



Western Australia

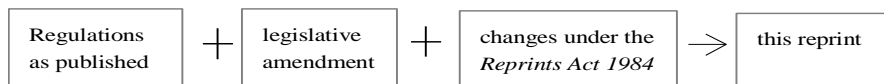
Small Business Guarantees Act 1984

# **Small Business Guarantees Regulations 1985**

**Reprint 1: The Regulations as at 21 March 2003**

## Guide for using this reprint

### *What the reprint includes*



### *Endnotes, Compilation table, and Table of provisions that have not come into operation*

1. Details about the original regulations and legislation that has amended its text are shown in the Compilation table in endnote 1, at the back of the reprint. The table also shows any previous reprint.
2. Transitional, savings, or other provisions identified in the Compilation table may be important. The table may refer to another endnote setting out the text of these provisions in full.
3. A table of provisions that have not come into operation, to be found in endnote 1a if it is needed, lists any provisions of the regulations being reprinted that have not come into operation and any amendments that have not come into operation. The full text is set out in another endnote that is referred to in the table.

### *Notes amongst text (italicised and within square brackets)*

1. If the reprint includes a regulation that was inserted, or has been amended, since the regulations being reprinted were made, editorial notes at the foot of the regulation give some history of how the regulation came to be as it is. If the regulation replaced an earlier regulation, no history of the earlier regulation is given (the full history of the regulations is in the Compilation table).

Notes of this kind may also be at the foot of Schedules or headings.

2. The other kind of editorial note shows something has been —
  - removed (because it was repealed or deleted from the law); or
  - omitted under the *Reprints Act 1984* s. 7(4) (because, although still technically part of the text, it no longer has any effect).

The text of anything removed or omitted can be found in an earlier reprint (if there is one) or one of the written laws identified in the Compilation table.

### *Reprint numbering and date*

1. The reprint number (in the footer of each page of the document) shows how many times the regulations have been reprinted. For example, numbering a reprint as “Reprint 3” would mean that the reprint was the 3<sup>rd</sup> reprint since the regulations were published. Reprint numbering was implemented as from 1 January 2003.
2. The information in the reprint is current on the date shown as the date as at which the regulations are reprinted. That date is not the date when the reprint was published by the State Law Publisher and it is probably not the date when the most recent amendment had effect.





Reprinted under the  
*Reprints Act 1984* as  
at 21 March 2003

Western Australia

## Small Business Guarantees Regulations 1985

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*Reprints Act 1984* as  
at 21 March 2003

Small Business Guarantees Act 1984

## Small Business Guarantees Regulations 1985

### 1. Citation

These regulations may be cited as the *Small Business Guarantees Regulations 1985*<sup>1</sup>.

### 2. Commencement

These regulations shall come into operation on the day fixed for the coming into operation of the *Small Business Guarantees Act 1984*<sup>1</sup>.

### 3. Interpretation

In these regulations unless the contrary intention appears —  
“ASIC” means Chapter 7 of Volume 1 of the Australian Standard Industrial Classification, 1978 edition, prepared by the Australian Bureau of Statistics, and printed by Authority by the Commonwealth Government Printer, Catalogue No. 1201.0.

**4. Small business specified in Schedule**

- (1) Subject to subregulation (2) any small business specified in the Schedule is carried on for a prescribed purpose under paragraph (a) of the definition of a “small business” in section 3.
- (2) A small business which in the opinion of the Minister may be assisted under section 14(3)(m) of the *Western Australian Tourism Commission Act 1983* is not a small business for the purposes of subregulation (1).

**5. Amount prescribed under section 4(2)**

For the purposes of section 4(2) the prescribed amount is \$150 000.

*[Regulation 5 amended in Gazette 26 Sep 1986 p. 3679.]*

**6. Establishment fee**

Where the Minister approves an application for a guarantee under section 4(1) a fee of \$260 or 1% of the amount to be guaranteed, whichever is the greater amount, shall be charged and payable by the applicant on demand to the Minister.

*[Regulation 6 amended in Gazette 20 Apr 1990 p. 2012; 9 Oct 1992 p. 5038.]*

**7. Fee where amendment of guarantee requires Ministerial consent**

Where, under the terms of a guarantee under the Act, a party to the guarantee requests an amendment to that guarantee —

- (a) which requires the consent of the Minister; and
- (b) for which the Minister’s consent is obtained,

a fee of \$260 shall be charged and payable, by the party who requested the amendment, upon demand by the Minister.

*[Regulation 7 inserted in Gazette 9 Oct 1992 p. 5038.]*



**8. Administration fee**

- (1) Where a guarantee is given under the Act after the commencement of the *Small Business Guarantees Amendment Regulations 1992*, an administration fee of 0.2% of the guaranteed amount shall be charged and payable by the lender, at the end of the year, for each year that the guarantee remains in effect.
- (2) For the purposes of this regulation a year shall commence on 1 July.
- (3) Where a guarantee is given or is determined during a year, the fee in subregulation (1) shall be payable *pro rata* for each whole month for which the guarantee is in effect during that year.

*[Regulation 8 inserted in Gazette 9 Oct 1992 p. 5038.]*

**Schedule**

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**Schedule**

Section 3.  
Regulation 4.

Subject to the footnotes to this Schedule any of the primary activities listed in ASIC under the following headings is a small business under regulation 4.

**ASIC CLASSIFICATIONS**

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**DIVISIONS**      B, D, E, F\*, G, H

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**GROUPS**          020, 633, 637, 638, 639, 816, 846, 913\*\*, 934, 935

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**CLASSES**        0136, 0144, 0195, 0196, 8491, 8495, 9141, 9231, 9233\*\*\*, 9361, 9364\*\*\*\*

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\*            Excluding Tobacco leaf wholesaling and Class 4768.

\*\*           Excluding classes 9136, 9137 and 9138.

\*\*\*        Excluding licensed hotels and licensed motels.

\*\*\*\*       The only primary activities to be included under this heading are —

    Baby sitting service.

    Boarding Kennels operation.

    Booking agency operation.

    Domestic service (Window or house cleaning services only).

    Gardening Service.

    Lawn mowing service.

    Pets home operation.

*[Schedule amended in Gazette 29 Nov 1985 p. 4502; 9 Oct 1992 p. 5038.]*



### **Notes**

- <sup>1</sup> This reprint is a compilation as at 21 March 2003 of the *Small Business Guarantees Regulations 1985* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

### **Compilation table**

<b>Citation</b>	<b>Gazettal</b>	<b>Commencement</b>
<i>Small Business Guarantees Regulations 1985</i>	10 May 1985 p. 1655	5 Sep 1985 (see r. 2 and <i>Gazette</i> 23 Aug 1985 p. 2991)
<i>Small Business Guarantees Amendment Regulations 1985</i>	29 Nov 1985 p. 4502	29 Nov 1985 (see r. 2)
<i>Small Business Guarantees Amendment Regulations 1986</i>	26 Sep 1986 p. 3679	26 Sep 1986
<i>Small Business Guarantees Amendment Regulations 1990</i>	20 Apr 1990 p. 2012	20 Apr 1990
<i>Small Business Guarantees Amendment Regulations 1992</i>	9 Oct 1992 p. 5037-8	9 Oct 1992

**Reprint 1: The *Small Business Guarantees Regulations 1985* as at 21 Mar 2003**  
(includes amendments listed above)

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