



Western Australia

Small Business Guarantees Act 1984

## **Small Business Guarantees Regulations 1985**

These regulations were repealed as a result of the repeal of the *Small Business Guarantees Act 1984* by the *Small Business Guarantees Repeal Act 2004* s. 2 (No. 31 of 2004) as at 11 Nov 2004.

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## **Small Business Guarantees Regulations 1985**

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## 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

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

Citation	Gazettal	Commencement
<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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