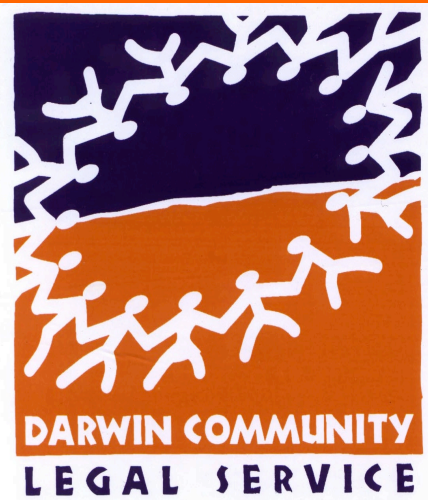




SCHEDULE OF LIMITATIONS FOR THE NORTHERN TERRITORY

7th Edition

April 2019 (2)



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Darwin Community Legal Service Inc. welcomes comments on this publication. All comments including suggested corrections or alterations should be directed to the Principal Solicitor.

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1. GENERAL (FREQUENTLY CITED) LIMITATION PERIODS

1.1 Personal Injuries/Tort

Row Ref.	Type of Action	Limitation Period	Description of limitation period	Relevant Act and Section	Comments
1.	Tort including breach of statutory duty and trespass.	3 years	<p>An action founded on tort, including a cause of action founded on a breach of statutory duty, is not maintainable after 3 years from the date on which the cause of action first accrues.</p> <p>Note: no limitation period applies to an action for damages for personal injury arising from a dust disease; and</p> <p>Minors and disabled persons: where an infant or a disabled person, or a convicted person who, after conviction, is undergoing a sentence of imprisonment has a cause of action, the running of the limitation period is suspended for the duration of the disability/period of imprisonment.</p> <p>If the limitation period would ordinarily expire before the lapse</p>	<i>Limitation Act 1981</i> (NT), ss12(1)(b), 12(2)(a), 36 & 4(1)	
2.	Personal Injury	3 years	<p>As above.</p> <p>A claimant must give written notice of his or her claim to the respondent within 12 months after the date when the incident in relation to the personal injury occurred or within 12 months after the day on which the symptoms first appear.</p> <p>A claimant may give notice after that expiry period if there is a reasonable reason for the delay given in the notice of claim or the court gives leave to do so.</p>	<p><i>Limitation Act 1981</i> (NT), ss12(1)(b) & 12(2)(a)</p> <p><i>Personal injuries (Civil Claims) Act 2003</i> (NT), ss8(1)(a), 8(3)(a), & s5</p>	

Row Ref.	Type of Action	Limitation Period	Description of limitation period	Relevant Act and Section	Comments
			An action to claim damages for personal injury to which s12 (1)(b) of the <i>Limitation Act</i> (NT) applies is maintainable after the expiry of the limitation period if a notice of claim has been given within 12 months or as extended in accordance with the Rules.		
3.	Contribution and indemnity between joint tort-feasors	2 years or 4 years	An action by a tort-feasor (liable for damage suffered by a person as a result of a tort) to recover contribution from another tortfeasor must be brought before the earlier of the following periods: 2 years from the date when the right of action to recover contribution first accrued; or 4 years from the date of expiration of the limitation period for the principal action.	<i>Limitation Act 1981</i> (NT), s24. See also <i>Law Reform (Miscellaneous Provisions) Act 1956</i> (NT), s12	
4.	Air accident – personal injury or death	2 years	The right of a person to damages under Part IV of the Act is extinguished if an action is not brought by him or her or for his or her benefit within the later of: a. 2 years after the date of arrival of the aircraft at the destination; or b. where aircraft does not arrive at destination, 2 years from the date it ought to have arrived or 2 years from the date the carriage stopped. t Note: ss35 - 37 state that the liability of a carrier under Part IV (in respect of personal injury/death suffered by a passenger), is in substitution for any civil liability of the carrier under any other law in respect of the death of the passenger or in respect of the injury that has resulted in the death of the passenger (excluding workers compensation and tortfeasor liability).	<i>Civil Aviation (Carriers' Liability) Act 1959</i> (Cth), Part IV, ss34	

Row Ref.	Type of Action	Limitation Period	Description of limitation period	Relevant Act and Section	Comments
5.	Aircraft – damage, loss or destruction to baggage	3 – 21 days	<p>A claim for damage to, or loss or destruction of baggage must be notified in writing to the carrier within:</p> <ul style="list-style-type: none"> a. 3 days after the date the passenger receives the baggage in the case of injury to registered baggage, loss or destruction of part of registered baggage or injury, and loss or destruction to unregistered baggage; or b. 21 days from the date the carriage of the passenger ended in the case of loss or destruction of the whole of an item of registered baggage. <p>The right to damages is extinguished if the action is not brought within two years after the date:</p> <ul style="list-style-type: none"> a. of the arrival of the aircraft at the destination; or b. if the aircraft did not arrive at the destination, the date on which the aircraft ought to have arrived, or the date on which the carriage stopped (whichever is the later). 	<i>Civil Aviation (Carriers' Liability) Act 1959</i> (Cth), ss30 (2)(b), ss30 (2)(c) & ss34	
6.	Compensation to relatives - Actions under <i>Compensation (Fatal Injuries) Act</i> (NT)	3 years	<p>An action arising under ss7 or 13 of the <i>Compensation (Fatal Injuries) Act</i> (NT) is not maintainable after 3 years from the date of the death.</p> <p>Under s7 a person is liable if a wrongful act, neglect or default caused the death of another person, and if death had not ensued, the injured person would have been liable for damages in respect of the injury.</p> <p>Under s13 a person other than the personal representative of the deceased person can commence action if the personal representative has not commenced an action</p>	<i>Limitation Act 1981</i> (NT), s17 <i>Compensation (Fatal Injuries) Act 1974</i> (NT), s5(2). See ss7 & 13	

Row Ref.	Type of Action	Limitation Period	Description of limitation period	Relevant Act and Section	Comments
			<p>within 6 months of the death of the deceased person, if the same person would benefit from the same action as if it was commenced by the personal representative of the deceased person.</p> <p>Note: actions under the <i>Compensation (Fatal Injuries) Act 1974</i>(NT) do not apply to or in relation to a death occurring in or as a result of an accident within the meaning of the <i>Motor Accidents (Compensation) Act 1979</i> (NT), except in those circumstances in which an action in respect of that death is not precluded by that Act.</p>		
7.	Victims of crime – application for awards of financial assistance	2 years	<p>For an application relating to a compensable violent act, within 2 years after the occurrence of the violent act, or, for another application, within 2 years after the occurrence of the injury or death to which the application relates.</p> <p>Under s31(2) an application may be accepted after the expiry of the time limit if the Crime Victim Services Unit Director considers that circumstances justify it. The Director must have regard to the matters in s31(3).</p>	<i>Victims of Crime Assistance Act 2006</i> (NT), s31(1)	
8.	Victims of crime – applications to increase	3 years	<p>An applicant paid financial assistance may apply for an increased award within 3 years after the date of payment or, if the applicant was a child at the date of payment, within 3 years after the person becomes an adult.</p>	<i>Victims of Crime Assistance Act 2006</i> (NT), s46	
9.	Victims of crime – review	28 days	<p>Applications for review must be made to the Northern Territory Civil and Administrative Tribunal within 28 days after:</p> <ul style="list-style-type: none"> (a) the day the applicant was notified of the decision by the decision maker; or (b) if the applicant applied to the decision maker for a written statement of reasons for the decision, the 	<i>Northern Territory Civil and Administrative Tribunal Act 2014</i> (NT) ss 68, 94(3), 94(7) ; <i>Northern Territory Civil and</i>	

Row Ref.	Type of Action	Limitation Period	Description of limitation period	Relevant Act and Section	Comments
			<p>earlier of the day the written statement is given to the applicant or the day by which the written statement was required to have been given to the applicant.</p> <p>Decisions that may be reviewed under the <i>Victims of Crime Assistance Act 2006</i> (NT) are::</p> <ol style="list-style-type: none"> a decision of a Director to refuse to accept a late application; a decision of an assessor in relation to an application for an award; and a decision of an assessor, where an applicant is applying for an increased award.. <p>The Tribunal may on its own Initiative or on an application by a party, extend or shorten a time limit imposed.</p>	<p><i>Administrative Tribunal Rules 2016</i> (NT), r 13.1</p> <p>See also <i>Victims of Crime Assistance Act 2006</i> (NT), s48.</p>	

Row Ref.	Type of Action	Limitation Period	Description of limitation period	Relevant Act and Section	Comments
10.	Compensation for personal injury or death resulting from breach of consumer law	3 years or long stop date	<pre> graph TD Q1[Have 3 years elapsed since the date of discoverability?] -- No --> Q2[Did the death or personal injury result from smoking or other use of tobacco products?] Q1 -- Yes --> A2[Personal injury damages cannot be awarded] Q2 -- Yes --> A1[Personal injury damages may be awarded] Q2 -- No --> Q3[Has the long-stop period expired?] Q3 -- No --> A1 Q3 -- Yes --> A2 </pre> <p>Personal injury damages in a proceeding in relation to Part 2-2, 3-3,304 or 3-5, or Division 2 of Part 5-4 of the Australian consumer law will not be awarded after: 3 years after the "date of discoverability" for the death or injury to which the personal injury damages would relate; or the end of the "long-stop period".</p> <p>The "date of discoverability" is the first date the claimant knows or ought to know each the following:</p> <ol style="list-style-type: none"> that the death or personal injury has occurred; that the death or personal injury was attributable to a contravention of this Act; AND that in the case of a personal injury – the injury 	<p><i>Competition and Consumer Act 2010</i> (Cth), ss87F, 87G, s87H.</p> <p>See also ss87J & 87K for the effects of minority, incapacity and close relationships</p>	<p>The "long-stop period" is the period of 12 years following the act or omission alleged to have caused the death or injury. The court has power to extend the long-stop period but must not extend more than 3 years beyond the date of discoverability for the death or injury.</p> <p>The long-stop period does not apply to deaths or personal injuries resulting from smoking or use of tobacco products.</p>

Row Ref.	Type of Action	Limitation Period	Description of limitation period	Relevant Act and Section	Comments
			<p>was significant enough to justify bringing an action.</p> <p>The following could have an effect on how the limitation periods are calculated:</p> <ul style="list-style-type: none"> a. if the claimant is a minor and not in the custody of a capable parent or guardian (see: s 87J(a)); b. if the claimant is incapacitated and there is no guardian or other person to manage the incapacitated person's affairs (see: s 87J(b)); or c. in the case of death or injury to a minor, when proceedings are taken against a person who was the parent or guardian of the victim or in a close relationship with the parent or guardian of the victim (see: s 87K). 		
11.	Ships - maritime claim, or on a claim on a maritime lien or other charge	3 years	<p>(1) A proceeding may be brought under this Act on a maritime claim, or on a claim on a maritime lien or other charge, at any time before the end of:</p> <ul style="list-style-type: none"> (a) the limitation period that would have been applicable in relation to the claim in a proceeding on the claim had been brought otherwise than under this Act or; (b) if no proceeding on the claim could have been so brought – a period of 3 years after the cause of action arose. 	<i>Admiralty Act 1988</i> (Cth), s37	
12.	Dust diseases	No limitation	No limitation period applies to an action for damages for personal injury arising from a dust disease.	<i>Limitation Act 1981</i> (NT), s12(2)(a)	

1.2 Defamation

Row Ref.	Type of Action	Limitation Period	Description of limitation period	Relevant Act and Section	Comments
13.	Defamation Action to which <i>Defamation Act 2006</i> (NT) applies (defamatory matter published after 26 Apr 2006)	1 year	An action for defamation is not maintainable unless commenced within a limitation period of 1 year from the date of publication of the defamatory matter.	<i>Limitation Act 1981</i> (NT), s12(2)(b)	Sections 44A(2) and 52 of the <i>Limitation Act 1981</i> (NT) incorrectly refer to section 12(1A) which is the predecessor provision to s 12(2)(b), s 12(2)(b) having taken effect from 7 November 2007. It can be assumed that the legislative intention was that s 44A apply to s 12(2)(b) in place of s 12(1A)
14.	Extension of limitation in defamation action to which <i>Defamation Act</i> (NT) applies (defamatory matter published after 26 Apr 2006)	Up to 3 years	<p>A person claiming to have a cause of action for defamation may apply to a Court for an order extending the limitation period for the cause of action.</p> <p>The Court must extend the 1 year limitation period to a period of up to 3 years from the date of publication if the court is satisfied that it was not reasonable to commence the action within 1 year.</p>	<i>Limitation Act 1981</i> (NT), s44A	See <i>Limitation Act 1981</i> (NT), s 52 for application of the <i>Defamation Act 2006</i> (NT).

1.3 Motor Vehicle

Row Ref.	Type of Action	Limitation Period	Description of limitation period	Relevant Act and Section	Comments
15.	Claim in respect of an accident AND a claim for the variation (increase) of a benefit	6 months or 3 years	<p>) The Motor Accidents (Compensation) Commission may refuse to consider:</p> <p>(a) a claim in respect of an accident; or</p> <p>(b) a claim for the variation of benefit, made later than 6 months after the date of the accident or the occurrence giving rise to the claim for variation as the claim may be.</p> <p>The Motor Accidents (Compensation) Commission shall refuse to consider:</p> <p>(a) a claim in respect of an accident; or</p> <p>(b) a claim for the variation of a benefit, made later than 3 years after the date of the accident or the occurrence giving rise to the claim for variance, as the case may be, or, in the case of 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, later than 3 years after the date the claimant attained the age of majority.</p>	<p><i>Motor Accidents (Compensation) Act 1979 (NT), ss31 & 33</i></p> <p>See also: <i>Motor Accidents (Compensation) Commission Act 2014 (NT), ss 3, 5(1)</i></p>	<p>The Motor Accidents (Compensation) Commission may refuse to consider a claim in respect of an accident made by the driver of a motor vehicle if the driver did not report the motor accident in accordance with regulation 19(2) of the <i>Traffic Regulations 1999</i>, unless, in the opinion of the Commission, the driver had a reasonable excuse for not doing so.</p>

Row Ref.	Type of Action	Limitation Period	Description of limitation period	Relevant Act and Section	Comments
			The Commission may extend the time limits if it considers that the circumstances of a particular case warrant such action because of special hardship that is likely to be suffered by any person.		
16.	Merit review of motor vehicle accident compensation decision	90 days	<p>A claimant who is aggrieved by a decision made on the claimant's claim for a benefit (the original decision) may ask the designated person to review the merits of the decision</p> <p>A claimant must request a review (in the approved form) within 90 days after receipt of notice of the original decision or, if the notice of the original decision is not given, the date the claimant becomes aware of a the decision.</p>	<i>Motor Accidents (Compensation) Act 1979 (NT), s28A</i>	
17.	Referral to Motor Accidents (Compensation) Appeal Tribunal	28 days	<p>A claimant aggrieved with a review decision can refer the matter to the Motor Accidents (Compensation) Appeal Tribunal. by giving written notice to the Tribunal in the approved form. The notice must be given:.</p> <ol style="list-style-type: none"> 1. within 28 days of receipt of notice of the review decision; or 2. if notice of the review decision is not given, within 28 days after the 	<i>Motor Accidents (Compensation) Act 1979 (NT), s 28E</i>	

Row Ref.	Type of Action	Limitation Period	Description of limitation period	Relevant Act and Section	Comments
			<p>claimant becomes aware of the decision; or</p> <p>3. if the designated person does not make a review decision on a claimant's request for review within 30 business days (in accordance with s 28B), the end of the period , within 28 days after the end of the 30 day period.</p>		

1.4 Workers' Compensation

Row Ref.	Type of Action	Limitation Period	Description of limitation period	Relevant Act and Section	Comments
18.	Notice of injury and claim for compensation for work injuries	As soon as practicable	A person shall not be entitled to compensation unless notice of the relevant injury has, as soon as practicable , been given to or served on the worker's employer.	<i>Return to Work Act 1986</i> (NT), s80	
19.	Claim for compensation in respect of the death of a sailor	6 months OR 3 years	<p>A claim for compensation in respect of the death of a sailor shall be made within 6 months after notice of the death has been received by the claimant.</p> <p>If a ship is lost with all hands, a claim for compensation in respect of the death of a sailor shall be made within 18 months after the date on which the ship shall be deemed under subsection (3) to have been lost with all hands.</p>	<i>Return to Work Act 1986</i> (NT), s 51	<p>Note: A ship is taken to have been "lost with all hands on board" if:</p> <ul style="list-style-type: none"> (i) The ship was expected to arrive at a port at a time; and (ii) The ship did not arrive and has not been heard of for at least 12 months since that time.
20.	Complaint in respect of an offence under the <i>Return to Work Act 1986</i> (NT)	3 years	<p>No information or complaint shall be laid or made in respect of an offence against this Act except:</p> <ul style="list-style-type: none"> (a) By or with the approval in writing of the Work Health Authority or a delegate of the Authority; and (b) Within 3 years after the date on which the alleged offence occurred. 	<i>Return to Work Act 1986</i> (NT), s 179	

Row Ref.	Type of Action	Limitation Period	Description of limitation period	Relevant Act and Section	Comments
21.	Proceedings for the recovery of compensation under the <i>Return to Work Act 1986</i> (NT)	6 months	<p>Proceedings for the recovery of compensation shall not be maintainable unless notice of the injury has been given before the worker has voluntarily left the employment in which he or she was injured; and unless the claim for compensation has been made within:</p> <ul style="list-style-type: none"> a. 6 months after the occurrence of the injury, or in the case of a disease, the incapacity arising from the disease; or b. in the case of death, within 6 months after advice of the death has been received by the claimant. <p>Failure to make a claim within the limitation period is not a bar to proceedings if failure was caused by mistake, ignorance of a disease, absence from the Territory or other reasonable cause.</p>	<i>Return to Work Act 1986</i> (NT), s182	
22.	Workers' compensation – claim for compensation cannot be made until after unsuccessful mediation	28 days	A claimant is not entitled to commence proceedings for a compensation claim in respect of a dispute unless there has been an attempt to resolve the dispute by mediation and that attempt	<i>Return to Work Act 1986</i> (NT), ss103J(1) & 104	

Row Ref.	Type of Action	Limitation Period	Description of limitation period	Relevant Act and Section	Comments
			<p>has been unsuccessful.</p> <p>Proceedings to which section 103J(1) applies are to be commenced within 28 days after the claimant receives a certificate from the mediator at the conclusion of mediation.</p> <p>However, failure to make a claim within this period is not a bar to proceedings if failure was caused by mistake, ignorance of disease, absence from the Territory or other reasonable cause.</p>		
23.	Appeal to Supreme Court	28 days	<p>Appeals lie to the Supreme Court on questions of law.</p> <p>Unless the Court or a Judge orders otherwise, the notice of appeal must be served and filed not later than 28 days after the day on which the decision or determination appealed against was made.</p> <p>A respondent to an appeal who wishes to appeal from a decision or part of a decision or to seek a variation of a decision or part of a decision may file and serve a notice of cross-appeal within 7 days after the service of the notice of appeal or within any further time that the Work Health Court thinks fit.</p>		

2. OTHER CIVIL MATTERS

Claims that do not exceed \$25,000 (excluding any costs or interest) fall within the small claims limit. The Civil and Administrative Tribunal has jurisdiction to deal with a claim for any of the following:

- (a) the recovery of an amount that does not exceed the small claims limit;
- (b) the performance of work, to a value that does not exceed the small claims limit;
- (c) relief from payment of an amount of money that does not exceed the small claims limit;
- (d) the return or replacement of goods, to a value that does not exceed the small claims limit.

See: *Small Claims Act 2016* (NT), ss5-6.

The Local Court of the Northern Territory only has jurisdiction to hear small claims matters in accordance with the *Local Court Act 2015* (NT) s 13A. The jurisdictional limit for the Local Court of the Northern Territory is \$250,000: see *Local Court Act 2015* (NT) s 12.

2.1 Building

Row Ref.	Type of Action	Limitation Period	Description of limitation period	Relevant Act and Section	Comments
24.	Appeal from Building Practitioner Board to local court	30 days	A person may within 30 days of being notified of a decision: <ul style="list-style-type: none">(a) of the Practitioners Board to register or refuse to register a person as a building practitioner: s 24FB.(b) of the Practitioners Board to renew or refuse to renew the registration of a person as a building practitioner: s 24FB.(c) of the Inquiry Board on whether or not a building practitioner the subject of an inquiry is guilty of professional misconduct, and where the practitioner is	<i>Building Act 1993</i> (NT), s36	

Row Ref.	Type of Action	Limitation Period	Description of limitation period	Relevant Act and Section	Comments
			guilty, a appeal to the Local Court against the decision.		
25.	Action for damages for economic loss and rectification costs resulting from defective construction of building work or other work carried out under the <i>Building Act 1993</i> (NT)	10 years	<p>An action (whether an action founded on contract, tort or an action to recover money under the Act) is not maintainable by a plaintiff or a person claiming on behalf of a plaintiff if it is brought after the end of a limitation period of 10 years after the date on which the cause of action first accrues.</p> <p>The cause of action accrues on the date of the grant of the occupancy certificate in respect of the building work that is the subject of the action or, if an occupancy permit is not issued, on the date of first occupation of the building concerned after completion of the work.</p> <p>This limitation period does not affect a right to recover damages for death or personal injury resulting from defective construction.</p>	<i>Building Act 1993</i> (NT), ss159 & 160	
26.	Appeals to the Building Appeals Board	28 days	Subject to this Act, an appeal to the Building Appeals Board must be commenced not later than 28 days after the date on which notice of the decision appealed against is given.	<p><i>Building Act 1993</i> (NT), s130A.</p> <p>See: s19 for functions and powers of the</p>	

Row Ref.	Type of Action	Limitation Period	Description of limitation period	Relevant Act and Section	Comments
			See <i>Building Act 1993</i> (NT) and <i>Building Regulations 1993</i> (NT) for jurisdiction and powers of the Building Appeals Board.	Appeals Board	
27.	Application to Commissioner for decision – consumer guarantees –	Within the prescribed effective period. See d(i) and d(ii) below for specific limitation periods for non-completion and defective work	<p>A current owner of a residential building may, in the approved form and within the prescribed effective period, apply to the Commissioner for a decision about a consumer guarantee dispute.</p> <p>A consumer guarantee dispute is a dispute between a current owner of a residential building and a residential builder who has carried out prescribed residential building work in relation to the building:</p> <ul style="list-style-type: none"> (a) About an alleged contravention of a consumer guarantee by the residential builder; and (b) In circumstances specified by legislation. 	<p><i>Building Act 1993</i> (NT), s 54FC</p> <p>Consumer guarantees are set out in s 54B.</p> <p>See also ss 54FD, 54FE and 54FF for more information regarding regulation of consumer guarantee disputes.</p>	
	(i). Applications for non-completion of residential building work	90 days	<p>The effective period for a contravention of a consumer guarantee resulting in the non-completion of residential building work under a contract is the period:</p> <ul style="list-style-type: none"> (a) that starts: <ul style="list-style-type: none"> (i). if the builder has started to carry out the work – 	<i>Building (Resolution of Residential Building Work Disputes) Regulations 2012</i> (NT) r7(2)	

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			<p>on the day the builder completely ceases to do so; or</p> <p>(ii). If the builder has not started to carry out the work and the contract specifies a starting date – on the specified starting date; or</p> <p>(iii). If the builder has not started to carry out the work and the contract does not specify a starting date – on the date the contract was entered into; and</p> <p>(b) that ends 90 days after the relevant day or date mentioned in paragraph (a).</p>		
	(iv). Applications for defective residential building work	<p>1 year + the construction period for defective work resulting in non-structural damage</p> <p>6 years + the construction period for defective work</p>	<p>The effective period for a contravention of a consumer guarantee resulting in defective residential building work is the total of the following 2 periods:</p> <p>(a) the construction period; and</p> <p>(b) the defect period.</p> <p>Construction Period The construction period is the period that:</p>	<i>Building (Resolution of Residential Building Work Disputes) Regulations 2012 (NT), s7(3)-(7)</i>	If the current owner becomes aware of the alleged defective work within 30 days before the end of the defect period, the defect period is extended for 30 days after the day on which the owner became aware of the defect.: see <i>Regulations s 7(7).</i>

Row Ref.	Type of Action	Limitation Period	Description of limitation period	Relevant Act and Section	Comments
		resulting in a structural defect	<p>(a) starts, if there is a contract for the residential building work, on the day the contract is entered into; or if there is no contract for the work, on the day the building permit is granted for the work; and</p> <p>(b) ends, if occupancy certification is required for the work, on the day an occupancy permit or certificate of substantial compliance is granted for the work; or if the occupancy certification is not required for the work, on the day the builder has made all the declarations required under the Act in relation to the work.</p> <p>OR</p> <p>If the work is not fully completed within the 2 year period for which the building permit is granted, the construction period ends on the day the permit expires and does not include any period of extension.</p> <p>Defect Period The defect period starts immediately</p>		

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			<p>after the last day of the construction period and continues for the following period:</p> <p>(a) for alleged defective work resulting in a non-structural defect – 1 year;</p> <p>(b) for alleged defective work resulting in a structural defect – 6 years.</p>		
28.	Application to Commissioner for technical inspection and report	made within the effective period for the consumer guarantee relevant to the alleged defective work described in the application	<p>A current owner of a residential building who alleges verbally or in writing that prescribed residential building work carried out by a residential builder is defective without making an application under s 54FC may apply to the Commissioner of Residential Building Disputes for a technical inspection of the residential building to be conducted.</p> <p>Applications must be made in the approved form, made within the effective period for the consumer guarantee relevant to the alleged defective work described in the application and accompanied by the prescribed application fee. See above for the applicable effective period for defective residential building work.</p>	<i>Building Act 1993</i> (NT) s54FB, <i>Building (Resolution of Residential Building Work Disputes) Regulations 2012</i> (NT), r15(1)	If a current owner makes the allegation of defective works in an application to the Commissioner under s 54FC(1) (see above), the Commissioner may appoint a person to conduct a technical inspection of the residential building (i.e. it appears that no additional application is needed)

Row Ref.	Type of Action	Limitation Period	Description of limitation period	Relevant Act and Section	Comments
29.	Application to Northern Territory Civil and Administrative Tribunal for review of Commissioner's decisions	28 days	An "affected person" may make an application to the NTCAT for review of a "reviewable decision". An application for review must be made to the Tribunal within 28 days after : the day the applicant was notified of the decision by the decision maker; or if the applicant applied for a written statement of reasons, the earlier of: the day the written statement is given to the applicant; or the day by which the written statement was required to have been given to the applicant.	<i>Building (Resolution of Residential Building Work Disputes) Regulations 2012</i> (NT) r 74. See Schedule 2 for definitions of "affected person" and "reviewable decision" <i>Northern Territory Civil and Administrative Tribunal Act 2014</i> (NT) s 94(3)	

2.2 Consumer

(a) Consumer Credit

Row Ref.	Type of Action	Limitation Period	Description of limitation period	Relevant Act and Section	Comments
30.	Declaration of contravention of civil penalty provision	6 years	Within 6 years of a person contravening a civil penalty provision, ASIC may apply to the court for a declaration that the person contravened the provision, and apply for an order that the person pay a pecuniary penalty to the Commonwealth.	<i>National Consumer Credit Protection Act 2009</i> (Cth), ss166(1) & 167(1)	
31.	Compensation orders	6 years	A person may be ordered to pay compensation for loss or damage suffered (or other appropriate order) only if the application is made within 6 years of the day the cause of action that relates to the contravention or commission of the offence accrued.	<i>National Consumer Credit Protection Act 2009</i> (Cth), ss178(2) & 179	
32.	Unlawful credit activity orders	6 years	The court may make orders in relation to unlawful credit activities only if the application is made within 6 years of the day the cause of action that relates to the contravention or commission of the offence accrued.	<i>National Consumer Credit Protection Act 2009</i> (Cth), s180(3)(b)	
33.	Unfair or dishonest conduct orders	6 years	The court may make orders in relation to unfair or dishonest conduct by credit service providers only if the application is made within 6 years of the day the defendant first started	<i>National Consumer Credit Protection Act 2009</i> (Cth), s180A(5)	

Row Ref.	Type of Action	Limitation Period	Description of limitation period	Relevant Act and Section	Comments
			engaging in the conduct.		
34.	Adverse publicity orders	6 years	The court may, on application by ASIC, make an adverse publicity order against a person only if the application is made within 6 years of the contravention or the commission of the offence.	<i>National Consumer Credit Protection Act 2009</i> (Cth), s182(3)	
35.	Disputed Statement of Account	Specified date of payment /30 days / 3 months	<p>In the case of a continuing credit contracts to which s38 (3) applies, notice of dispute must be given before the date for payment of the amount of the account, or part of that amount.</p> <p>In the case of any other continuing credit contract to which s38 (4) applies, notice of dispute must be given within 30 days of receiving the statement of account in which the amount, or part of that amount, was first shown.</p> <p>In the case where no statement of account is provided to which s38 (5) applies, notice of dispute must be given not later than 3 months after the end of the contract.</p>	<i>National Consumer Credit Protection Act 2009</i> (Cth), Schedule 1 – National Credit Code, s38	
36.	Enforcement proceeding on a disputed statement of account	30 days	The credit provider must not begin enforcement proceedings on the basis of a default arising from the disputed liability until at least 30 days	<i>National Consumer Credit Protection Act 2009</i> (Cth), Schedule 1 - National Credit Code,	

Row Ref.	Type of Action	Limitation Period	Description of limitation period	Relevant Act and Section	Comments
			<p>have elapsed from the time the written explanation or advice as to agreement was given.</p> <p>If an application is made to the court under s 38 of the National Credit Code within 30 days after the explanation is given, the credit provider must not, without leave of the court, begin enforcement proceedings on the basis of a default arising from the disputed liability</p>	ss38(6) & 38(8)	
37.	Applications for changes on grounds of hardship and unjust transactions	2 years	<p>An application (under the National Credit Code, other than an application under s 78) may not be brought more than 2 years after the relevant credit contract is rescinded or discharged or otherwise comes to an end.</p> <p>An application under s78 (unconscionable interest or other charge) may not be brought more than 2 years after the relevant change takes effect or fee or charge is charged under the credit contract or the credit contract is rescinded or discharged or otherwise comes to an end.</p>	<i>National Consumer Credit Protection Act 2009</i> (Cth), Schedule 1 - National Credit Code, ss 80	

Row Ref.	Type of Action	Limitation Period	Description of limitation period	Relevant Act and Section	Comments
38.	Enforcement of credit contracts	30 days	<p>A credit provider must not begin enforcement proceedings against a debtor in relation to a credit contract unless:</p> <ul style="list-style-type: none"> (a) the debtor is in default under the credit contract; and (b) the credit provider has given the debtor, and any guarantor, a default notice, complying with this section, allowing the debtor a period of at least 30 days from the date of the notice to remedy the default; and (c) the default has not been remedied within that period; and (d) If the credit contract is for a reverse mortgage, the credit provider has spoken to a person (as specified in the section) in that period and confirmed that the debtor received the default notice and informed the person of the consequences of failure to remedy the default. 	<i>National Consumer Credit Protection Act 2009</i> (Cth), Schedule 1 - National Credit Code, s88(1)	
39.	Enforcement of mortgages	30 days	A credit provider must not begin enforcement proceedings against a mortgagor to recover payment of money due or take possession of,	<i>National Consumer Credit Protection Act 2009</i> (Cth), Schedule 1 - National Credit Code,	

Row Ref.	Type of Action	Limitation Period	Description of limitation period	Relevant Act and Section	Comments
			<p>sell, appoint a receiver for or foreclose in relation to property subject to a mortgage, unless:</p> <ul style="list-style-type: none"> (a) the mortgagor is in default under the mortgage; and (b) the credit provider has given the mortgagor a default notice, complying with this section, allowing the mortgagor a period of at least 30 days from the date of the notice to remedy the default; and (c) the default has not been remedied within that period; and (d) if the mortgage secures an obligation under a credit contract for a reverse mortgage, the credit provider has spoken to a person (as specified in the section) in that period and confirmed that the debtor received the default notice and informed the person of the consequences of failure to remedy the default. 	s88(2)	

Row Ref.	Type of Action	Limitation Period	Description of limitation period	Relevant Act and Section	Comments
40.	Enforcement of guarantees	30 days or in circumstances as specified.	<p>A credit provider must not, under a guarantee, enforce a judgment against a guarantor unless:</p> <p>(a) the credit provider has obtained a judgment against the debtor for payment of the guaranteed liability and the judgment remains unsatisfied for 30 days after the credit provider has made a written demand for payment of the judgment debt; OR</p> <p>(b) the court has relieved the credit provider from the obligation to obtain a judgment against the debtor on the ground that recovery from the debtor is unlikely; OR</p> <p>(c) the credit provider has made reasonable attempts to locate the debtor but without success; OR</p> <p>(d) the debtor is insolvent.</p>	<i>National Consumer Credit Protection Act 2009</i> (Cth), Schedule 1 - National Credit Code, s90	
41.	Postponement of enforcement proceedings - mortgages	At any time before the period of demand ends	Under s94(1) the debtor, mortgagor or guarantor who has been given a default notice under s88 or a demand for payment under s90 may, at any time before the end of the period specified in the notice or demand , request orally or in writing, that the	<i>National Consumer Credit Protection Act 2009</i> (Cth), Schedule 1– National Credit Code s94	

Row Ref.	Type of Action	Limitation Period	Description of limitation period	Relevant Act and Section	Comments
			<p>credit provider negotiate a postponement of the enforcement proceedings or any action taken under such proceedings or the operation of any applicable acceleration clause.</p> <p>Under s94(2) the credit provider must within 21 days of the day of receiving the request give written notice to the person that states:</p> <ul style="list-style-type: none"> (a) whether or not the credit provider agrees to negotiate the postponement and (b) if the credit provider does not agree to negotiate – : <ul style="list-style-type: none"> (i) (the name of the approved external dispute resolution scheme of which the credit provider is a member; and (ii) the person's rights under that scheme; and (iii) the reasons for not agreeing to negotiate. 		

Row Ref.	Type of Action	Limitation Period	Description of limitation period	Relevant Act and Section	Comments
42.	Enforcement of judgment against linked credit provider	30 days	<p>Where judgment is given against a supplier and a linked credit provider under section 129 of the National Credit Code, the judgment:</p> <p>(a) must not be enforced against the linked credit provider unless a written demand made on the supplier for satisfaction of the judgment has remained unsatisfied for not less than 30 days;</p> <p>(b) may be enforced against the linked credit provider only to the extent of the amount calculated in accordance with this section, or so much of the judgment debt as has not been satisfied by the supplier, whichever is lesser.</p>	<i>National Consumer Credit Protection Act 2009</i> (Cth), Schedule 1 - National Credit Code, s130(5)	
43.	Enforcement of right against linked credit provider	30 days	<p>In proceedings under section 129 of the National Credit Code in respect of a right established against a linked credit provider, the debtor:</p> <p>(a) may not receive the benefit of the right unless judgment has been given against the supplier and linked credit provider, a written demand has been made on the supplier for satisfaction of the judgment and the demand</p>	<i>National Consumer Credit Protection Act 2009</i> (Cth), Schedule 1 - National Credit Code, s130(6)	

Row Ref.	Type of Action	Limitation Period	Description of limitation period	Relevant Act and Section	Comments
			has remained unsatisfied for not less than 30 days ; and (b) may receive the benefit only to the extent of the amount calculated in accordance with this section or so much of the judgment debt as has not been satisfied by the supplier, whichever is the lesser.		
44.	Taking possession of goods under a consumer lease	30 days	A lessor must not exercise any right under a consumer lease to take possession of goods subject to the lease unless the lessor has given the lessee 30 days' written notice of the lessor's intention to do so.	<i>National Consumer Credit Protection Act 2009</i> (Cth), Schedule 1 - National Credit Code s178(1)	
45.	Enforcement of consumer leases	30 days	A credit provider must not begin enforcement proceedings against a lessee in relation to a consumer lease unless: (a) the lessee is in default under the lease and the lessor has given the lessee a default notice allowing the lessee a period of at least 30 days from the date of the notice to remedy the default; (b) and the default has not been remedied within that period.	<i>National Consumer Credit Protection Act 2009</i> (Cth), Schedule 1 – National Credit Code, s179D(1)	

Row Ref.	Type of Action	Limitation Period	Description of limitation period	Relevant Act and Section	Comments
46.	Postponement of enforcement proceedings – consumer leases	At any time before the period of demand ends	<p>Under s179H(1) the lessee who has been given a default notice under s179D may, at any time before the end of the period specified in the notice, request orally or in writing, that the lessor negotiate a postponement of the enforcement proceedings or any action taken under such proceedings or the operation of any applicable acceleration clause.</p> <p>Under s179H(2) the lessor must within 21 days of the day of receiving the request give written notice to the person:</p> <ul style="list-style-type: none"> (a) that states whether or not the lessor agrees to negotiate the postponement (b) and if the lessor does not agree to negotiate - that states: <ul style="list-style-type: none"> (i) the name of the approved external dispute resolution scheme of which the credit provider is a member; and (ii) the person's rights under that scheme; and (iii) the reasons for not agreeing to negotiate. 	<i>National Consumer Credit Protection Act 2009</i> (Cth), Schedule 1– National Credit Code s179H	

Row Ref.	Type of Action	Limitation Period	Description of limitation period	Relevant Act and Section	Comments
47.	ASIC infringement notice	12 months	An infringement notice given by ASIC under Reg 39(1) in relation to an offence against the <i>National Consumer Protection Act 2009</i> (Cth) and under must be given within 12 months after the day on which the offence is alleged to have been committed.	<i>National Consumer Credit Protection Regulations 2010</i> (Cth), reg 39	
48.	Prosecutions for an offence against the National Credit Code or the regulations	3 years	Despite anything in any Act, proceedings for an offence against the National Credit Code (in Schedule 1 to the Act) or the regulations may be brought within the period of 3 years that next succeeds the commission of the offence or, with the consent of the Attorney General, at any later time.	<i>National Consumer Credit Protection Act 2009</i> (Cth), Schedule 1, s202	

(b) Consumer Protections

Row Ref.	Type of Action	Limitation Period	Description of limitation period	Relevant Act and Section	Comments
49.	Actions for damages pursuant to a contravention of Part IV, or division 2 of Part IVB or of Section 55B, 60C or 60K of the <i>Competition and Consumer Act 2010</i> (Cth)	6 years	A person who suffers loss or damage by conduct of another person that was done in contravention of a provision of Part IV, Part IVB, or section 55B, 60C or 60K, may recover the amount of loss or damage by action against the other person or against any person involved in the contravention by commencing an action at any time within 6 years after the day on which the cause of action that relates to the conduct accrued.	<i>Competition and Consumer Act 2010</i> (Cth), ss82, 87 & Schedule 2, s236 Schedule 2 applies as a law of the Northern Territory under the <i>Consumer Affairs and Fair Trading Act 1990</i> (NT) s27	
50.	Actions for loss or damage for false and misleading, dishonest statements/conduct under the <i>Corporations Act</i>	6 years	(1) A person who suffers loss or damage by conduct of another person that was engaged in in contravention of section 1041E, 1041F, 1041G or 1041H may recover the amount of the loss or damage by action against that other person or against any person involved in the contravention, whether or not that other person or any person involved in the contravention has been convicted of an offence in respect of the contravention. ... (2) An action under subsection (1) may be begun at any time within 6 years after the day on which the	<i>Corporations Act 2001</i> (Cth), s 1041I	Section 1041E contains a prohibition against making false or misleading statements. 1041F contains a prohibition against inducing persons to deal. 1041G contains a prohibition against engaging in dishonest conduct. 1041H contains a prohibition against engaging in misleading or deceptive conduct in

Row Ref.	Type of Action	Limitation Period	Description of limitation period	Relevant Act and Section	Comments
			cause of action arose.		relation to a financial product or a financial service.
51.	Actions for loss or damage for false and misleading, dishonest statements/conduct under the <i>Australian Securities and Investments Commission Act 2001</i> (Cth)	6 years	<p>(1) A person who suffers loss or damage by conduct of another person that contravenes a provision of Subdivision C (sections 12CA to 12CC) or Subdivision D (sections 12DA to 12DN) may recover the amount of the loss or damage by action against that other person or against any person involved in the contravention.</p> <p>...</p> <p>(2) An action under subsection (1) may be commenced within 6 years after the day on which the cause of action that relates to the conduct accrued.</p>	<i>Australian Securities and Investments Commission Act 2001</i> (Cth) s 12GF	<p>Actions caught by the 6 year limitation period in s 12GF(2) include:</p> <ul style="list-style-type: none"> • Misleading or deceptive conduct under s 12DA; • False or misleading representations under s 12DB; and • False or misleading representations in relation to financial products that involve interests in land under s 12DC.
52.	Actions for offence under <i>Consumer Affairs and Fair Trading Act</i> (NT), s330A	2 year / 5 years	<p>Proceedings for an offence against this Act, other than the Australian Consumer Law (set out in Schedule 2 to the <i>Consumer Affairs and Fair Trading Act</i> (NT)), must be commenced:</p> <ol style="list-style-type: none"> within 2 years after the date on which the offence is alleged to have been committed; or with the authorization of the Minister, at a later time within 5 years after 	<i>Consumer Affairs and Fair Trading Act 1990</i> (NT), s330A	

Row Ref.	Type of Action	Limitation Period	Description of limitation period	Relevant Act and Section	Comments
			the date on which the offence is alleged to have been committed		
53.	Requirement to give agreement document to the consumer not negotiated by telephone	Immediately	If an unsolicited consumer agreement was not negotiated by telephone, the dealer who negotiated the agreement must give a copy of the agreement to the consumer under the agreement immediately after the consumer signs the agreement.	<i>Competition and Consumer Act 2010</i> (Cth), Schedule 2, s 78(1) Schedule 2 applies as part of the <i>Consumer Affairs and Fair Trading Act 1990</i> (NT): s27	
54.	Requirement to give agreement document to the consumer negotiated by telephone	5 business days	If an unsolicited consumer agreement was negotiated by telephone, the dealer who negotiated the agreement must, within 5 business days after the agreement was made or such longer period agreed by the parties, give to the consumer under the agreement personally, by post or by electronic communication with the consumer's consent, a document evidencing the agreement.	<i>Competition and Consumer Act 2010</i> (Cth), Schedule 2, s 78(2) Schedule 2 applies as part of the <i>Consumer Affairs and Fair Trading Act 1990</i> (NT): s27	
55.	Terminating an unsolicited consumer agreement during the termination period	10 days / 3 months / 6 months	The consumer under an unsolicited consumer agreement may terminate the agreement by indicating, in an oral or written notice to the supplier under the agreement, an intention to terminate the agreement within the longest of the following periods: a. If the agreement was not negotiated by	<i>Competition and Consumer Act 2010</i> (Cth), Schedule 2, s82 Schedule 2 applies as part of the <i>Consumer Affairs and Fair Trading Act 1990</i> (NT): s27	

Row Ref.	Type of Action	Limitation Period	Description of limitation period	Relevant Act and Section	Comments
			<p>telephone—the period of 10 business days starting at the start of the first business day after the day on which the agreement was made.</p> <p>b. If the agreement was negotiated by telephone—the period of 10 business days starting at the start of the first business day after the day on which the consumer was given the agreement document relating to the agreement.</p> <p>c. If sections 73, 74 or 75 were contravened in relation to the agreement, the period of 3 months starting at the start of the first day after the day on which the agreement was made, or if the agreement was negotiated by telephone, the agreement document was given.</p> <p>d. If section 76, a provision of Subdivision C, or section 86 were contravened in relation to</p>		

Row Ref.	Type of Action	Limitation Period	Description of limitation period	Relevant Act and Section	Comments
			<p>the agreement, the period of 6 months starting at the start of the first day after the day on which the agreement was made or, if the agreement was negotiated by telephone, the agreement document was given</p> <p>e. Such other period as the agreement provides.</p>		
56.	Defective Goods Action	3 years after becoming aware of defect, loss and identity of manufacturer AND ultimate total limitation period of 10 years	<p>A person may commence a defective goods action at any time within 3 years after the time the person became aware, or ought reasonably to have become aware, of all of the following :</p> <ul style="list-style-type: none"> the alleged loss or damage; the safety defect of the goods the identity of the person who manufactured the goods. <p>A defective goods action must be commenced within 10 years of the supply by the manufacturer of the goods to which the action relates.</p>	<i>Competition and Consumer Act 2010</i> (Cth), Schedule 2, s143 Schedule 2 applies as part of the <i>Consumer Affairs and Fair Trading Act 1990</i> (NT): s27	
57.	Prosecutions	3 years	A prosecution for an offence against a provision of Chapter 4 (<i>Offences</i>) may be commenced at any time within 3	<i>Competition and Consumer Act 2010</i> (Cth), Schedule 2, s212	

Row Ref.	Type of Action	Limitation Period	Description of limitation period	Relevant Act and Section	Comments
			years after the commission of the offence.	Schedule 2 applies as part of the <i>Consumer Affairs and Fair Trading Act 1990</i> (NT): s27	
58.	Civil action for recovery of pecuniary penalties	6 years	The regulator may institute a proceeding in a court for the recovery on behalf of the Commonwealth, a State or a Territory, as the case may be, of a pecuniary penalty referred to in s224 any time within 6 years after the contravention or conduct.	<i>Competition and Consumer Act 2010</i> (Cth), Schedule 2, s228 Schedule 2 applies as part of the <i>Consumer Affairs and Fair Trading Act 1990</i> (NT): s27	
59.	Compensation orders etc. for injured persons	6 years	An application for a compensation order (or an order to prevent or reduce the loss or damage suffered because of the conduct of another person) made on application by an injured person or the regulator under s 237(1) may be made: (a) if the relevant conduct was a contravention of a provision of Chapter 2, 3 or 4 of the <i>ACL</i> – at any time within 6 years after the day on which the cause of action that relates to the conduct accrued; or (b) If the relevant conduct was conduct of a person that constitutes applying or relying on, or purporting to apply or rely on, a term of a	<i>Competition and Consumer Act 2010</i> (Cth), Schedule 2, s237 Schedule 2 applies as part of the <i>Consumer Affairs and Fair Trading Act 1990</i> (NT): s27	

Row Ref.	Type of Action	Limitation Period	Description of limitation period	Relevant Act and Section	Comments
			contract that has been declared under section 250 to be an unfair term – at any time within 6 years after the day on which the declaration is made.		
60.	Orders for non party consumers	6 years	<p>An application for a redress order (or an order to prevent or reduce the loss or damage suffered, or likely to be suffered, by the non-party consumers in relation to the contravening conduct or declared term) made on application by the regulator under s 239(1) may be made:</p> <p>(a) if a person engaged in conduct in contravention of a provision of Chapter 2, part 3-1, Division 2, 3 or 4 of Part 3-2 or Chapter 4 of the <i>ACL</i> – at any time within 6 years after the day on which the cause of action that relates to the conduct accrued; or</p> <p>(b) a person is a party to a contract who is advantaged by a term (the declared term) of the contract in relation which a court has made a declaration under section 250 - at any time within 6 years after the day</p>	<i>Competition and Consumer Act 2010</i> (Cth), Schedule 2, s239 Schedule 2 applies as part of the <i>Consumer Affairs and Fair Trading Act 1990</i> (NT): s27	

Row Ref.	Type of Action	Limitation Period	Description of limitation period	Relevant Act and Section	Comments
			on which the declaration is made.		
61.	Actions against manufacturers of goods	3 years	An affected person may commence an action for damages under Division 2 of Part 5-4 (<i>Action for damages against manufacturers of goods</i>) at any time within 3 years after the day on which the affected person first became aware, or ought reasonably to have become aware, that the guarantee to which the action relates has not been complied with.	<i>Competition and Consumer Act 2010</i> (Cth), Schedule 2, s273 Schedule 2 applies as part of the <i>Consumer Affairs and Fair Trading Act 1990</i> (NT): s27	

2.3 Contract

Row Ref.	Type of Action	Limitation Period	Description of limitation period	Relevant Act and Section	Comments
62.	Actions in contract and quasi-contract	3 years	<p>An action founded on contract (including quasi-contract) not being a cause of action which is evidenced by a deed is not maintainable after 3 years from the date on which the cause of action first accrues to the plaintiff or to a person through whom he or she claims.</p> <p>In contract, the cause of action accrues on breach of contract.</p> <p>Quasi contract is recognised as being part of the law of "restitution" or "unjustified enrichment".</p>	<i>Limitation Act 1981</i> (NT), s12 (1)(a)	<p>Under s 12(2)(c), the 3 year limitation period does not apply to an action to which section 17 applies (i.e. an action under section 7 or 13 of the <i>Compensation (Fatal Injuries) Act 1974</i>).</p> <p>Under s 12(2)(d), the 3 year limitation period does not apply to an action for contribution to which section 24 applies.</p>
63.	Actions upon deed	12 years	<p>An action founded upon a deed is not maintainable if brought after 12 years from the date on which the cause of action first accrued to the plaintiff or to a person through whom he or she claims.</p> <p>However, where a right of action is founded on an instrument which, if registered under the <i>Land Title Act 2000</i> would, by virtue of section 179 of that Act, take effect as a deed; and:</p> <p>(a) before the registration of the instrument, a limitation period fixed by or under this Act</p>	<i>Limitation Act 1981</i> (NT), s14	

Row Ref.	Type of Action	Limitation Period	Description of limitation period	Relevant Act and Section	Comments
			<p>expires; and</p> <p>(b) the instrument is subsequently registered before the expiration of 12 years after the date when the right of action first arose,</p> <p>the expiry of the limitation period has no effect and an action which is founded on the instrument may be brought at any time after the date of registration and before the expiry of a period of 12 years from the date when the right of action founded on the instrument first arose.</p>		
64.	Actions for an account	3 years	An action against a person liable at law to account for money received by that person is not maintainable in respect of any matter if brought after the expiration of a limitation period of 3 years from the date on which the matter arises.	<i>Limitation Act 1981</i> (NT), s13	

2.4 Deceased Estates and Family Provision

Row Ref.	Type of Action	Limitation Period	Description of limitation period	Relevant Act and Section	Comments
65.	Application to court to rectify a will	6 months	<p>A court may make an order to rectify a will so it carries out the testator's intentions if the Court is satisfied that a will does not carry out the intentions of the testator because:</p> <ul style="list-style-type: none"> (a) a clerical error was made; or (b) the will does not give effect to the testator's instructions. <p>To make an application for this order from the Court, a person must apply within 6 months after the date of death of the testator.</p> <p>The Court can extend the time limit for making an application, either before or after the 6 month period has expired, but not if the final distribution of the estate has been made.</p>	<i>Wills Act 2000</i> (NT), s27	
66.	Family provision from a deceased's estate	12 months	<p>A person entitled under s 7 of the <i>Family Provision Act</i> (NT) to make an application to the Court for provision of the estate of a deceased person must make their application within a period of 12 months after the date on which administration in respect of the estate of the deceased person has been granted.</p>	<i>Family Provision Act 1970</i> (NT), s9	

Row Ref.	Type of Action	Limitation Period	Description of limitation period	Relevant Act and Section	Comments
			The court can extend the time limit but not if the estate of a deceased person has been awfully and fully distributed.		
67.	Cause of action in tort surviving against estate of deceased person	12 months before death / 12 months after probate or letters of administration	<p>No proceedings are maintainable in respect of a cause of action in tort which has survived against the estate of a deceased person unless:</p> <p>(a) proceedings against him or her were pending at the date of death; or</p> <p>(b) the cause of action arose not earlier than 12 months before his or her death and proceedings are taken in respect of the cause of action not later than 12 months after his or her executory or administrator took out probate or letters of administration or within such period as the Supreme Court, on an application made, either before or after the expiration of that period, allows.</p>	<i>Law Reform (Miscellaneous Provisions) Act 1956 (NT), s7</i>	

Row Ref.	Type of Action	Limitation Period	Description of limitation period	Relevant Act and Section	Comments
68.	Application for representation of an estate when Public Trustee gives notice of intention to act	21 days	<p>If the Public Trustee is to act in respect of an estate, he or she must serve a notice to anyone who would be entitled to apply for representation of the estate.</p> <p>A person who may be entitled to apply for representation of the estate has 21 days after the service of notice to advise the Public Trustee in writing that the person intends to apply for representation, and a further 14 days to apply to a Court to represent the estate.</p>	<i>Administration and Probate Act 1969</i> (NT), s51	
69.	Intestacy of Aboriginal people	6 months	<p>A person who claims to be entitled to take an interest in an intestate estate of an Aboriginal person under the customs and traditions of the community or group to which the Aboriginal person belonged may apply to the Court for an order in relation to the intestate estate.</p> <p>An application shall be made within 6 months after the date that administration is granted in respect of the estate. The Court can, after hearing such of the persons affected as the Court thinks necessary, extend the time in which an application may be made.</p>	<i>Administration and Probate Act 1969</i> (NT), ss 71B and 71C	

Row Ref.	Type of Action	Limitation Period	Description of limitation period	Relevant Act and Section	Comments
			An application for an extension of the time within which an application may be made shall not be made after the intestate estate lawfully and fully distributed.		
70.	Election by spouse or de facto partner to have the matrimonial home appropriated	1 year or within such extended period as the Court allows	<p>Where the intestate estate of an intestate who is survived by his or her spouse or de facto partner comprises or includes an interest in a dwelling in which the spouse or de facto partner of the intestate was residing at the date of the intestate's death, the spouse or de facto partner may elect to have that interest appropriated under section 81 in or towards the satisfaction of any interest of the spouse or de facto partner in the real and personal property of the intestate; and, if the spouse or de facto partner so elects, the personal representative of the intestate shall appropriate that interest accordingly.</p> <p>An election under this section may be exercised within a period of one year after the date on which representation in the estate of the intestate is granted by the Court or within such extended period as the Court allows.</p>	<i>Administration and Probate Act 1969 (NT), s73</i>	

Row Ref.	Type of Action	Limitation Period	Description of limitation period	Relevant Act and Section	Comments
71.	Claim against the estate when the executor or administrator has served a notice calling upon a person to take proceedings to enforce his or her claim	6 months	<p>An executor or administrator can serve a notice calling upon a person to take proceedings to enforce his or her claim within a period of 6 months, and to duly prosecute the claim.</p> <p>If, after 6 months that person does not satisfy the Court that he or she is duly prosecuting his or her claim, the Court may, on application by the executor or administrator, make an order barring the claim against the executor or administrator.</p>	<i>Administration and Probate Act 1969</i> (NT), s97	
72.	Action to claim the personal estate of the deceased, under will or intestacy .	3 years	<p>An action in respect of a breach of trust is not maintainable after the expiration of:</p> <p>(a) a limitation period of 3 years from the date when the person entitled to bring the action first became so entitled; or</p> <p>(b) the limitation period for the bringing of the action fixed by or under any other provision of this Act,</p> <p>whichever is the only or later to expire.</p>	<i>Limitation Act 1981</i> (NT), s33	

2.5 Employment

Row Ref.	Type of Action	Limitation Period	Description of limitation period	Relevant Act and Section	Comments
73.	General protection, contraventions involving dismissal	21 days	<p>An application for the Fair Work Commission to deal with a dismissal must be made:</p> <ul style="list-style-type: none"> (a) within 21 days after the dismissal took effect; Or (b) within such further period as the FWC allows under subsection (2). <p>Fair Work Commission may allow a further period if it is satisfied that there are exceptional circumstances, taking into account:</p> <ul style="list-style-type: none"> (a) the reason for the delay; and (b) any action taken by the person to dispute the dismissal; and (c) prejudice to the employer (including prejudice caused by the delay); and (d) the merits of the application; and (e) fairness as between the person and other persons in a like position. 	<i>Fair Work Act 2009</i> (Cth), s366	
74.	General protections court applications (involving dismissal)	14 days	A person who is entitled to apply under section 365 for the FWC to deal with a dispute must not make a general protections court application in relation to the dispute unless:	<i>Fair Work Act 2009</i> (Cth), s370	Court application to be made to the Federal Court or Federal Circuit Court

Row Ref.	Type of Action	Limitation Period	Description of limitation period	Relevant Act and Section	Comments
			<p>(a) both of the following apply:</p> <p>(i) the FWC has issued a certificate under paragraph 368(3)(a) in relation to the dispute;</p> <p>(ii) the general protections court application is made within 14 days after the day the certificate is issued, or within such period as the court allows on an application made during or after those 14 days; or</p> <p>(b) the general protections court application includes an application for an interim injunction.</p>		
75.	General protections court applications (<u>not</u> involving dismissal)	6 years	A general protections court application (<u>not</u> involving dismissal) must be made within 6 years after the day on which the alleged contravention occurred.	<p><i>Fair Work Act 2009</i> (Cth), item 11 of s539(2) and s544</p> <p>See also s417(4) re Injunctions</p>	
76.	General protection, costs in relation to Applications to deal with a dismissal dispute or a non-dismissal dispute	14 days	An application for an order of costs in relation to an application under section 365 (<i>Application for the FWC to deal with a dismissal dispute</i>) or 372 (<i>Application for the FWC to deal with a</i>	<i>Fair Work Act 2009</i> (Cth), s377	

Row Ref.	Type of Action	Limitation Period	Description of limitation period	Relevant Act and Section	Comments
			<i>non-dismissal dispute</i>) must be made within 14 days after the Fair Work Commission finishes dealing with the dispute.		
77.	Unfair dismissal	21 days	<p>A person who has been dismissed may apply to the FWC for an order under Division 4 granting a remedy,</p> <p>The application must be made:</p> <ul style="list-style-type: none"> (a) within 21 days after the dismissal took effect; or (b) within such further period as the FWC allows. <p>The FWC may allow a further period for the application to be made by a person under subsection (1) if the FWC is satisfied that there are exceptional circumstances, taking into account:</p> <ul style="list-style-type: none"> (a) the reason for the delay; and (b) whether the person first became aware of the dismissal after it had taken effect; and (c) any action taken by the person to dispute the dismissal; and (d) prejudice to the employer (including prejudice caused by the delay); and (e) the merits of the application; and 	<i>Fair Work Act 2009</i> (Cth), s394	

Row Ref.	Type of Action	Limitation Period	Description of limitation period	Relevant Act and Section	Comments
			(f) fairness as between the person and other persons in a similar position.		
78.	Unfair dismissal, costs	14 days	An application for an order for costs in relation to an unfair dismissal application must be made within 14 days after Fair Work Commission determines the matter or the matter is discontinued.	<i>Fair Work Act 2009</i> (Cth), s402	
79.	Unlawful termination	21 days	<p>An employee, or the industrial association, who applies to the Fair Work Commission (FWC) for the FWC to deal with an alleged contravention of s 772(1) must make their application :</p> <p>(a) within 21 days after the employment was terminated; or</p> <p>(b) Within such further period as the FWC allows under subsection (2).</p> <p>The FWC may allow a further period if the FWC is satisfied that there are exceptional circumstances, taking into account:</p> <p>(a) the reason for the delay; and</p> <p>(b) any action taken by the employee to dispute the termination; and</p> <p>(c) prejudice to the employer</p>	<i>Fair Work Act 2009</i> (Cth), ss772(1), 773 and 774	<p><i>Fair Work Act 2009</i> (Cth), s772 is similar to the general protections provisions in Part 3-1 of the <i>Fair Work Act 2009</i> (Cth). Section 772 operates to extend protection to employees who ordinarily fall outside the scope of the <i>Fair Work Act 2009</i> (Cth) (i.e. employees that are not "national system employees").</p> <p>Note: this will not be relevant to employees employed in the Northern Territory, as they will usually be "national system employees"</p>

Row Ref.	Type of Action	Limitation Period	Description of limitation period	Relevant Act and Section	Comments
			(including prejudice caused by the delay); and (d) the merits of the application; and (e) fairness as between the person and other persons in a like position.		
80.	Unlawful termination costs	14 days	An application for an order for costs in relation to an unlawful termination application made under section 773 must be made within 14 days after Fair Work the FWC finishes dealing with the dispute.	<i>Fair Work Act 2009</i> (Cth), s781	Note: only applicable to employees that are <u>not</u> "national system employees"
81.	Unlawful termination – court application	14 days	A person who is entitled to apply under section 773 for the FWC to deal with a dispute must not make an unlawful termination court application in relation to the dispute unless: (a) both of the following apply: (i) the FWC has issued a certificate under paragraph 776(3)(a) in relation to the dispute; (ii) the unlawful termination court application is made within 14 days after the day the certificate is issued, or within such period as the court allows on an	<i>Fair Work Act 2009</i> (Cth), s778	Note: only applicable to employees that are <u>not</u> "national system employees"

Row Ref.	Type of Action	Limitation Period	Description of limitation period	Relevant Act and Section	Comments
			<p>application made during or after those 14 days; or</p> <p>(b) the unlawful termination application includes an application for an interim injunction.</p>		
82.	Civil remedy/ contractual entitlement	6 years	<p>A person may apply for an order under this Division in relation to a contravention of one of the following only if the application is made within 6 years after the day on which the contravention occurred:</p> <ul style="list-style-type: none"> a. a civil remedy provision; b. a safety net contractual entitlement; and c. an entitlement under s542(1). <p>The application must be made within 6 years of the contravention. This does not apply to an application for an unfair dismissal remedy, general protections court applications (involving dismissal), or unlawful termination court applications.</p>	<i>Fair Work Act 2009</i> (Cth), s544	

Row Ref.	Type of Action	Limitation Period	Description of limitation period	Relevant Act and Section	Comments
83.	Anti-bullying complaints	No limitation period	There are no time limits for making an anti-bullying application but the the FWC can only make an order when it is satisfied that there is a risk that the worker will continue to be bullied at work by the individual or group (and therefore the worker must still be working at the business). Workers that have been dismissed cannot apply for an order, however they may still be able to pursue an unfair or unlawful termination claim.	<i>Fair Work Act 2009</i> (Cth), Part 6-4B, in particular s 789FF(1)	A worker is bullied at work if while the worker is at work in a constitutionally-covered business an individual; or a group of individuals repeatedly behaves unreasonably towards the worker, or a group of workers of which the worker is a member; AND that behaviour creates a risk to health and safety.
84.	Appeal against a decision of a single Fair Work Commission member, General Manager or person exercising a delegation from the President or the General Manager	21 calendar days	A party wanting to appeal a decision of: (a) a single Fair Work Commission member; (b) or the General Manager; (c) or a person exercising a delegation from the President or the General Manager must lodge a notice of appeal: (a) within 21 calendar days after the date of the decision being appealed against; or (b) if the decision was issued in the form of an order – within 21 calendar days after the date of the order; or	<i>Fair Work Commission Rules 2013</i> (Cth), r56	

Row Ref.	Type of Action	Limitation Period	Description of limitation period	Relevant Act and Section	Comments
			<p>(c) within such further time allowed by the Commission on application by the appellant.</p> <p>Fair Work Commission may grant further time to institute the appeal on application.</p>		
85.	Other reviews by Fair Work Commission	21 calendar days	<p>If legislation:</p> <p>(a) confers on Fair Work Commission a jurisdiction to review a decision made by a decision maker other than the Fair Work Commission or a person exercising a delegation from the President or General Manager; and</p> <p>(b) does not specify a time within which the review must be instituted,</p> <p>a person seeking a review must file an application for review within 21 calendar days after the date of the decision or within such further time allowed by the Commission on application by the person lodging the application for review.</p>	<i>Fair Work Commission Rules 2013 (Cth), r58</i>	

Row Ref.	Type of Action	Limitation Period	Description of limitation period	Relevant Act and Section	Comments
86.	Arrears of income	3 years	<p>An action to recover arrears of income is not maintainable after 3 years from the date on which the cause of action first accrued to the plaintiff or a person through whom he claims</p> <p>This limitation period does not apply to an action to which section 28 (<i>Action for interest</i>) applies.</p>	<i>Limitation Act 1981</i> (NT), s22	

2.6 Family and de facto

Row Ref.	Type of Action	Limitation Period	Description of limitation period	Relevant Act and Section	Comments
87.	Divorce order	2 years	<p>An application for a divorce order in relation to a marriage shall not, without the leave of the court, be filed within the period of 2 years after the date of the marriage, unless</p> <p>(a) there is filed with the application a certificate stating that the parties to the marriage have considered a reconciliation with the assistance of a specified person ... and signed by that person or on behalf of that organisation as the case may be.</p> <p>OR</p> <p>(b) If the court is satisfied that there are special circumstances by reason of which the hearing of an application for a divorce in relation to a marriage should proceed notwithstanding the parties have not considered a reconciliation.</p>	<i>Family Law Act 1975</i> (Cth), ss44(1B) and 44(1C)	
88.	Divorcing parties property and maintenance claims (including bankruptcy trustees)	12 months	Where a divorce order has taken effect or a decree of nullity of marriage has been made, proceedings with respect to maintenance and property shall not be instituted, except by leave of the court, after the expiration of 12	<p><i>Family Law Act 1975</i> (Cth), s44(3A), s 44(3AA)</p> <p>See also s4(1), definition of</p>	

Row Ref.	Type of Action	Limitation Period	Description of limitation period	Relevant Act and Section	Comments
			<p>months after:</p> <p>(a) in the case of a divorce – the date on which the divorce order took effect; or</p> <p>(b) in the case of a decree of nullity of marriage – the date of the making of the decree.</p> <p>Proceedings can only be instituted after 12 months if both parties consent, or with leave of the court.</p> <p>If such proceedings are instituted with the consent of both of the parties to the marriage, the court may dismiss the proceedings if it is satisfied that, because the consent was obtained by fraud, duress or unconscionable conduct, allowing the proceedings to continue would amount to a miscarriage of justice.</p> <p>The court shall not grant leave to apply out of time unless it is satisfied that:</p> <p>a. hardship would be caused to a party to the relevant marriage or a child if leave were not granted; or</p> <p>b. in the case of maintenance – at the end of the period within which proceedings could have been instituted without the leave of the</p>	'matrimonial cause'	

Row Ref.	Type of Action	Limitation Period	Description of limitation period	Relevant Act and Section	Comments
			court, the circumstances of the applicant were such that the applicant would have been unable to support himself or herself without an income tested pension, allowance or benefit.		
89.	Application for a property settlement at the end of a de facto relationship.	2 years	<p>A de facto partner may apply to the court for::</p> <ul style="list-style-type: none"> (a) after the breakdown of a de facto relationship – an order for the maintenance of one of the parties to the de facto relationship under section 90SE; (b) an order for urgent maintenance under 90SG; (c) an order altering the interests of the parties to the de facto relationship in the property, under 90SM; or (d) a declaration in respect of a party's title or rights in property under section 90SL <p>only if:</p> <ul style="list-style-type: none"> (a) the application is made within the period of: <ul style="list-style-type: none"> (i) 2 years after the end of the de factor relationship; or (ii) 12 months after a financial agreement 	<i>Family Law Act 1975 (Cth) s44(5). See also s44(6)</i>	

Row Ref.	Type of Action	Limitation Period	Description of limitation period	Relevant Act and Section	Comments
			<p>between the parties to the de facto relationship was set aside, or found to be invalid, as the case may be; or</p> <p>(b) both parties to the de facto relationship consent to the application.</p> <p>The court may grant leave to apply after the end of the standard application period if the court is satisfied that:</p> <p>a. hardship would result on a party or a child if leave were not granted; or</p> <p>b. in the case of an application for an order for maintenance of the party – the party's circumstances were, at the end of the standard application period, such that they would have been unable to support themselves without an income-tested pension, allowance or benefit.</p>		
90.	Application for a property settlement at the end of a de facto relationship, where the relationship ended before March 2009.	2 years	<p>A de facto partner may apply to the court for an order for the adjustment of interests with respect to the property of the de facto partners or either of them.</p> <p>Where de facto partners have ended</p>	<i>De Facto Relationships Act 1991</i> (NT), ss 13-14	

Row Ref.	Type of Action	Limitation Period	Description of limitation period	Relevant Act and Section	Comments
			<p>their de facto relationship, an application must be made before the expiry of a period of 2 years beginning with the day after that on which the relationship ended.</p> <p>A court may grant leave to a de facto partner any time after the expiry of the 2-year period if satisfied that greater hardship would be caused to that partner by refusing leave than to the other partner by granting it.</p>		
91.	Childbirth Maintenance	12 months from the date of birth	<p>The father of a child who is not married to the child's mother can be liable to make a proper contribution towards:</p> <ul style="list-style-type: none"> (a) the maintenance of the mother for the childbirth maintenance period in relation to the birth of the child; and (b) the mother's reasonable medical expenses in relation to the pregnancy and birth; and (c) if the mother dies and the death is as a result of the pregnancy or birth, the reasonable expenses of the mother's funeral; and (d) if the child is stillborn, or dies and the death is related to the birth, the reasonable expenses 	<i>Family Law Act 1975</i> (Cth), s67G	Division 8 – subdivision B of the <i>Family Law Act</i> (1975) (Cth) deals with the liability of a father to contribute towards child bearing expenses if he is not married to the child's mother.

Row Ref.	Type of Action	Limitation Period	Description of limitation period	Relevant Act and Section	Comments
			<p>of the child's funeral.</p> <p>Proceedings may be instituted at any time during the pregnancy, but not later than 12 months after the birth except by leave of the court. The court must not grant leave unless it is satisfied that refusal to grant leave would cause hardship to the applicant, the child or another person.</p>		
92.	Family Law Appeals	28 days	A Notice of Appeal, including a Notice of Appeal in which leave to appeal is sought, must be filed within 28 days after the date the order appealed from was made. A party may apply for an extension of time to appeal.	<i>Family Law Rules 2004</i> (Cth), r22.03. See also r1.14 & r22.01	<p>Appeals may be made:</p> <ol style="list-style-type: none"> to the Full Court from an order of a Judge or Judges of the Family Court, a Family Court of a State or a Supreme Court of a State or Territory; to the Family Court from an order of a Federal Circuit Court (whether heard by the Full Court or a single Judge); and to a single Judge of the Family Court from an order of a court of summary jurisdiction.
93.	Cross appeal	14 or 28 days	<p>A party who intends to argue that an order under appeal should be varied or set aside must cross- appeal within the later of:</p> <ol style="list-style-type: none"> 14 days after the Notice of 	<i>Family Law Rules 2004</i> (Cth), rr22.07 & 22.08	

Row Ref.	Type of Action	Limitation Period	Description of limitation period	Relevant Act and Section	Comments
			Appeal is served; or b. 28 days after the date of the order appealed against.		
94.	Child support assessment decision under the <i>Child Support Assessment Act 1989</i> (Cth) – time limit on applying for declarations	56 days	A person can file an application for a declaration by a court stating that that the person is or is not a parent. This must be done within 56 days after being served with a notice by the Registrar that an application for administrative assessment of child support has or has not been accepted. A person can apply for an extension of time to file.	<i>Family Law Rules 2004</i> (Cth), r4.20. See also <i>Child Support (Assessment) Act 1989</i> (Cth), ss33, 34, 106A & 107	

2.7 Miscellaneous civil law

Row Ref.	Type of Action	Limitation Period	Description of limitation period	Relevant Act and Section	Comments
95.	Second or subsequent conversion	3 years	An action in relation to the conversion or wrongful detention of goods and where possession of the goods is not recovered is not maintainable after 3 years from the date when the first right to bring an action accrued. The first date for wrongful detention and each conversion is the date of the first conversion or wrongful detention.	<i>Limitation Act 1981</i> (NT), s19	
96.	Enforcement of a judgment	12 years	An action to recover moneys due under a judgment of a court is not maintainable after 12 years from the date on which the judgment first becomes enforceable.	<i>Limitation Act 1981</i> (NT), s15	
97.	Enforcement of award of arbitrator	12 years or 3 years	An action to enforce the award of an arbitrator made under an arbitration agreement is not maintainable after 12 years (if arbitration agreement made by deed) or 3 years (if any other arbitration agreement) after the right to enforce the award first accrued.	<i>Limitation Act 1981</i> (NT), s18	
98.	Action to enforce a recognizance	3 years	An action to enforce a recognizance is not maintainable after 3 years from the date on which the cause of action first accrues.	<i>Limitation Act 1981</i> (NT), s12(1)(c)	
99.	Actions to recover a penalty or forfeiture	2 years	An action to recover a penalty or forfeiture or a sum recoverable by virtue of an enactment is not maintainable after 2 years from the	<i>Limitation Act 1981</i> (NT), s16	

Row Ref.	Type of Action	Limitation Period	Description of limitation period	Relevant Act and Section	Comments
			date on which the penalty, forfeiture or sum of money by way of a penalty or forfeiture first became recoverable. This excludes fines imposed when a person is guilty of an offence.		
100.	Actions to recover tax	6 months	An action to recover money paid by way of tax (on grounds that the tax was paid under a mistake of law or fact) cannot be brought more than 6 months after the date it was paid. This limitation date cannot be extended.	<i>Limitation Act 1981</i> (NT), ss35D & 35E	
101.	Actions for seamen's wages	3 years	It is expressly provided that the limitation period for actions in contract (and quasi-contract) as set out in s12(1)(a) <i>Limitation Act</i> (NT) extends to a right to bring an action to recover a seaman's wages.	<i>Limitation Act 1981</i> (NT), s12(1)(a), s20(2)	

2.8 Property and Trusts

General Note: In the Northern Territory (and the Australian Capital Territory), the title of the registered proprietor of land is not extinguished by the operation of a statute of limitations: see *Land Title Act 200* (NT) s 198, *Land Titles Act 1925* (ACT) s 69. The Limitation Acts therefore contain no provisions dealing with actions relating to land. For more information see: *The Laws of Australia* (Online via Westlaw AU).

Row Ref.	Type of Action	Limitation Period	Description of limitation period	Relevant Act and Section	Comments
102.	Action upon deed where limitation period has expired prior to registration under the <i>Land Title Act</i> (NT)	12 years	<p>Where a right of action is founded on an instrument which, if registered under the <i>Land Title Act</i> (NT) would, by virtue of section 179 of that Act, take effect as a deed and:</p> <ul style="list-style-type: none"> a. before the registration of the instrument, a limitation period fixed by or under this Act expires; and b. the instrument is subsequently registered before the expiration of 12 years after the date when the right of action first arose. <p>The expiry of the limitation period has no effect and an action which is founded on the instrument may be brought at any time after the date of registration and before the expiry of a period of 12 years from the date when the right of action founded on the instrument first arose</p>	<i>Limitation Act 1981</i> (NT), s14	
103.	Actions by mortgagor to redeem mortgaged property	12 years	An action to redeem mortgaged property in the possession of a mortgagee is not maintainable if brought after 12 years from the date	<i>Limitation Act 1981</i> (NT), s26	

Row Ref.	Type of Action	Limitation Period	Description of limitation period	Relevant Act and Section	Comments
			on which that mortgagee or a person through whom he claims last: a. went into possession of the property; or b. received a payment of principal money or interest secured by the mortgage from the plaintiff; or c. when both things happen, the later of those dates.		
104.	Actions by mortgagee to recover possession.	12 years	An action to: a. recover principal money secured by a mortgage; b. recover possession of mortgaged property from a mortgagor; or c. foreclose the equity of redemption of mortgaged property, is not maintainable by a mortgagee after 12 years from the date on which the mortgagee first became entitled to recover the money, to take possession of the property or to foreclose the equity of redemption.	<i>Limitation Act 1981 (NT), s27</i>	
105.	Actions by mortgagee to recover interest	3 years	An action to recover interest secured by a mortgage is not maintainable by a mortgagee if brought after 3 years from the later of the following dates: a. the date on which the cause of action first accrued; or b. the date the mortgagee discontinued his possession of	<i>Limitation Act 1981 (NT), s28</i>	

Row Ref.	Type of Action	Limitation Period	Description of limitation period	Relevant Act and Section	Comments
			the property. If an earlier limitation period exists for an action between the same parties to recover the principal money bearing the interest, the earlier limitation period applies.		
106.	Actions for negligence for property damage or economic loss	3 years	General tort limitation period. An action is not maintainable after 3 years from the date on which the cause of action first accrued.	<i>Limitation Act 1981</i> (NT), s12(1)(b)	
107.	Trust property – Action for fraud	12 years	An action relating to fraud on trust property is not maintainable by a trustee of the trust or a beneficiary under the trust after the expiration of 12 years from the later of the two dates: a. the date the person entitled to bring the action first discovered or may with reasonable diligence have discovered the facts giving rise to the right to relief; or b. the limitation period fixed by any other provision in the <i>Limitation Act 1981</i> (NT).	<i>Limitation Act 1981</i> (NT), s32	
108.	Action for breach of trust	3 years	An action relating to a breach of trust is not maintainable after 3 years from the later of the two dates: a. the date when the person entitled to bring the action became entitled; or b. the limitation period fixed by any	<i>Limitation Act 1981</i> (NT), s33	

Row Ref.	Type of Action	Limitation Period	Description of limitation period	Relevant Act and Section	Comments
			other provision in the <i>Limitation Act 1981</i> (NT).		
109.	Actions in respect of future estates or interests	N/A	A cause of action of a beneficiary in respect of a future estate or interest accrues on the date on which the estate or interest becomes a present estate or interest or on the date on which the cause of action would, but for this section, accrue, whichever is the later.	<i>Limitation Act 1981</i> (NT), s34	
110.	Automatic lapsing of caveat	A caveat lapses 14 days after notice is served on the caveator under subsection (3) or 3 months after the caveat is lodged under s 138.	<p>The caveatee may serve a notice on the caveator requiring the caveator to commence a proceeding in a court to establish the interest claimed under the caveat.</p> <p>The caveatee must serve the notice on the Registrar- General within 14 days of serving it on the caveator.</p> <p>The caveat will lapse either 14 days after the notice has been served on the caveator or 3 months after the caveat was first lodged, whichever is the earlier, unless:</p> <ol style="list-style-type: none"> the appropriate proceeding has commenced and the Registrar-General has been notified; or the caveator notifies the Registrar-General that he does not want the caveat to lapse and 	<i>Land Title Act 2000</i> (NT), s142	<p>This section applies to a caveat unless:</p> <ol style="list-style-type: none"> in a manner outside the it is lodged by the registered owner; the consent of the registered owner is deposited when the caveat is lodged; an office copy of a court order mentioned in s 130(1)(d) or (3) is deposited when the caveat is lodged; it is lodged by the Registrar-General under section 18; or it is lodged other than under this Division.

Row Ref.	Type of Action	Limitation Period	Description of limitation period	Relevant Act and Section	Comments
			<p>that the appropriate proceeding has commenced or will commence.</p> <p>If the caveator has notified the Registrar-General that he or she will commence a proceeding the caveat will lapse within 3 months after the notice was first served unless evidence can be given to the Registrar-General that proceedings have commenced.</p>		
111.	Restriction on a vendor's right to rescind on purchaser's objection	7 days	<p>In a contract for a sale of land a vendor is not entitled to exercise a right to rescind a contract on the ground of a requisition or objection by the purchaser unless the vendor gives the purchaser 7 days' notice of the vendor's intention to rescind.</p> <p>This applies to contracts for the sale of land made after the commencement of this Act and has effect despite the terms of a contract for the sale of land to the contrary.</p>	<i>Law of Property Act 2000</i> (NT), s69	The 7 days' notice is to give the purchaser the opportunity to withdraw or waive the requisition or objection
112.	Duty of mortgagee as to sales price	28 days	<p>It is the duty of the mortgagee, in exercising the power of sale, to take reasonable care to ensure the property is sold at market value.</p> <p>Not later than 28 days after the completion of sale, the mortgagee must give to the mortgagor, or</p>	<i>Law of Property Act 2000</i> (NT), s90	The title of the purchaser is not impeachable on the ground the mortgagee has committed a breach of this duty but a person who suffers loss or damage because of this breach has a remedy in

Row Ref.	Type of Action	Limitation Period	Description of limitation period	Relevant Act and Section	Comments
			<p>subsequent mortgagee or encumbrancer of the property, the prescribed notice.</p> <p>This applies to mortgages made before or after the commencement of this Act but only if the power of sale is exercised because of a default that occurs after the commencement of this Act.</p>		damages against the mortgagee exercising the power of sale.

2.9 Tenancy

Row Ref.	Type of Action	Limitation Period	Description of limitation period	Relevant Act and Section	Comments
113.	Actions to recover arrears of rent	3 years	<p>The limitation period falls under the "arrears of income" provision in the <i>Limitation Act</i> (NT) (income is defined in s4 as including rent). An action to recover arrears of income and arrears of interest on that income is not maintainable after 3 years from the date on which the cause of action first accrued.</p> <p>An action to recover arrears of interest on principal money shall not be brought after the expiration of the limitation period fixed by or under this Act for an action to recover the principal money between the same parties (this does not apply to an action to recover interest secured by a mortgage under s 28 of the <i>Limitation Act</i> 1981 (NT)).</p>	<i>Limitation Act</i> 1981 (NT), s22	
114.	Residential tenancies - Application to the Commissioner of Tenancies to prepare a condition report	5 days	Either the landlord or the tenant may apply to the Commissioner of Tenancies to prepare a condition report if the landlord and tenant fail to reach an agreement as to the contents of a tenant's modified condition report within 5 business days of the landlord receiving the report.	<i>Residential Tenancies Act</i> 1999 (NT), s27	

			If a condition report is prepared by the Commissioner, the landlord and tenant are taken to have accepted that report by the Tribunal.		
115.	Residential tenancies - Applications for orders for termination of a tenancy	14 days	<p>Unpaid rent or rent in arrears A landlord must apply to NTCAT for termination of tenancy and possession of premises no later than 14 days after the date specified in the notice to the tenant to pay any unpaid rent or rent in arrears.</p> <p>Other breaches by a tenant A landlord must apply for termination of tenancy and possession of premises no later than 14 days after the date specified in the notice to the tenant to remedy the breach.</p> <p>Breach by landlord A tenant must apply for termination of tenancy and permission to give up possession of the premises no later than 14 days after the date specified in the notice to the landlord to remedy the breach.</p>	<i>Residential Tenancies Act 1999 (NT), ss96A, 96B & 96C</i>	
116.	Residential tenancies - Appeal against the decision of the NTCAT	14 days28 days	<p>Internal Review <i>Northern Territory Civil and Administrative Tribunal Act 2014 (NT), s 140</i>, provides that a review of a decision made by an NTCAT member in the tribunal's original jurisdiction can be</p>	<p><i>Northern Territory Civil and Administrative Tribunal Act 2014 (NT), s 140</i> Appeal <i>Northern Territory</i></p>	

			<p>reviewed internally. Applications must be made within 28 days of the date of the decision.</p> <p>Appeal Under the <i>Northern Territory Civil and Administrative Tribunal Act 2014</i> (NT), S 141, appeals of an NTCAT decision involving errors of law are made directly to the Supreme Court of NT.</p>	<p><i>Civil and Administrative Tribunal Act 2014</i> (NT),s 141</p>	
117.	Retail tenancies – application for a determination of a retail tenancy claim	3 years	<p>An application to the Commissioner of Tenancies for determination of a retail tenancy claim may not be made more than 3 years after the date on which the liability or obligation that is the subject of the application arose.</p>	<p><i>Business Tenancies (Fair Dealings) Act 2003</i> (NT), s86(5)</p>	
118.	Retail tenancies - Appeal from Commissioner's order to Local Court	14 days	<p>An application for appeal against a retail tenancy order by the Commissioner of Tenancies may be lodged:</p> <ul style="list-style-type: none"> a. before 14 days after the date of the order, determination or decision appealed against, unless the Local Court allows an extension of time; or b. if the person who made the retail tenancy order does not give reasons for the order at the time of making it – within 14 days after the parties are given the reasons. <p>If the reasons of the person who made</p>	<p><i>Business Tenancies (Fair Dealings) Act 2003</i> (NT), ss119(5) & (6)</p>	

			the retail tenancy order are not given in writing at the time of making the order, and the appellant then requests that person to state the reasons in writing, the time for commencing the appeal runs from the time when the appellant receives the written statement of the reasons.		
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3. COURT MATTERS

3.1 Coronial inquests

Row Ref.	Type of Action	Limitation Period	Description of limitation period	Relevant Act and Section	Comments
119.	Application to Supreme Court for order that coronial inquest to be held	14 days	Within 14 days after receiving notice of a coroner's decision not to hold an inquest into a death, that person may apply to the Supreme Court for an order that an inquest be held.	<i>Coroners Act 1993</i> (NT), s16(2)	

3.2 Appeals and Judicial Review

Row Ref.	Type of Action	Limitation Period	Description of limitation period	Relevant Act and Section	Comments
120.	Appeal from order made by Registrar in proceedings commenced under the <i>Small Claims Act</i> (NT)	14 days (unless extended by the Court)	A party to proceedings commenced under the <i>Small Claims Act</i> (NT) may appeal to the Local Court constituted by a Magistrate from an order in those proceedings made by a Registrar. This appeal must be made within 14 days after the date of the order or otherwise made with the leave of a Registrar or Magistrate.	<i>Small Claims Act</i> 2016 (NT) no longer provides for a right of appeal for proceedings commenced under the <i>Small Claims Act</i> 2016 (NT), however s 75 of the <i>Local Court Act</i> 2015 (NT) provides: (1) This section applies if a registrar makes a decision in proceedings in the exercise of a power delegated under section 74. (2) A party to the proceedings may appeal against the decision to the Court. (3) For hearing the appeal, the Court must be constituted by a	The Local Court has jurisdiction to deal with small claims matters under the <i>Small Claims Act</i> 2016 by way of section 13A of the <i>Local Court Act</i> 2015 (NT) as follows: a) if the whole claim is of that type – only if the Tribunal has made an order under section 99A of the Northern Territory Civil and Administrative Tribunal Act 2014 to transfer the proceeding relating to the claim to the Court; b) if part of the claim is of that type – if the Court is dealing with the other part of the claim.

Row Ref.	Type of Action	Limitation Period	Description of limitation period	Relevant Act and Section	Comments
				<p>Judge.</p> <p>(4) The appeal must be commenced within 14 days after the registrar's decision was made.</p> <p>(5) The Court may extend the period mentioned in subsection (4), and may do so even if that period has expired.</p> <p>(6) Unless the Court orders otherwise, an appeal does not operate as a stay of the registrar's decision.</p> <p>(7) The appeal is to be by way of a new hearing of the issue that was before the registrar.</p>	
121.	Appeals to the Supreme Court from the Local Court	28 days	<p>Appeals from a final order:</p> <p>A party to a proceeding may appeal to the Supreme Court, on a question of law, from a final order of the Local</p>	<p><i>Local Court (Civil Procedure) Act 1989 (NT), s19</i></p>	<p>Appeals from a final order is accurate under <i>Local Court (Civil Procedure) Act NT, s 19</i></p>

Row Ref.	Type of Action	Limitation Period	Description of limitation period	Relevant Act and Section	Comments
			Court: a. within 28 days after the day on which the order complained of was made; or b. with the leave of the Supreme Court, after the expiration of those 28 days .	<i>Supreme Court Rules 1987 (NT) r 83.04</i>	No additional appeal rights identified in the current legislation.
122.	Judicial review by the Supreme Court	28 days	The Court will extend the limitation period only under exceptional circumstances	Decisions of NTCAT may be appealed to the Supreme Court under s 141 of the <i>Northern Territory Civil and Administrative Tribunal Act 2014 (NT)</i> . <i>Supreme Court Rules 1987 (NT) r 83.04</i>	Applies to decisions made NCAT under its power to conduct reviews of the merits of decisions made by government officers. <i>[No alternative process for appeal relating specifically to judicial review of administrative decisions found in the legislation]</i>

Row Ref.	Type of Action	Limitation Period	Description of limitation period	Relevant Act and Section	Comments
123.	Judicial review by the Federal Court or the Federal Circuit Court	28 days	<p>An application to the Federal Court or the Federal Circuit Court for an order of review must be lodged with a Registry of the court concerned within the "prescribed period", or within such further time as the court concerned allowed.</p> <p>The "prescribed period" is 28 days of receiving reasons for the decision.</p>	<i>Administrative Decisions (Judicial Review) Act 1977</i> (Cth), ss11(1) & 11(3)	Applies to reviews of Commonwealth decisions and NT laws declared by regulation to be 'enactments' for the purposes of the Act (see s19A of the <i>Administrative Decisions (Judicial Review) Act 1977</i> (Cth))
124.	Appeals to the Supreme Court from a decision of a tribunal	28 days	<p>An appeal from a decision of a tribunal must be instituted within 28 days after:</p> <ul style="list-style-type: none"> a. the "material date" (the date the tribunal pronounces the decision or the date the person is given notice of decision); or b. the date on which leave to appeal is granted. 	<i>Supreme Court Rules 1987</i> (NT), r83.04	This is now the primary method of appeal of an NTCAT decision. No appeals to the Local Court are available for matters commenced after 2014.
125.	Application for leave to appeal to the Supreme Court from a decision of a tribunal	7 days	<p>Where an appeal lies to the Supreme Court with leave only. An application for leave must be filed:</p> <ul style="list-style-type: none"> a. within 7 days after the "material date" (the date the tribunal pronounces the decision or the date the person is given notice of decision); or b. by a later date as is fixed by the tribunal for that purpose. <p>If the applicant does not comply with these time limits, they can seek an</p>	<i>Supreme Court Rules 1987</i> (NT), r83.23	

Row Ref.	Type of Action	Limitation Period	Description of limitation period	Relevant Act and Section	Comments
			order that compliance with the time limits is dispensed with.		
126.	Application to the Court of Appeal for leave to appeal a civil decision of the Supreme Court	28 days	<p>An application to the Court of Appeal for leave to appeal under s53 of the Act must be filed not later than 28 days after:</p> <ul style="list-style-type: none"> a. the "material date" (the date judgment takes effect); or b. if the presiding judge has fixed a later date for the filing of the application – that later date. <p>If the application is not filed within these time limits, the application must include a request to the Court of Appeal to dispense with compliance with the time limits.</p>	<i>Supreme Court Rules</i> 1987 (NT), r85.02	
127.	Filing notice of appeal to the Court of Appeal	28 days	<p>A notice of appeal must be filed and served:</p> <ul style="list-style-type: none"> a. within 28 days after: <ul style="list-style-type: none"> i. the "material date" (the date judgment takes effect); or ii. the date on which leave to appeal was granted; or b. before a date fixed for this purpose by the presiding Judge granting leave to appeal; or c. within such further time as is allowed by a Judge upon application within the 28 day period referred to above or before 	<i>Supreme Court Rules</i> 1987 (NT), r85.12	

Row Ref.	Type of Action	Limitation Period	Description of limitation period	Relevant Act and Section	Comments
			<p>the date, if any, fixed by the presiding judge granting leave to appeal.</p> <p>Notwithstanding these limits, a Judge can give leave to file and serve a notice of appeal at any time for special reasons.</p>		
128.	Federal Court: appeals from decisions of a single Judge of the Federal Court exercising original jurisdiction of the Court	21 days	<p>The notice of appeal shall be filed and served:</p> <ul style="list-style-type: none"> a. within 21 days after the date of the decision; or b. within 21 days after the date leave to appeal was granted; or c. any later date fixed by the court. <p>The court can allow further time upon application made by motion filed during or after the 21 day period.</p>	<i>Federal Court Rules 2011</i> (Cth), rr36.03 & 36.05	
129.	Federal Court: application for leave to appeal	14 days	Where an appeal lies to the Court with leave only, an application for leave should be filed within 14 days after the judgment was pronounced or a later date fixed by the Court.	<i>Federal Court Rules 2011</i> (Cth), r35.13	
130.	High Court: application for leave or special leave to appeal	28 days	<p>An application shall be filed within 28 days after the judgment was pronounced.</p> <p>If it is not filed within the time limit, the applicant can seek an order that the time limit be dispensed with.</p>	<i>High Court Rules 2004</i> (Cth), r41.02	

Row Ref.	Type of Action	Limitation Period	Description of limitation period	Relevant Act and Section	Comments
131.	High Court: notice of appeal	14 days	<p>A notice of appeal must be filed within 14 days after the latest of the following:</p> <ul style="list-style-type: none"> a. grant of leave to appeal; b. grant of special leave to appeal; or c. the date of the judgment from which the appeal is brought. 	<i>High Court Rules 2004</i> (Cth), r42.03	

3.3 Administrative appeals generally

Row Ref.	Type of Action	Limitation Period	Description of limitation period	Relevant Act and Section	Comments
132.	Appeal to the Administrative Appeals Tribunal	28 days	<p>The prescribed time for the purposes of appealing a written decision is the period commencing on the day on which the decision is made and ending on the twenty-eighth day after:</p> <ul style="list-style-type: none"> (a) if the decision sets out the findings on material questions of fact and the reasons for the decision--the day on which a document setting out the terms of the decision is given to the applicant; or (b) if the decision does not set out those findings and reasons: <ul style="list-style-type: none"> (i) if a statement in writing setting out those findings and reasons is given to the applicant otherwise than in pursuance of a request under subsection 28(1) not later than the twenty-eighth day after the day on which a document setting out the terms of the decision is given to the applicant--the day on which the statement is so given; 	<p><i>Administrative Appeals Tribunal Act 1975</i> (Cth), ss29(2), 29(4) & 29(6)</p> <p>See also s29(4) – which specifies that where there is no prescribed time for the making of an application for review of a particular decision, applications for review must be made within a "reasonable time". The Tribunal may entertain an application not made within a reasonable time if the Tribunal is of the opinion that there are special circumstances justifying it do so.</p>	

Row Ref.	Type of Action	Limitation Period	Description of limitation period	Relevant Act and Section	Comments
			(ii) if the applicant, in accordance with subsection 28(1), requests the person who made the decision to give a statement as mentioned in that subsection--the day on which the statement is given or the applicant is notified in accordance with subsection 28(3A) that the statement will not be given; or		

3.4 Bills and Costs

Row Ref.	Type of Action	Limitation Period	Description of limitation period	Relevant Act and Section	Comments
133.	Claiming money paid to the Local Court	3 years	<p>Money paid into Court to the use of a party to a proceeding before the Court shall, if unclaimed for 3 years, be paid into the Central Holding Authority.</p> <p>Application may be made to the principal registrar by a person entitled to claim money paid into the Central Holding Authority for a certificate certifying the claimant's right to claim the money.</p>	<i>Local Court (civil procedure) Act 1989 (NT), s36</i>	
134.	Claiming money paid to the Supreme Court	3 years	<p>All moneys, which have been paid into Court, may, if unclaimed for 3 years, be paid into the Central Holding Authority.</p> <p>Application may be made to the principal registrar by a person entitled to claim money paid into the Central Holding Authority for a certificate certifying the claimant's right to claim the money.</p>	<i>Supreme Court Rules 1987 (NT), r79.07.1</i>	
135.	Application for taxation of costs (Local Court)	2 months	A party entitled to costs may apply for taxation of costs by filing a summons and a bill to the taxing officer not later than 2 months after the final costs order is made.	<i>Local Court (Civil Jurisdiction) Rules 1998 (NT), r 38.12</i>	

Row Ref.	Type of Action	Limitation Period	Description of limitation period	Relevant Act and Section	Comments
136.	Objection to items on bill of costs (Local Court)	7 days	If the party liable for costs objects to any items in the bill, they must object, by notice, not later than 7 days before the dates fixed for taxation.	<i>Local Court ((Civil Jurisdiction) Rules 1998 (NT), r38.13</i>	
137.	Application for Taxation of Costs (Supreme Court)	21 days	For costs to be taxed, the application shall be made by summons served not later than 21 days before the day for hearing named in the summons	<i>Supreme Court Rules 1987 (NT), r63.36</i>	
138.	Objection to items on bill of costs (Supreme Court)	14 days	A party who objects to items in the bill can object, by notice, to be filed within 14 days after the service of the taxation summons and bill.	<i>Supreme Court Rules 1987 (NT), r63.45</i>	

4. PUBLIC LAW, COMPLAINTS ETC.

4.1 Discrimination

Row Ref.	Type of Action	Limitation Period	Description of limitation period	Relevant Act and Section	Comments
139.	Discrimination complaint – NT Anti-Discrimination Commission	12 months	A complaint shall be made not later than 12 months after the alleged prohibited conduct took place. The Anti-Discrimination Commissioner may accept a complaint after 12 months if the Commissioner is satisfied it is appropriate to do so.	<i>Anti-Discrimination Act 1992</i> (NT), s65	
140.	Discrimination complaint – request for Commissioner to evaluate complaint after conciliation	21 days from conclusion of conciliation	The Commissioner may conduct a conciliation at any time after the complaint is made. If a complaint is not resolved by conciliation, the complainant may request the Commissioner evaluate the complaint. This request must be made within 21 days after receiving notification from the Commissioner that conciliation proceedings have concluded. If no request for evaluation is made, the complaint lapses and no further complaint can be made in relation to the same conduct.	<i>Anti-Discrimination Act 1992</i> (NT), s78, s81(2)-(4)	
141.	Discrimination complaint – application for a hearing	21 days	The Commissioner may refer the complaint to the Tribunal if the Commissioner believes the complaint	<i>Anti-Discrimination Act 1992</i> (NT), s86	

Row Ref.	Type of Action	Limitation Period	Description of limitation period	Relevant Act and Section	Comments
			<p>has a reasonable prospect of success at a hearing by the Tribunal.</p> <p>If the Commissioner decides not to refer the complaint to a hearing, the complainant may, within 21 days after receiving the written notice, apply to have the complaint heard by the Tribunal.</p>		
142.	Appeal against decision of the Anti-Discrimination Commissioner (NT)	28 days	<p>A party to a complaint aggrieved by a decision or order of the Commissioner may appeal to the Local Court against the decision or order. An appeal may be on a question of law or fact or law and fact and shall be made not later than 28 days after the day on which the decision or order was made or 28 days after receiving the reasons for the decision, if reasons were not given at the time the decision or order was made.</p> <p>An appeal lies only from a decision or order <i>after</i> hearing of complaint by the Commissioner and does not include intermediate or 'interlocutory' decisions or orders, even those which finalise a complaint.</p>	<p><i>Anti-Discrimination Act 1992 (NT), s106</i></p> <p><i>NTA v Anti-Discrimination Commissioner NT & Ors [2013] NTSC 5</i></p>	
143.	Discrimination complaint - Australian Human Rights Commission	6 months	The President of the Australian Human Rights Commission may terminate a complaint lodged more than 6 months	<i>Australian Human Rights Commission Act 1986 (Cth),</i>	S 46PH (1)(b): the president has the discretion to terminate a

Row Ref.	Type of Action	Limitation Period	Description of limitation period	Relevant Act and Section	Comments
			<p>after the alleged unlawful discrimination took place.</p> <p>The President may revoke the above termination, unless an application is made to the Federal Court or the Federal Circuit Court under s46PO in relation to the complaint.</p>	s46PH(1)(b)	complaint which includes on any of the following grounds: the complaint was lodged more than 6 months after the alleged acts, omissions or practices took place, or that these did not involve unlawful termination.
144.	Discrimination complaint – Australian Human Rights Commission – application to the Federal Court or Federal Circuit Court when the Australian Human Rights Commission finalises the complaint	60 days	If a complaint has been terminated by the President, and the President has given a notice to the complainants in writing of the termination, any person who was an affected person in relation to the complaint may make an application to the Federal Court or the Federal Circuit Court, alleging unlawful discrimination by one or more of the respondents to the terminated complaint. The application must be made within 60 days of the President's notice.	<i>Australian Human Rights Commission Act 1986</i> (Cth), s46PO(2)	

4.2 Environment

Row Ref.	Type of Action	Limitation Period	Description of limitation period	Relevant Act and Section	Comments
145.	Consult and comment on bilateral agreement draft	28 days	Any person may provide comments on a draft of a bilateral agreement that the Environmental Minister proposes to enter into. The Minister must allow at least 28 days from the issuing of his/her invitation to comment or the publication of the draft agreement, whichever is the later.	<i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth), s49A	
146.	Consult and comment on Minister's reconsideration of Referral	10 days	A person has 10 business days from the date they are informed of the referral relating to their proposed action, to give the Minister relevant information about whether the action is a controlled action.	<i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth), s73. See also s78B	
147.	Request to Minister for reasons for decision	28 days	A person must request the Minister provide reasons for his/her decision within 28 days of receiving a written notice from the Minister of the decision.	<i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth), s77(4). See also s78	
148.	Consult and comment on recommendation report	10 days	A person has 10 business days from the date the draft recommendation report is published on the internet to comment to the Secretary on the report or action.	<i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth), s93	
149.	Consult and comment on Minister's proposed decision	10 days	A person proposing to take action and/or a designated proponent has 10 business days from the date of the Minister's invitation to comment on the proposed decision of	<i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth), s131A	

Row Ref.	Type of Action	Limitation Period	Description of limitation period	Relevant Act and Section	Comments
			the Minister. The public also has 10 business days from the date of the Minister's invitation to comment on the proposed decision of the Minister.		
150.	Consult and comment on draft terms of reference of Strategic Assessment and Final Report draft	28 days	The public has at least 28 days as specified by the Minister to comment on the draft terms of reference of a Strategic Assessment and the final report draft.	<i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth), s146 (1B), (2)	
151.	Reconsideration of Conservation Order or decision of review made by Minister	28 days	A person affected by a conservation order or a decision on a review of a conservation order made by the Minister may apply to the Minister within 28 days after publication of the notice relating to the order or decision (or within such period as the Minister allows) for a reconsideration of the order or decision.	<i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth), s468. See also s467	S 468 (4) if the person is given a copy of the order after that publication, the period of 28 days within which that person must make the application is taken to commence on the day on which the person received the notice.
152.	Application and court action for return of specimen	30 days	The owner of a specimen may apply to the Secretary and bring an action for the return and delivery of the specimen within 30 days after the seizure or within 30 days of receiving a notice of seizure by an authorising officer.	<i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth), ss444C & 444D	

4.3 Government (including health) and police

Row Ref.	Type of Action	Limitation Period	Description of limitation period	Relevant Act and Section	Comments
153.	Internal review of a Council decision	14 days	A decision made by a Council, or an officer of a Council, that is designated as reviewable can be reviewed by the Council's CEO. The application must be made in writing within 14 days after the date of the decision, although if there are exceptional circumstances, the CEO can extend the time limit.	<i>Local Government Act 2008</i> (NT), s228	
154.	Review of council's decision by Civil and Administrative Tribunal	As soon as practicable	The CEO must give a decision notice to the applicant as soon as practicable after the council makes a final decision on the application. A person who receives a decision notice may apply to the Civil and Administrative Tribunal for a review of the decision.	<i>Local Government Act 2008</i> (NT), s230 see <i>Northern Territory Civil and Administrative Tribunal Act 2008</i> (NT) s46	
155.	Complaints to the Commonwealth Ombudsman	12 months	The Ombudsman has the discretion not to investigate complaints if they are made 12 months after the complainant became aware of the action complained about.	<i>Ombudsman Act 1976</i> (Cth), s6	
156.	Complaints to the Northern Territory Ombudsman	1 year	A complaint must be made within 1 year after the person aggrieved by the administrative action or conduct the subject of the complaint first becomes aware of the action or conduct. The time limit can be extended by the Ombudsman in special circumstances	<i>Ombudsman Act 2009</i> (NT), s25	

Row Ref.	Type of Action	Limitation Period	Description of limitation period	Relevant Act and Section	Comments
			or if it is considered to be in the public interest to do so.		
157.	Actions against police (police torts)	2 months	An action against a Northern Territory Police member must be commenced within 2 months after the act or omission complained of was committed.	<i>Police Administration Act 1978 (NT), s162(1)</i>	
158.	Police – breach of discipline	6 months	Actions regarding breach of discipline should be commenced within 6 months after the act or commission constituting the alleged breach of discipline was discovered, or such longer period as the Commissioner of Police or Magistrate allows.	<i>Police Administration Act 1978 (NT), s162(6)</i>	
159.	Complaints to the Commissioner for Health and Community Services	2 years	<p>The Commissioner must take no further action on a complaint if he or she is satisfied that the complainant became aware of the circumstances giving rise to the complaint more than two years before the complaint was made.</p> <p>This limitation does not apply if the Commissioner is satisfied that the complainant had good reasons for not making the complaint within two years.</p>	<i>Health and Community Services Complaints Act 1998 (NT), s30(1)(c)</i>	For negligence claims, see tort section, above.
160.	Freedom of Information - Internal review of decision	30 days	A person aggrieved by a decision of the public sector to refuse access to information, to correct information or to charge a fee can apply for a review by the public sector organisation. The	<i>Information Act 2002 (NT), s20(b)(i)</i>	

Row Ref.	Type of Action	Limitation Period	Description of limitation period	Relevant Act and Section	Comments
			applicant has 30 days after receiving the notice of the decision within which to make an application for review.		
161.	Complaints to the NT Information Commissioner in relation to decision to refuse access or correction, or to charge a fee (FOI).	90 days	<p>A person aggrieved by a decision of a public sector organisation on an application for review by the organisation may make a complaint to the Information Commissioner.</p> <p>The applicant has 90 days from receiving the notice of the outcome of review to make a complaint.</p> <p>A person aggrieved by a decision of a public sector organisation on an application for review by the organisation, may lodge a complaint to the Information Commissioner within 90 days of receiving notice of the outcome of review.</p>	Information Act 2002 (NT), s20(b)(ii)	Information Act (NT) s 39 (2) A public sector organisation may refuse to review a decision if satisfied that the application for review was not made within 30 days after the applicant was notified of the decision the subject of the application, in which case, the organisation is taken to have confirmed the decision.
162.	Third party complaints to the Information Commissioner	30 days	If a third party is aggrieved by the decision of the public sector organisation to provide access to the information, the third party has 30 days after receiving the notice of the decision to complain to the Information Commissioner.	Information Act 2002 (NT), s30(6)	
163.	Complaints to the Information Commissioner – interference with privacy	12 months	The Information Commissioner may reject a complaint if it is made more than 12 months after the complainant became aware of the interference with	Information Act 2002 (NT), s106(3)(d)	

Row Ref.	Type of Action	Limitation Period	Description of limitation period	Relevant Act and Section	Comments
			the complainant's privacy. The Information Commissioner must make a decision and notify the applicant of the decision within 90 days of receiving the complaint		
164.	Commonwealth Freedom of Information – review of access	15 days / 30 days.	An application for review of: a. a decision to give limited access to documents; b. a decision purporting to give access to all documents to which a request relates, but not actually giving such access; or c. a refusal to annotate personal information, must be made within 30 days of the applicant being notified of the decision and within 15 days after access is given.	<i>Freedom of Information Act 1982</i> (Cth), s54B(1)(b)	A decision by an agency to allow a further period for making an application may be made whether or not the time for making such an application has already expired.
165.	Commonwealth Freedom of Information – internal review	30 days	An application for an internal review of a decision to refuse access must be made within 30 days .	<i>Freedom of Information Act 1982</i> (Cth), s54B(1)(a)	

4.4 Planning

Row Ref.	Type of Action	Limitation Period	Description of limitation period	Relevant Act and Section	Comments
166.	Making submissions to the consent authority about a development application	At least 14 days or as specified	Any person may make a written submission to the consent authority about a development application within the period specified in a notice given by the consent authority. The period must be no earlier than 14 days after the date on which notice is given.	<i>Planning Act 1999</i> (NT), ss47 &49	
167.	Appeal to the Lands, Planning and Mining Tribunal against refusal of consent for development application/ refusal to issue development permit	28 days	The appeal must be made within 28 days after the person is served with the notice of refusal.	<i>Planning Act 1999</i> (NT), s111 (see also ss53C & 46)	
168.	Appeal to the Lands, Planning and Mining Tribunal if consent authority does not determine application	12 weeks	<p>A person who has made a development application under s46 may appeal if the person has not:</p> <ul style="list-style-type: none"> a. received notification under s46(5) that rejects or defers the application, or requests further information; or b. been served with a notice of determination, consent or refusal under ss53A, 53B or 53C in respect of the application, within 12 weeks after making the application. <p>That person may also appeal if the person has not been served with a</p>	<i>Planning Act 1999</i> (NT), s112(1)	

Row Ref.	Type of Action	Limitation Period	Description of limitation period	Relevant Act and Section	Comments
			<p>notice of determination, consent or refusal under ss53A, 53B or 53C within 12 weeks after:</p> <ul style="list-style-type: none"> a. the Minister has amended or refused to amend the planning scheme where the person has received notification that consideration of the application has been deferred until a decision relating to a planning scheme is made; or b. the last day an administrative action has been or may be taken under the <i>Environmental Assessment Act</i> (NT), if the consent authority has notified the Minister administering that Act of the development application. <p>A person who has made an application for:</p> <ul style="list-style-type: none"> a. a variation of conditions of permit (s57); or b. extension of period of permit (s59), <p>may also appeal if the person has not, within 12 weeks after making the application, been notified by the consent authority of a determination.</p> <p>If a person appeals under this section, the consent authority is taken to have</p>		

Row Ref.	Type of Action	Limitation Period	Description of limitation period	Relevant Act and Section	Comments
			determined the person's application by refusing the application.		
169.	Appeal to the Lands, Planning and Mining Tribunal against refusal to extend period of development permit	28 days	A person can appeal a determination of the consent authority within 28 days after the person is given the statement of reasons.	<i>Planning Act 1999</i> (NT), s113 (see also s59)	
170.	Appeal to the Lands, Planning and Mining Tribunal against determination of development application	28 days	A person can appeal a determination to alter the proposed development or impose a condition on the proposed development within 28 days of being served with the notice of determination.	<i>Planning Act 1999</i> (NT), s114 (see also ss46 & 53)	
171.	Appeal to the Lands, Planning and Mining Tribunal against refusal to refund or remit contribution	28 days	<p>A person may appeal against a refusal by the service authority to refund or remit all or part of a contribution otherwise payable by that person within 28 days after the applicant is notified in writing of the refusal.</p> <p>If the service authority does not determine a person's application within 12 weeks of receiving the application, that person may also appeal at any time after the expiry of those 12 weeks and before the matter is determined by the service authority. Until such time that the service authority determines the application, it is taken to have refused to refund or remit any of the contribution otherwise payable by the person.</p>	<i>Planning Act 1999</i> (NT) s115 (see also s73)	

Row Ref.	Type of Action	Limitation Period	Description of limitation period	Relevant Act and Section	Comments
172.	Appeal to the Lands, Planning and Mining Tribunal against refusal to vary condition of development permit	28 days	A person can appeal a decision of the consent authority refusing to vary the condition in accordance with the application within 28 days after the person is given the statement of reasons.	<i>Planning Act 1999</i> (NT), s116 (see also s57)	
173.	Appeals to the Lands, Planning and Mining Tribunal by third parties in respect of development applications	14 days	<p>A person who made submissions in relation to a development application may appeal the consent authority's decision to:</p> <ul style="list-style-type: none"> a. consent to the development as proposed; b. consent to the development as altered; or c. impose conditions on the proposed development. <p>The appeal must be made within 14 days after the third party is served with the notice of determination in respect of the concurrent application or development application. (Subject to the <i>Planning Regulations 1999</i> (NT).)</p>	<i>Planning Act 1999</i> (NT), s117 (see also s53)	

4.5 Social Security

Row Ref.	Type of Action	Limitation Period	Description of limitation period	Relevant Act and Section	Comments
174.	Internal review of social security decisions	13 weeks to ensure back pay to date of original decision (otherwise back pay will be paid from date of application for review) Note: no limitation period to appeal a social security payment debt.	<p>If an application for review is made <u>within 13 weeks</u> of the decision being made (or the application is made after 13 weeks in circumstances where the person was not given notice of the original decision), and the review results in a favourable determination, the favourable determination takes effect on the day on which the original decision took place (that is, the applicant will be back paid the social security payments from the date of the original decision).</p> <p>If an application for review is made <u>after</u> 13 weeks of the decision being made, and the review results in a favourable determination, the favourable determination takes effect on the date of application for review (that is, the applicant will only be back paid to the date review was requested).</p>	<i>Social Security (Administration) Act 1999</i> (Cth), s109, 129-135.	
175.	Appeal of social security decisions to the Administrative Appeals Tribunal (First Review)	N/A	There is no time limit for applying for a first review of a social security decision made under the social security law. If an application is made more than 13 weeks after written notice was given of the original decision, and the decision	<i>Administrative Appeals Tribunal Act 1975</i> (Cth) s 29(1)-(4); <i>Social Security (Administration)</i>	Sections to be read together

Row Ref.	Type of Action	Limitation Period	Description of limitation period	Relevant Act and Section	Comments
			is changed, the date the appeal decision will take effect will be the date that the application for review is received.	Act 1999 (Cth) s 147	
176.	Appeal of social security decisions to the Administrative Appeals Tribunal (Second Review)	28 days from receipt of first review decision	<p>An application for a second review of an AAT decision must be made in writing and lodged within 28 days after the first review decision is received.</p> <p>An extension of time may be applied for.</p>	<i>Administrative Appeals Tribunal Act 1975 (Cth);s 29</i> <i>Social Security (Administration) Act 1999 (Cth) s 179</i>	Sections to be read together
177.	Internal review of family tax benefit decisions	52 weeks in most cases	<p>An application for review of any decision (other than an excepted decision) must be made no later than 52 weeks after the applicant is notified of the decision concerned.</p> <p>The Secretary may, if he or she is satisfied that there are special circumstances that prevented the applicant from making an application under section 109A for review of a decision (other than an excepted decision) within the 52 weeks, permit a person to make the application after the end of that period and within such further period as the Secretary determines to be appropriate.</p>	<i>A New Tax System (Family Assistance) (Administration) Act 1999 (Cth), s 109A & s109D.</i>	
178.	Appeal of family tax benefit decisions to the	13 weeks	An application to appeal a review decision to the Administrative Appeals	<i>A New Tax System (Family</i>	

Row Ref.	Type of Action	Limitation Period	Description of limitation period	Relevant Act and Section	Comments
	Administrative Appeals Tribunal		<p>Tribunal must be made within 13 weeks after the applicant is notified of the decision. The time limit can be extended in certain circumstances.</p> <p>There is no time limit for "excepted decisions" (decisions relating to the raising of a debt or decisions relating to the payment of FTB by instalment).</p>	<p>Assistance) (Administration) Act 1999 (Cth), s111A</p>	
179.	Social Security Appeals- Appeals to the Administrative Appeals Tribunal	28 days	<p>An appeal shall be made to the Administrative Appeals Tribunal within 28 days of the applicant being given written findings/reasons for the decision. See some exceptions above for Family Tax benefit and under section 144 of the Social Security (Administration) Act 1999.</p> <p>An extension may be granted by the Administrative Appeals Tribunal if satisfied that it is reasonable in all the circumstances to do so.</p>	<p>Administrative Appeals Tribunal Act 1975 (Cth), s29 (2).</p> <p>Social Security (Administration) Act 1999 s142 & 148</p>	
180.	Appeals from the Administrative Appeals Tribunal to the Federal Court	28 days	<p>Appeals to the Federal Court from decisions of the Administrative Appeals Tribunal must be instituted not later than 28 days after the document setting out the terms of the decision is given to the person, or within such time as the Federal Court allows.</p>	<p>Administrative Appeals Tribunal Act 1975 (Cth), s44</p>	

5. **SEIZURE OF PROPERTY**

Row Ref.	Type of Action	Limitation Period	Description of limitation period	Relevant Act and Section	Comments
181.	Objection to restraining of property order	28 days	<p>A person may file in the court that made the relevant restraining order an objection to the restraint of property.</p> <p>The objection must be filed within 28 days after the day on which a copy of the restraining order was served on the objector or within any further time allowed by the court.</p> <p>If a copy of that restraining order was <u>not</u> served on the objector under s47, the objection must be filed within 28 days after the day on which the objector becomes aware, or could reasonably be expected to have become aware, that the property has been restrained.</p> <p>The court may allow further time despite that the time for filing the objection has expired (s60(3)).</p>	<i>Criminal Property Forfeiture Act 2002</i> (NT), s60	
182.	Application for release of forfeited property	28 days	<p>A person may apply to the court that ordered the forfeiture of the property for the release of the property.</p> <p>The application must be made within 28 days after the person become aware, or can reasonably be expected to have become aware, that the</p>	<i>Criminal Property Forfeiture Act 2002</i> (NT), s119	

Row Ref.	Type of Action	Limitation Period	Description of limitation period	Relevant Act and Section	Comments
			property had been forfeited.		
183.	Claim for delivery of Kava or thing seized	30 days	A person who wishes to make a claim for the delivery of the Kava or thing seized must make the claim within 30 days of the date of the notice (which must be issued by the Director-General if no offence is instituted or if the person is found not guilty).	<i>Kava Management Act 1998</i> (NT), s49	
184.	Application to Minister for return of seized vehicle pending prosecution	Any time before trial	The owner or another person who would, but for the seizure of a vehicle under the Act, be entitled to possession of the vehicle may apply to the Minister for the return of the vehicle at any time before the trial of a person for an offence to which the seizure of the vehicle relates.	<i>Kava Management Act 1998</i> (NT), s50	
185.	Application for Commissioner of Police to release seized thing	60 days	<p>A person who owns, or who has an interest in, a seized thing may apply to the Commissioner of Police for its release.</p> <p>The application must be made within 60 days after the seizure of the thing, or that period as extended by the Commissioner.</p> <p>The Commissioner may extend the period in which the application must be made more than once but must do so before the expiry of the period or the period as extended (s97(8)).</p>	<i>Liquor Act 1978</i> (NT), s97	

Row Ref.	Type of Action	Limitation Period	Description of limitation period	Relevant Act and Section	Comments
186.	Application for court order to release seized thing	60 days	<p>A person who owns, or has an interest in, the seized thing may apply to the Local Court for an order to release the seized thing if the thing has not been forfeited, the proceedings relating to the thing have ended and the person was either not a defendant or not found guilty.</p> <p>The application must be made within 60 days after the end of the proceedings, or that period as extended by the court.</p>	<i>Liquor Act 1978</i> (NT), s98	
187.	Claim for delivery of seized items	21 days	A person must claim delivery of seized items within 21 days after the date of service of a notice by the Commissioner to claim delivery of the seized item	<i>Misuse of Drugs Act 1990</i> (NT), s35	
188.					

6. EXTENSION OF LIMITATION PERIODS AND GENERAL LIMITATION RULES

Row Ref.	Type of Action	Limitation Period	Description of limitation period	Relevant Act and Section	Comments
189.	Extension of limitation periods	N/A	<p>Where the <i>Limitation Act</i> (NT) or any other Act or an instrument of a legislative or administrative character prescribes the time for instituting an action, doing an act or taking a step in an action or doing an act or taking a step with a view to instituting an action a Court may extend the time limit as it thinks fit (except for criminal or defamation actions).</p> <p>In extending the time, the Court must be satisfied that either of the following applies:</p> <ol style="list-style-type: none"> material facts were not ascertained until some time within 12 months before the expiration period or after the expiration period, and the action was instituted within 12 months after the ascertainment of those facts; or the failure to institute the action within the limitation period resulted from representations or conduct of the other party or a person reasonably believed to be 	<i>Limitation Act 1981</i> (NT), s44	

Row Ref.	Type of Action	Limitation Period	Description of limitation period	Relevant Act and Section	Comments
			acting on behalf of the other party.		
190.	Multiple Limitation periods	N/A	If an action has two limitation periods under the <i>Limitation Act</i> (NT), the shortest applies.	<i>Limitation Act 1981</i> (NT), s11	
191.	Other enactments where limitation periods are prescribed	N/A	The <i>Limitation Act</i> (NT) does not apply to any action for which a period of limitation is prescribed by any other Act.	<i>Limitation Act 1981</i> (NT), s5	
192.	Person under a disability	N/A	<p>If a person has a cause of action; and the limitation period fixed by this Act for the cause of action has commenced to run; and the person is under a disability, in that case: the running of the limitation period is suspended for the duration of the disability.</p> <p>If the limitation period would ordinarily expire before the lapse of 3 years after:</p> <ol style="list-style-type: none"> the date on which he has, before the expiration of the limitation period, ceased to be under a disability; or the date of his death, <p>the limitation period is extended so as to expire 3 years after the earlier of those dates.</p> <p>However the limitation date may not</p>	<i>Limitation Act 1981</i> (NT), s36	

Row Ref.	Type of Action	Limitation Period	Description of limitation period	Relevant Act and Section	Comments
			extend to more than 30 years from the date when the cause of action arose.		
193.	Actions for equitable relief	N/A	<p>Many kinds of equitable proceedings are not directly affected by the <i>Limitation Act</i> (NT).</p> <p>There is also a section in the <i>Limitation Act</i> (NT) stating that various provisions in the <i>Limitation Act</i> (NT) do not apply to actions for equitable relief (specific performance, injunction and other equitable relief.)</p>	<i>Limitation Act 1981</i> (NT), s21. See also [255-1] of Limitation Legislation, Halsbury's Laws of Australia	
194.	Arbitrations	N/A	The <i>Limitation Act</i> (NT) explicitly applies to arbitrations in the same way as it applies to actions.	<i>Limitation Act 1981</i> (NT), s46	
195.	Fraud	N/A	If an action is based on fraud or deceit, or a cause of action or identity of a defendant is fraudulently concealed, the time before the applicant discovers fraud (or could with reasonable diligence have discovered it), does not count in the reckoning of the limitation period.	<i>Limitation Act 1981</i> (NT), s42	
196.	Mistake	N/A	The time before the applicant discovers the mistake, or could with reasonable diligence have discovered the mistake, does not count in the reckoning of the limitation period.	<i>Limitation Act 1981</i> (NT), s43	

The Darwin Community Legal Service would like to thank past and current contributors for the development and update of this publication.

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