writing of the Authority or a delegate of the Authority: s179(a)	
	From 22/5/15	3 years after the date on which the alleged offence occurred: s179 <i>Return to Work Act 1986</i> (NT) Note: A claim can only be made with approval in writing of the Authority or a delegate of the Authority: s179(a)	
(C) Common Law Proceedings for the recovery of compensation	Prior to 22/5/15	6 months after the occurrence of the injury, or in the case of disease, the incapacity arising from the disease, or 6 months after advice of the death has been received: s182 <i>Workers Rehabilitation and Compensation Act</i> (NT) Note: notice of the injury must have been given before the worker voluntarily left employment Claimant cannot commence proceedings under Division 2 of the Act unless there has been an attempt to resolve the dispute by mediation and that attempt has been unsuccessful: s103J <i>Workers Rehabilitation and Compensation Act</i> (NT) Proceedings to which s103J apply are to be commenced within 28 days after the claimant receives certificate: s104 <i>Workers Rehabilitation and Compensation Act</i> (NT)	S182(3): Failure to make a claim within the period specified is not a bar to the maintenance of the proceedings if the failure was occasioned by mistake, ignorance of a disease, absence from the Territory or other reasonable cause
	From 22/5/15	Claim for compensation must be made within six months of injury, incapacity arising from disease, or death: s182(1) <i>Return to Work Act 1986</i> (NT) Claimant cannot commence proceedings under Division 2 of the Act unless there has been an attempt to resolve the dispute by mediation and that attempt has been unsuccessful: s103J <i>Return to Work Act 1986</i> (NT) Proceedings to which s103J apply are to be commenced within 28 days after the claimant receives certificate: s104 <i>Return to Work Act 1986</i> (NT) Note: see s51 <i>Return to Work Act 1986</i> (NT) for application to sailors	Failure to make a claim for work injury within 6 months is not a bar to recovery if the failure was occasioned by mistake, ignorance of a disease, absence from the Territory or other reasonable cause: s182(3) <i>Return to Work Act 1986</i> (NT)

PERSONAL INJURY

	Date	Limitation Period	Extensions/Suspensions
2. Commonwealth			
(A) Workers Compensation Claims		Notice of claim must be given in writing to the relevant authority as soon as practicable: s53 <i>Safety, Rehabilitation and Compensation Act 1988</i> (Cth)	
(B) Common Law Proceedings	Injuries and act/omissions prior to 6/12/02	See under the “ Personal Injuries ” section 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 the “ Personal Injuries ” section Note: Election provision in s45 <i>Safety, Rehabilitation and Compensation Act 1988</i> (Cth)	

OTHER CIVIL MATTERS

	Date	Limitation Period	Extensions/Suspensions
APPEALS			
1. NT Court of Appeal		<p>If leave is not required: a notice of appeal (Form 85B) must be filed and served within 28 days after the material date: r84.12 <i>Supreme Court Rules 1987</i> (NT)</p> <p>If leave is required: an application for leave to appeal to the Court of Appeal (Form 85A) must be filed within 28 days after the material date, or if the presiding judge has fixed a later date for the filing of the application – the later date: r85.02 <i>Supreme Court Rules 1987</i></p> <p>Then, if leave is granted, a notice of appeal (Form 85B) must be filed and served within 28 days after the date on which leave to appeal was granted: r85.12(b) <i>Supreme Court Rules 1987</i></p> <p>For definition of “material date” see r85.01</p> <p>For cross-appeals and notice of contention see r84.06</p>	If the application is not filed in time the application must include a request to the Court of Appeal to dispense with compliance with that sub rule: 85.02(3) <i>Supreme Court Rules 1987</i>
Appeals to NT courts other than Court of Appeal		<p>A worker or employer may appeal a decision of the Work Health Court to the Supreme Court, but only on a question of law: s116 <i>Return to Work Act 1986</i> (NT)</p> <p>The time requirements under the <i>Supreme Court Rules</i> below apply</p>	
Appeals to the Supreme Court of NT		<p>If leave is not required: A notice of appeal (Form 83A) must be filed within 28 days after the material date: r83.04 <i>Supreme Court Rules 1987</i></p> <p>If leave is required to appeal, an application for leave to appeal (Form 83C) must be made within 7 days after the material date, or by such later date as is fixed for that purpose by the Tribunal: r83.23 <i>Supreme Court Rules 1987</i></p> <p>Then, if leave is granted, a notice of appeal (Form 83A) must be filed within 28 days from the date on which leave to appeal is granted: r83.04 <i>Supreme Court Rules 1987</i></p> <p>For definition of material date see r83.01</p> <p>For cross-appeals and notice of contention see r83.16</p>	
2. Commonwealth To Full Court of the Federal Court		<p>If leave is required to appeal, an application for leave to appeal must be filed within 14 days after the date on which the judgment was pronounced or the order was made, or the date fixed by the Court from which the leave to appeal is sought: <i>Federal Court Rule 35.13</i></p> <p>Filed within 21 days after the judgment appealed from was pronounced or the date on which leave to appeal is granted: <i>Federal Court Rule 36.03</i></p>	<i>Federal Court Rules 35.14, 36.03 and 36.05</i>
Applications for special leave to appeal to the High Court		Filed within 28 days after the judgment below was pronounced: <i>High Court Rule 41.02</i>	<i>High Court Rule 41.02</i>
BUILDING AND SUBDIVISION			
1. Contract		3 years from date on which the cause of action accrues: s12(1)(a) <i>Limitation Act 1989</i> (NT)	See s44 <i>Limitation Act</i> (NT)
2. Negligence		3 years from date on which the cause of action arose: s12(1)(b) <i>Limitation Act 1989</i> (NT)	See s44 <i>Limitation Act</i> (NT)
3. Building Action		An action for damages for economic loss or rectification costs resulting from defective building work must be brought within 10 years from the date of issue of an occupancy permit or the date of first occupation of the building concerned, after completion of work: s160 <i>Building Act 1993</i> (NT)	

OTHER CIVIL MATTERS

	Date	Limitation Period	Extensions/Suspensions
BUILDING AND SUBDIVISION CONTINUED...			
<p>4. Consumer Guarantees for Residential Building Work</p>		<p>Claims for non-completion of residential building work: an application to the Commissioner of Residential Building Disputes must be made within the “effective period”, which is the period:</p> <ul style="list-style-type: none"> a) that starts: <ul style="list-style-type: none"> a. if the building work has started – on the day the building work ceases; or b. if the building work has not started and the contract specifies a starting date – on the specified starting date; or c. if the building work has not started and the contract does not specify a starting date – on the date the contract was entered into; and b) that ends 90 days after the relevant day or date mentioned above <p>See s7(2) <i>Building (Resolution of Residential Building Disputes) Regulations 2012</i> (NT)</p> <p>Claims for defective residential building work: an application to the Commissioner must be made within the “effective period”, which is the total of the construction period and the defect period</p> <ul style="list-style-type: none"> a) the construction period is the period which: <ul style="list-style-type: none"> i. starts: <ul style="list-style-type: none"> A. on the day the contract is entered into; or B. if there is no contract, on the day the building permit is granted; and ii. ends: <ul style="list-style-type: none"> A. on the day the occupancy permit or certificate of substantial compliance is granted; or B. if no occupancy certificate is required, on the day all declarations required under the <i>Building Act 1993</i> (NT) are made by the builder <p>OR</p> <ul style="list-style-type: none"> iii. If a building permit has been granted and the building work is not fully completed within the 2 year period of the permit, the construction period will end on the day the permit expires (excluding any period of extension) b) The defect period begins immediately after the last day of the construction period and continues for the following period: <ul style="list-style-type: none"> i. 1 year for alleged defective work resulting in a non-structural defect; or ii. 6 years for alleged defective work resulting in a structural defect <p>See ss7(3)-(6) <i>Building (Resolution of Residential Building Disputes) Regulations 2012</i> (NT)</p>	<p>If the owner becomes aware of the alleged defective work within 30 days before the end of the defect period, the defect period is then extended for 30 days after the day the owner became aware of such defect: s7(7) <i>Building (Resolution of Residential Building Disputes) Regulations 2012</i> (NT)</p>
<p>5. Technical Inspection</p>		<p>An application for technical inspection of an alleged incident of defective building work must be made to the Commissioner within the consumer guarantee effective period, being one year for non-structural work and six years for structural work after the completion of the construction period: s54FB <i>Building Act 1993</i> (NT)</p> <p>Note: see above and s7 <i>Building (Resolution of Residential Building Work Disputes) Regulations 2012</i> for explanation of the “effective period”</p>	

OTHER CIVIL MATTERS

	Date	Limitation Period	Extensions/Suspensions
BUILDING AND SUBDIVISION CONTINUED...			
6. Claims to Northern Territory Civil & Administrative Tribunal (NTCAT)		<p>NTCAT has jurisdiction to review a “reviewable decision” of the Commissioner</p> <p>An application for review must be brought within 28 days after:</p> <ol style="list-style-type: none"> The date the applicant was notified of the decision; or If the applicant applied for a written statement of reasons, the earlier of: the day the written statement was applied for; or the day which the written statement was required to be provided to the applicant <p>See s94(3) and (7) <i>Northern Territory Civil and Administrative Tribunal Act 2014</i></p> <p>See r74 and schedule 2 <i>Building (Resolution of Residential Building Work Disputes) Regulations 2012</i> (NT) for reviewable decisions and affected persons</p> <p>Note: NTCAT can decide actions for amounts up to \$25,000: s6 <i>Small Claims Act 2016</i> (NT)</p>	
7. Consent Authority		An appeal from a determination of refusal by a consent authority must be made to the Lands, Planning and Mining Tribunal within 28 days after service of the notice of refusal: s111 <i>Planning Act 1999</i> (NT)	Where a determination by a consent authority resulted in an outcome other than refusal, see applications for appeal under ss112-116 <i>Planning Act 1999</i> (NT)
CHILD SUPPORT			
		<p>For a declaration that a person should or should not be assessed in respect of the costs of the child: within 56 days after being served with a notice confirming acceptance or rejection of an application for administrative assessment</p> <p>See Rule 4.20 <i>Family Law Rules 2004</i> (Cth)</p> <p>Internally lodging objections to decisions: where the person is an Australian resident: within 28 days after a notice of the decision is served on the person, or within 28 days after the decision first comes to the notice of the person where the decision relates to an appealable collection refusal; or within 90 days if the person is a resident of a reciprocating jurisdiction</p> <p>See s81 <i>Child Support (Registration and Collection) Act 1988</i> (Cth)</p> <p>Opposing objections to decisions: may lodge written notice in opposition to objection within 28 days after service on them of the objection if the person opposing the objection lives in Australia, otherwise within 90 days after service on them of the objection if the person opposing the objection is a resident of a reciprocating jurisdiction</p> <p>See ss86 and 86A <i>Child Support (Registration and Collection) Act 1988</i> (Cth). See 87AA in relation to care percentage decisions</p>	A person may apply to the Registrar to consider the objection outside time: s82 <i>Child Support (Registration and Collection) Act 1988</i> (Cth)
	From 1/7/15 (previously reviews lay with the Social Security Appeals Tribunal)	<p>For applications for review of decisions of a Registrar to the Administrative Appeals Tribunal (AAT first review): within 28 days of the notice being served on the person if living within Australia, or within 90 days if person is a resident of a reciprocating jurisdiction</p> <p>See s90 <i>Child Support (Registration and Collection) Act 1989</i> (Cth), and s29 <i>Administrative Appeals Tribunal Act 1975</i> (Cth). See s89 <i>Child Support (Registration and Collection) Act 1989</i> (Cth) for the types of decisions and who can apply to review them</p> <p>There is no time limitation for applying for a review of a decision relating to a care percentage, however if made after the usual 28/90 day period the date of the effect of the review decision will be the date the application was made: s87AA <i>Child Support (Registration and Collection) Act 1989</i> (Cth)</p>	If the period for applying for review has ended, a person may make an application for review asking the AAT to consider the application for review despite the ending of the period: s91-93 <i>Child Support (Registration and Collection) Act 1989</i> (Cth)

OTHER CIVIL MATTERS

	Date	Limitation Period	Extensions/Suspensions
CHILD SUPPORT CONTINUED...			
		<p>For applications for further review (AAT second review) in relation to section 92 (decision to refuse an extension of time for a person to make an application for AAT first review) or an AAT first review care percentage decision or a decision in relation to the date of effect of a decision by AAT first review of a care percentage decision: within 28 days of the written reasons for the AAT first review decision, or, where no written reasons are given, within 28 days of receipt of the first review decision. Or within 90 days if person is a resident of a reciprocating jurisdiction</p> <p>See 96A <i>Child Support (Registration and Collection) Act 1989</i> (Cth) and s43 <i>Administrative Appeals Tribunal Act 1975</i> (Cth) and s29 <i>Administrative Appeals Tribunal Act 1975</i> (Cth)</p> <p>For appeals from a decision of the Administrative Appeals Tribunal under Part VIII of the <i>Child Support (Registration and Collection) Act 1989</i> (Cth) on a question of law: within 56 days of receipt of the written reasons for the AAT decision or such other time as provided for by the Federal Court</p> <p>See Rule 4.20 <i>Family Law Rules 2004</i> (Cth) and ss44, 44AA and 44AAA <i>Administrative Appeals Tribunal Act 1975</i> (Cth)</p> <p>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), leave is required, and appeals must be made within the time frames specified under the <i>Family Law Rules 2004</i> (Cth)</p> <p>See ss102, 102A and 105 <i>Child Support (Assessment) Act 1989</i> (Cth) (and s110 – noting that a departure order cannot be made in respect of a period that is more than 18 months earlier- with leave 7 years) and ss107, 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 <i>Family Law Rules 2004</i> (Cth)</p>	<p>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: s102(8) <i>Child Support (Assessment) Act 1989</i> (Cth)</p>
Notifications to the Registrar		<p>Notifications to the Registrar:</p> <ul style="list-style-type: none"> Where an order is made or a maintenance agreement is registered or approved by a Court, and a registrable maintenance liability arises or the order or agreement varies or affects a registrable maintenance liability, the payee and payer shall notify the Registrar within 14 days of the order being made or agreement being registered <p>See s23 <i>Child Support (Registration and Collection) Act 1988</i> (Cth)</p> <ul style="list-style-type: none"> Where an order is made or a maintenance agreement is registered or approved by a Court, and the order or agreement varies or affects a registered maintenance liability, the payee shall notify the Registrar within 14 days of the order being made or agreement being registered <p>See s33 <i>Child Support (Registration and Collection) Act 1988</i> (Cth)</p> <ul style="list-style-type: none"> Upon the happening of an affecting event, the payee of an enforceable maintenance liability shall notify the Registrar within 14 days after the happening of the event <p>See s34 <i>Child Support (Registration and Collection) Act 1988</i> (Cth) and s4 <i>Child Support (Registration and Collection) Act 1988</i> (Cth) for definition of “affecting event”</p>	<p>The payee is not required to give the Registrar notice if the payee, within that period of 14 days, elects, by giving the Registrar a notice, not to have the registrable maintenance liability enforced: s23(3) <i>Child Support (Registration and Collection) Act 1988</i> (Cth)</p>
CONSUMER CLAIMS			
1. General	For consumer contracts prior to 1/1/11	3 years after the date the cause of action accrued: s91(2) <i>Consumer Affairs and Fair Trading Act 1990</i> (NT)	

OTHER CIVIL MATTERS

	Date	Limitation Period	Extensions/Suspensions
CONSUMER CLAIMS CONTINUED...			
	From 1/1/11	6 years after the date the cause of action accrues: ss236(2),237(3) <i>Australian Consumer Law</i> For a claim not covered under the Australian Consumer Law, within 2 years from date on which the offence is alleged to have been committed: s330A(1)(a) <i>Consumer Affairs and Fair Trading Act 1990</i> (NT)	At a later time, within 5 years from the date of the offence, with the authorisation of the Minister: s330A(1)(b) <i>Consumer Affairs and Fair Trading Act 1990</i> (NT)
2. Northern Territory Civil & Administrative Tribunal (NTCAT)		NTCAT has jurisdiction to deal with a claim for the recovery of an amount that does not exceed \$25,000 (s6 <i>Small Claims Act 2016</i> (NT))	
CONTRACT			
1. General		3 years from date on which the cause of action accrues: s12(1)(a) <i>Limitation Act 1989</i> (NT) 12 years if cause of action founded on a deed: s14 <i>Limitation Act 1989</i> (NT)	See s44 and s36 <i>Limitation Act 1989</i> (NT)
DE FACTO RELATIONSHIPS			
1. NT		2 years from the end of the relationship: ss13, 14(1) <i>De Facto Relationships Act 1991</i> (NT)	The court may grant leave to make an application after the time period if the court is satisfied that greater hardship would be caused to that partner by refusing leave than would be caused to the other partner by granting it: s14(2) <i>De Facto Relationships Act 1991</i> (NT)
2. Commonwealth	From 1/3/09	For property settlement (s90SM <i>Family Law Act 1975</i> (Cth)) or maintenance (ss 90SE and 90SG <i>Family Law Act 1975</i> (Cth)) proceedings: 2 years after cessation of a de facto relationship See s44(5) of the <i>Family Law Act 1975</i> (Cth) See also the Family Law section regarding limitation periods for: <ul style="list-style-type: none"> • appeals • cross-appeals • review of regional appeal Registrar's orders • review of orders or decisions of Registrars or Deputy Registrars • costs • claims for child bearing expenses 	Applications may be made out of time with leave of the Court if the Court is satisfied that hardship would be caused to the party or a child if leave were not granted, or, if, in maintenance proceedings, the party was unable to support himself/herself without an income tested pension, allowance or benefit at the expiration of the standard limitation period. Applications may be made out of time with leave of the Court, or with the consent of both parties: s44(5) and (6) <i>Family Law Act 1975</i> (Cth)
DEFAMATION			
	From 25/4/06	3 years from the date of publication of the defamatory matter – general limitation period for torts: s12(1)(b) <i>Limitation Act 1989</i> (NT)	
	From 26/4/06 to 7/11/07	1 year from date of publication: s12(1A) <i>Limitation Act 1989</i> (NT)	If the Court considers it was not reasonable for the plaintiff to have commenced an action within one year, the court must extend the limitation period to a period of up to 3 years: s44A <i>Limitation Act 1989</i> (NT)
	From 7/11/07	1 year from the date of publication of the defamatory matter: s12(2)(b) <i>Limitation Act 1989</i> (NT)	See above

OTHER CIVIL MATTERS

	Date	Limitation Period	Extensions/Suspensions
DISCRIMINATION			
1. NT Making a complaint to the Commission	From 1/7/15	A complaint shall be made no later than 12 months after the alleged prohibited conduct took place: s65(1) <i>Anti-Discrimination Act 1992</i> (NT) Note: the Commissioner must accept or decline the complaint within 60 days	Commissioner may accept a complaint after 12 months if satisfied it is appropriate to do so: s65(2) <i>Anti-Discrimination Act 1992</i> (NT)
Appealing Commission's decision		The complainant may apply to have the complaint heard by the Civil and Administrative Tribunal within 21 days after receiving the written notice: s86(4) <i>Anti-Discrimination Act 1992</i> (NT) This section applies where the Commissioner does not refer the complaint to the Tribunal	
Appeal of Tribunal decision		Appeal to Supreme Court must be made: (a) within 28 days after the day the decision or order was made; or (b) If the Tribunal did not give written reasons at the time of decision, and the party requests the Tribunal to do so, no later than 28 days after the party receives reasons in writing See s106 <i>Anti-Discrimination Act 1992</i> (NT)	
2. Commonwealth	From 5/8/09	The President of the Australian Human Rights Commission may terminate a complaint if the complaint was lodged more than 6 months after the alleged acts, omissions or practices took place: s46PH(1)(b) <i>Australian Human Rights Commission Act 1986</i> (Cth)	If the President terminates a complaint, an application alleging unlawful discrimination by one or more of the respondents of the terminated complaint may be made by any affected person in relation to the complaint to the Federal Court or the Federal Circuit Court within 60 days after the date of issue of notice of decision to terminate (or within such further time as the Court allows): s46PO(2) <i>Australian Human Rights Commission Act 1986</i> (Cth)
EQUITY & TRUSTS			
Specific performance, injunctions and general equitable relief		No specific limitation period. Where appropriate, the Court will apply a limitation period by analogy with the limitation period applicable to the most analogous common law claim: s21 <i>Limitation Act 1981</i> (NT)	Generally no, but see s44 <i>Limitation Act 1981</i> (NT)
Breach of trust		The later to expire of: (a) 3 years from date on which cause of action occurs; or (b) the limitation period for the cause of action fixed by or under any other provision of the <i>Limitation Act 1981</i> (NT) See s33 <i>Limitation Act 1981</i> (NT)	As above
Claims by trustees and beneficiaries for fraud on trust property		The later to expire of: (a) 12 years from the date when the facts giving rise to the cause of action and right to relief are or reasonably should have been discovered; or (b) the limitation period for the cause of action fixed by or under any other provision of the <i>Limitation Act</i> See s32(1)(e)-(f) <i>Limitation Act 1981</i> (NT)	As above

OTHER CIVIL MATTERS

	Date	Limitation Period	Extensions/Suspensions
FAMILY LAW			
	From 5/1/76	<p>For property settlement (s79) or spousal maintenance (s74) proceedings:</p> <p>(a) If a divorce order has been made - 12 months after the date on which the divorce order took effect; or</p> <p>(b) If a decree of nullity of the marriage has been made – 12 months after the date of the making of the decree</p> <p>See s44(3) of the <i>Family Law Act 1975</i> (Cth)</p>	<p>Applications may be made out of time with leave of the Court, or with the consent of both parties: ss44(3), 44(3AA) and 44(4) and 44(6) <i>Family Law Act 1975</i> (Cth). See s44(5) and (6) <i>Family Law Act 1975</i> (Cth) in relation to de facto relationships</p>
	From 1/3/09	<p>For property settlement (s90SM <i>Family Law Act 1975</i> (Cth)) or maintenance (ss90SE and 90SG <i>Family Law Act 1975</i> (Cth)) proceedings:</p> <p>2 years after cessation of a de facto relationship: s44(5) of the <i>Family Law Act 1975</i> (Cth)</p> <p>See also the De Facto section regarding limitation periods for property division prior to 1/3/09</p>	<p>The limitation period can be extended following the revocation of a maintenance agreement or a financial agreement in appropriate circumstances: ss44(3A) and (3B) <i>Family Law Act 1975</i> (Cth)</p>
		<p>Filing of applications seeking parenting orders during the Christmas school holiday period: for applications other than urgent applications, the application must be filed before 4.00pm on the second Friday in November of the application year: see Rule 5.01A of the <i>Family Law Rules 2004</i></p> <p>In cases of urgency the usual criteria for an urgent hearing will apply: Rule 5.01A</p> <p>In relation to an appeal: 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>In relation to a cross-appeal: the later of:</p> <p>a) 14 days after the Notice of Appeal is served on the cross-appellant; or</p> <p>b) 28 days after the date the order appealed from was made</p> <p>See Rule 22.08 <i>Family Law Rules 2004</i> (Cth)</p> <p>For review of Regional Appeal Registrar's order: within 14 days after the order is made</p> <p>See Rule 22.40 <i>Family Law Rules 2004</i> (Cth)</p> <p>For review of orders or decisions made by Registrars or Deputy Registrars: 7 days or 28 days (21 days for bankruptcy matters) after the order was made depending on the power exercised: see Rule 18.08 <i>Family Law Rules 2004</i> (Cth) and table 18.6 within that Rule</p> <p>Bankruptcy:</p> <p>See section 60(2) and (3) of the <i>Bankruptcy Act 1966</i> (Cth) for effect of petition for bankruptcy (stay on proceedings) and election by Trustee to prosecute or discontinue action</p> <p>Costs:</p> <p>An application for costs may be made:</p> <p>a) at any stage during proceedings, or</p> <p>b) within 28 days after a final order is made, or</p> <p>c) within 28 days after the filing of a notice of discontinuance by the other party</p> <p>See Rule 19.08 and 10.11(4) <i>Family Law Rules 2004</i> (Cth)</p> <p>See also Part 19.6 <i>Family Law Rules 2004</i> for the requirements (including service periods) for claiming costs</p>	<p>Also see generally Rule 1.14 <i>Family Law Rules 2004</i> (Cth) regarding shortening or extension of time fixed under the <i>Family Law Rules</i></p> <p>A person may apply for an extension of time to appeal: 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: Rule 1.14 <i>Family Law Rules 2004</i> (Cth)</p>

OTHER CIVIL MATTERS

Date	Limitation Period	Extensions/Suspensions
FAMILY LAW CONTINUED...		
	<p>Costs in appeal matters: An application for costs may be made:</p> <p>a) at any stage during an appeal or an application for leave to appeal, or b) within 28 days after</p> <p>a. the filing of a notice of discontinuance by the other party; or b. the abandonment of an appeal; or c. the dismissal of an appeal; or 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: <i>Family Court Rules 1984</i> were replaced by the <i>Family Law Rules 2004</i>, which commenced on 29/3/04</p>	
From 11/6/96	<p>In relation to claims for child bearing expenses (where father not married to mother) pursuant to s67G <i>Family Law Act 1975</i> (Cth):</p> <p>(a) any time during the pregnancy; or (b) after the birth, but not later than 12 months after the birth, except by leave of the Court</p> <p>See s67G <i>Family Law Act 1975</i> (Cth)</p>	s67G(2) <i>Family Law Act 1975</i> (Cth) provides the Court must not grant leave unless refusal to grant leave would cause hardship
From 1/1/87	<p>Child abduction For orders regarding return of a child: The Family Court must make an order if an application is filed within one year of the child's removal or retention</p> <p>See Regulation 16(1) <i>Family Law (Child Abduction Convention) Regulations 1986</i> (Cth)</p>	Regulation 16(2) <i>Family Law (Child Abduction Convention) Regulations 1986</i> (Cth) stipulates that even if an application is brought outside of the 1 year time limit referred to in Regulation 16(1)(b), the Court must still make an Order returning the child if the Court is satisfied that the person opposing the return has not established that the child has settled in his or her new environment
FAMILY PROVISION		
	<p>A family provision application must be made by an entitled person: s7 <i>Family Provision Act 1970</i> (NT) within 12 months after the date administration of the deceased persons estate has been granted: s9(1) <i>Family Provision Act 1970</i> (NT)</p>	Court may extend time provided the estate has not been lawfully or fully distributed: s9(2)-(4) <i>Family Provision Act 1970</i> (NT)
	<p>Intestate Estates – Appropriation of matrimonial home A spouse or de facto partner must make an election to have their interest appropriated accordingly within 1 year after the date representation in the estate is granted, provided they were residing in the dwelling at the date of death: s73 <i>Administration and Probate Act 1969</i> (NT)</p>	Court may allow for a longer period for an application: s73(2) <i>Administration and Probate Act 1969</i> (NT)
Date of death after 3/12/79: s71 (NT) <i>Administration and Probate Act 1969</i> (NT)	<p>Intestate Estates – Indigenous Persons An application for a distribution by an entitled person of an indigenous intestate (under s71B) must be made within 6 months after the grant of the administration: s71C(1)</p>	<p>The Court may allow a longer period for an application under s71C(2)-(4) <i>Administration and Probate Act 1969</i> (NT)</p> <p>However, no application may be made after the intestate estate has been lawfully or fully distributed: s71C(4) <i>Administration and Probate Act 1969</i> (NT)</p>

OTHER CIVIL MATTERS

	Date	Limitation Period	Extensions/Suspensions
JUDGMENTS (ENFORCEMENT OF)			
		<p>12 years from the date on which the judgment first becomes enforceable: s15 <i>Limitation Act 1981</i> (NT)</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 1991</i> (Cth)</p>	The court may, by order, extend the period within which such an application may be made: s6(5) <i>Foreign Judgments Act 1991</i> (Cth)
MEDICAL NEGLIGENCE See “Personal Injuries (common law claims)” on page 2			
MISLEADING AND DECEPTIVE CONDUCT - (1) actions for damages (see also “Torts”)			
1. NT	For conduct prior to 1/1/11	2 years after the date on which the offence is alleged to have been committed: s330A <i>Consumer Affairs and Fair Trading Act 1990</i> (NT)	At a later time within 5 years after the date on which the offence is alleged to have been committed, with the authorisation of the Minister: s330A(1)(b) <i>Consumer Affairs and Fair Trading Act 1990</i> (NT)
	From 1/1/11	6 years after the day on which the cause of action that relates to the conduct accrued: s236(2 and s237(3)) <i>Australian Consumer Law 2011</i>	
2. Commonwealth	For conduct prior to 1/1/11	6 years after the date the cause of action accrues: s82(2) and s87(1CA) <i>Trade Practices Act 1974</i> (Cth) See ss82(1B), 87CB, 87CC and 87CD <i>Trade Practices Act 1974</i> for the application of proportionate liability	
	From 1/1/11	6 years after the date on which the cause of action accrued: ss236(2) and 237(3) <i>Australian Consumer Law</i> See ss87CB, 87CC and 87CD <i>Competition and Consumer Act 2010</i> (Cth) for the application of proportionate liability	
MISLEADING AND DECEPTIVE CONDUCT - (2) Financial Services			
		6 years after the date on which the cause of action accrued: ss12GF(2) and 12GM(5) <i>Australian Securities and Investments Commission Act 2001</i> (Cth) See s12GF(1B) <i>Australian Securities and Investments Commission Act 2001</i> for the application of proportionate liability	
PRODUCT LIABILITY (see also “Torts”)			
1. NT Actions for damages (see also the Torts section)	For conduct prior to 1/1/11	3 years after the date on which the offence is alleged to have been committed: s91(2) <i>Consumer Affairs and Fair Trading Act 1990</i> (NT)	
	For conduct post 1/1/11	6 years from the day on which the cause of action that relates to the conduct accrued: s236 and s237 <i>Australian Consumer Law</i> For actions of loss or damage suffered by non-party consumers: 6 years after the day on which the cause of action accrued, or the declaration is made: s239 <i>Australian Consumer Law</i>	
Actions against manufacturers and importers of goods	For conduct prior to 1/1/11	3 years after the day on which the cause of the action accrued: s80(1) <i>Consumer Affairs and Fair Trading Act 1990</i> (NT) Note: see s80(2) <i>Consumer Affairs and Fair Trading Act 1990</i> (NT) for when the cause of action shall be deemed to have accrued	

OTHER CIVIL MATTERS

	Date	Limitation Period	Extensions/Suspensions
	For conduct post 1/1/11	Consumer guarantees: 3 years after the day on which the consumer became aware or ought to have become aware, that the guarantee to which the action relates has not been complied with s273 <i>Australian Consumer Law</i> Indemnification of suppliers by manufacturers: within 3 years after the earliest of: (a) the day on which the supplier made a payment with respect to, or otherwise discharged the liability of the supplier to the consumer; (b) the day on which a proceeding was commenced by the consumer against the supplier with respect to that liability (if more than one proceeding, the day on which the first proceeding was commenced) s274(4) <i>Australian Consumer Law</i>	
2. Commonwealth Actions for damages (see also the Torts section)	For conduct prior to 1/1/11	6 years after the date the cause of action accrues: s82(2) and s87(1CA) <i>Trade Practices Act 1974</i> (Cth) Note: See ss82(IB), 87CB, 87CC and s87CD of the <i>Trade Practices Act 1974</i> (Cth) for the application of proportionate liability	
	From 1/1/11	6 years after the date on which the cause of action accrued: ss236(2) and 237(3) <i>Australian Consumer Law</i> Note: See ss87CB, 87CC and 87CD of the <i>Competition and Consumer Act 2010</i> for the application of proportionate liability Loss or damage suffered by non-party consumers: 6 years after the day on which the cause of action accrued, or the declaration was made: s239 <i>Australian Consumer Law</i>	
Against manufacturers and importers of goods	For conduct prior to 1/1/11	3 years after the day on which the cause of action accrued: s74J <i>Trade Practices Act 1974</i> (Cth) For defective goods: within 3 years after the time the person became aware, or ought reasonably to have become aware, of the alleged loss, the defect and the identity of the person who manufactures the action goods: s75AO(1) <i>Trade Practices Act 1974</i> (Cth) This is subject to a 10 year long-stop: see s75AO(2) <i>Trade Practices Act 1974</i> (Cth)	
2. Commonwealth Against manufacturers and importers of goods	From 1/1/11	Consumer guarantees: 3 years from the date the consumer became aware or ought reasonably to have become aware that the consumer guarantee had not been complied with: s273 <i>Australian Consumer Law</i> Indemnification of suppliers by manufacturers: within 3 years after the earliest of: (c) the day the supplier made a payment with a respect to the liability of the supplier to the consumer, or (d) the day on which a proceeding was commenced by the consumer against the supplier: s274(4) <i>Australian Consumer Law</i>	
Personal Injury from breach of consumer law		For personal injury claims relating to products: 3 years from the “date of discoverability” of the death or injury to which the personal injury damages would relate: s87F <i>Competition and Consumer Act 2010</i> (Cth) This is subject to a 12 year long-stop period from the time that the act or omission alleged to have caused the death or injury occurred: s87(1) (b) and s87H <i>Competition and Consumer Act 2010</i> (Cth) Note: the long-stop period does not apply in relation to a proceeding in respect of the death or of personal injury resulting from smoking or other use of tobacco products See s87G <i>Competition and Consumer Act 2010</i> (Cth) for “date of discoverability”	Plaintiff who is a minor or an incapacitated person: s87J <i>Competition and Consumer Act 2010</i> (Cth) Person in close relationship: s87K <i>Competition and Consumer Act 2010</i> (Cth) Extension of long-stop period: s87H <i>Competition and Consumer Act 2010</i> (Cth)

OTHER CIVIL MATTERS

	Date	Limitation Period	Extensions/Suspensions
RECTIFICATION OF WILLS			
	Wills executed or date of death on or after 1/03/01	An application for an order for rectification of a will must be filed within 6 months from the date of death of the testator: s27(2) <i>Wills Act 2000</i> (NT)	The Court may extend the period of making an application provided the final distribution of the estate has not been made: s71(4) <i>Wills Act 2000</i> (NT)
RETAIL LEASES			
Commissioner of Business Tenancies		<p>A party or former party to a current or lapsed retail lease may lodge a retail tenancy claim with the Commissioner of Business Tenancies no later than 3 years after the liability or obligation that is subject of the claim arose: s86(5) <i>Business Tenancies (Fair Dealings) Act 2003</i> (NT)</p> <p>See s78 <i>Business Tenancies (Fair Dealings) Act 2003</i> (NT) for claims of unconscionable conduct</p> <p>Disputes may not be the subject of inquiry or proceedings before any Court (apart from an injunction) until after conciliation has been attempted: ss85, 88, 98, 104, 105(3) <i>Business Tenancies (Fair Dealings) Act 2003</i> (NT)</p> <p>An order made by the Commissioner of Tenancies may be appealed provided an application is lodged with the Local court:</p> <ul style="list-style-type: none"> (a) before 14 days after the date of the order, determination or decision; or (b) If no reasons for the order are given at the time of making it, within 14 days after the parties are given the written statement of reasons <p>See s119(5)-(6) <i>Business Tenancies (Fair Dealings) Act 2003</i> (NT)</p>	The 14 day limitation period under option (a) may be extended at the discretion of the Local Court: s119(6) <i>Business Tenancies (Fair Dealings) Act 2003</i> (NT)
SUPERANNUATION CLAIMS			
	Complaints made prior to 1/11/18	<p>Appeals to the Federal Court</p> <p>A party may appeal to the Federal Court, on a question of law, from the determination of the Superannuation Complaints Tribunal within 28 days after the date on which a copy of the determination of the Tribunal is given to the person seeking to appeal: s46 <i>Superannuation (Resolution of Complaints) Act 1993</i> (Cth)</p>	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)
	After 1/11/18	<p>Death Benefits</p> <p>A complaint to the Australian Financial Complaints Authority (AFCA) about the decision of:</p> <ol style="list-style-type: none"> 1. the trustee of a relevant fund; 2. an insurer in relation to a superannuation complaint; or 3. a retirement savings account (RSA) provider; <p>in relation to payment of a death benefit, must be made within 28 days of the decision maker having given the person notice of their decision in accordance with s1056 of the <i>Corporations Act 2001</i> (Cth)</p> <p>See also <i>AFCA Complaint Resolution Scheme Rules</i> dated 25/4/2020, Rule B.4.1.3</p> <p>TPD Benefits</p> <p>A complaint to the AFCA about the decision of:</p> <ol style="list-style-type: none"> 1. a trustee of a fund; 2. an insurer (where the premiums under the policy have been paid from an RSA); or 3. a retirement savings account provider; 	<p>If the complainant did not object to the Financial Firm's proposed decision within 28 days of the Financial Firm giving notice of the proposed decision, they cannot make a complaint to AFCA in relation to the decision made: <i>AFCA Complaint Resolution Scheme Rules</i> dated 25/4/2020, Rule B.4.1.3.</p> <p>AFCA cannot deal with a complaint made out of time in relation a TPD Decision or payment of a death benefit: <i>AFCA Complaint Resolution Scheme Rules</i> dated 25/4/2020, Rule B.4.4.1.</p>

OTHER CIVIL MATTERS

	Date	Limitation Period	Extensions/Suspensions
SUPERANNUATION CLAIMS CONTINUED...			
		<p>in relation to payment of a disability benefit because of total and permanent disability must be made:</p> <ul style="list-style-type: none"> • within four years of the decision maker's decision about the disability claim – if the complainant permanently ceased employment because of the physical or mental condition that gave rise to the claim for the disability benefit (subject to the complainant making the claim to the decision maker within two years of permanently ceasing employment); or • within six years of the decision maker's decision about the disability claim – if the complainant did not permanently cease employment because of the physical or mental condition that gave rise to the claim for the disability benefit <p>See <i>AFCA Complaint Resolution Scheme Rules</i> dated 25/4/2020, Rule B.4.1.1</p> <p>Other Superannuation Complaints</p> <p>Generally AFCA will not consider other types of superannuation complaints unless submitted to AFCA within two years of the date of the IDR response (including where the complainant has an interest in the death benefit, but was not properly notified of the proposed payment or the objection period). See <i>AFCA Complaint Resolution Scheme Rules</i> dated 25/4/2020, Rule B.4.1.5</p> <p>Appeals to the Federal Court</p> <p>A party to a superannuation complaint may appeal to the Federal Court, on a question of law, from AFCA's determination of the complaint within 28 days of the determination of AFCA being given to the person: s 1057 <i>Corporation Act 2001</i> (Cth)</p>	<p>AFCA may consider a complaint submitted after the time limits set out in rules B.4.1.5 if it considers that special circumstances apply: <i>AFCA Complaint Resolution Scheme Rules</i> dated 25/4/2020, Rule B.4.4.2.</p> <p>The Federal Court has discretion to allow a party additional time to institute an appeal: s1057 <i>Corporations Act 2001</i> (Cth)</p>
TORTS			
Excluding damages for personal injury and defamation	From 1/07/96	3 years from date when cause of action accrues: s12(1)(b) <i>Limitation Act 1981</i> (NT)	<p>See Part III Division 1 and 2 of <i>Limitation Act 1981</i> (NT) – s36 person under disability and s39 infants</p> <p>Note: Court's discretion to extend limitation period under s44 <i>Limitation Act 1981</i> (NT). Limited discretion of the court under s44(3)</p>
Claims for contribution between tortfeasors	From 1/07/96	<p>The following limitation period relates to actions to recover contribution under s12 <i>Law Reform (Miscellaneous Provisions) Act 1956</i> (NT)</p> <p>The first to expire of:</p> <ol style="list-style-type: none"> 2 years from the date on which the right of action to recover contribution first accrued to the plaintiff or to a person through who he claims; or A limitation period of 4 years from the date of the expiration of the limitation period for the principal action: s24(1) <i>Limitation Act 1981</i> (NT) <p>See s24(2) <i>Limitation Act 1981</i> (NT) for when a right of action to recover contribution first accrues</p> <p>Note: Limitation period for the principal action means the limitation period prescribed by the <i>Limitation Act 1981</i> (NT) for the action for the liability in respect of which contribution is sought</p>	See above

OTHER CIVIL MATTERS

	Date	Limitation Period	Extensions/Suspensions
UNFAIR DISMISSAL			
1. NT Unfair Dismissal	From 1/1/13	All employees (except a member of the NT Police Force) are covered by the national workplace relations system See s94 and 95 of <i>Police Administration Act 1978</i> (NT) for appeal process for dismissal for members of NT Police Force	
2. Commonwealth Unfair Dismissal	From 1/1/13	Application must be made within 21 days after the dismissal took effect s394(2)(a) of the <i>Fair Work Act 2009</i> (Cth) An application for costs orders relating to an unfair dismissal proceeding must be made within 14 days after the FWC determination or discontinuance: s402 <i>Fair Work Act 2009</i> (Cth)	FWC may allow more time if it is satisfied that there are “exceptional circumstances”: s394(3) <i>Fair Work Act 2009</i> (Cth)
Unfair Dismissal Appeal	From 6/12/13	An appeal must be lodged within 21 calendar days after the date of the decision or order: Rule 56(2) of the <i>Fair Work Commission Rules 2013</i> (Cth) The FWC must not grant permission to appeal unless it is in the public interest to do so and, if the appeal is based on an error of fact, it is a significant error of fact: ss400(1)-(2) <i>Fair Work Act 2009</i> (Cth)	On application to the FWC, within such time as is allowed where there are good reasons for doing so: Rule 56(2)(c) of the <i>Fair Work Commission Rules 2013</i> (Cth) and [22] of the FWC Practice Note: Appeal Proceedings
General Protections Application involving a dismissal	From 1/1/13	An application must be made within 21 days after the dismissal took effect: s366(1) <i>Fair Work Act 2009</i> (Cth) An application for an order for costs in relation to a general protections application involving dismissal must be made within 14 days after the FWC finishes dealing with the dispute: s377 <i>Fair Work Act 2009</i> (Cth)	The time period may be extended to such period as the FWC allows if there are exceptional circumstances and taking into account certain criteria at s366(2) <i>Fair Work Act 2009</i> (Cth)
General Protections Applications to the Court <i>after</i> making a General Protections Application to the FWC involving a dismissal	From 1/1/14	Within 14 days after the day the FWC issues a certificate under s368(3)(a) <i>Fair Work Act 2009</i> (Cth) stating that all reasonable attempts to resolve the dispute have been or are likely to be unsuccessful, notice can be given to the FWC for it to arbitrate the dispute if, following a conciliation conference, the parties agree to the FWC arbitrating the dispute: s369(1)(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)	Within such period as the FWC allows: s369(1)(c)(i) <i>Fair Work Act 2009</i> (Cth) Within such further period as the Court allows: s370(a)(ii) <i>Fair Work Act 2009</i> (Cth) unless the application includes an application for an interim injunction in which case the 14 day limit does not apply
Unlawful Termination Application	From 1/1/14	An application must be made within 21 days after employment was terminated: s774(1)(a) <i>Fair Work Act 2009</i> (Cth) If, following a conciliation conference, the parties agree to the FWC arbitrating the dispute, notification to be given to the FWC within 14 days after the day the FWC issues a certificate under s776(3)(a) <i>Fair Work Act 2009</i> (Cth) stating that all reasonable attempts to resolve the dispute have been or are likely to be unsuccessful: s777(1)(c)(i) <i>Fair Work Act 2009</i> (Cth) If, following the conciliation conference, an unlawful termination Court application is made to the Court, the Court application must be made within 14 days after the day the FWC issues a certificate under s776(3)(a) <i>Fair Work Act 2009</i> (Cth) stating that all reasonable attempts to resolve the dispute have been or are likely to be unsuccessful: s778(a)(ii) <i>Fair Work Act 2009</i> (Cth) An application for an order for costs in relation to an unlawful termination matter must be made within 14 days after the FWC finishes dealing with the dispute: s781 <i>Fair Work Act 2009</i> (Cth)	Within such further period as the FWC allows where there are exceptional circumstances: s774(1)(b) <i>Fair Work Act 2009</i> (Cth) An application for the FWC to arbitrate a dispute may be made within such period as the FWC allows: s777(1)(c)(i) <i>Fair Work Act 2009</i> (Cth) An unlawful termination court application may be made within such further period as the Court allows: s778(a)(ii) <i>Fair Work Act 2009</i> (Cth) unless the application includes an application for an interim injunction in which case the 14 day limit does not apply

OTHER CIVIL MATTERS

	Date	Limitation Period	Extensions/Suspensions
UNFAIR DISMISSAL CONTINUED...			
Application for an order to stop bullying under P6-4B <i>Fair Work Act 2009</i> (Cth)	From 1/1/14	An application to the FWC for an order to stop bullying occurring must be made, and the proceedings conducted, while the worker remains "at work": s789FC(2) <i>Fair Work Act 2009</i> (Cth)	Note: The FWC is expressly prohibited from ordering payment of a pecuniary amount in relation to bullying: s789FF(1) <i>Fair Work Act 2009</i> (Cth)
Other Fair Work Act Applications	From 1/1/13	An application for orders for breach of: (a) a civil remedy provision (b) a safety net contractual entitlement (c) an entitlement arising under s542(1) <i>Fair Work Act 2009</i> (Cth) being a safety net contractual entitlement of a national system employer or employee: must be made within 6 years after the day on which the contravention occurred: s544 <i>Fair Work Act 2009</i> (Cth) A Court cannot make an order in relation to an underpayment under s545 of the <i>Fair Work Act 2009</i> (Cth) if it relates to a period that is more than 6 years before the proceedings commenced: s545(5) <i>Fair Work Act 2009</i> (Cth)	
General notes on appealing Fair Work Commission decisions	From 1/1/13	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 FWC 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)	



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

Lawcover Insurance Pty Limited
ABN 15 095 082 509

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

lawcover.com.au