

Vehicles for people with disabilities

Imported Vehicles, Modified Vehicles,
Special Purpose Vehicles,
Equipment and Accessories



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Vehicles for People with Disabilities

Introduction

There are many ways to make transportation easier for people with disabilities.

For those who may wish to drive themselves, standard production vehicles can be specially modified to enable the disabled person to drive the vehicle safely. Alternatively, sometimes new vehicles can be bought that do not require any modifications, although these may need to be imported from overseas.



Sometimes a vehicle needs to be modified to enable a disabled person to be a passenger.

Modifications to a vehicle can range from the simple addition of a steering wheel spinner knob to major modifications to the vehicle body structure, such as extending the body length and altering the roof of the vehicle.

What are your requirements?

Your vehicle requirements to enable you to drive safely should usually be determined with assistance from a trained occupational therapist in conjunction with others who have comprehensive experience with these specialist transport requirements.

Organisations such as the Independent Living Centre employ a number of occupational therapists who have expertise in this area. There are a few therapists who conduct driver assessment and training, and the Independent Living Centre can direct you to them. They may give advice on the type of vehicle modifications most suitable for a particular disability.

Some experienced occupational therapists operate from private practices. The Australian Association of Occupational Therapists (OT Australia) can supply a list of registered occupational therapists.

While an occupational therapist can advise on the type of vehicle modifications necessary to compensate for any particular disability, the choice of vehicle or the modification requirements should be made only after consultation with others. Consult reputable equipment distributors or suppliers who will usually have comprehensive experience in the field.

The Independent Living Centre can supply the names of those businesses that may assist you. However an occupational therapist cannot approve vehicle modifications.

Note that driver training courses designed specifically for the drivers of custom-built vehicles fitted out with control modifications are currently available in Perth, so ask the Independent Living Centre staff for details.



Typically you may wish to source a vehicle with:

- Auto transmission, with a lever that can be moved and released easily
- Good access features such as wide doors
- Reversing aids
- Cruise control
- Power steering
- Electric seat operation with seat position memory features
- Easy park brake operation
- An ergonomic design affording easy reach of standard controls
- Easy to operate control buttons and levers.

Deciding if modifications are necessary

Having determined what you need from a vehicle to suit your particular disability, a decision must then be made about whether to modify, buy or manufacture the vehicle.

You need to consider whether to buy a custom made vehicle, to import a special custom made vehicle, to modify a standard vehicle, or just to make minor modifications to a standard vehicle. Minor modification would usually involve fitting equipment and accessories that have already been proven safe and functional.

You may be able to save money if you carefully choose a suitable standard vehicle that will require less modification to accommodate your requirements. Therefore, before modifying your existing vehicle, which may require very substantial modifications, consider choosing a new vehicle or another more suitable second-hand vehicle that is fitted with features which will reduce the modification you will require.

Modifying a vehicle

If modifications are required it is wise to get advice from prospective modifiers and equipment suppliers before selecting and buying a vehicle. Having decided what apparatus or modification best suits your purpose, various options may be available to you. You can then make a choice from these based on their cost, convenience or other factors.

Before committing to a purchase, you should again need to discuss what you see as a solution with associates, occupational therapists, doctors, or organisations such as the Independent Living Centre to get more informed advice. Find out what other products are currently available in the marketplace. Is there another way to modify your vehicle or perhaps an existing product to better suit your needs? You may even choose to import a specially designed vehicle.

Finally, having determined that the preferred course of action is a substantial modification to a vehicle, it is usually prudent to review, and if necessary refine, the conceptual design after further discussions with manufacturers, suppliers and the Department of Transport.

It is most important that the total modification process be understood at the outset before committing to the project.

Any alteration to a vehicle that differs from how the vehicle was originally manufactured and registered will usually need approval from the Vehicle Safety Branch. When the vehicle is modified, the vehicle owner is responsible for the vehicle's continued compliance with safety and roadworthiness standards. Consulting the Department of Transport will also help to ensure that the vehicle's insurance remains valid.

While it is generally essential that the vehicle continues to meet the requirements of the Road Traffic (Vehicle Standards) Regulations 2002, Road Traffic (Vehicle Standards) Rules 2002 and the Australian Design Rules applicable to the date of manufacture and category of the vehicle in question, some discretion is allowed in the Regulations for vehicles for the disabled.



Regardless of what modification you intend to perform, we recommend that you consult your insurer before modifying your vehicle to ensure that the modification will be covered by your policy.



Some modifications do not need written approval

Many minor vehicle modifications can be carried out without specific approval from the Department of Transport; however, they are still subject to compliance with the regulations applicable to that particular vehicle, and there must be no adverse effect on the operation of affected components or danger to others.

Such modifications include:

- fitting a properly designed steering wheel spinner knob obtained from a recognised supplier of this equipment;
- fitting additional grab handles to aid entry to and exit from the vehicle;
- fitting roof racks to carry a wheelchair; and
- fitting lifting and storage equipment associated with these wheelchair roof racks, provided they are mounted to manufacturer's instructions, and they don't create a safety hazard.

Before commencing any modifications to a vehicle, the owner should check with the Vehicle Safety Branch whether or not the proposed modifications require approval.

This will ensure that you do not waste time and money on a project that could subsequently prove to be illegal.

Modifications requiring approval

Some modifications do require the approval of the Department of Transport.

Unauthorised vehicle modifications can lead to:

- a compliance notice ("yellow sticker") being issued;
- a person being held personally liable to pay compensation to any person injured as a result of a crash;
- a loss of motor vehicle insurance cover in the case of an accident;
- being sued for causing injury or damage to others and/or their property; and
- refusal by insurance companies to insure the vehicle until the modifications are removed or have been approved by the Vehicle Safety Branch.

When modifications are made which affect the structural integrity of the vehicle, occupant seating, restraints or any standards covered by the Australian Design Rules applicable to the vehicle, approval from the Vehicle Safety Branch and inspection by vehicle examiners upon completion is essential.



These modifications may include:

- stretching the vehicle;
- altering the vehicle roof;
- performing seat modifications or installing special seats which pivot and rotate to assist getting in and out of the vehicle;
- installing wheelchair racks or carriers mounted at the rear of the vehicle;
- installing hand controls;
- installing foot pedals and pedal brackets to enable pedals to be operated with just a left foot;
- installing special seat belts; and
- installing special restraints for wheelchairs that are to be occupied by disabled passengers.

The Department of Transport currently waives the normal charges for application and issuing of a modification permit for modifications to vehicles that make transportation easier for people with disabilities.

Vehicle importation, new vehicles and federal regulations

Generally all new vehicles must comply with the Australian Design Rules (ADRs) and must be fitted with a compliance plate to verify compliance. All high volume production vehicles must be certified as complying with Federal requirements. However, sometimes concessions may be made in the case of vehicles for people with disabilities. The Federal Administrator of Vehicle Standards may allow single production vehicles to be registered by state authorities.



Importation can be a complicated procedure. If you intend to import such a vehicle you should do so with the assistance of the Vehicle Safety Branch.

In conjunction with state and territory registration authorities, the Department of Transport and Regional Services (DOTARS) allows simplified requirements for importing vehicles for people with disabilities. Such vehicles can be modified overseas before being imported, or they can be imported specifically for modification.

The person wishing to import a vehicle should complete the standard DOTARS Import Application Form and accompany this with a letter describing his or her circumstances and need for importing the vehicle in question.

DOTARS will assess the application and, if satisfied, will approve import of the vehicle. The imported vehicle will still need to be registered by the state jurisdiction; so the DOTARS approval letter must be presented at the time of registration. To be eligible for registration the vehicle must be roadworthy and the modifications must have been completed satisfactorily.

The modification process

State law covers modifications to already registered vehicles. Modifications performed for the disabled are treated differently from others. The National Code Of Practice For Light Vehicle Modifications does not cover them.

Regulation 69 of the Road Traffic (Vehicle Standards) Regulations 2002 requires a person to seek prior approval from the Department of Transport before a modification is performed.

The Road Traffic (Vehicle Standards) Regulations can allow a vehicle or trailer to be specially constructed, equipped, or adapted in a manner so that it may not comply with these regulations when the person who will use the vehicle has a physical disability.

The following process should be undertaken.

Seeking “ approval in principle”

The owner or their agent must seek permission from the Vehicle Safety Branch before performing any modification. Before buying a new vehicle with the intention of modifying it, we recommend you consult the Vehicle Safety Branch.

The submission should usually include all proposed detailed plans and specifications, documented to the satisfaction of the Vehicle Safety Branch. This will sometimes mean obtaining the opinion or services of an approved certified consulting engineer.

If assessed satisfactory, an “Approval in Principle” will be granted.

This is not an approval of the modification itself, but it is an assurance that the modification, if performed to a high standard of workmanship, will usually be acceptable.

The “Approval in Principle” may stipulate the need for some testing regime to demonstrate some safety aspect associated with the modification. It may also state that only certain Vehicle Safety Branch officers, usually officers in the Vehicle Safety Branch Technical Section, may grant final approval to the modification.

Other conditions placed on the “Approval in Principle” may include the need for periodic progressive inspection during the course of the modification process by Vehicle Safety Branch officers, private consultants, or other experts in the industry.



Modification permits

The “Approval in Principle” is not a guarantee that the modification will function as intended nor that the resultant modification will necessarily be safe. Additional work may be required to achieve this end.

Only when it can be demonstrated that the final design and workmanship have resulted in a safe modification will the Modification Permit be issued.

The Vehicle Safety Branch must be satisfied that:

- the modifications are safe;
- they comply with the Road Traffic (Vehicle Standards) Regulations and The Road Traffic (Vehicle Standards) Rules 2002;
- they conform to relevant Australian Standards; and
- the vehicle will continue to comply with the intent of any appropriate Australian Design Rules after modification is performed.

Officers in the Technical Section of the Vehicle Safety Branch will usually carry out the final examination before issuing a Modification Permit.

For more straightforward modifications, these may be carried out by Department of Transport vehicle examiners, or in some cases by Authorised Inspection Station vehicle examiners. (Authorised Inspection Stations are located in country regions.)

No fees will be charged for the examination.

In some circumstances it may be decided not to issue a Modification Permit, but to issue or apply an exemption to the Regulations approved by the Director General.

Selling a modified vehicle

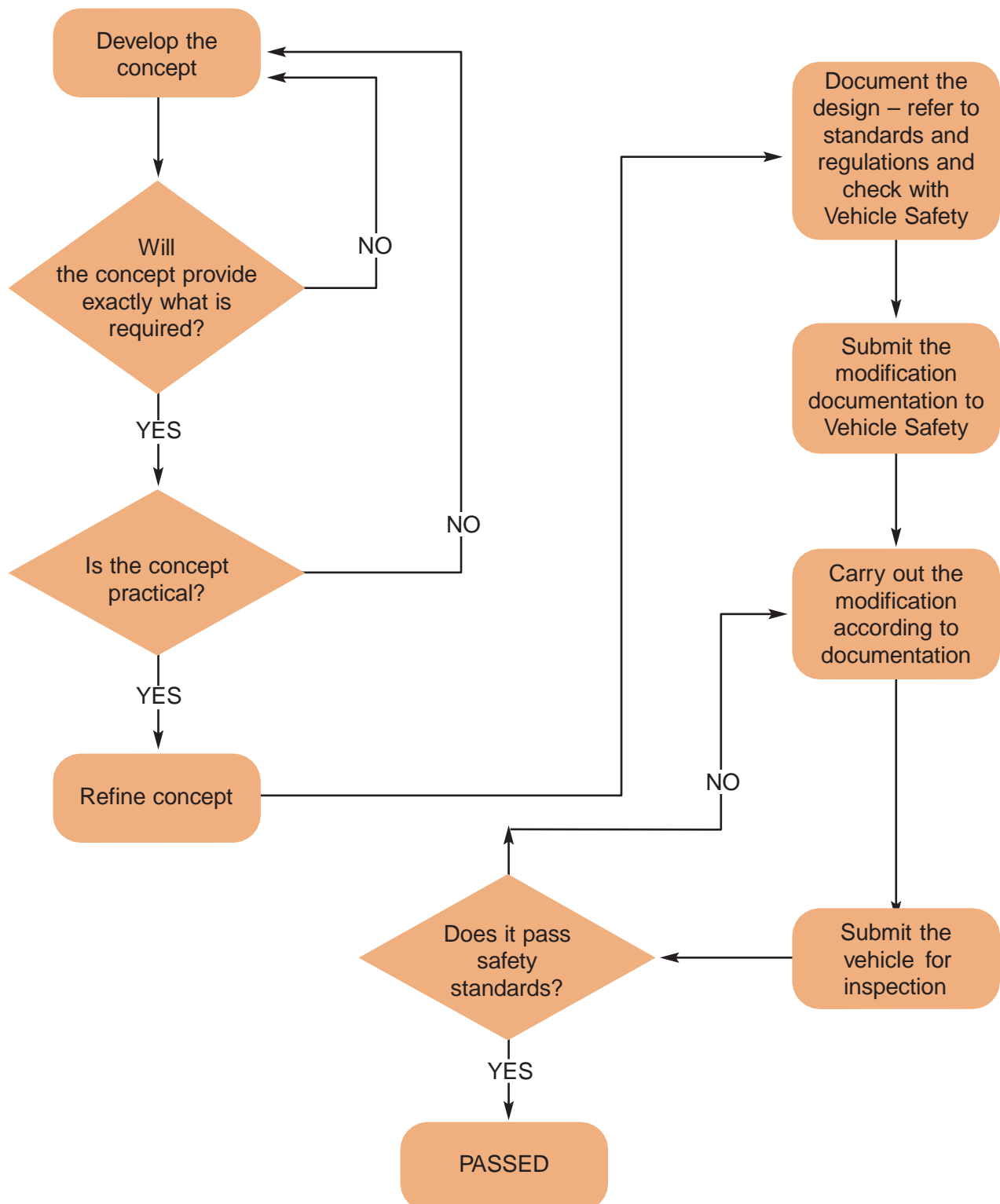
Generally, vehicles sold or otherwise disposed of must be returned to their standard configuration.

Modifications for occupants with disabilities may be transferred to the replacement vehicle, but remember that if the original modifications required engineering certification, then re-certification of the replacement vehicle will be required. If the vehicle has been structurally modified, advise the Vehicle Safety Branch of your intention to dispose of the vehicle.

A new owner may wish to retain the modified features (for example, when a taxi for the disabled is sold). If so, then the new owner must be made aware of his or her responsibility to check that the vehicle still complies with the vehicle standards.

Suggested modification procedure

The following precautionary procedures are recommended to minimise the risk of incurring needless expenses. A person who wants to modify a vehicle, or to design and develop an accessory so that a vehicle can be utilised by a disabled person should follow these procedures:



Develop the concept

- Decide what apparatus or modification is required.
- Discuss the concept with associates, occupational therapists, doctors, or organisations such as the Independent Living Centre.
- Find out what similar products are currently available in the marketplace.
- Determine whether these proprietary (existing products) items need to be modified to achieve your requirements.
- Assess the safety requirements.
- Consult the Vehicle Safety Branch.
- Redefine or refine the conceptual requirements.

Decide whether the concept is really practical

- Can the apparatus or modification be made at a reasonable price?
- From what materials?
- By whom?
- Produce preliminary sketches and/or a comprehensive description of the innovation.
- Obtain the advice of a consulting engineer or a prospective manufacturer.
- Produce sketch plans and/or a brief specification for its construction.
- Obtain a budget price to develop and/or produce the item. (This step may need to be repeated to obtain an optimal quotation.)
- Refine or redefine the conceptual requirements if necessary.

Document the design

The owner or his or her agent should document the proposed detailed plans and specifications.

The agent may be the prospective manufacturer. This will sometimes mean obtaining the opinion or services of an approved certified consulting engineer. Reference must be made to all pertinent Australian Standards and any relevant codes.

The owner or agent must seek permission from Vehicle Safety, before performing the modification. The submission must include all proposed detailed plans and specifications, documented to the satisfaction of Vehicle Safety. An "Approval in Principle" will be granted if it is a safe and viable design.

Vehicle Inspection – Obtain a Modification Certificate

The Modification (Approval) Certificate will only be issued for the alteration when the Vehicle Safety Branch is satisfied that the modifications:

- are safe;
- comply with the Road Traffic (Vehicle Standards) Regulations and pertinent Australian Standards; and
- will not inhibit the vehicle continuing to comply with the intent of the Australian Design Rules.

Relevant Australian Standards

The owner or his or her agent must document all proposed detailed plans and specifications to comply with all relevant Australian Standards and pertinent codes.

This will sometimes mean obtaining the opinion or the services of an approved certified consulting engineer.

Pertinent Australian Standards to refer to may include:

- AS3954, 1991, Parts 1 & 2, Motor Vehicle Controls – Adaptive Systems for People with Disabilities. This gives detailed requirements for hand controls and pedal modifications.
- AS3856, 1991, Parts 1 & 2, Hoist and Ramps for People with Disabilities – Vehicle Mounted.
- AS2942, 1994, Wheelchair Occupant Restraint Assembly for Motor Vehicles. This gives detailed requirements for restraining wheelchairs and occupants in motor vehicles.
- AS/NZS1754, 2004, Child Restraint – Systems for Use in Motor Vehicles.
- AS2444, 2001, Portable Fire Extinguishers. It is recommended that vehicles carrying people in wheelchairs be fitted with an extinguisher.
- AS/NZS 1425, 2003, LP Gas for fuel systems for vehicle engines.
- AS3695, 1998, Wheelchairs – Product Requirements.
- AS3696, Wheelchairs, particularly
 - Part 3, 1990, Determination of efficiency of brakes
 - Part 6, 1990, Determination of maximum speed, acceleration and retardation of electric wheelchairs
 - Part 14, 1998, Power and control – electric wheelchairs.
- AS/NZS 4344, 2001, Motor vehicles – Cargo barriers for occupant protection – partial cargo barriers.
- AS/NZS 4535, 1999, Ambulance restraint systems.

Australian Standards are at 1274 Hay St, West Perth 6005. Phone (08) 9321 8797.



Motorised wheelchairs (motor chairs and “ gophers”)

What is an exempt motor chair?

The term “exempt motor chair” can be applied to motorised wheelchairs, and gophers, (three and four-wheeled electric scooters) used as mobility aids which are limited to a maximum speed of 10 km/h.

If you have an exempt motor chair that has been modified to increase its top speed, then it is illegal and must be converted back to its original form. Please contact the Vehicle Safety Branch for advice.

The following information applies to exempt motor chairs only.

Do I need any kind of licence?

No. A rider in an exempt motor chair is considered to be a pedestrian, as long as the chair is limited to a top speed of 10 km/h. Therefore, there is no need to license either the driver or the chair.

Can I modify my exempt motor chair to make it travel faster?

Generally, no. If an electric wheelchair or scooter were made capable of travelling significantly faster than 10 km/h, it would be considered to be a motor vehicle, subject to the same licensing and safety requirements as other motor vehicles. In general, this would render the wheelchair or scooter illegal, since it would be impractical to bring it up to the required standards of occupant protection, braking, lighting, etc.

If you do have a need for your wheelchair or scooter to travel faster, please contact the Vehicle Safety Branch for advice. Be aware, however, that you would need to obtain the appropriate drivers licence and register your modified chair or scooter.

Where can I go with my exempt motor chair?

The main rule to consider here is that an exempt motor chair has the same status as a pedestrian, as long as it is limited to a top speed of 10 km/h. However, you must exercise common sense and avoid dangerous situations. In particular, do not use makeshift walking ramps or wooden platforms if you are not sure that they can support the combined weight of yourself and your wheelchair or scooter.





Travelling in outdoor areas

Under the Road Traffic Code, you must follow the same rules as pedestrians.

Where a footpath is provided, you must use it.

If crossing a road, you must use the shortest possible path.

Before you begin to cross a road, you should make sure that you have a safe entry onto the footpath on the other side.

Where a footpath is not provided, you may travel along the edge of the roadway, unless the road rules prohibit you from doing so. You must travel along the right edge of the roadway, facing towards oncoming traffic. Please note that you should not travel along the edge of the roadway unless you absolutely have to.

Travelling in indoor / confined areas

Where safe and practical, you may go anywhere a pedestrian may go.

Other safety considerations

There is a wide variety of exempt motor chairs on the market, each suited to a certain range of uses and requirements. In choosing a machine, there are a number of important safety considerations, including:

Type of terrain on which the machine will be used. A machine with small, hard wheels may be fine on smooth paths, but dangerously unstable on softer and/or rougher ground.

Travelling range (influenced by the number of batteries and overall mass).

Overall mass – how easy is it to transport and handle the machine?

Will it be necessary to transport the machine by car? If so, what type of wheelchair carrier will be used? Is the car big enough to tow the carrier?

If the exempt motor chair is to be used indoors or in confined spaces, then it must not be powered by any type of combustion engine.

You should ensure that your wheelchair is highly visible to other road users. This can be achieved by using a flag, reflectors, reflectorised stickers, or a brightly coloured paint.

Recommendation

If you intend to buy an exempt motor chair, we advise you to contact experts in this field, such as the Independent Living Centre or any similar organisation that may give you advice and show you a wide range of demonstration machines.

Wheelchair carriers fitted to towbars

The following policy relates to wheelchair carriers on vehicles where the weight of the wheelchair and carrier is fully supported by the vehicle and/or towbar.

The carriers may be a type manufactured commercially in relatively large quantities or a type manufactured as a 'one-off' or in small volumes. A distributor/seller of any wheelchair carrier must obtain Vehicle Safety Branch acceptance of the unit for each model series of automobile to be used with the carrier.

The Vehicle Safety Branch may sometimes request a professional engineer's report stipulating that it satisfies the design requirements of this policy document for any carrier/vehicle combination.

The carrier must be painted a bright colour or fitted with a suitable retro-reflective material at the rear to ensure that it is conspicuous.

Consideration should be given to providing a flexible flagpole and flag, which can be mounted on the carrier to improve its visibility when the car is parked with the wheelchair removed.

A metal plate must be affixed to the carrier in a prominent position showing the manufacturer's and/or distributor's company name, along with their address or contact number, and the following information stamped alongside each of the headings:

MAXIMUM CARRIER LOAD (kg)
MINIMUM MASS OF VEHICLE (kg)
MAXIMUM OVERHANG (as a percentage of the wheelbase)

Protruding edges and corners of the carrier must be rounded so they do not constitute a safety hazard. This also applies to folding carriers raised to the vertical position.

The empty or loaded carrier must not obscure any of the vehicle's compulsory lighting or reduce the angle of coverage of any vehicle lights below the minimum acceptable angle; otherwise additional approved lighting must be provided. A lighting board is acceptable providing it meets all appropriate regulations.

The empty or loaded carrier must not obscure the vehicle numberplate or the compulsory plate lights, including when the carrier is in the raised position. If it does, then the plate must be mounted on a lighting board similar to that used on a boat trailer, or an equivalent device, using an approved holder fitted with rear number plate lights.

The weight of the carrier and wheelchair must not cause the vehicle to lift unacceptably at the front, which causes light steering, poor stability and incorrect headlight alignment. This may be overcome by fitting supplementary rear "helper" springs or by choosing a vehicle of longer wheelbase. The carrier/wheelchair load must not affect vehicle handling adversely in regard to steering and braking.

The carrier and wheelchair load must not overload the rear axle and tyres of the carrying vehicle or any component of the vehicle including the towbar or the towbar's system of attachment to the vehicle. Allowance must be made for the extra load applied to these components by the dynamic effects of the vehicle travelling at normal speeds.

The carrier table must be fitted with a locking pin, latch, safety chain or similar device for securing it in the raised position when supporting the wheelchair. This ensures that the table is fully prevented from dropping to ground level if the lifting mechanism fails while the carrying vehicle is travelling on the open road.

If the carrier is designed to fold up when not in use, ensure that the carrier platform can be latched securely in the vertical position when the vehicle is travelling without the wheelchair. Non-folding carriers that are not in use must be removed when the vehicle is being used and wheelchairs will not be carried that day.

The carrier must be equipped with adequate means for securing the wheelchair in accordance with the *Load Restraint Guide* published jointly by the National Transport Commission (NTC) and the Commonwealth Department of Transport and Regional Services (see the NTC website for an electronic copy).

The carrier overhang from the vehicle rear axle must not exceed 60 per cent of the vehicle wheelbase, unless specifically approved by the Vehicle Safety Branch in writing.

A distributor/seller of any wheelchair carrier unit is responsible for informing the purchaser of any special conditions of use of the carrier.

The following notes should be included in a carrier operating/maintenance manual:

- For those carriers equipped with a flagpole and flag, the flagpole and flag is to be mounted on the carrier when the car is parked with the wheelchair removed.
- Exercise caution when driving a vehicle fitted with a wheelchair and carrier. Bouncing may occur and vehicle instability may increase.
- Fold-up carriers must be latched securely in the vertical position when not in use, and non-folding carriers must be removed when a wheelchair is not intended to be carried that day.
- The carrier table securing equipment must be used properly when the table is in the raised position supporting the wheelchair.
- The wheelchair securing equipment must be used properly when driving a vehicle with the wheelchair and carrier attached.

Registration of four-wheeler off-road machines

Typically these machines have four wheels, a single seat with handle bar-type steering, four-wheel braking and are used principally for off-road application. They can be two or four-wheel drive.

Provision within the *Road Traffic Act* requires any vehicle described within the First Schedule of the *Road Traffic Act* to be registered, where the vehicle/machine is being used on a road.

While it is the manufacturer's intention for this type of machine to be used principally off-road, the Department of Transport will consider conditional registration for on-road use by the disabled.

As the machine is to be used where the public has access, the Department of Transport requires owners to advise the person driving to be aware that while on the roadway they must comply with the requirements of the Road Traffic Code 2000.

The regulations within the *Road Traffic Act* pertaining to driving a vehicle while under the influence of alcohol or drugs apply.

The *Road Traffic Act* defines a "road" to mean any highway, road or street open to, or used by the public. This includes every carriageway, foot-way, reservation, medium strip and traffic island.

It should be noted that operators of four-wheeled off-road vehicles of this type must hold a current "C" class driver's licence. This may be subject to change; therefore we recommend that you make further enquiries with the Department of Transport.



Essential equipment required to be fitted to the machine:

- Left and right hand rear view mirrors.
- Turn indicators.
- High / low headlamps.
- Brake lamps.
- Tail-lamps.
- Two rear red reflectors.
- Rear numberplate light.
- Horn.

Further information

The Independent Living Centre displays equipment and keeps a database of services available in WA.

The Independent Living Centre of WA (Inc.) is at:

The Niche
11 Aberdare Rd, Nedlands 6009
Telephone (08) 9381 0600
Country Callers 1300 885 886
Email: enquiries@ilc.com.au

Occupational therapists at the Independent Living Centre can provide up-to-date information on many related topics such as:

- Road safety requirements
- Insuring a modified vehicle
- Vehicle selection
- Getting in and out of vehicles
- Sliding boards
- Swivel seats
- Personnel hoists
- Wheelchair hoists
- Wheelchair carriers
- Vehicle (van) appraisals
- Wheelchair-occupant hoists
- Wheelchair restraints
- Portable ramps.

The Independent Living Centre has an extensive library with numerous titles relating to vehicle safety.

Main Roads WA has published two useful booklets. The *“Users Guide, Motorised Wheelchairs”* is a guide that has been prepared for current and potential users of motorised wheelchairs. It addresses issues to do with gophers and scooters. The *“Suppliers Guide, Motorised Wheelchairs”* gives guidelines for the suppliers of motorised wheelchairs.

The Vehicle Safety Branch will assist people with disabilities who wish to:

- modify a currently registered vehicle
- design and construct apparatus which constitutes an accessory on a currently registered vehicle
- modify an approved accessory to suit a currently registered vehicle
- import a vehicle or an accessory for a vehicle
- manufacture custom vehicles for people with disabilities.



Vehicle Safety Branch

**Developing and Implementing Vehicle Policy
and Guidelines for YOUR Safety**

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Telephone 131156 Facsimile (08) 9216 3899