



Western Australia

Small Business Guarantees Regulations 1985

Compare between:

[21 Mar 2003, 01-a0-02] and [11 Nov 2004, 01-b0-06]



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

Western Australia

Small Business Guarantees Act 1984

Small Business Guarantees Regulations 1985

1. Citation

These regulations may be cited as the *Small Business Guarantees Regulations 1985*¹.

2. Commencement

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

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

DIVISIONS	B, D, E, F*, G, H
GROUPS	020, 633, 637, 638, 639, 816, 846, 913**, 934, 935
CLASSES	0136, 0144, 0195, 0196, 8491, 8495, 9141, 9231, 9233***, 9361, 9364****

* 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

- ¹ 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)

[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](#)
