



Western Australia

Limited Partnerships Regulations 2017

Compare between:

[05 Aug 2017, 00-b0-01] and [01 Jul 2018, 00-c0-01]

Limited Partnerships Regulations 2017

1. Citation

These regulations are the *Limited Partnerships Regulations 2017*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day on which section 110 of the Act comes into operation.

3. Fees

- (1) Except as provided in this regulation, the fees prescribed in Schedule 1 are payable in respect of the matters referred to in that Schedule.
- (2) A fee prescribed in Schedule 1 for lodging a document is reduced by 20% if the document is lodged by use of the website maintained by or on behalf of the office of the Commissioner.
- (3) In addition, the Commissioner may waive, or refund, the whole or part of any fee in Schedule 1.

4. Circumstances when Commissioner may withhold personal information from register (s. 78(6))

- (1) In this regulation —
personal information means personal information that identifies the address of an individual's principal place of residence;

register means the copy of the register that is available for inspection under section 78(4) or that is publicly available under section 78(5);

section means section of the Act;

withhold means withhold from the register.

- (2) For the purposes of section 78(6), the Commissioner may withhold a person's personal information if —
- (a) the person lodges with the Commissioner an application, in the form approved by the Commissioner, for the person's personal information to be withheld; and
 - (b) the application explains why the personal safety of the person, or members of the person's family, would be placed at risk if the person's personal information was not withheld; and
 - (c) the application includes an address in Australia, other than the address of the person's principal place of residence, that may be recorded in the register for the person; and
 - (d) subregulation (3) applies in relation to the person.
- (3) This subregulation applies in relation to a person —
- (a) if, under the *Electoral Act 1907* section 51B, the person's residential address is not shown on an electoral roll under that Act; or
 - (b) if, under the *Commonwealth Electoral Act 1918* (Commonwealth) section 104, the person's residential address is not shown on an electoral roll under that Act; or
 - (c) if —
 - (i) the person's name is not shown on an electoral roll under the *Electoral Act 1907* or the *Commonwealth Electoral Act 1918* (Commonwealth); and

- (ii) the Commissioner is satisfied that the personal safety of the person, or a member of the person's family, would be placed at risk if the person's personal information was not withheld.
- (4) The Commissioner may decide to record a person's personal information in the register if —
 - (a) the Commissioner has withheld the person's personal information under subregulation (2); and
 - (b) subregulation (3) no longer applies in relation to the person.
- (5) If the Commissioner decides to refuse a person's application under subregulation (2) or to record a person's personal information in the register under subregulation (4) —
 - (a) the Commissioner must give the person notice of the decision and the reasons for the decision; and
 - (b) the decision is a reviewable decision for the purposes of Part 5 Division 5 of the Act; and
 - (c) the person is an affected person in relation to that decision.

[Regulation 4 inserted ~~in~~ Gazette 4 Aug 2017 p. 4309-10.]

5. Prescribed offences and modified penalties

- (1) The offences specified in Schedule 2 are offences for which an infringement notice may be issued under the *Criminal Procedure Act 2004* Part 2.
- (2) The modified penalty specified opposite an offence in Schedule 2 column 3 is the modified penalty for that offence, if committed by an individual, for the purposes of the *Criminal Procedure Act 2004* section 5(3).
- (3) The modified penalty specified opposite an offence in Schedule 2 column 4 is the modified penalty for that offence, if

committed by a body corporate, for the purposes of the *Criminal Procedure Act 2004* section 5(3).

[Regulation 5 inserted ~~in~~: Gazette 4 Aug 2017 p. 4310-11.]

6. Approved officers and authorised officers

- (1) The Commissioner may, in writing, appoint persons or classes of persons to be authorised officers or approved officers for the purposes of the *Criminal Procedure Act 2004* Part 2.
- (2) The Commissioner must issue to each authorised officer a certificate, badge or identity card identifying the officer as a person authorised to issue infringement notices.

[Regulation 6 inserted ~~in~~: Gazette 4 Aug 2017 p. 4311.]

7. Forms

For the purposes of the *Criminal Procedure Act 2004* Part 2, the forms set out in Schedule 3 are prescribed.

[Regulation 7 inserted ~~in~~: Gazette 4 Aug 2017 p. 4311.]

Schedule 1 — Fees

[r. 3(1)]

[Heading inserted: Gazette 25 Jun 2018 p. 2344.]

Act provision	Matter	Fee \$
s. 16(2)	Lodging application for registration as limited partnership	191.00 ²⁰ <u>0.55</u>
s. 45(3)	Lodging application for registration as incorporated limited partnership	285.00 ²⁹ <u>9.25</u>
s. 48(1)	Lodging documents in support of registration of incorporated limited partnership as AFOF, ESVCLP or VCLP	19. 00 ⁹⁵
s. 48(2)	Lodging documents in support of recognition of incorporated limited partnership as VCMP	19. 00 ⁹⁵
s. 78(4)	Inspection of register — for each partnership inspected	20.00
s. 82(2)	Application for certificate in relation to limited partnership or incorporated limited partnership	13. 00 ⁶⁵
s. 92(1)	Application for leave for purposes of s. 88, 89 or 90	40 ⁴² .00

[Schedule 1 inserted: Gazette 25 Jun 2018 p. 2344.]

Schedule 2 — Infringement notice offences and modified penalties

[r. 5]

[Heading inserted in Gazette 4 Aug 2017 p. 4311.]

Offence under the Act		Modified penalty (individual)	Modified penalty (body corporate)
		\$	\$
s. 28(4)	Failure to lodge notice of dissolution or cessation of limited partnership	300	1 500
s. 48(5)	Failure to lodge notice relating to status of incorporated limited partnership	300	1 500
s. 67(5)	Failure to lodge notice of commencement of winding up of incorporated limited partnership	300	1 500
s. 67(6)	Failure to lodge notice of completion of winding up of incorporated limited partnership	300	1 500
s. 83(2)	Failure to display certificate of registration of limited partnership or incorporated limited partnership	600	3 000
s. 84(2)	Failure to lodge notice of change in registered particulars of limited partnership or incorporated limited partnership	300	1 500
s. 102(2)	Failure to keep office for communications at registered office	300	1 500

[Schedule 2 inserted in Gazette 4 Aug 2017 p. 4311.]

Schedule 3 — Prescribed forms

[r. 7]

[Heading inserted ~~in~~ Gazette 4 Aug 2017 p. 4312.]

Form 1 — Infringement notice

<i>Limited Partnerships Act 2016</i>		Infringement notice no.
Infringement notice		
Alleged offender	Name: Family name _____	
	Given names _____	
	or Body corporate name _____	
	Address _____ Postcode _____	
Alleged offence	Description of offence _____	
	<i>Limited Partnerships Act 2016 s.</i>	
	Date _____ / _____ /20	Time _____ am/pm
	Modified penalty \$ _____	
Officer issuing notice	Name _____	
	Signature _____	
	Office _____	
Date	Date of notice _____ / _____ /20	
Notice to alleged offender	<p>It is alleged that you have committed the above offence.</p> <p>If you do not want to be prosecuted in court for the offence, pay the modified penalty within 28 days after the date of this notice.</p> <p>How to pay</p> <p>By post: Send a cheque or money order (payable to ‘Approved Officer — <i>Limited Partnerships Act 2016</i>’) to:</p> <p>Approved Officer — <i>Limited Partnerships Act 2016</i></p> <p>Department of Mines, Industry, Regulation and Safety</p> <p>Locked Bag 14 Cloisters Square</p> <p>Perth WA 6850</p>	

	<p>In person: Pay the cashier at: Department of Mines, Industry, Regulation and Safety 140 William Street Perth WA 6000</p>
	<p>If you do not pay the modified penalty within 28 days, you may be prosecuted or enforcement action may be taken under the <i>Fines, Penalties and Infringement Notices Enforcement Act 1994</i>. Under that Act, some or all of the following action may be taken — your driver’s licence may be suspended; your vehicle licence may be suspended or cancelled; your details may be published on a website; your vehicle may be immobilised or have its number plates removed; and your property may be seized and sold.</p> <p>If you need more time to pay the modified penalty, you can apply for an extension of time by writing to the Approved Officer at the above postal address.</p>
	<p>If you want this matter to be dealt with by prosecution in court, sign here _____ and post this notice to the Approved Officer at the above postal address within 28 days after the date of this notice.</p>

[Form 1 inserted ~~in~~ Gazette 4 Aug 2017 p. 4312.]

Form 2 — Withdrawal of infringement notice

<i>Limited Partnerships Act 2016</i>		Withdrawal no.
Withdrawal of infringement notice		
Alleged offender	Name: Family name	
	Given names	
	or Body corporate name _____	
	Address _____ Postcode	
Infringement notice	Infringement notice no.	
	Date of issue / /20	

Alleged offence	Description of offence _____
	<i>Limited Partnerships Act 2016 s.</i>
	Date / /20 Time am/pm
Officer withdrawing notice	Name
	Signature
	Office
Date	Date of withdrawal / /20
Withdrawal of infringement notice <i>[*delete whichever is not applicable]</i>	<p>The above infringement notice issued against you has been withdrawn.</p> <p>If you have already paid the modified penalty for the alleged offence you are entitled to a refund.</p> <p>* Your refund is enclosed.</p> <p style="text-align: center;"><i>or</i></p> <p>* If you have paid the modified penalty but a refund is not enclosed, to claim your refund sign this notice and post it to:</p> <p style="margin-left: 20px;">Approved Officer — <i>Limited Partnerships Act 2016</i> Department of Mines, Industry, Regulation and Safety Locked Bag 14 Cloisters Square Perth WA 6850</p> <p style="text-align: right;">Signature _____ / /20</p>

[Form 2 inserted ~~in~~ Gazette 4 Aug 2017 p. 4313.]

Notes

- ¹ This is a compilation of the *Limited Partnerships Regulations 2017* and includes the amendments made by the other written laws referred to in the following table.

Compilation table

Citation	Gazettal	Commencement
<i>Limited Partnerships Regulations 2017</i>	31 Jan 2017 p. 1094-5	r. 1 and 2: 31 Jan 2017 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Feb 2017 (see r. 2(b) and <i>Gazette</i> 31 Jan 2017 p. 1093)
<i>Limited Partnerships Amendment Regulations 2017</i>	4 Aug 2017 p. 4308-13	r. 1 and 2: 4 Aug 2017 (see r. 2(a)); Regulations other than r. 1 and 2: 5 Aug 2017 (see r. 2(b))
<i>Commerce and Industrial Relations Regulations Amendment (Fees and Charges) Regulations 2018 Pt. 13</i>	25 Jun 2018 p. 2325-53	1 Jul 2018 (see r. 2(b))