Queensland

Limitation of Actions Act 1974

Current as at 1 July 2011

Information about this reprint

This Act is reprinted as at 1 July 2011. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes. Also see list of legislation for any uncommenced amendments.

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

Spelling

The spelling of certain words or phrases may be inconsistent in this reprint or with other reprints because of changes made in various editions of the Macquarie Dictionary (for example, in the dictionary, 'lodgement' has replaced 'lodgment'). Variations of spelling will be updated in the next authorised reprint.

Dates shown on reprints

Reprints dated at last amendment All reprints produced on or after 1 July 2002, authorised (that is, hard copy) and unauthorised (that is, electronic), are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If an authorised reprint is dated earlier than an unauthorised version published before 1 July 2002, it means the legislation was not further amended and the reprint date is the commencement of the last amendment.

If the date of an authorised reprint is the same as the date shown for an unauthorised version previously published, it merely means that the unauthorised version was published before the authorised version. Also, any revised edition of the previously published unauthorised version will have the same date as that version.

Replacement reprint date If the date of an authorised reprint is the same as the date shown on another authorised reprint it means that one is the replacement of the other.

Queensland

Limitation of Actions Act 1974

Contents

		Page
Part 1	**Preliminary**	
1	Short title	5
2	Commencement	5
5	Interpretation	5
6	Application to Crown	8
7	Saving of other limitations	9
8	Provisions as to actions already barred and pending actions	9
Part 2	**Periods of limitation for different classes of actions**	
9	Application	10
10	Actions of contract and tort and certain other actions	10
10AA	Defamation actions	11
10A	Actions to recover tax	11
11	Actions in respect of personal injury	12
12	Actions in cases of successive conversions and extinction of title of owners of converted goods	13
13	Actions to recover land	14
14	Accrual of right of action in cases of present interests in land	14
15	Accrual of right of action in cases of future interests in land	14
16	Provisions in cases of land held in trust	15
17	Accrual of right of action in cases of forfeiture or breach of condition	16
18	Accrual of right of action in cases of certain tenancies	17
19	Right of action not to accrue or continue unless there is adverse possession	18
20	Redemption actions	18
21	Right of action not preserved by formal entry or continual claim	19
22	Application of limitation as between joint owners	19
23	Administration to date back to death	19

24	Extinction of title after expiration of period of limitation	19
25	Actions to recover rent	20
26	Actions to recover money secured by mortgage or charge or to recover proceeds of the sale of land	20
27	Actions in respect of trust property	21
28	Actions claiming personal estate of a deceased person	22
Part 3	**Extension of periods of limitation**	
29	Extension in cases of disability	22
30	Interpretation	23
31	Ordinary actions	25
32	Surviving actions	26
32A	Defamation actions	27
33	Prior bar ineffective	27
34	Practice	27
35	Fresh accrual of action on acknowledgment or part payment	28
36	Formal provisions as to acknowledgment and part payment	29
37	Effect of acknowledgment or part payment on a person other than the maker or recipient	29
38	Postponement in cases of fraud or mistake	31
39	Costs	31
40	Contribution between tortfeasors	32
Part 4	**General**	
41	Application to arbitrations	33
42	Provisions as to set-off or counterclaim	34
43	Acquiescence	34
43A	Characterisation of limitation laws	35
Part 5	**Transitional provisions**	
44	Transitional provision for Civil Liability (Dust Diseases) and Other Legislation Amendment Act 2005	35
45	Transitional provision for Defamation Act 2005	35
46	Transitional provision for Corrective Services and Other Legislation Amendment Act 2008	36
47	Transitional provision for Civil Liability and Other Legislation Amendment Act 2010	36

Endnotes

1	Index to endnotes	38

2 Date to which amendments incorporated 38
3 Key 39
4 Table of reprints 39
5 Tables in earlier reprints 40
6 List of legislation 40
7 List of annotations 41

Limitation of Actions Act 1974

[as amended by all amendments that commenced on or before 1 July 2011]

An Act to consolidate and amend the law relating to the limitation of actions

Part 1 Preliminary

1 Short title

This Act may be cited as the *Limitation of Actions Act 1974*.

2 Commencement

This Act shall commence on 1 July 1975.

5 Interpretation

(1) In this Act—

action includes any proceeding in a court of law.

Crown includes not only the Crown in the right of the State but also, so far as the legislative power of Parliament permits, the Crown in all its other capacities.

damage includes loss of life and personal injury.

encumbrance means a charge on land created for the purpose of securing the payment of an annuity or sum of money other than a loan.

encumbrancee includes a person not being a mortgagee for whose benefit an estate or interest in land is charged with an annuity or sum of money other than a loan and also a person

entitled to the benefit of an encumbrance or to require payment or discharge thereof.

land includes corporeal hereditaments, rentcharges and any legal or equitable estate or interest therein, including an interest in the proceeds of the sale of land held upon trust for sale but, save as is provided in this definition, does not include an incorporeal hereditament.

mortgage includes a charge or lien on property for securing money or money's worth but does not include a possessory lien on goods nor a binding effect on the property arising under a writ of execution against the property.

mortgagee includes a person claiming a mortgage through an original mortgagee.

mortgagor includes a person claiming property subject to a mortgage through an original mortgagor.

personal estate does not include chattels real.

personal injury includes a disease and an impairment of a person's physical or mental condition.

personal property does not include chattels real.

rent includes a rentcharge and a rentservice.

rentcharge means any annuity or periodical sum of money charged upon or payable out of land save a rentservice or interest on a mortgage on land.

ship includes every description of vessel used in navigation not propelled by oars.

trust has the meaning given by the *Trusts Act 1973*.

trustee has the meaning given by the *Trusts Act 1973*.

trust for sale means in relation to land an immediate binding trust for sale, whether or not exercisable at the request or with the consent of any person, and with or without a power at discretion to postpone the sale.

(2) For the purposes of this Act, a person shall be taken to be under a disability while the person is an infant or of unsound mind.

(3) For the purposes of subsection (2), but without prejudice to the generality thereof, a person shall be presumed conclusively to be of unsound mind—

(a) while the person is an involuntary patient under the *Mental Health Act 2000*; or

(b) while the person is a forensic disability client under the *Forensic Disability Act 2011*; or

(c) while the person is in strict custody pursuant to an order of the court or in safe custody pursuant to an order given by the Governor in the name of Her Majesty, under section 647 of the Criminal Code.

(4) A person shall be taken to claim through another person if the person became entitled by, through, under or by the act of that other person to the right claimed, but a person becoming entitled to an estate or interest by virtue of a special power of appointment shall not be taken to claim through the appointor.

(5) A reference in this Act to a right of action to recover land includes a reference to a right to enter into possession of the land or, in the case of a rentcharge, to distrain for arrears of rent and a reference to the bringing of such an action includes a reference to the making of such an entry or distress.

(6) A reference in this Act, in the case of a rentcharge—

(a) to the possession of land—shall be read and construed as a reference to receipt of the rent; or

(b) to the date of dispossession or discontinuance of possession of land—shall be read and construed as a reference to the date the rent was last received.

(7) In part 3, a reference to a right of action includes a reference to—

(a) a cause of action; and

(b) a right to receive money secured by a mortgage or charge on property or to recover proceeds of the sale of land; and

(c) a right to receive a share or interest in the personal estate of a deceased person;

and a reference to the date of accrual of a right of action—

(d) shall, in the case of an action for an account, be read and construed as a reference to the date on which the matter arose in respect of which the account is claimed; and

(e) shall, in the case of an action upon a judgment, be read and construed as a reference to the date on which the judgment became enforceable; and

(f) shall, in the case of an action to recover arrears of rent or interest or damages in respect thereof, be read and construed as a reference to the date on which the rent or interest became due.

6 Application to Crown

(1) Subject to subsections (3) and (4), this Act binds the Crown and the Crown has the benefit of this Act.

(2) For the purposes of this Act, an action by or against the Crown includes an action by or against an officer of the Crown as such or a person acting on behalf of the Crown.

(3) This Act does not apply to—

(a) a prosecution by the Crown for an offence against any Act; or

(b) an action by the Crown—

(i) for the recovery of a fee, tax, duty or other sum of money or interest on a fee, tax, duty or other sum of money; or

(ii) in respect of the forfeiture of a ship.

(4) Notwithstanding any law or enactment now or heretofore in force in the State, the right, title or interest of the Crown to or

in any land shall not be and shall be deemed not to have been in any way affected by reason of any possession of such land adverse to the Crown for any period whatever.

7 Saving of other limitations

Subject to sections 11(2) and 43A, this Act does not apply to an action or arbitration for which a limitation period is fixed by or under an enactment other than this Act.

8 Provisions as to actions already barred and pending actions

(1) Save as is provided in sections 31 and 32, nothing in this Act—

(a) enables an action to be brought that was barred before the commencement of this Act by an enactment repealed by this Act, save so far as the cause of action or right of action may be revived by an acknowledgment or part payment made in accordance with this Act; or

(b) affects an action or arbitration commenced before the commencement of this Act or the title to property that is the subject of such an action or arbitration.

(2) The time for bringing proceedings in respect of a cause of action that arose before the commencement of this Act shall, if it has not then expired, expire at the time when it would have expired—

(a) apart from this Act; or

(b) if this Act had at all material times been in force;

whichever is the later.

(3) Save as is provided in this section, nothing in this Act affects an action if the cause of action upon which that action is founded arose before the commencement of this Act.

Part 2 Periods of limitation for different classes of actions

9 Application

This part applies subject to part 3.

10 Actions of contract and tort and certain other actions

(1) The following actions shall not be brought after the expiration of 6 years from the date on which the cause of action arose—

(a) subject to section 10AA, an action founded on simple contract or quasi-contract or on tort where the damages claimed by the plaintiff do not consist of or include damages in respect of personal injury to any person;

(b) an action to enforce a recognisance;

(c) an action to enforce an award, where the agreement to arbitrate is not by an instrument under seal;

(d) an action to recover a sum recoverable by virtue of any enactment, other than a penalty or forfeiture or sum by way of a penalty or forfeiture.

(2) An action for an account shall not be brought in respect of a matter that arose more than 6 years before the commencement of the action.

(3) An action upon a specialty shall not be brought after the expiration of 12 years from the date on which the cause of action accrued.

(3A) Subsection (3) does not affect an action in respect of which a shorter period of limitation is prescribed by any other provision of this Act.

(4) An action shall not be brought upon a judgment after the expiration of 12 years from the date on which the judgment becomes enforceable.

(4A) For the purposes of subsection (4), a judgment of a court of a place outside the State becomes enforceable on the date on

which the judgment becomes enforceable in the place where the judgment is given.

(5) An action to recover a penalty or forfeiture or sum by way of a penalty or forfeiture shall not be brought after the expiration of 2 years from the date on which the cause of action accrued.

(5A) In subsection (5)—

penalty does not include a fine to which a person is liable on conviction of a criminal offence.

(6) This section—

(a) does not apply to a cause of action within the Admiralty jurisdiction of the court that is enforceable in rem; and

(b) does not apply to a claim for specific performance of a contract or for an injunction or other equitable relief, save so far as any provision thereof may be applied by the court by analogy in the same manner as the corresponding enactment repealed by this Act has heretofore applied.

10AA Defamation actions

An action on a cause of action for defamation must not be brought after the end of 1 year from the date of the publication of the matter complained of.

10A Actions to recover tax

(1) Despite section 10(1)(d) or (5), an action to recover an amount paid as tax that is recoverable because of the invalidity of an Act or a provision of an Act must be started within 1 year after the day of payment.

(2) Subsection (1) does not apply to the recovery of an amount that would, assuming the Act or provision had been valid, have nevertheless represented an overpayment of tax.

(3) The period of limitation prescribed by subsection (1) can not be extended and, if an action for the recovery of an amount is

not brought within the period, the right to recover the amount ends.

(4) Despite section 7, if this section and another Act are inconsistent, this section prevails over the other Act to the extent of the inconsistency.

(5) In this section—

invalid Act or provision of an Act includes an Act or provision of an Act that would be invalid apart from section 9 (Act to be interpreted not to exceed Parliament's legislative power) of the *Acts Interpretation Act 1954*.

pay a tax means pay the tax voluntarily or under compulsion (whether or not the tax is paid under a mistake of law or fact), and includes recover the tax by legal proceeding.

tax means—

(a) a tax, fee, duty, levy, charge or other impost under, or purportedly under, an Act; or

(b) a penalty in relation to a tax, fee, duty, levy, charge or other impost under, or purportedly under, an Act.

11 Actions in respect of personal injury

(1) Notwithstanding any other Act or law or rule of law, an action for damages for negligence, trespass, nuisance or breach of duty (whether the duty exists by virtue of a contract or a provision made by or under a statute or independently of a contract or such provision) in which damages claimed by the plaintiff consist of or include damages in respect of personal injury to any person or damages in respect of injury resulting from the death of any person shall not be brought after the expiration of 3 years from the date on which the cause of action arose.

(2) However, a right of action relating to personal injury resulting from a dust-related condition is not subject to a limitation period under an Act or law or rule of law.

(3) To remove any doubt, it is declared that personal injury resulting from a dust-related condition does not include personal injury resulting from smoking or other use of tobacco products or exposure to tobacco smoke.

(4) In this section—

dust-related condition see the *Civil Liability Act 2003*, schedule 2.

12 Actions in cases of successive conversions and extinction of title of owners of converted goods

(1) Where a cause of action in respect of the conversion or wrongful detention of a chattel has accrued to any person and before the person recovers possession of the chattel a further conversion or wrongful detention takes place, an action shall not be brought in respect of the further conversion or detention after the expiration of 6 years from the accrual of the cause of action in respect of the original conversion or detention.

(2) Where a cause of action to which subsection (1) applies has accrued to any person and the period prescribed for bringing that action or any action in respect of which a further conversion or wrongful detention referred to in subsection (1) has expired and the person has not during that period recovered possession of the chattel, the title of that person to the chattel shall be extinguished as against a purchaser, mortgagee or other person having a title to or an interest in the chattel bona fide for value.

(3) Where, before the expiration of the period of limitation prescribed by this Act for an action in respect of the further conversion or wrongful detention of a chattel, such an action is brought, the expiration of the period of limitation does not affect the right or title of the plaintiff to the chattel—

(a) for the purposes of the action; or

(b) so far as the right or title is established in the action.

13 Actions to recover land

An action shall not be brought by a person to recover land after the expiration of 12 years from the date on which the right of action accrued to the person or, if it first accrued to some person through whom the person claims, to that person.

14 Accrual of right of action in cases of present interests in land

(1) Where the person bringing an action to recover land or some person through whom the person claims has been in possession thereof and has, while entitled thereto, been dispossessed or discontinued possession, the right of action shall be deemed to have accrued on the date of the dispossession or discontinuance.

(2) Where a person brings an action to recover land of a deceased person, whether under a will or on intestacy and the deceased person was on the date of death in possession of the land or, in the case of a rentcharge created by will or taking effect upon the person's death, in possession of the land charged and was the last person entitled to the land to be in possession thereof, the right of action shall be deemed to have accrued on the date of death.

(3) Where a person brings an action to recover land, being an estate or interest in possession assured otherwise than by will to the person or some person through whom the person claims by a person who on the date when the assurance took effect was in possession of the land or, in the case of a rentcharge created by the assurance, in possession of the land charged and no person has been in possession of the land by virtue of the assurance, the right of action shall be deemed to have accrued on the date when the assurance took effect.

15 Accrual of right of action in cases of future interests in land

(1) Subject to this section, the right of action to recover land in a case where the estate or interest claimed was an estate or

interest in reversion or remainder or any other future estate or interest and no person has taken possession of the land by virtue of the estate or interest claimed shall be deemed to have accrued on the date on which the estate or interest fell into possession by the determination of the preceding estate or interest.

(2) If the person entitled to the preceding estate or interest was not in possession of the land on the date of the determination thereof, action shall not be brought by the person entitled to the succeeding estate or interest after the expiration of 12 years from the date on which the right of action accrued to the person entitled to the preceding estate or interest or 6 years from the date on which the right of action accrued to the person entitled to the succeeding estate or interest whichever period last expires.

(3) A person shall not bring an action to recover an estate or interest in land under an assurance taking effect after the right of action to recover the land had accrued to the person by whom the assurance was made or some person through whom the person claimed or some person entitled to a preceding estate or interest unless the action is brought within the period during which the person by whom the assurance was made could have brought an action.

(4) Where a person is entitled to an estate or interest in land in possession and, while so entitled, is also entitled to a future estate or interest in that land and the person's right to recover the estate or interest in possession is barred under this Act, action shall not be brought by that person or by a person claiming through the person in respect of the future estate or interest unless, in the meantime, possession of the land has been recovered by a person entitled to an intermediate estate or interest.

16 Provisions in cases of land held in trust

(1) Subject to the provisions of section 27(1), this Act shall apply to equitable interests in land including interests in the proceeds of the sale of land held upon trust for sale in like

manner as they apply to legal estates and accordingly a right of action to recover the land shall, for the purposes of this Act but not otherwise, be deemed to accrue to a person entitled in possession to an equitable interest in the like manner and circumstances and on the same date as it would accrue if the person's interest were a legal estate in the land.

(2) Where land is held by a trustee upon trust including a trust for sale and the period prescribed by this Act for the bringing of an action to recover the land by the trustee has expired, the estate of the trustee shall not be extinguished if and so long as the right of action to recover the land of any person entitled to a beneficial interest in the land or in the proceeds of sale has not accrued or has not been barred by this Act, but if and when every such right has been so barred the estate of the trustee shall be extinguished.

(3) Where land is held upon trust including a trust for sale, an action to recover the land may be brought by the trustee on behalf of any person entitled to a beneficial interest in possession in the land or in the proceeds of sale whose right of action has not been barred by this Act, notwithstanding that the right of action of the trustee would, apart from this provision, have been barred by this Act.

(4) Where land held upon trust for sale is in the possession of a person entitled to a beneficial interest in the land or in the proceeds of sale, not being a person solely and absolutely entitled thereto, a right of action to recover the land shall be deemed for the purposes of this Act not to accrue during such possession to any person in whom the land is vested as trustee or to any person entitled to a beneficial interest in the land or in the proceeds of sale.

17 Accrual of right of action in cases of forfeiture or breach of condition

A right of action to recover land by virtue of a forfeiture or breach of condition shall be deemed to have accrued on the date on which the forfeiture was incurred or the condition broken, but where such right has accrued to a person entitled

to an estate or interest in reversion or remainder and the land was not recovered by virtue thereof, the right of action to recover the land shall be deemed not to have accrued to that person until the person's estate or interest fell into possession as if no forfeiture or breach of condition had occurred.

18 Accrual of right of action in cases of certain tenancies

(1) A tenancy at will shall, for the purposes of this Act, be deemed to be determined at the expiration of a period of 1 year from the commencement thereof unless it has previously been determined and accordingly the right of action of the person entitled to land subject to the tenancy shall be deemed to have accrued on the date of its determination.

(2) A tenancy from year to year or other period without a lease in writing shall, for the purposes of this Act, be deemed to be determined at the expiration of the first year or other period and accordingly the right of action of the person entitled to the land subject to the tenancy shall be deemed to have accrued on the date of its determination.

(2A) Where rent has subsequently been received in respect of the tenancy, the right of action shall be deemed to have accrued on the date the rent was last received.

(3) Where a person is in possession of land by virtue of a lease in writing by which a rent of not less than $2 per annum is reserved and the rent is received by some person wrongfully claiming to be entitled to the land in reversion immediately expectant on the determination of the lease and no rent is subsequently received by the person rightfully so entitled, the right of action of the last named person to recover the land shall be deemed to have accrued on the date when the rent was first received by the person wrongfully claiming and not on the date of the determination of the lease.

19 Right of action not to accrue or continue unless there is adverse possession

(1) A right of action to recover land shall be deemed not to accrue unless the land is in the possession of some person in whose favour the period of limitation can run (***adverse possession***) and where under the provisions of this Act such right of action is deemed to accrue on a certain date and no person is in adverse possession on that date, the right of action shall be deemed not to accrue unless and until adverse possession is taken of the land.

(2) Where a right of action to recover land has accrued and thereafter, before the right is barred, the land ceases to be in adverse possession, the right of action shall no longer be deemed to accrue unless and until the land is again taken into adverse possession.

(3) For the purpose of this section—

(a) possession of land subject to a rentcharge by a person (other than the person entitled to the rentcharge) who does not pay the rent shall be deemed to be adverse possession of the rentcharge; and

(b) receipt of rent, under a lease by a person wrongfully claiming in accordance with section 18(3) the land in reversion, shall be deemed to be adverse possession of the land.

20 Redemption actions

Where a mortgagee of land has been in possession of any of the mortgaged land for a period of 12 years, an action to redeem the land of which the mortgagee has been in possession shall not thereafter be brought by the mortgagor or a person claiming through the mortgagor.

21 Right of action not preserved by formal entry or continual claim

For the purposes of this Act, a person shall be deemed not to have been in possession of land by reason only of having made a formal entry thereon, and a continual or other claim upon or near land shall not preserve a right of action to recover the land.

22 Application of limitation as between joint owners

When 1 or more of several persons entitled to land or rent as coparceners, joint tenants or tenants in common has or have been in possession or receipt of the entirety or more than his, her or their undivided share or shares of such land or of the profits thereof or of such rent for his, her or their own benefit or for the benefit of any person or persons other than the person or persons entitled to the other share or shares of the same land or rent, such possession or receipt shall be deemed not to have been the possession or receipt of or by such last mentioned person or persons or any of them.

23 Administration to date back to death

For the purposes of the provisions of this Act with respect to actions for the recovery of land, an administrator of the estate of a deceased person shall be deemed to claim as if there had been no interval of time between the death of the deceased person and the grant of the letters of administration.

24 Extinction of title after expiration of period of limitation

(1) Subject to section 17, subsection (2) of this section and the *Real Property Act 1861*, where the period of limitation prescribed by this Act within which a person may bring an action to recover land (including a redemption action) has expired, the title of that person to the land shall be extinguished.

(2) Where an action to recover land is brought before the expiration of the period of limitation prescribed by this Act,

the expiration of that period does not affect the right or title of the plaintiff to the land—

(a) for the purposes of the action; and

(b) so far as the right or title is established in the action.

25 Actions to recover rent

An action shall not be brought nor a distress made to recover arrears of rent or damages in respect thereof after the expiration of 6 years from the date on which the arrears became due.

26 Actions to recover money secured by mortgage or charge or to recover proceeds of the sale of land

(1) An action shall not be brought to recover a principal sum of money secured by a mortgage or other charge on property whether real or personal nor to recover proceeds of the sale of land after the expiration of 12 years from the date on which the right to receive the money accrued.

(2) A foreclosure action in respect of mortgaged personal property shall not be brought after the expiration of 12 years from the date on which the right to foreclose accrued, but if after that date the mortgagee was in possession of the mortgaged property, the right to foreclose on the property that was in the mortgagee's possession shall, for the purposes of this subsection, be deemed not to have accrued until the date on which the mortgagee's possession discontinued.

(3) The right to receive a principal sum of money secured by the mortgage or other charge and the right to foreclose on the property subject to the mortgage or charge shall be deemed not to accrue so long as that property comprises a future interest or a life assurance policy that has not matured or been determined.

(4) The provisions of this section do not apply to a foreclosure action in respect of mortgaged land, but the provisions of this

Act with respect to an action to recover land apply to such an action.

(5) An action to recover arrears of interest payable in respect of a sum of money secured by a mortgage or other charge or payable in respect of proceeds of the sale of land or to recover damages in respect of such arrears shall not be brought after the expiration of 6 years from the date on which the interest became due.

(5A) Notwithstanding subsection (5)—

(a) where a prior mortgagee or encumbrancee has been in possession of the property charged and an action is brought within 1 year of the discontinuance of such possession by the subsequent encumbrancee—the subsequent encumbrancee may recover by that action all the arrears of interest that fell due during the period of possession by the prior encumbrancee or damages in respect thereof, although the period exceeded 6 years; or

(b) where the property subject to the mortgage or charge comprises a future interest or life assurance policy and it is a term of the mortgage or charge that arrears of interest be treated as part of the principal sum of money secured by the mortgage or charge—interest shall be deemed not to become due before the right to receive the principal sum of money has accrued or is deemed to have accrued.

(6) This section does not apply to a mortgage or charge on a ship.

27 Actions in respect of trust property

(1) A period of limitation prescribed by this Act shall not apply to an action by a beneficiary under a trust, being an action—

(a) in respect of a fraud or fraudulent breach of trust to which the trustee was a party or privy; or

(b) to recover from the trustee trust property or the proceeds thereof in the possession of the trustee, or previously received by the trustee and converted to the trustee's use.

(2) Subject to subsection (1), an action by a beneficiary to recover trust property or in respect of a breach of trust, not being an action for which a period of limitation is prescribed by any other provision of this Act, shall not be brought after the expiration of 6 years from the date on which the right of action accrued.

(2A) Notwithstanding subsection (2), the right of action shall be deemed not to have accrued to a beneficiary entitled to a future interest in the trust property until the interest fell into possession.

(3) A beneficiary as against whom there would be a good defence under this Act shall not derive any greater or other benefit from a judgment or order obtained by any other beneficiary than the beneficiary could have obtained if the beneficiary had brought the action and this Act had been pleaded in defence.

28 Actions claiming personal estate of a deceased person

Subject to section 27(1), an action in respect of a claim to the personal estate of a deceased person or to a share or interest in that estate, whether under a will or on intestacy, shall not be brought after the expiration of 12 years from the date on which the right to receive the share or interest accrued and an action to recover arrears of interest in respect of a legacy or damages in respect of such arrears shall not be brought after the expiration of 6 years from the date on which the interest became due.

Part 3 Extension of periods of limitation

29 Extension in cases of disability

(1) If on the date on which a right of action accrued whether before or after the commencement of this Act for which a

period of limitation is prescribed by this Act the person to whom or for whose benefit it accrued was under a disability, the action may be brought at any time before the expiration of 6 years from the date on which the person ceased to be under a disability or died, whichever event first occurred, notwithstanding that the period of limitation has expired.

(2) Notwithstanding subsection (1)—

(a) where a right of action that has accrued to a person under a disability accrues on the death of that person while still under a disability to another person under a disability—a further extension of time shall not be allowed by reason of the disability of the second person; and

(b) an action to recover land or money charged on land shall not be brought by virtue of this section by a person after the expiration of 30 years from the date on which the right of action accrued to that person or a person through whom the person claims; and

(c) an action to recover damages in respect of personal injury or damages in respect of injury resulting from the death of any person shall not be brought by a person after the expiration of 3 years from the date on which that person ceased to be under a disability or died, whichever event first occurred.

(3) This section does not apply—

(a) in a case where the right of action first accrued to a person (not under a disability) through whom the person under a disability claims; or

(b) to an action to recover a penalty or forfeiture or sum by way of a penalty or forfeiture by virtue of an enactment save where the action is brought by an aggrieved party.

30 Interpretation

(1) For the purposes of this section and sections 31, 32, 33 and 34—

(a) the material facts relating to a right of action include the following—

(i) the fact of the occurrence of negligence, trespass, nuisance or breach of duty on which the right of action is founded;

(ii) the identity of the person against whom the right of action lies;

(iii) the fact that the negligence, trespass, nuisance or breach of duty causes personal injury;

(iv) the nature and extent of the personal injury so caused;

(v) the extent to which the personal injury is caused by the negligence, trespass, nuisance or breach of duty;

(b) material facts relating to a right of action are of a decisive character if but only if a reasonable person knowing those facts and having taken the appropriate advice on those facts, would regard those facts as showing—

(i) that an action on the right of action would (apart from the effect of the expiration of a period of limitation) have a reasonable prospect of success and of resulting in an award of damages sufficient to justify the bringing of an action on the right of action; and

(ii) that the person whose means of knowledge is in question ought in the person's own interests and taking the person's circumstances into account to bring an action on the right of action;

(c) a fact is not within the means of knowledge of a person at a particular time if, but only if—

(i) the person does not know the fact at that time; and

(ii) as far as the fact is able to be found out by the person—the person has taken all reasonable steps to find out the fact before that time.

(2) In this section—

appropriate advice, in relation to facts, means the advice of competent persons qualified in their respective fields to advise on the medical, legal and other aspects of the facts.

31 Ordinary actions

(1) This section applies to actions for damages for negligence, trespass, nuisance or breach of duty (whether the duty exists by virtue of a contract or a provision made by or under a statute or independently of a contract or such provision) where the damages claimed by the plaintiff for the negligence, trespass, nuisance or breach of duty consist of or include damages in respect of personal injury to any person or damages in respect of injury resulting from the death of any person.

(2) Where on application to a court by a person claiming to have a right of action to which this section applies, it appears to the court—

(a) that a material fact of a decisive character relating to the right of action was not within the means of knowledge of the applicant until a date after the commencement of the year last preceding the expiration of the period of limitation for the action; and

(b) that there is evidence to establish the right of action apart from a defence founded on the expiration of a period of limitation;

the court may order that the period of limitation for the action be extended so that it expires at the end of 1 year after that date and thereupon, for the purposes of the action brought by the applicant in that court, the period of limitation is extended accordingly.

(3) This section applies to an action whether or not the period of limitation for the action has expired—

(a) before the commencement of this Act; or

(b) before an application is made under this section in respect of the right of action.

32 Surviving actions

(1) This section applies to actions founded on negligence, trespass, nuisance or breach of duty, for damages for personal injury that have survived on the death of a person for the benefit of the person's estate under section 66 of the *Succession Act 1981*.

(2) Where on application to a court by a person claiming to have a right of action to an action to which this section applies, it appears to the court—

(a) that a material fact of a decisive character relating to the right of action was not within the means of knowledge of the deceased person or the applicant until a date after the commencement of the year last preceding the expiration of the period of limitation for the action; and

(b) that there is evidence to establish the right of action, apart from a defence founded on the expiration of a period of limitation;

the court may order that the period of limitation for the action be extended so that it expires at the end of 1 year after that date and thereupon, for the purposes of the action brought by the deceased or the applicant in that court, the period of limitation is extended accordingly.

(3) For the purposes of this section, the material facts of a decisive character do not include facts relating only to—

(a) damages not recoverable by the applicant; or

(b) funeral expenses of the deceased.

(4) This section applies to an action whether or not a period of limitation for the action has expired—

(a) before the commencement of this Act; or

(b) before an application is made under this section in respect of the right of action.

32A Defamation actions

(1) A person claiming to have a cause of action for defamation may apply to the court for an order extending the limitation period for the cause of action.

(2) A court must, if satisfied that it was not reasonable in the circumstances for the plaintiff to have commenced an action in relation to the matter complained of within 1 year from the date of the publication, extend the limitation period mentioned in section 10AA to a period of up to 3 years from the date of the publication.

(3) A court may not order the extension of the limitation period for a cause of action for defamation other than in the circumstances specified in subsection (2).

(4) An order for the extension of a limitation period, and an application for an order for the extension of a limitation period, may be made under this section even though the limitation period has already ended.

33 Prior bar ineffective

Where after the expiration of a period of limitation to which this part applies, the period of limitation is extended by order under this part, the prior expiration of the period of limitation has no effect for the purposes of this Act.

34 Practice

(1) An application under this part may be made ex parte but the court or a judge may require that notice of the application be given to any person to whom it or the judge thinks it proper that notice should be given.

(2) Where under this part a question arises as to the means of knowledge of a deceased person, the court may have regard to the conduct and statements oral or in writing of the deceased person.

35 Fresh accrual of action on acknowledgment or part payment

(1) Where there has accrued a right of action (including a foreclosure action) to recover land or a right of a mortgagee of personal property to bring a foreclosure action in respect of the property, and—

(a) the person in possession of the land or personal property acknowledges the title of the person to whom the right of action has accrued; or

(b) in the case of a foreclosure or other action by a mortgagee—the person in possession referred to in paragraph (a) or the person liable for the mortgage debt makes any payment in respect thereof, whether of principal or interest;

the right shall be deemed to have accrued on and not before the date of the acknowledgment or payment.

(2) Where a mortgagee is, by virtue of the mortgage, in possession of mortgaged land and receives a sum in respect of the principal or interest of the mortgage debt or acknowledges the title of the mortgagor or the mortgagor's equity of redemption, an action to redeem the land in the mortgagee's possession may be brought at any time before the expiration of 12 years from the date of the payment or acknowledgment.

(3) Where a right of action has accrued to recover a debt or other liquidated pecuniary claim, or a claim to the personal estate of a deceased person or to a share or interest therein and the person liable or accountable therefor acknowledges the claim or makes a payment in respect thereof, the right shall be deemed to have accrued on and not before the date of the acknowledgment or the last payment.

(4) Notwithstanding subsection (1), a payment of a part of the rent or interest due at any time shall not extend the period for claiming the remainder then due, but a payment of interest shall be treated as a payment in respect of the principal debt.

36 Formal provisions as to acknowledgment and part payment

(1) Every acknowledgment referred to in section 35 shall be in writing and signed by the person making the acknowledgment.

(2) Any acknowledgment or payment may be made by the agent of the person by whom it is required to be made under section 35 and shall be made to the person or to an agent of the person whose title or claim is being acknowledged or, as the case may be, in respect of whose claim the payment is being made.

37 Effect of acknowledgment or part payment on a person other than the maker or recipient

(1) An acknowledgment of the title to land or mortgaged personalty by a person in possession thereof shall bind all other persons in possession during the ensuing period of limitation.

(2) A payment in respect of a mortgage debt by the mortgagor or a person in possession of the mortgaged property shall, so far as any right of the mortgagee to foreclose or otherwise to recover the property is concerned, bind all other persons in possession of the mortgaged property during the ensuing period of limitation.

(3) Where 2 or more mortgagees are, by virtue of the mortgage, in possession of the mortgaged land, an acknowledgment of the mortgagor's title or of the mortgagor's equity of redemption by 1 of the mortgagees shall bind the mortgagee and the mortgagee's successors only and shall not bind any other mortgagee or the mortgagee's successors and where the mortgagee by whom the acknowledgment is given is entitled to a part of the mortgaged land and not to an ascertained part of the mortgage debt, the mortgagor shall be entitled to redeem that part of the land on payment with interest of the part of the mortgage debt that bears the same proportion to the whole of the debt as the value of the part of the land bears to the value of the whole of the mortgaged land.

(4) Where there are 2 or more mortgagors and the title or right to redemption of 1 of the mortgagors is acknowledged, the acknowledgment shall be deemed to have been made to all the mortgagors.

(5) An acknowledgment of a debt or other liquidated pecuniary claim shall bind the acknowledger and the acknowledger's successors but not any other person.

(5A) Notwithstanding subsection (5), an acknowledgment made after the expiration of the period of limitation prescribed for the bringing of an action to recover the debt or other claim shall not bind a successor on whom the liability devolves on the determination of a preceding estate or interest in property under a settlement taking effect before the date of the acknowledgment.

(6) A payment made in respect of a debt or other liquidated pecuniary claim shall bind all persons liable in respect thereof.

(6A) Notwithstanding subsection (6), a payment made after the expiration of the period of limitation prescribed for the bringing of an action to recover the debt or other claim shall not bind a person other than the person making the payment and the person's successors and shall not bind a successor on whom the liability devolves on the determination of the preceding estate or interest in property under a settlement taking effect before the date of payment.

(7) An acknowledgment by 1 of the several personal representatives of a claim to the personal estate of a deceased person or to a share or interest therein or a payment by 1 of the several personal representatives in respect of such claim shall bind the estate of the deceased person.

(8) In this section—

successor in relation to a mortgagee or person liable in respect of a debt or claim means the mortgagee's or person's personal representatives and any other person on whom the rights under the mortgage or, as the case may be, the liability in respect of the debt or claim devolve, whether on death or

bankruptcy or the disposition of property or the determination of a limited estate or interest in settled property or otherwise.

38 Postponement in cases of fraud or mistake

(1) Where in an action for which a period of limitation is prescribed by this Act—

(a) the action is based upon the fraud of the defendant or the defendant's agent or of a person through whom he or she claims or his or her agent; or

(b) the right of action is concealed by the fraud of a person referred to in paragraph (a); or

(c) the action is for relief from the consequences of mistake;

the period of limitation shall not begin to run until the plaintiff has discovered the fraud or, as the case may be, mistake or could with reasonable diligence have discovered it.

(2) Nothing in this section enables an action to be brought to recover or enforce a charge against or set aside a transaction affecting property that—

(a) in the case of fraud—has been purchased for valuable consideration by a person who was not a party to the fraud and did not at the time of the purchase know or have reason to believe that a fraud had been committed; or

(b) in the case of mistake—has been purchased for valuable consideration subsequently to the transaction in which the mistake was made by a person who did not know or have reason to believe that the mistake had been made.

39 Costs

In dealing with the costs of an action to which this part applies and that is commenced after the expiration of the period of limitation otherwise prescribed by this Act but before the expiration of the period of limitation prescribed by section 29 the court shall, in every case where costs may be awarded to

the plaintiff, before awarding such costs, take into consideration—

(a) whether reasonable diligence has been shown in the circumstances in commencing the action; and

(b) whether delay in commencing the action has prejudiced or may prejudice the defendant.

40 Contribution between tortfeasors

(1) An action for contribution under the *Law Reform Act 1995*, section 6(c) shall not be brought after the expiration of the first of the following periods to expire—

(a) a period of limitation of 2 years running from the date on which the right of action for contribution first accrues to the plaintiff or to a person through whom the plaintiff claims;

(b) a period of limitation of 4 years running from the date of the expiration of the period of limitation for the principal action.

(2) For the purposes of subsection (1)(a), the date on which a right of action for contribution first accrues is—

(a) if the plaintiff in the action for contribution or a person through whom the plaintiff claims is liable in respect of the damage for which contribution is claimed by judgment in a civil action or by arbitral award—the date on which the judgment is given or the award made whether or not in the case of a judgment the judgment is afterwards varied as to quantum of damages; or

(b) if, in a case to which paragraph (a) does not apply, the plaintiff in the action for contribution or a person through whom the plaintiff claims makes an agreement with a person having a right of action for the damage for which the right of action for contribution arises, which agreement fixes, as between the parties to the agreement, the amount of the liability in respect of that damage of the plaintiff in the action for contribution or a

person through whom the plaintiff claims—the date on which the agreement is made.

(3) In subsection (1)(b)—

the period of limitation for the principal action means the period of limitation prescribed by this Act or by any other enactment (including an enactment repealed by this Act) for the action for the liability in respect of which contribution is sought.

(4) Nothing in this section affects the construction of the *Law Reform Act 1995*, section 6.

Part 4 General

41 Application to arbitrations

(1) This Act shall apply to arbitrations in the same manner as it applies to actions.

(2) Notwithstanding any term in an agreement to arbitrate to the effect that a cause of action shall not accrue in respect of a matter required by the agreement to be referred until an award is made under the agreement, the cause of action shall, for the purposes of this Act (whether in its application to arbitrations or to other proceedings), be deemed to have accrued in respect of such matter at the time when it would have accrued but for that term in the agreement.

(3) For the purposes of this Act, an arbitration shall be deemed to commence when one party to the arbitration serves on the other party or parties a notice requiring the other party or parties to appoint an arbitrator or to agree to the appointment of an arbitrator or, where the agreement to arbitrate provides that the reference shall be to a person named or designated in the agreement, requiring the party or parties to submit the dispute to the person so named or designated.

(4) A notice pursuant to subsection (3) may be served in any of the following ways—

(a) by delivering it to the person to whom it is directed;

(b) by leaving it at the usual or last known place of abode or business in the State of the person to whom it is directed;

(c) by sending it by registered post to the person to whom it is directed at the person's usual or last known place of abode or business in the State;

as well as in any other way specified in the agreement to arbitrate.

(5) Where the court orders that an award be set aside, it may further order that the period between the commencement of the arbitration and the date of the order be excluded in computing the time prescribed by this Act for the commencement of proceedings (including an arbitration) with respect to the dispute referred.

(6) This section applies to an arbitration under an Act or rules of court as well as to an arbitration pursuant to an agreement to arbitrate and subsections (3) and (4) have effect, in relation to an arbitration under an Act, as if for the references to the agreement to arbitrate there were substituted references to such of the provisions of the Act or of any order, scheme, rules, regulations or by-laws made thereunder as relate to the arbitration.

42 Provisions as to set-off or counterclaim

For the purposes of this Act, a claim by way of set-off or counterclaim shall be deemed to be a separate action and to have been commenced on the same date as the action in which the set-off or counterclaim is pleaded.

43 Acquiescence

Nothing in this Act affects the equitable jurisdiction of a court to refuse relief on the ground of acquiescence or otherwise.

43A Characterisation of limitation laws

(1) In this section—

limitation law means a law (including, but not limited to, this Act) that provides for the limitation or exclusion of any liability or the barring of a right of action for a claim by reference to the time when a proceeding on, or the arbitration of, the claim is started.

(2) A limitation law of the State is to be regarded as part of the substantive law of the State.

(3) This section applies to a cause of action that arose before the commencement of this section but does not apply to a proceeding started before the commencement.

Part 5 Transitional provisions

44 Transitional provision for Civil Liability (Dust Diseases) and Other Legislation Amendment Act 2005

Section 30A, as inserted by the *Civil Liability (Dust Diseases) and Other Legislation Amendment Act 2005*, applies in relation to all actions whether the right of action accrued before or after the commencement of this section unless—

(a) judgment has been given in relation to the action; or

(b) the action has settled or been discontinued; or

(c) an application to extend the period of limitation for the action under this Act has been refused.

45 Transitional provision for Defamation Act 2005

(1) The new limitation law applies to the publication of any defamatory matter to which the *Defamation Act 2005* applies.

(2) The existing limitation law continues to apply to any cause of action to which the existing law of defamation continues to apply under the *Defamation Act 2005*, section 49.

(3) In this section—

existing law of defamation has the same meaning as in the *Defamation Act 2005*, section 49.

existing limitation law means the provisions of this Act that applied in relation to the limitation period for defamation actions immediately before the commencement of this section.

new limitation law means sections 10AA and 32A as inserted by the *Defamation Act 2005*.

46 Transitional provision for Corrective Services and Other Legislation Amendment Act 2008

The *Corrective Services and Other Legislation Amendment Act 2008*, section 18 only applies in relation to a cause of action arising after the commencement of this section.

47 Transitional provision for Civil Liability and Other Legislation Amendment Act 2010

(1) Section 11(2) applies to a right of action relating to personal injury resulting from a dust-related condition whether the right of action accrued before or after the commencement of this section.

(2) However, subsection (1) does not apply if—

(a) judgment has been given in the action; or

(b) the action has been settled or discontinued; or

(c) an application before the commencement of this section to extend the period of limitation applying to the action before the commencement was refused by a court.

(3) In this section—

court includes—

(a) a court in a place outside Queensland, including outside Australia; and

(b) the Dust Diseases Tribunal of New South Wales established under the *Dust Diseases Tribunal Act 1989* (NSW).

Endnotes

1 Index to endnotes

Page

2 Date to which amendments incorporated 38

3 Key 39

4 Table of reprints 39

5 Tables in earlier reprints 40

6 List of legislation 40

7 List of annotations 41

2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 1 July 2011. Future amendments of the Limitation of Actions Act 1974 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

Key		Explanation	Key		Explanation
AIA	=	Acts Interpretation Act 1954	(prev)	=	previously
amd	=	amended	proc	=	proclamation
amdt	=	amendment	prov	=	provision
ch	=	chapter	pt	=	part
def	=	definition	pubd	=	published
div	=	division	R[X]	=	Reprint No. [X]
exp	=	expires/expired	RA	=	Reprints Act 1992
gaz	=	gazette	reloc	=	relocated
hdg	=	heading	renum	=	renumbered
ins	=	inserted	rep	=	repealed
lap	=	lapsed	(retro)	=	retrospectively
notfd	=	notified	rv	=	revised edition
num	=	numbered	s	=	section
o in c	=	order in council	sch	=	schedule
om	=	omitted	sdiv	=	subdivision
orig	=	original	SIA	=	Statutory Instruments Act 1992
p	=	page	SIR	=	Statutory Instruments Regulation 2002
para	=	paragraph	SL	=	subordinate legislation
prec	=	preceding	sub	=	substituted
pres	=	present	unnum	=	unnumbered
prev	=	previous			

4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments to	Effective	Reprint date
1	1993 Act No. 64	23 November 1993	24 February 1994
1A	1996 Act No. 5	23 November 1993	12 August 1996
1B	1996 Act No. 5	1 November 1996	25 November 1996
1C	2000 Act No. 16	28 February 2002	13 March 2002

Reprint No.	Amendments included	Effective	Notes
1D	2002 Act No. 34	16 August 2002	
1E	2005 Act No. 43	14 October 2005	
1F	2005 Act No. 55	1 January 2006	R1F withdrawn, see R2
2	—	1 January 2006	
2A	2007 Act No. 37	28 September 2007	
2B	2008 Act No. 53	7 November 2008	
2C	2010 Act No. 9	17 March 2010	

Reprint No.	Amendments included	Effective	Notes
2D	2010 Act No. 42	14 October 2010	
2E	2011 Act No. 13	1 July 2011	

5 Tables in earlier reprints

Name of table	Reprint No.
Comparative legislation	1
Renumbered provisions	1

6 List of legislation

Limitation of Actions Act 1974 No. 75
date of assent 1 November 1974
commenced 1 July 1975 (see s 2)

amending legislation—

Public Trustee Act 1978 No. 73 s 5(5) sch 1 pt E
date of assent 8 December 1978
commenced 1 January 1979 (proc pubd gaz 23 December 1978 p 1970)

Common Law Practice and Limitation of Actions Acts Amendment Act 1981 No. 87 pt 3
date of assent 13 November 1981
commenced on date of assent (see s 2(2))

Limitation of Actions Amendment Act 1993 No. 64
date of assent 23 November 1993
commenced on date of assent

Choice of Law (Limitations Periods) Act 1996 No. 5 ss 1–2, 8 sch
date of assent 9 May 1996
ss 1–2 commenced on date of assent
remaining provisions commenced 1 November 1996 (1996 SL No. 280)

Mental Health Act 2000 No. 16 ss 1–2, 590 sch 1 pt 2
date of assent 8 June 2000
ss 1–2, 590 commenced on date of assent (see s 2(1))
remaining provisions commenced 28 February 2002 (2002 SL No. 27)

Justice and Other Legislation (Miscellaneous Provisions) Act 2002 No. 34 ss 1, 74 sch 6
date of assent 16 August 2002
commenced on date of assent

Civil Liability (Dust Diseases) and Other Legislation Amendment Act 2005 No. 43 pts 1–2 div 2
date of assent 14 October 2005
commenced on date of assent

Defamation Act 2005 No. 55 ss 1–2, 48 sch 4
date of assent 18 November 2005
ss 1–2 commenced on date of assent
remaining provisions commenced 1 January 2006 (see s 2)

Justice and Other Legislation Amendment Act 2007 No. 37 ss 1, 162 sch
date of assent 29 August 2007
ss 1–2 commenced on date of assent
remaining provisions commenced 28 September 2007 (2007 SL No. 241)

Corrective Services and Other Legislation Amendment Act 2008 No. 53 pts 1, 6
date of assent 23 October 2008
ss 1–2 commenced on date of assent
remaining provisions commenced 7 November 2008 (2008 SL No. 363)

Civil Liability and Other Legislation Amendment Act 2010 No. 9 s 1, pt 5
date of assent 17 March 2010
commenced on date of assent

Justice and Other Legislation Amendment Act 2010 No. 42 ss 1, 214 sch
date of assent 14 October 2010
commenced on date of assent

Forensic Disability Act 2011 No. 13 ch 1 pt 1, ch 14 pt 10
date of assent 19 May 2011
ss 1–2 commenced on date of assent
remaining provisions commenced 1 July 2011 (2011 SL No. 121 item 1)

7 List of annotations

Arrangement
s 3 om R1 (see RA s 36)

Repeals
s 4 om R1 (see RA s 40)

Interpretation
s 5 amd 1978 No. 73 s 5(5)(a) sch 1 pt E; 2000 No. 16 s 590 sch 1 pt 2; 2008 No. 53 s 18; 2010 No. 42 s 214 sch; 2011 No. 13 s 210
def **"personal estate"** and **"personal property"** om 1996 No. 5 s 8 sch
def **"personal estate"** ins 1996 No. 5 s 8 sch
def **"personal property"** ins 1996 No. 5 s 8 sch
def **"trust"** ins 1996 No. 5 s 8 sch
def **"trust"** and **"trustee"** om 1996 No. 5 s 8 sch
def **"trustee"** ins 1996 No. 5 s 8 sch

Application to Crown
s 6 amd 2010 No. 42 s 214 sch

Saving of other limitations
s 7 amd 1996 No. 5 s 8 sch; 2010 No. 9 s 24

Provisions as to actions already barred and pending actions
s 8 amd 2010 No. 42 s 214 sch

Actions of contract and tort and certain other actions
s 10 amd 2005 No. 55 s 48 sch 4; 2010 No. 42 s 214 sch

Defamation actions
s 10AA ins 2005 No. 55 s 48 sch 4

Actions to recover tax
s 10A ins 1993 No. 64 s 3
amd 1996 No. 5 s 8 sch

Actions in respect of personal injury
s 11 amd 1981 No. 87 s 9; 2010 No. 9 s 25

Extinction of title after expiration of period of limitation
s 24 amd 2010 No. 42 s 214 sch

Actions to recover money secured by mortgage or charge or to recover proceeds of the sale of land
s 26 amd 2010 No. 42 s 214 sch

Extension in cases of disability
s 29 amd 1981 No. 87 s 10; 2010 No. 42 s 214 sch

Interpretation
s 30 amd 1996 No. 5 s 8 sch

Application of s 30 in actions for dust-related conditions
s 30A ins 2005 No. 43 s 6
om 2010 No. 9 s 26

Ordinary actions
s 31 amd 1981 No. 87 s 11

Surviving actions
s 32 amd 1981 No. 87 s 12; 2010 No. 42 s 214 sch

Defamation actions
s 32A ins 2005 No. 55 s 48 sch 4

Contribution between tortfeasors
s 40 amd 2002 No. 34 s 74 sch 6

Application to arbitrations
s 41 amd 2010 No. 42 s 214 sch

Characterisation of limitation laws
s 43A ins 1996 No. 5 s 8 sch

PART 5—TRANSITIONAL PROVISIONS

pt hdg prev pt 5 hdg ins 1993 No. 64 s 4
exp 23 November 1994 (see s 45)
pres pt 5 hdg ins 2005 No. 43 s 7
amd 2010 No. 9 s 27

Transitional provision for Civil Liability (Dust Diseases) and Other Legislation Amendment Act 2005

s 44 prev s 44 ins 1993 No. 64 s 4
exp 23 November 1994 (see s 45)
pres s 44 ins 2005 No. 43 s 7

PART 6—TRANSITIONAL PROVISION

pt hdg (prev pt 5 hdg) ins 2005 No. 55 s 48 sch 4
renum 2007 No. 37 s 162 sch
om 2010 No. 9 s 28

Transitional provision for Defamation Act 2005

s 45 prev s 45 ins 1993 No. 64 s 4
exp 23 November 1994 (see s 45)
pres s 45 (prev s 44) ins 2005 No. 55 s 48 sch 4
renum 2007 No. 37 s 162 sch

PART 7—TRANSITIONAL PROVISION

pt hdg ins 2008 No. 53 s 19
om 2010 No. 9 s 29

Transitional provision for Corrective Services and Other Legislation Amendment Act 2008

s 46 ins 2008 No. 53 s 19

Transitional provision for Civil Liability and Other Legislation Amendment Act 2010

s 47 ins 2010 No. 9 s 30

SCHEDULE

om R1 (see RA s 40)

© State of Queensland 2013

Authorised by the Parliamentary Counsel