



Queensland

*Queensland Civil and Administrative Tribunal Act 2009*

# Queensland Civil and Administrative Tribunal Regulation 2009

Current as at 5 May 2016





Queensland

# Queensland Civil and Administrative Tribunal Regulation 2009

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# Queensland Civil and Administrative Tribunal Regulation 2009

## Part 1 Preliminary

### 1 Short title

This regulation may be cited as the *Queensland Civil and Administrative Tribunal Regulation 2009*.

### 2 Commencement

This regulation commences on 31 July 2009.

### 3 Definitions

The dictionary in schedule 3 defines particular terms used in this regulation.

## Part 2 Oath of office

### 4 Oath of office

- (1) For section 228(2) of the Act, the oath is as follows—

‘I, [name] swear I will discharge the functions of the office of [title of office] of the Queensland Civil and Administrative Tribunal to the best of my knowledge and ability and that I will treat everyone fairly and without bias according to law.

So help me God.’

- (2) For section 228(2) of the Act, the affirmation is as follows—

‘I, [name] do solemnly sincerely and truly affirm and declare I will discharge the functions of the office of [title of office] of

[s 5]

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the Queensland Civil and Administrative Tribunal to the best of my knowledge and ability and that I will treat everyone fairly and without bias according to law.’.

## Part 3 Prescribed fees

### 5 Fee for an application for a minor civil dispute—Act, s 38(1)

- (1) The fee for an application to hear a minor civil dispute is as follows—
  - (a) if the amount claimed is not more than \$500 or if no amount is claimed—\$23.80;
  - (b) if the amount claimed is more than \$500 but not more than \$1000—\$61;
  - (c) if the amount claimed is more than \$1000 but not more than \$10,000—\$108.70;
  - (d) if the amount claimed is more than \$10,000—\$305.
- (2) However, no fee is payable under subsection (1) by a State-related applicant.
- (3) In this section—

***State-related applicant*** means—

  - (a) the Sovereign; or
  - (b) the State or a person acting for the State; or
  - (c) an entity whose expenditure is payable, in whole or in part, out of the consolidated fund or a person acting for the entity.

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**6 Fee for an application or referral made under an enabling Act—Act, s 38(1)**

- (1) The fee for an application or referral made under an enabling Act or provision of an enabling Act stated in schedule 1, part 1 is \$305.
- (2) Also, the fee for an application made under the *Prostitution Act 1999*, section 64A or 64B is \$2422.
- (3) However, if an application mentioned in subsection (1) is an application to hear a minor civil dispute, the fee for the application is the fee payable under section 5.

**7 Fee for an application for a proceeding to be reopened—Act, s 138(2)(c)**

- (1) The fee for an application for a proceeding to be reopened (*reopening application*) is—
  - (a) the amount equalling the fee stated in section 5 or 6 for the application or referral that started the proceeding; or
  - (b) if no fee is stated in section 5 or 6 for the application or referral that started the proceeding, for a proceeding started under an enabling Act or provision of an enabling Act stated in—
    - (i) schedule 1, part 1—\$305; or
    - (ii) schedule 1, part 2—nil.
- (2) If the reopening application is refused, the tribunal must refund to the applicant the balance of the fee paid for the reopening application after deducting, as an administration charge, an amount equalling half the fee payable for the reopening application.

**8 Fee for an appeal to the appeal tribunal—Act, s 143(2)(c)**

- (1) The fee for an appeal to the appeal tribunal against a decision of the tribunal is as follows—

[s 9]

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- (a) for an appeal against a decision of the tribunal on an application or referral made under an enabling Act or a provision of an enabling Act stated in schedule 1, part 1—the amount equalling twice the fee stated in section 6(1) for the application or referral;
  - (b) for an appeal against a decision of the tribunal on an application made under the *Prostitution Act 1999*, section 64A or 64B—\$2422;
  - (c) for an appeal against a decision of the tribunal on any other application or referral other than an application to hear a minor civil dispute—\$610.
- (2) However, if the appeal is against a decision of the tribunal in a proceeding for a minor civil dispute, the fee for the appeal is—
- (a) if the amount claimed is not more than \$10,000 or no amount is claimed—\$305; or
  - (b) otherwise—\$610.
- (3) The fee for an appeal to the appeal tribunal against a decision of another entity under an enabling Act is \$305.
- (4) If leave to appeal against a decision of the tribunal or of another entity under an enabling Act is required under section 142 of the Act or under an enabling Act, the fee mentioned in subsection (1), (2) or (3) for the appeal must accompany the application for leave.
- (5) If the application for leave to appeal is refused, the tribunal must refund to the applicant the balance of the fee mentioned in subsection (1), (2) or (3) for the appeal after deducting, as an administration charge, an amount equalling half the fee payable for the appeal.

## 9 Other fees

Other fees payable under the Act are stated in schedule 2.



## 10 Waiver of fees

- (1) A person may apply, in the approved form, to the principal registrar for a fee payable under the Act to be waived.
- (2) The principal registrar may waive the payment of a fee if the principal registrar is satisfied payment of the fee would cause, or would be likely to cause, the person undue financial hardship.

# Part 4 Allowances for witnesses and other persons

## 10A Application of pt 4

This part does not apply to reviews of reviewable decisions under the following Acts—

- (a) the *Adoption Act 2009*;
- (b) the *Child Protection Act 1999*;
- (c) the *Working with Children (Risk Management and Screening) Act 2000*.

*Note—*

Section 97(3) of the Act provides that if no fees and allowances are prescribed under a regulation in relation to a proceeding, a person required to attend or produce a document or thing to the tribunal is entitled to be paid the fees and allowances decided by the tribunal.

## 11 Non-professional witness attendance allowance—Act, s 97(3)

- (1) The allowance payable to a non-professional witness who is given a notice under section 97(1)(a) of the Act is—
  - (a) if the witness is under 16 years—\$39.35; or
  - (b) if the witness is 16 years or older—\$78.70;

[s 12]

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for each day or part of a day of necessary absence from the witness's place of employment, practice or residence to attend a hearing.

- (2) The allowance must be paid to the witness within a reasonable time after the witness attends the hearing as required by the notice mentioned in subsection (1).

## **12 Professional or expert witness attendance allowance—Act, s 97(3)**

- (1) The allowance payable to a professional or expert witness who is given a notice under section 97(1)(a) of the Act is \$244 for each day of necessary absence from the witness's place of employment, practice or residence to attend a hearing.
- (2) However, if the period for which a professional or expert witness is necessarily absent is 7 hours or less, the amount of the allowance payable is as follows—
  - (a) for an absence of 3 hours or less—\$92;
  - (b) for an absence of more than 3 hours but not more than 4 hours—\$127.50;
  - (c) for an absence of more than 4 hours but not more than 5 hours—\$155.30;
  - (d) for an absence of more than 5 hours but not more than 6 hours—\$183;
  - (e) for an absence of more than 6 hours but not more than 7 hours—\$221.80.
- (3) Also, if the witness is a doctor who is employed under the *Hospital and Health Boards Act 2011* as a health service employee at a public sector hospital, the allowance payable for each day or part of a day of necessary absence from the hospital at which the person is employed is \$80.90.
- (4) The allowance must be paid to the witness within a reasonable time after the witness attends the hearing as required by the notice mentioned in subsection (1).

- (5) Travelling time is to be taken into account for deciding the amount of the allowance under this section.

### **13 Increase if GST payable**

If an amount payable under section 12 is for a supply on which GST is payable, the amount payable under the section is to be increased to take account of the GST.

### **14 Conduct money—Act, s 97(3)**

- (1) A person who is given a notice under section 97(1) of the Act is entitled to be paid an allowance, as conduct money, in an amount sufficient to meet the reasonable expenses of complying with the notice.
- (2) If the reasonable expenses involve travel and accommodation expenses, those components of the expenses are to be calculated as stated in sections 15 and 16.
- (3) The conduct money must be paid to the person—
- (a) at the time the person is given the notice under section 97(1) of the Act; or
  - (b) within a reasonable time before the person is required to comply with the notice.
- (4) Payment of conduct money is in addition to payment of any other amount to which the person is entitled under section 11 or 12.

### **15 Travel expenses**

- (1) For section 14(2), the amount of the travel expenses payable to a person who is given a notice under section 97(1) of the Act is—
- (a) the amount payable for fares on public transport for return travel between the person's place of employment, practice or residence (whichever is the furthest from the tribunal) and the tribunal; or

[s 16]

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- (b) if there is no public transport available—the amount calculated at the rate per kilometre payable under the *Public Service Act 2008* to a public service employee required to use the employee’s private motor vehicle for official purposes, taken to the nearest whole cent.
- (2) If it is reasonable for the person to travel to and from the tribunal by air, the amount of the travel expenses to be paid is the amount payable for economy class air travel by the person to and from the tribunal.
- (3) For calculating travel expenses, in deciding whether public transport is available, regard is to be had to whether a public transport system operates by which a person could conveniently—
  - (a) travel to the tribunal in reasonable time before the person is required to attend a hearing or produce a document or other thing; and
  - (b) return to the person’s place of employment, practice or residence (whichever is the furthest from the tribunal) after the person has attended the hearing or produced the document or other thing.
- (4) In this section—

***public transport*** means any form of passenger transport that is available for use by the public on payment of a fare.

## 16 Accommodation expenses

For section 14(2), the amount of the accommodation expenses payable to a person who is given a notice under section 97(1) of the Act is the amount calculated at the rate payable under the *Public Service Act 2008* to a public service officer.

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## **Part 5**                                **QCAT justices of the peace**

### **17 Prescribed location for tribunal constituted by QCAT justices of the peace—Act, s 206E**

For section 206E of the Act, the following locations are prescribed—

- (a) Brisbane;
- (b) Ipswich;
- (c) Maroochydore;
- (d) Southport;
- (e) Townsville.

### **18 Daily sitting fee payable to QCAT justices of the peace—Act, s 206R**

For section 206R(2) of the Act, the prescribed daily sitting fee is \$100.

### **19 Expiry of pt 5**

This part expires on the day chapter 4, part 4B of the Act expires.

## **Schedule 1      Enabling Acts and provisions**

sections 6 and 7

### **Part 1                      Acts and provisions for section 6(1)**

*Adult Proof of Age Card Act 2008*

*Agents Financial Administration Act 2014*, section 45, 103 or 122(1)

*Agricultural Chemicals Distribution Control Act 1966*

*Agricultural Chemicals Distribution Control Regulation 1998*

*Agricultural Standards Act 1994*, section 50(1) or 51

*Animal Care and Protection Act 2001*, section 196(2) or 198A

*Animal Management (Cats and Dogs) Act 2008*, section 184(2) or 188

*Apiaries Regulation 1998*

*Architects Act 2002*, section 121(2)

*Associations Incorporation Act 1981*, section 111(1) or 113

*Biodiscovery Act 2004*

*Births, Deaths and Marriages Registration Act 2003*

*Body Corporate and Community Management Act 1997*, section 47AA(3)(b), 47B(3)(b), 48(1)(b), 133(2)(b), 149A(b), 149B(2)(b), 178(2)(b), 304, 385(8)(b), 387(6)(b), 389(4), 405(2)(b), 412(2)(b) or 414(3)

*Building Act 1975*, section 189(2)

*Building and Construction Industry Payments Act 2004*, section 96(1) or 97

*Casino Control Act 1982*, section 91A

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*Charitable and Non-Profit Gaming Act 1999*, section 174(2), (4) or (5)

*Chemical Usage (Agricultural and Veterinary) Control Act 1988*

*Civil Partnerships Act 2011*, section 29

*Classification of Computer Games and Images Act 1995*

*Classification of Films Act 1991*

*Classification of Publications Act 1991*

*Community Ambulance Cover Act 2003* (repealed, as applied by the *Community Ambulance Cover Levy Repeal Act 2011*, section 22)

*Cooperatives Act 1997*

*Crime and Corruption Act 2001*, section 219G(1) (for any application other than an application by the Crime and Corruption Commission)

*Debt Collectors (Field Agents and Collection Agents) Act 2014*, section 117 or 119(1)

*Disability Services Act 2006*, section 109(1) or 115(3)

*Disaster Management Act 2003*

*Domestic Building Contracts Act 2000*, section 18(6)(b), 55(4), 60(3) or 84(2)(b) or (3)(b) (repealed, as applied by the *Queensland Building and Construction Commission Act 1991*, schedule 1, section 62)

*Drugs Misuse Act 1986*

*Duties Act 2001*

*Education and Care Services Act 2013*

*Education and Care Services National Law (Queensland) Act 2011*

*Education (General Provisions) Act 2006*, section 139, 394, 397 or 402

*Education (Overseas Students) Act 1996*

*Education (Queensland College of Teachers) Act 2005*, section 215

*Education (Queensland Curriculum and Assessment Authority) Act 2014*, part 5, division 3

*Electricity Act 1994*, section 216(1) or 219(1)

*Electricity Regulation 2006*, section 210(1) or 212(a) or (b)

*Environmental Offsets Act 2014*, section 30 or 38

*Environmental Offsets Regulation 2014*, section 20(1) or 21

*Exotic Diseases in Animals Act 1981*, section 33(1)(c) (for any application other than an application by the Minister) or 34(1)(b)

*Explosives Act 1999*, section 110(1) or 111

*Financial Intermediaries Act 1996*

*Fire and Emergency Services Act 1990*

*First Home Owner Grant Act 2000*

*Fisheries Act 1994*

*Food Act 2006*, section 240(1) or 241

*Food Production (Safety) Act 2000*

*Funeral Benefit Business Act 1982*, section 61(6) or 65(9)

*Further Education and Training Act 2014*

*Gaming Machine Act 1991*, section 29

*Gas Supply Act 2003*

*Guide, Hearing and Assistance Dogs Act 2009*

*Health (Drugs and Poisons) Regulation 1996*

*Health Ombudsman Act 2013*, section 94(1)(a) or (c) or (2)(b)

Health Practitioner Regulation National Law (Queensland), section 199

*Health Practitioners (Disciplinary Proceedings) Act 1999*, section 398F (repealed, as applied by the *Health Ombudsman Act 2013*, section 315)

Heavy Vehicle National Law (Queensland)



*Information Privacy Act 2009*, section 133(1)

*Integrated Resort Development Act 1987*

*Interactive Gambling (Player Protection) Act 1998*, section 249, 250, 251, 252, or 253(1) or (2)

*Interactive Gambling (Player Protection) Regulation 1998*

*Introduction Agents Act 2001*

*Keno Act 1996*, section 228, 229, 230, 231, 232 or 233

*Land Protection (Pest and Stock Route Management) Act 2002*

*Legal Profession Act 2007*, section 26(4)(b), 51(9), 54(2)(b) or (4)(b), 61(3)(b), 62(3)(a), 69(3)(b), 70(3), 76(3)(b), 87(5), 183(4)(b), 185(7)(b), 188(3)(b), 189(3)(a), 194(3)(b), 195(3)(b), 208(4)(b), 278(6), 328(1), 375(1)(c), 392(1), 393(1) or 469(1) (in relation to section 469(1), for any application other than an application by the Legal Services Commissioner)

*Liquid Fuel Supply Act 1984*

*Liquor Act 1992*, section 30(1)

*Liquor Regulation 2002*

*Local Government Regulation 2012*, section 158

*Lotteries Act 1997*

*Manufactured Homes (Residential Parks) Act 2003*

*Marine Parks Act 2004*, section 120(1) or 121

*Marine Parks Regulation 2006*, section 150(1) or 151

*Motor Accident Insurance Act 1994*

*Motor Dealers and Chattel Auctioneers Act 2014*, section 196 or 198(1)

*Nature Conservation (Administration) Regulation 2006*, section 102(1) or 103

*Neighbourhood Disputes (Dividing Fences and Trees) Act 2011*, section 62(1)

*Pest Management Act 2001*, section 107(1) or 108

*Petroleum and Gas (Production and Safety) Act 2004*

*Pharmacy Business Ownership Act 2001*

*Plant Protection Act 1989*

*Police Powers and Responsibilities Act 2000*, section 602P

*Private Health Facilities Act 1999*, section 130(1) or 131

*Professional Engineers Act 2002*, section 122(2)

*Property Occupations Act 2014*, section 176 or 178(1)

*Public Health Act 2005*

*Public Health (Infection Control for Personal Appearance Services) Act 2003*, section 123(1) or 124

*Queensland Building and Construction Commission Act 1991*, section 77(1) or 87

*Queensland Heritage Act 1992*

*Racing Act 2002*, section 150(1) or (2), 152A or 242(2)

*Radiation Safety Act 1999*, section 187(1) or 188

*Recreation Areas Management Act 2006*, section 209(1) or 210

*Residential Services (Accreditation) Act 2002*, section 157(4) or 159

*Retail Shop Leases Act 1994*, section 22E

*Retirement Villages Act 1999*, section 29(1) or (3), 157 (an application to the principal registrar to have a retirement village dispute referred to mediation), 167, 169(2), 170(2) or 171(2)

*Right to Information Act 2009*, section 121

*Sanctuary Cove Resort Act 1985*

*Second-hand Dealers and Pawnbrokers Act 2003*

*Security Providers Act 1993*

*South Bank Corporation Act 1989*

*Stock Act 1915*

*Surveyors Act 2003*, section 163(1) or (2)

*Tattoo Parlours Act 2013*, section 56(1)

*Taxation Administration Act 2001*

*Tourism Services Act 2003*, section 85

*Tow Truck Act 1973*

*Transport Infrastructure Act 1994*

*Transport Infrastructure (Dangerous Goods by Rail) Regulation 2008*

*Transport Operations (Marine Pollution) Act 1995*

*Transport Operations (Marine Safety) Act 1994*

*Transport Operations (Passenger Transport) Act 1994*

*Transport Operations (Road Use Management) Act 1995*

*Transport Planning and Coordination Act 1994*, section 32(1)

*Transport (Rail Safety) Act 2010*

*Valuers Registration Act 1992*, section 61(1)

*Vegetation Management Act 1999*

*Veterinary Surgeons Act 1936*, section 22H

*Victims of Crime Assistance Act 2009*, section 116(7), 125(2) or 190(7)

*Wagering Act 1998*, section 291, 292, 293, 294, 295, 296 or 297

*Water Act 2000*, section 865(1)(a) or 877(1)(a) or (c)

*Water Supply (Safety and Reliability) Act 2008*, section 516(2)(b) or 517(4)

*Weapons Act 1990*

## **Part 2**                      **Acts and provisions for section 7(1)(b)(ii)**

*Adoption Act 2009*

*Anti-Discrimination Act 1991*

*Child Protection Act 1999*

*Disability Services Act 2006, section 178(9)*

*Guardianship and Administration Act 2000*

*Powers of Attorney Act 1998*

*Working with Children (Risk Management and Screening) Act  
2000*

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**Schedule 2      Other fees**

section 9

\$

**Inspection of register or record for a proceeding**

- |   |  |       |
|---|--|-------|
| 1 | Fee for inspecting the register (under section 229(4)(a) of the Act) or the record for a proceeding (under section 230(3)(a) of the Act), other than an inspection made by a party to a proceeding of the part of the register relating to the proceeding or the record kept for the proceeding—   |       |
|   | (a) for each hour or part of an hour   | 16.10 |
|   | (b) maximum fee for a day  | 63.20 |
| 2 | Additional fee for inspecting the register or the record for a proceeding (other than an inspection made by a party to a proceeding of the part of the register relating to the proceeding or the record kept for the proceeding) if the register or record, or part of the register or record, must be retrieved from off-site storage, for each box retrieved— |       |
|   | (a) 1 box  | 34.40 |
|   | (b) 2 boxes  | 38.30 |
|   | (c) 3 or more boxes  | 42.70 |

**Copying of register or record for a proceeding**

## Schedule 2

	\$
3	Fee for a black and white copy of part of the register (under section 229(4)(b) of the Act) or part of a record for a proceeding (under section 230(3)(b) of the Act), other than a plan or drawing, for each page—
	(a) for less than 20 pages 1.85
	(b) for 20 to 50 pages 1.55
	(c) for more than 50 pages 1.10
4	Fee for a colour copy of part of the register or part of a record for a proceeding, other than a plan or drawing, for each page—
	(a) for an A4 page 5.60
	(b) for an A3 page 6.00
5	Fee for a copy of part of the register or part of a record for a proceeding that is a plan or drawing, for each page—
	(a) for an A3 page 4.75
	(b) for an A2 page 6.10
	(c) for an A1 page 7.75
<b>Other</b>	
6	Fee for an application (under section 63(5) of the Act) for an order requiring a person who is not a party to a proceeding to produce a document or thing to the tribunal or a party to a proceeding 18.85

	\$
7 Fee for an application (under section 97(2) of the Act) for a notice requiring a person to attend at a stated hearing of a proceeding to give evidence or produce a stated document or other thing to the tribunal	18.85
8 Fee for an officer of the tribunal to accompany a record or document at a place out of a registry of the tribunal, for each day or part of a day the officer is necessarily absent from the registry	177.40 plus the officer's reasonable travel and other expenses
9 Fee for supplying a certificate as to the correctness of a matter in the register of proceedings	58.70 in addition to any other fee under items 3–5

## **Schedule 3      Dictionary**

### section 3

*expert witness* means a witness who attends a hearing to give evidence of an expert nature.

*non-professional witness* means a witness who attends a hearing to give evidence of a non-professional nature.

*professional witness* means a witness who attends a hearing to give evidence of a professional nature.



## 1 Index to endnotes

- 2 Key
- 3 Table of reprints
- 4 List of legislation
- 5 List of annotations
- 6 Information about retrospectivity

## 2 Key

### Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
<b>AIA</b>	<b>= Acts Interpretation Act 1954</b>	<b>(prev)</b>	<b>= previously</b>
<b>amd</b>	<b>= amended</b>	<b>proc</b>	<b>= proclamation</b>
<b>amd</b>	<b>= amendment</b>	<b>prov</b>	<b>= provision</b>
<b>t</b>			
<b>ch</b>	<b>= chapter</b>	<b>pt</b>	<b>= part</b>
<b>def</b>	<b>= definition</b>	<b>pubd</b>	<b>= published</b>
<b>div</b>	<b>= division</b>	<b>R[X]</b>	<b>= Reprint No. [X]</b>
<b>exp</b>	<b>= expires/expired</b>	<b>RA</b>	<b>= Reprints Act 1992</b>
<b>gaz</b>	<b>= gazette</b>	<b>reloc</b>	<b>= relocated</b>
<b>hdg</b>	<b>= heading</b>	<b>renu</b>	<b>= renumbered</b>
		<b>m</b>	
<b>ins</b>	<b>= inserted</b>	<b>rep</b>	<b>= repealed</b>
<b>lap</b>	<b>= lapsed</b>	<b>(retro</b>	<b>= retrospectively</b>
		<b>)</b>	
<b>notf</b>	<b>= notified</b>	<b>rv</b>	<b>= revised version</b>
<b>d</b>			
<b>num</b>	<b>= numbered</b>	<b>s</b>	<b>= section</b>

<b>Key</b>	<b>Explanation</b>	<b>Key</b>	<b>Explanation</b>
<b>o in c</b>	= <b>order in council</b>	<b>sch</b>	= <b>schedule</b>
<b>om</b>	= <b>omitted</b>	<b>sdiv</b>	= <b>subdivision</b>
<b>orig</b>	= <b>original</b>	<b>SIA</b>	= <b>Statutory Instruments Act 1992</b>
<b>p</b>	= <b>page</b>	<b>SIR</b>	= <b>Statutory Instruments Regulation 2012</b>
<b>para</b>	= <b>paragraph</b>	<b>SL</b>	= <b>subordinate legislation</b>
<b>prec</b>	= <b>preceding</b>	<b>sub</b>	= <b>substituted</b>
<b>pres</b>	= <b>present</b>	<b>unnum</b>	= <b>unnumbered</b>
		<b>m</b>	
<b>prev</b>	= <b>previous</b>		

### 3 Table of reprints

A new reprint of the legislation is prepared by the Office of the Queensland Parliamentary Counsel each time a change to the legislation takes effect.

The notes column for this reprint gives details of any discretionary editorial powers under the **Reprints Act 1992** used by the Office of the Queensland Parliamentary Counsel in preparing it. Section 5(c) and (d) of the Act are not mentioned as they contain mandatory requirements that all amendments be included and all necessary consequential amendments be incorporated, whether of punctuation, numbering or another kind. Further details of the use of any discretionary editorial power noted in the table can be obtained by contacting the Office of the Queensland Parliamentary Counsel by telephone on 3003 9601 or email [legislation.queries@oqpc.qld.gov.au](mailto:legislation.queries@oqpc.qld.gov.au).

From 29 January 2013, all Queensland reprints are dated and authorised by the Parliamentary Counsel. The previous numbering system and distinctions between printed and electronic reprints is not continued with the relevant details for historical reprints included in this table.

<b>Reprint No.</b>	<b>Amendments included</b>	<b>Effective</b>	<b>Notes</b>
1	none	31 July 2009	

<b>Reprint No.</b>	<b>Amendments included</b>	<b>Effective</b>	<b>Notes</b>
1A	2009 SL No. 240 2009 SL No. 278	1 December 2009	
2	2009 SL No. 278	2 December 2009	
2A	2010 SL No. 6	29 January 2010	
2B	2009 SL No. 278	1 February 2010	
2C	2010 SL No. 108 2010 SL No. 155	1 July 2010	
2D	2010 SL No. 230	27 August 2010	
2E	2010 SL No. 167	1 September 2010	
2F	2010 Act No. 42	14 October 2010	
2G	2011 Act No. 9	14 April 2011	
2H	2011 SL No. 115	1 July 2011	R2H withdrawn, see R3
3	—	1 July 2011	
3A	2011 SL No. 210	1 November 2011	
3B	2011 SL No. 240 2011 SL No. 278	1 January 2012	
3C	2012 SL No. 16	23 February 2012	
3D	2012 Act No. 12	27 June 2012	
3E	2012 SL No. 82 2012 SL No. 90	1 July 2012	
3F	2012 SL No. 102	13 July 2012	R3F withdrawn, see R4
4	—	13 July 2012	

<b>Current as at</b>	<b>Amendments included</b>	<b>Notes</b>
27 March 2013	2013 Act No. 11	
14 May 2013	2013 Act No. 20	
20 May 2013	2013 Act No. 13	
1 July 2013	2013 SL No. 122	
23 September 2013	2013 SL No. 105	
1 January 2014	2013 SL No. 265	
6 January 2014	2013 SL No. 244	
10 February 2014	2014 SL No. 8	
16 May 2014	—	provs orig exp 15 May 2014  reprint withdrawn, see reprint current as at 13 May 2014
13 May 2014	—	
21 May 2014 rv	2014 Act No. 17	
1 July 2014	2006 Act No. 12 (amd 2014 Act No. 12) 2014 Act No. 21 2014 SL No. 97 2014 SL No. 103 2014 SL No. 105  2014 SL No. 124 2014 SL No. 126 2014 SL No. 127 2014 SL No. 128 2014 SL No. 145	
25 July 2014	2014 SL No. 163	
1 October 2014	2014 SL No. 225	

<b>Current as at</b>	<b>Amendments included</b>	<b>Notes</b>
1 December 2014	2014 SL No. 251	
1 May 2015	2015 SL No. 15	
1 July 2015 rv	2015 SL No. 53	
22 March 2016	2016 SL No. 15	
4 April 2016	2016 SL No. 19	
5 May 2016	2016 Act No. 19	

## 4 List of legislation

### Regulatory impact statements

For subordinate legislation that has a regulatory impact statement, specific reference to the statement is included in this list.

### Explanatory notes

All subordinate legislation made on or after 1 January 2011 has an explanatory note. For subordinate legislation made before 1 January 2011 that has an explanatory note, specific reference to the note is included in this list.

### **Queensland Civil and Administrative Tribunal Regulation 2009 SL No. 160**

made by the Governor in Council on 30 July 2009

notfd gaz 31 July 2009 pp 1231–2

commenced on date of notification (see s 2)

exp 1 September 2019 (see SIA s 54)

Note—The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

amending legislation—

### **Disability Services Act 2006 No. 12 ss 1–2, 333 sch 2 (this Act is amended, see amending legislation below)**

date of assent 4 April 2006

ss 1–2 commenced on date of assent

remaining provisions commenced 1 July 2014 (2014 SL No. 95)

amending legislation—

### **Communities Legislation (Funding Red Tape Reduction) Amendment Act 2014 No. 12 ss 1–2, pt 4 (amends 2006 No. 12 above)**

date of assent 9 April 2014

ss 1–2 commenced on date of assent

remaining provisions commenced 1 July 2014 (2014 SL No. 95)

**Queensland Civil and Administrative Tribunal and Other Legislation Amendment Regulation (No. 1) 2009 SL No. 240 pts 1–2**

notfd gaz 30 October 2009 pp 657–8  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 December 2009 (see s 2)

**Queensland Civil and Administrative Tribunal Amendment Regulation (No. 1) 2009 SL No. 278**

notfd gaz 27 November 2009 pp 1001–6  
ss 1–3 commenced on date of notification  
s 13 commenced 2 December 2009 (see s 2(2))  
s 14 commenced 1 February 2010 (see s 2(3) and 2009 SL No. 275)  
remaining provisions commenced 1 December 2009 immediately after the commencement of the Queensland Civil and Administrative Tribunal and Other Legislation Amendment Regulation (No. 1) 2009 (see s 2(1) and 2009 SL No. 240)

**Queensland Civil and Administrative Tribunal Amendment Regulation (No. 1) 2010 SL No. 6**

notfd gaz 29 January 2010 pp 233–4  
commenced on date of notification

**Health and Other Legislation Amendment Regulation (No. 1) 2010 SL No. 108 pts 1, 13**

notfd gaz 11 June 2010 pp 459–61  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 July 2010 (see s 2)

**Justice Legislation (Fees) Amendment Regulation (No. 1) 2010 SL No. 155**

notfd gaz 25 June 2010 pp 823–30  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 July 2010 (see s 2)

**Transport (Rail Safety) Regulation 2010 SL No. 167 ss 1–2, pt 7 div 1**

notfd gaz 2 July 2010 pp 1033–7  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 September 2010 (see s 2)  
Note—A national regulatory impact statement was prepared.

**Retail Shop Leases and Another Regulation Amendment Regulation (No. 1) 2010 SL No. 230 s 1, pt 3**

notfd gaz 27 August 2010 pp 1520–4  
commenced on date of notification

**Justice and Other Legislation Amendment Act 2010 No. 42 s 1, pt 30**

date of assent 14 October 2010  
commenced on date of assent

**Body Corporate and Community Management and Other Legislation Amendment Act 2011 No. 9 s 1, pt 3**

date of assent 14 April 2011  
commenced on date of assent

**Justice (Fees) Amendment Regulation (No. 1) 2011 SL No. 115**

notfd gaz 1 July 2011 pp 589–96  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 July 2011 (see s 2)

**Queensland Civil and Administrative Tribunal Amendment Regulation (No. 1) 2011 SL No. 210**

notfd gaz 28 October 2011 pp 398–9  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 November 2011 immediately after the commencement of the Neighbourhood Disputes Resolution Act 2011 s 62 (see s 2)

**Work Health and Safety Regulation 2011 SL No. 240 ss 1, 2(4), ch 14 pt 14.10**

notfd gaz 25 November 2011 pp 603–6  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 January 2012 on the commencement of s 277 of the Act (see s 2(4) and 2011 SL No. 238)

**Education and Care Services National Law (Queensland) Regulation 2011 SL No. 278 pts 1, 8**

notfd gaz 9 December 2011 pp 729–35  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 January 2012 (see s 2)

**Civil Partnerships Regulation 2012 SL No. 16 pts 1, 5**

notfd gaz 3 February 2012 pp 227–8  
ss 1–2 commenced on date of notification  
remaining provisions commenced 23 February 2012 (see s 2)

**Civil Partnerships and Other Legislation Amendment Act 2012 No. 12 ss 1, 59(1) sch pt 1**

date of assent 27 June 2012  
commenced on date of assent

**Health and Other Legislation Amendment Regulation (No. 1) 2012 SL No. 82 pts 1, 7**

notfd gaz 29 June 2012 pp 704–10  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 July 2012 (see s 2)

**Health and Hospitals Network and Other Legislation Amendment Regulation (No. 1) 2012 SL No. 90 ss 1–2, 41 sch**

notfd gaz 29 June 2012 pp 704–10  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 July 2012 (see s 2)

**Justice Legislation (Fees) Amendment Regulation (No. 1) 2012 SL No. 102**

notfd gaz 13 July 2012 pp 820–5  
ss 1–2 commenced on date of notification  
remaining provisions commenced 13 July 2012 (see s 2)

**Body Corporate and Community Management and Other Legislation Amendment Act 2013 No. 11 s 1, pt 3**

date of assent 27 March 2013  
commenced on date of assent

**Health Practitioner Registration and Other Legislation Amendment Act 2013 No. 13 ss 1–2(1), pt 16**

date of assent 27 March 2013  
ss 1–2 commenced on date of assent  
remaining provisions commenced 20 May 2013 (2013 SL No. 69 item 1)

**Queensland Civil and Administrative Tribunal (Justices of the Peace) Amendment Act 2013 No. 20 pts 1, 3**

date of assent 14 May 2013  
commenced on date of assent

**Electricity and Another Regulation Amendment Regulation (No. 1) 2013 SL No. 105 ss 1, 2(3), pt 3**

notfd gaz 21 June 2013 pp 503–7  
ss 1–2 commenced on date of notification  
pt 3 commenced 23 September 2013 on the date of assent of the Energy and Water Legislation Amendment Act 2013 (see s 2(3))

**Justice Legislation (Fees) Amendment Regulation (No. 1) 2013 SL No. 122**

notfd gaz 28 June 2013 pp 739–47  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 July 2013 immediately after the Uniform Civil Procedure and Another Rule Amendment Rule (No. 1) 2013 (see s 2)

**Tattoo Parlours Regulation 2013 SL No. 244 pts 1, 3**

notfd <[www.legislation.qld.gov.au](http://www.legislation.qld.gov.au)> 29 November 2013  
ss 1–2 commenced on date of notification  
remaining provisions commenced 6 January 2014 (see s 2)

**Education and Care Services Regulation 2013 SL No. 265 ss 1–2, 81 sch 5 pt 2**

notfd <[www.legislation.qld.gov.au](http://www.legislation.qld.gov.au)> 6 December 2013  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 January 2014 (see s 2)

**Transport and Other Legislation Amendment Regulation (No. 1) 2014 SL No. 8 pts 1, 3**

notfd <[www.legislation.qld.gov.au](http://www.legislation.qld.gov.au)> 3 February 2014  
ss 1–2 commenced on date of notification  
remaining provisions commenced 10 February 2014 on the commencement of the Transport and Other Legislation (Heavy Vehicle National Law) Amendment Act 2013, part 4 (see s 2)

**Public Safety Business Agency Act 2014 No. 17 ss 1, 184 sch 1 pt 2**

date of assent 21 May 2014  
commenced on date of assent



**Crime and Misconduct and Other Legislation Amendment Act 2014 No. 21 ss 1, 2(2), 94(2) sch 2**

date of assent 21 May 2014

ss 1–2 commenced on date of assent

remaining provisions commenced 1 July 2014 (2014 SL No. 107)

**Disability Services and Other Legislation Amendment Regulation (No. 1) 2014 SL No. 97 pts 1, 5**

notfd <[www.legislation.qld.gov.au](http://www.legislation.qld.gov.au)> 13 June 2014

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2014 (see s 2)

**Further Education and Training Regulation 2014 SL No. 103 pts 1, 13**

notfd <[www.legislation.qld.gov.au](http://www.legislation.qld.gov.au)> 20 June 2014

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2014 (see s 2)

**Public Guardian Regulation 2014 SL No. 105 pts 1, 9**

notfd <[www.legislation.qld.gov.au](http://www.legislation.qld.gov.au)> 20 June 2014

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2014 (see s 2(1))

**Health Ombudsman Regulation 2014 SL No. 124 pts 1, 3**

notfd <[www.legislation.qld.gov.au](http://www.legislation.qld.gov.au)> 27 June 2014

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2014 (see s 2)

**Education (Queensland Curriculum and Assessment Authority) Regulation 2014 SL No. 126 ss 1–2, pt 15 div 4**

notfd <[www.legislation.qld.gov.au](http://www.legislation.qld.gov.au)> 27 June 2014

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2014 (see s 2)

**Queensland Civil and Administrative Tribunal Amendment Regulation (No. 1) 2014 SL No. 127 pts 1–2**

notfd <[www.legislation.qld.gov.au](http://www.legislation.qld.gov.au)> 27 June 2014

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2014 (see s 2)

**Justice Legislation (Fees) Amendment and Repeal Regulation (No. 1) 2014 SL No. 128 ss 1–2(1), 3 sch**

notfd <[www.legislation.qld.gov.au](http://www.legislation.qld.gov.au)> 27 June 2014

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2014 (see s 2(1))

**Environmental Offsets Regulation 2014 SL No. 145 ss 1–2, pt 9 div 3**

notfd <[www.legislation.qld.gov.au](http://www.legislation.qld.gov.au)> 27 June 2014

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2014 (see s 2)

**Nature Conservation (Wildlife Management) and Another Regulation Amendment Regulation (No. 1) 2014 SL No. 163 pts 1, 3**

notfd <www.legislation.qld.gov.au> 25 July 2014  
commenced on date of notification

**Safe Night Out Legislation Amendment Regulation (No. 1) 2014 SL No. 225 pts 1, 4**

notfd <www.legislation.qld.gov.au> 26 September 2014  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 October 2014 (see s 2)

**Property Occupations Regulation 2014 SL No. 251 ss 1–2, 48 sch 2**

notfd <www.legislation.qld.gov.au> 31 October 2014  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 December 2014 (see s 2)

**Queensland Civil and Administrative Tribunal Amendment Regulation (No. 1) 2015 SL No. 15**

notfd <www.legislation.qld.gov.au> 1 May 2015  
commenced on date of notification

**Justice Legislation (Fees) Amendment Regulation (No. 1) 2015 SL No. 53 pts 1, 41**

notfd <www.legislation.qld.gov.au> 26 June 2015  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 July 2015 (see s 2)

**Relationships (Civil Partnerships) and Other Legislation Amendment Regulation (No. 1) 2016 SL No. 15 ss 1–2, 22 sch 1**

notfd <www.legislation.qld.gov.au> 11 March 2016  
ss 1–2 commenced on date of notification  
s 22 sch 1 commenced 22 March 2016 (see s 2)

**Queensland Civil and Administrative Tribunal Legislation Amendment Regulation (No. 1) 2016 SL No. 19 pts 1–2**

notfd <www.legislation.qld.gov.au> 24 March 2016  
ss 1–2 commenced on date of notification  
pt 2 commenced 4 April 2016 (see s 2)

**Crime and Corruption Amendment Act 2016 No. 19 pts 1, 2B**

date of assent 5 May 2016  
commenced on date of assent

## 5 List of annotations

### PART 1—PRELIMINARY

pt hdg ins 2009 SL No. 240 s 4(1)

#### Definitions

s 3 (prev s 2A) ins 2009 SL No. 278 s 4  
renum 2009 SL No. 278 s 11

### PART 2—OATH OF OFFICE

pt hdg ins 2009 SL No. 240 s 4(2)

**Oath of office**

s 4 (prev s 3) renum 2009 SL No. 278 s 11

**PART 3—PRESCRIBED FEES**

pt hdg ins 2009 SL No. 240 s 5

**Fee for an application for a minor civil dispute—Act, s 38(1)**

s 5 (prev s 4) ins 2009 SL No. 240 s 5  
renum 2009 SL No. 278 s 11  
sub 2010 SL No. 155 s 3 sch  
amd 2011 SL No. 115 s 3 sch; 2012 SL No. 102 s 3 sch; 2013 SL No. 122 s 3 sch;  
2014 SL No. 128 s 3 sch; 2015 SL No. 53 s 88

**Fee for an application or referral made under an enabling Act—Act, s 38(1)**

s 6 (prev s 5) ins 2009 SL No. 240 s 5  
amd 2009 SL No. 278 s 5  
renum 2009 SL No. 278 s 11  
amd 2010 SL No. 155 s 3 sch; 2011 SL No. 115 s 3 sch; 2012 SL No. 102 s 3 sch;  
2013 SL No. 122 s 3 sch; 2014 SL No. 128 s 3 sch; 2015 SL No. 53 s 89; 2016  
SL No. 19 s 4

**Fee for an application for a proceeding to be reopened—Act, s 138(2)(c)**

s 7 (prev s 6) ins 2009 SL No. 240 s 5  
amd 2009 SL No. 278 s 6  
renum 2009 SL No. 278 s 11  
amd 2010 SL No. 155 s 3 sch; 2011 SL No. 115 s 3 sch; 2012 SL No. 102 s 3 sch;  
2013 SL No. 122 s 3 sch; 2014 SL No. 128 s 3 sch; 2015 SL No. 53 s 90; 2016  
SL No. 19 s 5

**Fee for an appeal to the appeal tribunal—Act, s 143(2)(c)**

s 8 (prev s 7) ins 2009 SL No. 240 s 5  
amd 2009 SL No. 278 s 7  
renum 2009 SL No. 278 s 11  
amd 2010 SL No. 155 s 3 sch; 2011 SL No. 115 s 3 sch; 2012 SL No. 102 s 3 sch;  
2013 SL No. 122 s 3 sch; 2014 SL No. 128 s 3 sch; 2015 SL No. 53 s 91; 2016  
SL No. 19 s 6

**Other fees**

s 9 (prev s 8) ins 2009 SL No. 240 s 5  
renum 2009 SL No. 278 s 11

**Waiver of fees**

s 10 (prev s 9) ins 2009 SL No. 240 s 5  
renum 2009 SL No. 278 s 11

**PART 4—ALLOWANCES FOR WITNESSES AND OTHER PERSONS**

pt hdg ins 2009 SL No. 240 s 5

**Application of pt 4**

s 10A ins 2010 SL No. 155 s 3 sch  
amd 2014 SL No. 105 s 23

**Non-professional witness attendance allowance—Act, s 97(3)**

s 11 (prev s 10) ins 2009 SL No. 240 s 5  
amd 2009 SL No. 278 s 8  
renum 2009 SL No. 278 s 11  
amd 2010 SL No. 155 s 3 sch; 2011 SL No. 115 s 3 sch; 2012 SL No. 102 s 3 sch;  
2013 SL No. 122 s 3 sch; 2014 SL No. 128 s 3 sch; 2015 SL No. 53 s 92

**Professional or expert witness attendance allowance—Act, s 97(3)**

s 12 (prev s 11) ins 2009 SL No. 240 s 5  
renum 2009 SL No. 278 s 11  
amd 2010 SL No. 155 s 3 sch; 2011 SL No. 115 s 3 sch; 2012 SL No. 90 s 41 sch;  
2012 SL No. 102 s 3 sch; 2013 SL No. 122 s 3 sch; 2014 SL No. 128 s 3 sch;  
2015 SL No. 53 s 93

**Increase if GST payable**

s 13 (prev s 12) ins 2009 SL No. 240 s 5  
amd 2009 SL No. 278 s 9  
renum 2009 SL No. 278 s 11

**Conduct money—Act, s 97(3)**

s 14 (prev s 13) ins 2009 SL No. 240 s 5  
sub 2009 SL No. 278 s 10  
renum 2009 SL No. 278 s 11

**Travel expenses**

s 15 (prev s 14) ins 2009 SL No. 278 s 10  
renum 2009 SL No. 278 s 11

**Accommodation expenses**

s 16 (prev s 15) ins 2009 SL No. 278 s 10  
renum 2009 SL No. 278 s 11

**PART 5—QCAT JUSTICES OF THE PEACE**

**pt hdg** ins 2009 SL No. 240 s 5  
sub 2009 SL No. 278 s 10  
om 2010 Act No. 42 s 179  
ins 2013 Act No. 20 s 12  
exp 13 November 2016 (see s 19)

**Prescribed location for tribunal constituted by QCAT justices of the peace—Act, s 206E**

s 17 (prev s 16) ins 2009 SL No. 278 s 10  
renum 2009 SL No. 278 s 11  
om 2010 Act No. 42 s 179  
ins 2013 Act No. 20 s 12  
exp 13 November 2016 (see s 19)

**Daily sitting fee payable to QCAT justices of the peace—Act, s 206R**

s 18 ins 2013 Act No. 20 s 12  
exp 13 November 2016 (see s 19)

**Expiry of pt 5**

s 19 ins 2013 Act No. 20 s 12

exp 13 November 2016 (see s 19)

**Expiry of the Act, ch 4, pt 4B—Act, s 206BB**

s 20 ins 2015 SL No. 15 s 3

om 2016 Act No. 19 s 45D

**SCHEDULE 1—ENABLING ACTS AND PROVISIONS**

ins 2009 SL No. 240 s 6

amd 2009 SL No. 278 ss 12, 13; 2010 SL No. 6 s 3; 2009 SL No. 278 s 14; 2010 SL No. 108 s 58; 2010 SL No. 155 s 3 sch; 2010 SL No. 167 s 51; 2011 Act No. 9 s 45; 2011 SL No. 210 s 4; 2011 SL No. 240 s 819; 2011 SL No. 278 s 18; 2012 SL No. 16 s 16; 2012 Act No. 12 s 59 sch pt 1; 2012 SL No. 82 s 14; 2012 SL No. 102 s 3 sch; 2013 Act No. 11 s 18; 2013 No. 13 s 107; 2013 SL No. 105 s 9; 2013 SL No. 265 s 81 sch 5 pt 2; 2013 SL No. 244 s 6; 2014 SL No. 8 pt 3; 2014 Act No. 17 s 184 sch 1 pt 2; 2006 Act No. 12 s 333 sch 2 (amd 2014 Act No. 12 s 74); 2014 Act No. 21 s 94(2) sch 2; 2014 SL No. 97 s 28; 2014 SL No. 103 s 30; 2014 SL No. 105 s 24; 2014 SL No. 124 s 7; 2014 SL No. 126 s 191; 2014 SL No. 127 s 4; 2014 SL No. 145 s 41; 2014 SL No. 163 s 7; 2014 SL No. 225 s 19; 2014 SL No. 251 s 48 sch 2; 2016 SL No. 15 s 22 sch 1; 2016 SL No. 19 s 7

**SCHEDULE 2—OTHER FEES**

ins 2009 SL No. 240 s 6

amd 2009 SL No. 278 s 15

sub 2010 SL No. 155 s 3 sch

amd 2010 SL No. 230 s 6

sub 2011 SL No. 115 s 3 sch; 2012 SL No. 102 s 3 sch; 2013 SL No. 122 s 3 sch; 2014 SL No. 128 s 3 sch; 2015 SL No. 53 s 94

**SCHEDULE 3—DICTIONARY**

ins 2009 SL No. 240 s 6

amd 2009 SL No. 278 s 15

## 6 Information about retrospectivity

Retrospective amendments that have been consolidated are noted in the list of legislation and list of annotations. From mid-2013 any retrospective amendment that has not been consolidated is noted on the cover page.