



Western Australia

Limited Partnerships Act 2016

## **Limited Partnerships Regulations 2017**



# Limited Partnerships Regulations 2017

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## 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.

### 3A. Waiver and refund of fees in response to COVID-19 pandemic

- (1) In this regulation —  
*commencement day* means the day on which the *Commerce Regulations Amendment (COVID-19 Response) Regulations (No. 2) 2020* regulation 40 comes into operation;

*designated fee* means a fee prescribed in Schedule 1.

- (2) Despite regulation 3, the designated fees are waived during the period beginning on commencement day and ending on 31 March 2021.
- (3) If a person paid a designated fee during the period beginning on 1 April 2020 and ending on the day before commencement day, the Commissioner must refund the fee to the person.
- (4) However, subregulation (3) does not require the Commissioner to refund a fee or part of a fee that has been refunded under regulation 3(3).

[Regulation 3A inserted: SL 2020/196 r. 40.]

**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: 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: 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: 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: Gazette 4 Aug 2017 p. 4311.]*

### **Schedule 1 — Fees**

[r. 3(1)]

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

<b>Act provision</b>	<b>Matter</b>	<b>Fee</b> \$
s. 16(2)	Lodging application for registration as limited partnership	200.55
s. 45(3)	Lodging application for registration as incorporated limited partnership	299.25
s. 48(1)	Lodging documents in support of registration of incorporated limited partnership as AFOF, ESVCLP or VCLP	19.95
s. 48(2)	Lodging documents in support of recognition of incorporated limited partnership as VCMP	19.95
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	13.65
s. 92(1)	Application for leave for purposes of s. 88, 89 or 90	42.00

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

## Schedule 2 — Infringement notice offences and modified penalties

[r. 5]

*[Heading inserted: 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: Gazette 4 Aug 2017 p. 4311.]*

### Schedule 3 — Prescribed forms

[r. 7]

[Heading inserted: Gazette 4 Aug 2017 p. 4312.]

#### Form 1 — Infringement notice

<i>Limited Partnerships Act 2016</i>		Infringement notice no.
<b>Infringement notice</b>		
<b>Alleged offender</b>	Name: Family name	
	Given names	
	<b>or</b> Body corporate name _____	
Address _____		Postcode _____
<b>Alleged offence</b>	Description of offence _____	
	<i>Limited Partnerships Act 2016</i> s.	
	Date _____ / _____ /20	Time _____ am/pm
	Modified penalty \$ _____	
<b>Officer issuing notice</b>	Name _____	
	Signature _____	
	Office _____	
<b>Date</b>	Date of notice _____ / _____ /20	
<b>Notice to alleged offender</b>	<p>It is alleged that you have committed the above offence.                      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><b>How to pay</b></p> <p><b>By post:</b> Send a cheque or money order (payable to ‘Approved Officer — <i>Limited Partnerships Act 2016</i>’) to:                      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><b>In person:</b> Pay the cashier at:                      Department of Mines, Industry, Regulation and Safety                      140 William Street                      Perth WA 6000</p>	

	<p><b>If you do not pay</b> 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, you may be disqualified from holding or obtaining a driver’s licence or vehicle licence, your vehicle may be immobilised or have its number plates removed, your details may be published on a website, your earnings or bank accounts may be garnished, and your property may be seized and sold.</p> <p><b>If you need more time</b> 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><b>If you want this matter to be dealt with by prosecution in court</b>, sign here</p> <p>_____</p> <p>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: Gazette 4 Aug 2017 p. 4312; amended: SL 2020/163 r. 38.]*

**Form 2 — Withdrawal of infringement notice**

<i>Limited Partnerships Act 2016</i>		Withdrawal no.
<b>Withdrawal of infringement notice</b>		
<b>Alleged offender</b>	Name: Family name _____	
	Given names _____	
	<b>or</b> Body corporate name _____	
	Address _____ Postcode _____	
<b>Infringement notice</b>	Infringement notice no. _____	
	Date of issue    /    /20	
<b>Alleged offence</b>	Description of offence _____	
	<i>Limited Partnerships Act 2016 s.</i> _____	
	Date    /    /20    Time    am/pm	
<b>Officer withdrawing notice</b>	Name _____	
	Signature _____	
	Office _____	
<b>Date</b>	Date of withdrawal    /    /20	

<p><b>Withdrawal of infringement notice</b></p> <p><i>[*delete whichever is not applicable]</i></p>	<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><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="padding-left: 40px;">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>Signature _____ / _____ /20</p>
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*[Form 2 inserted: Gazette 4 Aug 2017 p. 4313.]*

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## Notes

This is a compilation of the *Limited Partnerships Regulations 2017* and includes amendments made by other written laws. For provisions that have come into operation see the compilation table. For provisions that have not yet come into operation see the uncommenced provisions table.

### Compilation table

Citation	Published	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))
<i>Commerce Regulations Amendment (Infringement Notices) Regulations 2020 Pt. 19</i>	SL 2020/163 25 Sep 2020	29 Sep 2020 (see r. 2(b) and SL 2020/159 cl. 2(a))
<i>Commerce Regulations Amendment (COVID-19 Response) Regulations (No. 2) 2020 Pt. 12</i>	SL 2020/196 27 Oct 2020	28 Oct 2020 (see r. 2(b))

### Uncommenced provisions table

To view the text of the uncommenced provisions see *Subsidiary legislation as made on the WA Legislation website*.

Citation	Published	Commencement
<i>Commerce Regulations Amendment (Fees and Charges) Regulations 2021 Pt. 14</i>	SL 2021/86 21 Jun 2021	1 Jul 2021 (see r. 2(b))

## Defined terms

*[This is a list of terms defined and the provisions where they are defined.*

*The list is not part of the law.]*

<b>Defined term</b>	<b>Provision(s)</b>
commencement day .....	3A(1)
designated fee .....	3A(1)
personal information .....	4(1)
register .....	4(1)
section .....	4(1)
withhold .....	4(1)