



PARTNERSHIPS AUTHORISED OFFICERS GUIDELINES

TABLE OF CONTENTS

1. Message from the Registrar of Partnerships
2. Purpose of the Guidelines
3. Who is an authorised officer?
4. Powers and duties of authorised officers
5. Offences relating to authorised officers
6. Liability of authorised officers
7. Prohibition on accepting gifts
8. Other matters

1. **Message from the Registrar of Partnerships**

The Secretary for Justice and Border Control is the Registrar of Partnerships, pursuant to Section 6 of the *Partnership Act 2018* (“Act”). As the Registrar of Partnerships, my duties are to keep and maintain the Register of Partnerships and do all things necessary for the proper administration of this Office.

The administration of Partnerships include the registration, updating of particulars and inspection of registered place of business by authorised officers. These Guidelines explain the duties, powers and functions of Partnerships authorised officers.

It gives me great pleasure to officially launch the Guidelines for Partnerships authorised officers.

2. **Purpose of the Guidelines**

The Partnerships Office generates revenue for the Republic via the collection of fees. Section 4 of the Act requires any Partnership registered under this Act to comply with the *Partnership Act 2018*, *Business Licences Act 2017* and the *Business Names Registration Act 2018* prior to carrying out any business activity. Authorised officers therefore, are required to conduct inspections and ensure compliance with the provisions of the Act. It is important that authorised officers and business owners understand the duties, powers and functions of Partnerships authorised officers.

These Guidelines are there to provide clarity, promote transparency and accountability and ensure that the provisions of the Act are complied with. In addition, the Guidelines also seek to provide adequate information to the general public on the nature and operations of the Office.

3. **Who is an authorised officer?**

The Minister for Justice and Border Control has the power to appoint an authorised officer for the purposes of the Act. An authorised officer may be an employee of the Department of Justice and Border Control or a police officer. All appointments of authorised officers are to be published in the Gazette.

4. **Powers and duties of authorised officers**

An authorised officer has several responsibilities under the provisions of the Act.

The powers of an authorised officer include:

- (i) ensure compliance with the *Partnerships Act 2018*;
- (ii) ensure compliance of partnerships with the *Counter Terrorism and Transnational Organised Crime Act 2004*, *Proceeds of Crime Act 2004* and *Anti-Money Laundering and Targeted Financial Sanctions Act 2023*;
- (iii) making sure that all partnerships comply with its (anti-money laundering and countering the financing of terrorism) AML / CFT obligations according to the *Anti-Money Laundering and Targeted Financial Sanctions Act 2023*; and
- (iv) any other duties authorised by the Registrar or required by any other written law.

It is an offence if a person obstructs, hinders or interferes with an authorised officer in the due execution of the officer's duty.

5. **Offences relating to authorised officers**

The Act states the offence in relation to authorised officers, as follows:

- A person who obstructs, hinders or interferes with an authorised officer in the due execution of his or her duty commits an offence.

The penalties for these offences carry a fine, imprisonment or a combination of both.

6. **Liability of authorised officers**

Authorised officers are not liable to any civil or criminal proceedings for anything done in the exercise of a power under the Act, if the duty was done in good faith or on reasonable grounds.

7. **Prohibition on accepting gifts or any form of corruption**

Authorised officers are the front-line workers for this Office and often bear the brunt of frustration from business owners and other relevant persons. Authorised officers are also exposed to underhanded tactics such as bribery and corruption.

These Guidelines intend to highlight that any form of bribery and corruption is denounced by this Office and that authorised officers are prohibited from accepting any gifts. These gifts include cash, food, drink or any other item.

In the event that a person wishes to give an item to an authorised officer, the authorised officer shall explain to that person that he or she is prohibited from accepting such gifts. If that person insists or that the refusal of the gift may be considered offensive, the authorised officer shall inform that person that he or she will report the gift to the Registrar.

The Office intends to carry out its duties ethically and avoid any perception of corruption.

A person who secretly gives anything to an authorised officer, ranging from food or money commits an offence under ***Part 9 - Theft, Fraud, Bribery and Related Offences, Division 9.4 – Bribery and Corruption*** of the *Crimes Act 2016*.

8. **Other matters**

An authorised officer will conduct inspection of partnerships at a reasonable time and day. He or she will wear name tags with proper identification and all partnerships are expected to comply with the demands of an authorised officer.

Demands from an authorised officer shall not include free meals, free items or free service from any partnership. If a person witnesses this behaviour or has been required to provide free meals, free items or free services from an authorised officer, they are to report it to the Registrar. Any authorised officer who engages in this practice will be dealt with severely, including under the *Crimes Act 2016*.

9. **Responsible authority**

If you require assistance with this Guideline, you may contact the Registrar of Partnerships:

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