



Unless otherwise indicated, section numbers refer to the *Limitation Act 1985*. This table is a guide only and legal practitioners should rely on their own research and inquiries. Even if the table is without errors, legislation changes often.

CAUSE OF ACTION	LIMITATION PERIOD	EXTENSION POSSIBLE?	COMMENT
Common Law workplace injuries (including motor vehicle accidents) covered by <i>Workers Compensation Act 1951</i>	6 yrs if injury before 1 Jul 2002: s16A, s11 3 yrs from day of injury if injury on or after 1 Jul 2002: s16A & expired s233-s235 <i>Workers Compensation Act 1951</i>	Yes: s35-s36 (since 5 Apr 2004 amendment)	If <i>Safety, Rehabilitation and Compensation Act 1988</i> (Comcare) applies then injury is "other personal injury"
Other Personal injuries (including motor vehicle accidents) if cause of action accrues before 9 Sep 2003	6 yrs: s11, s100	Yes: s35-s36	Failure to follow notification procedures could preclude proceedings: s51 <i>Civil Law (Wrongs) Act 2002</i> ; s181 & s190 <i>Road Transport (General) Act 1999</i>
Other Personal injuries (including motor vehicle accidents) if cause of action accrues on or after 9 Sep 2003	3 yrs: s16B If disease or disorder: 3yrs from knowledge of disease or disorder & of cause of action: s16B (2)(a)	No: s36(5)(a). See also <i>DJ v RHS & JF</i> [2004] ACTSC 12 (2 Apr 2004)	See comment immediately above
Children injured by provision of health service by an accident on or after 9 Sep 2003	6 yrs: s30B(2)	No: s36(6)	For injuries before 9 Sep 2003, 6 yrs from majority, although notice provisions of s30A apply
Children injured by provision of health service (injury is or includes disease or disorder) on or after 9 Sep 2003	Shorter of 6 yrs from actual or deemed knowledge or 12yrs: s30B(3)	Yes: s35-s36	See comment immediately above
Workers Compensation injury after 1 Jul 2002	3 yrs from injury, death or knowledge of injury: s120(1)(b) <i>Workers Compensation Act 1951</i>	Yes: s120(2), s120A, s124 <i>Workers Compensation Act 1951</i>	Can't make permanent injury claim until 2 yrs after injury, unless court grants leave or injury stabilised: s121 <i>Workers Compensation Act 1951</i>
Compensation to Relatives	Later of 6 yrs from the wrongful act or 3 yrs from the death: s16	Yes: s39, but with maximum extension of time to 6 yrs from death	
Torts (other than those causing personal injury)	6 yrs from accrual of cause of action: s11	No	See notes concerning fraud, deceit or concealment on last page
Breach of Contract	6 yrs from accrual of cause of action: s11	No	

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Deed	12 yrs from accrual of cause of action: s13	No	
Contributions between tortfeasors	Earliest of (see s21): • 2 yrs from judgment or settlement of principal claim; • 4 yrs from end of limitation period of principal cause of action	No	
Equity	6 yrs from accrual of cause of action: s11	No	
Breach of Trust or Recovery of Trust Property	Up to 12 yrs from knowledge or constructive knowledge of default: s27	No	An action to recover arrears of income may have the usual 6 yrs limitation: s27(2), s11
Defamation for publications after 23 Feb 2006 without earlier related publications	1 yr from date of publication: s21B, s101	Yes, up to 3 yrs from date of publication: s21B(2)	For defamation generally see chap 9 <i>Civil Law (Wrongs) Act 2002</i>
Defamation for publications up to 23 Feb 2006 or with some related earlier publication	1 yrs from date of publication: former s21B, s101	Yes, up to 2 yrs from date of publication: former s21B(2)	For defamation generally see chap 9 <i>Civil Law (Wrongs) Act 2002</i>
Judgments	12 yrs from date judgment became enforceable: s14	No	
Enforcement of arbitration award	12 yrs from accrual of cause of action if arbitration agreement by deed: s17 6 yrs from accrual of cause of action if arbitration agreement not by deed: s17	No	Other limitations apply to arbitrations themselves: s47
Redeeming mortgaged property from mortgagee	12 yrs after later of when mortgagee last took possession or when mortgagee last received repayments of the loan: s23	No	
Action to recover money or land under mortgage	12 yrs after cause of action accrues: s24	No	A different period may apply to recovery of interest: s25
Penalty or forfeiture under law in force in ACT	2 yrs from cause of action first accruing: s15	No	

CAUSE OF ACTION	LIMITATION PERIOD	EXTENSION POSSIBLE?	COMMENT
Recovery of tax, licence fee or duty	6 months from date amount was paid: s21A	No	Provision does not apply if amount would have been recoverable as overpayment if tax, etc had been valid: s21A(2)
Enforcement of claim or lien re shipping or salvage or damage for shipping injury or death	2 yrs from date of damage or salvage: s19	Yes and must be extended if court satisfied no prior opportunity to arrest vessel: s19(3)(b)	
Victims Compensation	12 months from injury: s27(2) <i>Victims of Crime (Financial Assistance) Act 1983</i>	Yes: s27(3) <i>Victims of Crime (Financial Assistance) Act 1983</i>	
Misleading or deceptive conduct, Unconscionable Conduct, Product Liability under <i>Fair Trading Act 1992</i>	6 yrs for non-personal injury matters: s11. For personal injury matters as per personal injury matters above	Only for some personal injury matters as above	There are no separate limitation periods in <i>Fair Trading Act 1992</i>
Family Provisions	12 months from grant of administration: s9 <i>Family Provision Act 1969</i>	Yes, but only before full & lawful distribution of estate: s9 <i>Family Provision Act 1969</i>	
Domestic (De facto) Relationships	2 yrs from end of relationship: s13(1) <i>Domestic Relationships Act 1994</i>	Yes, if court satisfied that greater hardship would be caused to the applicant for extension of time if leave were refused than if it were granted: s13(2) <i>Domestic Relationships Act 1994</i>	
Defective building work or negligent certification	10 yrs from certification or occupancy: s142 <i>Building Act 2004</i>	No	Subject to any other shorter limitation period: s142(3) <i>Building Act 2004</i>
Action against public authority for breach of human rights	1 yr: s40C(3) <i>Human Rights Act 2004</i>	Yes: s40C(3) <i>Human Rights Act 2004</i>	These provisions from <i>Human Rights Amendment Act 2008</i> commence 1 Jan 2009
Action against police <i>et alia</i> purporting to act under <i>Crimes Act 1900</i> (wrongful arrest, imprisonment, assault, etc)	6 months from the act: s435(1) <i>Crimes Act 1900</i>	No	Note special provisions re prior notice, payment in & costs for successful defendant: s435 <i>Crimes Act 1900</i>
Injury or death on aircraft or baggage claim	2 yrs: s34 <i>Civil Aviation (Carriers' Liability) Act 1959 (Cth)</i>	No	3 - 21 days notice requirement for baggage claim: s30 Displacement of common law in most instances and limits to damages: Part IV <i>Civil Aviation (Carriers' Liability) Act 1959 (Cth)</i>

What stops the limitation clock running?

- The clock stops while plaintiff is under legal disability: s30. If disability arises from mental incapacity or war conditions then it must be for a continuous period of 28 days: dictionary “under a disability”. Generally the limitation is extended to at least 3 years from the end of the legal disability: s30. For disabilities other than minority, the Defendant can give notice to proceed to an appointed guardian & this restarts the clock: s31.
- For injured children, there are additional obligations on their parent or guardian to notify the proposed defendant within 6 years and the defendant can require proceedings to be commenced: s30A. Failure to comply can, subject to court discretion, preclude recovery of costs, out of pocket expenses and *Griffiths v Kerkemeyer* damages incurred prior to commencing proceedings: s30A(7).
- The clock stops if there is fraud, deceit or deliberate concealment of a relevant fact until the plaintiff discovers or should have discovered such fraud, deceit or concealment: s33.
- The clock stops, if there a cause of action for relief from a mistake, until the plaintiff discovers or should have discovered the mistake: s34. This does not apply to action against a *bona fide* purchaser for value: s34(3).
- The clock can be restarted, with the limitation period beginning again, by confirmation of the cause of action by the defendant before the end of the otherwise applicable limitation period: s32.

Extending Time

- Extending time is by application to a court, which can extend time if it is “just and reasonable to do so”: s36. An extension of time may only be required if the defendant pleads a limitation period in its defence and does not have to be pleaded *ab initio* by the Plaintiff.
- There is no special time limit for bringing an extension of time application: s36(4).
- The court has broad discretion but must consider factors including: length of delay & reasons for it; prejudice to the defendant; conduct of the defendant; any disability of the plaintiff; the plaintiff’s promptness once the cause of action is identified; steps taken by Plaintiff to get relevant expert advice: s36(3), s38(2), s39(3), s40(2).
- There is an additional power to extend time for damages for personal injury to a deceased person for up to 6 years from death if “just and reasonable”, with similar considerations to those under s36(3): s38.
- Where action arises from latent damage to property there is court discretion to extend up to 15 years from the act or omission giving rise to cause of action if “just and reasonable”, with similar considerations to those under s36(3): s40.
- Can’t extend time against estate of deceased person beyond proper distribution of estate, unless estate is to be indemnified: s37.