

## COMMONLY ARISING LIMITATION PERIODS

Feb 2015

AREA	ACTION	LIMIT	NOTES
<b>Injuries</b>	Bring Personal Injury Claim	3 years	see pro forma letter to client, copy to be placed on file
	Notice of intention to bring PI claim	1 month/9 months	As above
	Workcover Statutory claim	6 months from injury	Can be waived for reasonable cause
	Victim Assist Application	3 years from act of violence	
<b>Workplace</b>	Unfair dismissal claim	21 days from termination	Forms from FWA website
	General Protections breach	21 days from termination Six years from other 'adverse action'	
<b>Wills</b>	Claim to share or interest in personal estate of deceased person – under a will or intestacy (not Family Provisions)	12 years from date of death	Challenges to validity need to be brought before estate is administered as distributed assets can't be retrieved.
	Apply to Court for decision on construction of terms of will.	6 months from date of death	
	Family Provisions Application	6 months (notice) 9 months (claim)	
<b>Civil Litigation</b>	Sue on Contract	6 years from breach	
	File Notice of Intention to Defend, Defence, Counterclaim,	28 days from service of Claim	Defence can still be brought until default judgment
	QCAT consumer/trader and minor debt matters	6 years	
	QCAT consumer/trader Counter-application or minor debt Response	28 days	
	Australian Consumer Law (replaces Trade Practices Act and Fair Trading Act)	6 years (damages and compensation orders) 3 years (vs manufacturers)	
	Appeals (all civil jurisdictions)	28 days	
<b>Motor Vehicle Accidents</b>	Property Damage Injury	6 years 3 years	See "personal injury"
<b>Family Law</b>	Property Settlement application	12 months (from divorce) 2 years (de facto)	Client to receive and sign letter, copy to be placed on file
	Spousal Maintenance application	12 months (from divorce) 2 years (de facto)	
<b>Defamation</b>	Sue for defamation	1 year	