

# WESTERN AUSTRALIAN GOVERNMENT Gazette



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JOHN A. STRIJK, Government Printer.

# — PART 1 —

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## TRANSPORT

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TR301\*

Road Traffic Act 1974

### Road Traffic (Vehicle Standards) Amendment Rules 2002

Made by the Governor in Executive Council.

**1. Citation**

These regulations may be cited as the *Road Traffic (Vehicle Standards) Amendment Rules 2002*.

**2. The rules amended**

These amendments are to the *Road Traffic (Vehicle Standards) Rules 2002*\*.

[\* *Published in Gazette 12 August 2002, p. 4033-148.*]

**3. Rule 1 amended**

Rule 1 is amended by deleting “rules” and inserting instead —  
“ regulations ”.

**4. Rule 2 amended**

Rule 2 is amended by deleting “Rules” and inserting instead —  
“ rules ”.

**5. Rule 21 amended**

Rule 21(2) is repealed and the following subrule is inserted instead —

“

- (2) A motor vehicle with a GVM not over 4.5 t must have a right-hand drive unless —
- (a) the vehicle is more than 30 years old; or

- (b) the vehicle —
  - (i) is more than 15 years old, but not more than 30 years old; and
  - (ii) is used solely for personal use.

**6. Rule 28 amended**

Rule 28(3)(b) is deleted and the following paragraph is inserted instead —

- “
- (b) a transport enforcement vehicle;
- ”.

**7. Rule 112 amended**

Rule 112(1) is amended in the definition of “special use vehicle” by deleting paragraph (e) and inserting the following paragraph instead —

- “
- (e) a transport enforcement vehicle;
- ”.

**8. Rule 115 amended**

Rule 115(1)(c) is amended by deleting “15 mm” and inserting instead —

“ 150 mm ”.

**9. Rule 116 amended**

Rule 116 is amended as follows:

- (a) in paragraph (a) by deleting “15 mm” and inserting instead —
  - “ 150 mm ”;
- (b) in paragraph (b) by deleting “50 mm” and inserting instead —
  - “ 500 mm ”.

**10. Rule 175A inserted**

After rule 175 the following rule is inserted in Part 15 Division 1 —

“

**175A. First aid kit on non-metropolitan omnibus**

An omnibus operating on a route all or most of which lies outside the metropolitan area (as defined in section 18B of the *Transport Co-ordination Act 1966*) must be equipped with a comprehensive and

serviceable first aid kit, carried in a position on the vehicle so as to be readily available for use.

”.

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.

TR302\*

Road Traffic Act 1974

## **Road Traffic (Vehicle Standards 2002) Amendment Regulations 2002**

Made by the Governor in Executive Council.

### **1. Citation**

These regulations may be cited as the *Road Traffic (Vehicle Standards 2002) Amendment Regulations 2002*.

### **2. The regulations amended**

The amendments in these regulations, other than regulation 13, are to the *Road Traffic (Vehicle Standards) Regulations 2002*\*.

[\* *Published in Gazette 9 August 2002, p. 3903-4020.*]

### **3. Regulation 5 amended**

Regulation 5(1)(e) and (f) are deleted.

### **4. Regulation 10A inserted**

After regulation 10 the following regulation is inserted in Part 2 —

“

#### **10A. Permissible movement of defective vehicles**

- (1) This regulation applies in relation to a vehicle if it —
  - (a) does not comply with a particular provision of this Part or the Vehicle Standards; and

- (b) is not exempt from compliance with the provision under another provision of these regulations or the Vehicle Standards.
- (2) Despite the vehicle's failure to comply with the provision, a person is not guilty of an offence under this Part in relation to driving the vehicle on a road if the vehicle —
- (a) is being driven in accordance with a compliance notice issued in respect of its failure to comply with that provision;
  - (b) cannot be moved, but arrangements for it to be removed from the road are made as soon as practicable;
  - (c) is being or has been, as far as practicable, removed from the carriageway for the purpose of repairing it or arranging for it to be removed from the road, and the vehicle is repaired or removed from the road as soon as practicable;
  - (d) is being driven directly to a place where it is to be repaired, and driving it on the road is unlikely to endanger any person or property; or
  - (e) is being tested for the purpose of repairing it, and driving it on the road is unlikely to endanger any person or property.
- (3) Subsection (2) does not prevent a person —
- (a) from examining the vehicle or giving a direction in relation to the vehicle under regulation 62;
  - (b) from issuing a compliance notice for the vehicle in respect of its failure to comply with the provision referred to in this subregulation, if the person considers it necessary to give further directions in respect of the vehicle in the interests of the safety of persons or property; or
  - (c) from issuing a compliance notice for the vehicle in respect of a failure to comply with any other provision of these regulations or the Vehicle Standards.

”

## 5. Regulation 43 amended

- (1) Regulation 43(2) is amended as follows:
- (a) after paragraph (b) by deleting “or”;
  - (b) at the end of paragraph (c) by deleting the full stop and inserting a semicolon instead;

(c) after paragraph (c) by inserting —

“

or

- (d) the vehicle has been constructed, equipped or adapted so as to enable it to be driven by a person with a physical disability who cannot safely drive a vehicle that has not been so constructed, equipped or adapted.

”.

(2) Regulation 43(3) is amended by deleting “for the vehicles” and inserting instead —

“ to require the vehicles ”.

**6. Regulation 52 amended**

Regulation 52 is amended by deleting “an exemption” and inserting instead —

“

a departmental exemption granted on an application under regulation 42

”.

**7. Regulation 63 amended**

Regulation 63(a) is amended by inserting after “writing” —

“ in a form approved by the Director General ”.

**8. Regulation 64 amended**

(1) After regulation 64(1) the following subregulation is inserted —

“

- (1a) A person who issues a compliance notice for a vehicle may, in addition to serving the notice, affix in a conspicuous place on the vehicle, a sticker in a form approved by the Director General indicating that a compliance notice is in force for the vehicle.

”.

(2) Regulation 64(2) is amended as follows:

- (a) after paragraph (a) by deleting “or”;
- (b) at the end of paragraph (b) by deleting the full stop and inserting instead —  
“ ; and ”;
- (c) after paragraph (b) by inserting the following paragraph —

“

- (c) if a sticker is affixed to the vehicle under subregulation (1a), remove the sticker from the vehicle.

”.

- (3) After regulation 64(2) the following subregulation is inserted —

“

- (3) If a compliance notice is issued in respect of a defect that requires rectification, subregulation (2)(c) does not apply to a person who is repairing that defect if —
- (a) it is reasonably necessary to remove the sticker in order to repair the defect;
  - (b) the person re-affixes the sticker to the vehicle when the defect has been repaired; and
  - (c) the vehicle is not driven on a road until the sticker has been re-affixed.

”

**9. Regulation 69 amended**

Regulation 69(6) is amended by deleting “rule 181” and inserting instead —

“ rule 178 ”.

**10. Schedule 1 amended**

- (1) Schedule 1 clause 5(1) is amended by deleting “motor”.
- (2) Schedule 1 clause 11(1) is amended as follows:
- (a) by deleting “subclauses (2) and (3)” and inserting instead —  
“ subclause (2) ”;
  - (b) after paragraph (a) by deleting “or”;
  - (c) in paragraph (b), by deleting “vehicle.” and inserting instead —  
“ vehicle; or ”;
  - (d) after paragraph (b) by inserting the following paragraph —  
“  
(c) 150 mm beyond the extreme outer portion of the vehicle on either side.  
”
- (3) Schedule 1 clause 11(2) and (3) are repealed and the following subclause is inserted instead —

“

- (2) In the case of a motor bike, the maximum longitudinal projection beyond the outer extremity of the wheels, of any part of the vehicle, or the load or equipment on the vehicle, must not exceed —
- (a) for a motor bike only —
    - (i) 150 mm in the case of the front wheel; and
    - (ii) 300 mm in the case of the rear wheel;

- (b) for a motor bike with an attached sidecar —
- (i) 600 mm in the case of the front wheel; and
  - (ii) 900 mm in the case of the rear wheel.

”.

- (4) Schedule 1 Division 7 Table 1 is amended in the shoulder clause by inserting after “2(6),” —

“ 3, ”.

## 11. Schedule 2 amended

- (1) Schedule 2 clause 3(1)(b) is amended by deleting “Part 3 of” and inserting instead —

“ Part 3 or under ”.

- (2) Schedule 2 clause 43(4) is amended by deleting “over 10 mm high.” and inserting instead —

“ at least 3 mm, but not more than 10 mm, high. ”.

- (3) Schedule 2 clause 48 is amended by deleting the diagram at the end of the clause and inserting the following diagram instead —

“



”.

- (4) Schedule 2 clause 51 is amended by deleting the diagram at the end of the clause and inserting the following diagram instead —

“



”.

## 12. Glossary amended

- (1) The amendments in this regulation, other than subregulation (11), are to clause 1(1) of the Glossary.

- (2) The following definitions are inserted in their appropriate alphabetical positions —
- “
- “transport enforcement vehicle”** means a vehicle in respect of which a declaration under subclause (3)(b) is in force;
- “unloaded mass”** means the mass of the vehicle in running order, equipped with all standard equipment and with all fuel and other fluid reservoirs filled to nominal capacity, but unoccupied and without any other load;
- ”.
- (3) The definition of “75 mm kingpin” is amended by deleting “rule 165(3)” and inserting instead —
- “ rule 159(3) ”.
- (4) The definition of “adopted standard” is amended by deleting “rule 24” and inserting instead —
- “ rule 18 ”.
- (5) The definition of “ADR” is amended by deleting “rule 14” and inserting instead —
- “ rule 8 ”.
- (6) The definition of “bus” is amended by deleting “that 9” and inserting instead —
- “ than 9 ”.
- (7) The definition of “emergency vehicle” is amended by inserting after paragraph (d) —
- “
- or
- (e) a vehicle in respect of which a declaration under subclause (3)(a) is in force;
- ”.
- (8) The definition of “national standard” is amended by deleting “rule 15” and inserting instead —
- “ rule 9 ”.
- (9) The definition of “second edition ADR” is amended by deleting “rule 17” and inserting instead —
- “ rule 11 ”.
- (10) The definition of “third edition ADR” is amended by deleting “rule 18” and inserting instead —
- “ rule 12 ”.

- (11) After clause 1(2) of the Glossary the following subclause is inserted —

“

- (3) The Director General may declare a vehicle, or each vehicle in a class of vehicles, to be —
- (a) an emergency vehicle; or
  - (b) a transport enforcement vehicle,
- for the purposes of these regulations and the Vehicle Standards.

”

### 13. Consequential amendments to other regulations

- (1) The *Road Traffic (Licensing) Regulations 1975\** are amended in regulation 3(1) by deleting the definition of “unloaded mass” and inserting the following definition instead —

“

“**unloaded mass**” has the same meaning as it has in the Vehicle Standards;

”

[\* Reprinted as at 20 September 2002.

For amendments to 12 December 2002 see *Gazette 1 November 2002*.]

- (2) The *Road Traffic (Towed Agricultural Implements) Regulations 1995\** are amended in regulation 16(2) by deleting the definition of “unloaded mass” and inserting the following definition instead —

“

“**unloaded mass**” has the same meaning as it has in the Vehicle Standards.

”

[\* Published in *Gazette 12 May 1995*, p. 1809-18.

For amendments to 12 December 2002 see *2001 Index to Legislation of Western Australia, Table 4, p. 294 and Gazette 1 November 2002*.]

- (3) The *Road Traffic (Tow Truck) Regulations 1975\** are amended in regulation 2 by deleting the definition of “unloaded mass” and inserting the following definition instead —

“

“**unloaded mass**” has the same meaning as it has in the Vehicle Standards;

”

[\* Reprinted as at 8 November 2002.]

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.

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**TREASURY AND FINANCE**


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TF301\*

State Trading Concerns Act 1916

## State Trading Concerns (Authorisation) Amendment Regulations (No. 5) 2002

Made by the Governor in Executive Council.

### 1. Citation

These regulations may be cited as the *State Trading Concerns (Authorisation) Amendment Regulations (No. 5) 2002*.

### 2. The regulations amended

The amendments in these regulations are to the *State Trading Concerns (Authorization) Regulations 1998\**.

[\* Reprinted as at 15 September 2000.

*For amendments to 4 October 2002 see 2001 Index to Legislation of Western Australia, Table 4, p. 322, and Gazette 26 February, 7 June, 9 August and 12 November 2002.]*

### 3. Schedule 1 amended

- (1) Schedule 1 Part 1 is amended by deleting “Health Department of Western Australia” inserting instead —

“ Department of Health ”.

- (2) Schedule 1 Part 2 is amended by deleting the item headed “Health Department of Western Australia” inserting the following item instead —

“

Department of Health

The provision by the Department of Health of goods, information or intellectual property relating to health matters.

”.

### 4. Schedule 2 amended

- (1) Schedule 2 Part 1 is amended by inserting in the appropriate alphabetical position the following —

“

Boards of public hospitals where the management and control of the hospital is vested in the Minister under section 7 of the

*Hospitals and Health Services Act 1927* (thereby deeming the Minister to be the board of that hospital and to be incorporated under the name of that board).

”

- (2) Schedule 2 Part 2 is amended by inserting in the appropriate alphabetical position the following item —

“

Boards of public hospitals

The provision by a hospital board of goods, information or intellectual property relating to the functions of that hospital board.

”

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.

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## — PART 2 —

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### CONSUMER AND EMPLOYMENT PROTECTION

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CE401

#### CHARITABLE COLLECTIONS ACT 1946 REVOCATION OF LICENCES

I, John Kobelke being the Minister administering the *Charitable Collections Act 1946*, acting in the exercise of the powers conferred by subsection (3) of section 12 of that Act, hereby give notice that I have revoked the licence of the organisations listed below—

- Law Council of Australia Holdings Ltd
- Moonya Aged Services (Inc)

Dated this 20<sup>th</sup> day of December 2002.

JOHN KOBELKE MLA, Minister for Consumer and  
Employment Protection.

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### JUSTICE

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JU401\*

#### PRISONS ACT 1981 PERMIT DETAILS

Pursuant to the provisions of section 15P of the *Prisons Act 1981*, the Director General of the Department of Justice has revoked the following Permit to do High-Level Security Work:

Surname	Other Names	Permit No.	Revocation Date
Tolson	David Anthony	AP 0155	3 January 2003

This notice is published under section 15P of the *Prisons Act 1981*.

BRIAN LAWRENCE, Contract Manger.

30 December 2002.

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### LOCAL GOVERNMENT

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LG101

#### CORRECTION LOCAL GOVERNMENT ACT 1995 *Shire of Plantagenet* (BASIS OF RATES)

Department of Local Government  
and Regional Development.  
Perth, 27 December 2002.

DLGRD: PL 5-4

It is hereby notified for public information that an error has been made in the notice published in the Government Gazette of 15 October 2002 on page 5163 concerning the basis of rates for the Shire of Plantagenet. The error is to be corrected by—

deleting the date “3 August 2002” where it appears on line 11 to be replaced by the date “1 July 2003”.

CHERYL GWILLIAM, Director General.

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## PREMIER AND CABINET

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PC401\*

### INTERPRETATION ACT 1984 MINISTERIAL ACTING ARRANGEMENTS

It is hereby notified for public information that the temporary appointment in the place of the Hon A. J. Carpenter MLA, published in the *Government Gazette* on the 29 October 2002 has been amended—

Minister for Education; Sport and  
Recreation; Indigenous Affairs

Hon R. C. Kucera MLA

23 December 2002 to  
2 January 2003 (both  
dates inclusive)

M. C. WAUCHOPE, Director General,  
Department of the Premier and Cabinet.

PC402

### INTERPRETATION ACT 1984 MINISTERIAL ACTING ARRANGEMENTS

It is hereby notified for public information that the Governor in accordance with Section 52(1)(b) of the Interpretation Act 1984 has approved the following temporary appointment in the place of the Hon C. M. Brown MLA in the period 24 January to 23 February 2003 (both dates inclusive)—

Minister for State Development; Tourism;  
Small Business

Hon J. C. Kobelke MLA

M. C. WAUCHOPE, Director General,  
Department of the Premier and Cabinet.

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## RACING, GAMING AND LIQUOR

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RG401

### BETTING CONTROL ACT 1954 CALLING OF THE CARD

Notice is hereby given that the Betting Control Board has, pursuant to section 5(2) of the Betting Control Act, authorised the conduct of betting at "Calling of the Card" functions to be held at the 1900's Bar at the Ascot Racecourse on occasions approved by the Betting Control Board from time to time.

Approved by the Betting Control Board this 24 December 2002.

B. A. SARGEANT, Chairman,  
Betting Control Board.

RG402

### LIQUOR LICENSING ACT 1988 SUMMARY OF LIQUOR LICENSING APPLICATIONS

The following is a summary of applications received under the Liquor Licensing Act 1988 and required to be advertised. Any person wishing to obtain more details about any application, or about the objection process, should contact the Liquor Licensing Division, 1st Floor, Hyatt Centre, 87 Adelaide Terrace, Perth, Telephone: (08) 9425 1888, or consult a solicitor or relevant industry organisation.

App. No.	Applicant	Nature of Application	Last Date for Objections
<b>APPLICATIONS FOR THE GRANT OF A LICENCE</b>			
9523	Fancy Holdings Pty Ltd	Application for the grant of a Restaurant licence in respect of premises situated in Maylands and known as John Rifici and Sons Cafe	16/1/03

App. No.	Applicant	Nature of Application	Last Date for Objections
<b>APPLICATIONS FOR THE GRANT OF A LICENCE—<i>continued</i></b>			
9529	Liquorland (Australia) Pty Ltd	Application for the grant of a Liquor Store licence in respect of premises situated in Canning Vale	17/1/03
9531	Busen Pty Ltd	Application for the grant of a Tavern licence in respect of premises situated in Subiaco and known as Centro Wine and Coffee House	19/1/03
9532	Moojelup Farm Pty Ltd	Application for the grant of a Producer's licence in respect of premises situated in Cookernup and known as Moojelup Farm	17/1/03
9515	Graeme Thomas and Susan Ruth Connell	Application for the grant of a Producer's licence in respect of premises situated in Rosa Glen and known as Halcyon Vineyards	26/1/03
<b>APPLICATION FOR THE REMOVAL OF A LICENCE</b>			
161018	Miranda Wines Pty Ltd	Application for the removal of a Wholesaler's licence from premises situated in Tuart Hill suburb to a new site in Ellenbrook and known as Miranda Wines Pty Ltd	20/1/03
<b>APPLICATIONS FOR EXTENDED TRADING PERMITS—ONGOING EXTENDED HOURS</b>			
14342	Loganbay Pty Ltd	Application for the grant of an extended trading permit—ongoing extended hours, in respect of premises situated in Perth and known as The Spirit Sound Bar	9/1/03
14343	Penzance Pty Ltd	Application for the grant of an extended trading permit—ongoing extended hours, in respect of premises situated in Northbridge and known as Varga Lounge	16/1/03
14362	Clare Nominees Pty Ltd	Application for the grant of an extended trading permit—ongoing extended hours, in respect of premises situated in Carburnup River and known as Carburnup Liquor Store	15/1/03

This notice is published under section 67(5) of the Liquor Licensing Act 1988.

H. R. HIGHMAN, Director of Liquor Licensing.

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## TRANSPORT

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TR401\*

### WESTERN AUSTRALIAN MARINE ACT 1982

#### NAVIGABLE WATERS REGULATIONS

##### WATER SKI AREA

##### Logue Brook Dam

Department for Planning and Infrastructure  
Fremantle WA, 18 October 2002.

Acting pursuant to the powers conferred by Section 48A of the Navigable Waters Regulations the Department by this notice revokes the Notice as published in the *Government Gazette* on 18 October 2002 and hereby closes Logue Brook Dam to water skiing from 24 December 2002, until further notice.

GREG MARTIN, Chief Executive Officer,  
Department for Planning and Infrastructure.

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**PUBLIC NOTICES**

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ZZ101

**PARTNERSHIP ACT 1895**  
**NOTICE OF DISSOLUTION OF PARTNERSHIP**

Settler's Hill News &amp; Deli

Notice is hereby given that the partnership previously carried on by Lee Michele Waters and Dean Kenneth Hall under the business name Settler's Hill News & Deli at corner Huxtable and Arpentuer Drives, Settler's Hill dissolved on 1 March 2001. Lee Michele Waters will not accept any liability for any debts or claims due or owing by the partnership arising from 1 March 2001.

LEE MICHELE WATERS.  
DEAN KENNETH HALL.

ZZ102

**COMPANIES (CO-OPERATIVE) ACT 1943**  
**SPECIAL RESOLUTION FOR VOLUNTARY WINDING UP**

Pursuant to Section 232(1)

West Australian Carpet Wools Co-Operative Ltd

Notice is hereby given that a General Meeting of West Australian Carpet Wools Co-Operative Ltd duly convened and held at Melsom Robson, Chartered Accountants, "Colmel House", 241 Stirling Street, Perth, WA on 17 December, 2002 the following special resolution was duly passed.

"That the company be wound up voluntarily".

It was also resolved "That Evan Robert Verge of Melsom Robson, Chartered Accountants, of 241 Stirling Street, Perth be appointed Liquidator".

Dated this 19th day of December 2002.

EVAN ROBERT VERGE, Chairman of the Meeting.

ZZ201

**TRUSTEES ACT 1962**  
**DECEASED ESTATES**

Notice to Creditors and Claimants

In the Supreme Court of Western Australia Probate Jurisdiction.

In the matter of the Will of Malcolm Alan Tullett of 13A Balfour Street, Cottesloe, Western Australia, Industrial Sewing Machine Distributor, deceased.

Notice is hereby given that all persons having claims or demands against the estate of the abovenamed Malcolm Alan Tullett, deceased are requested to send particulars thereof in writing to the executrix, Rebecca Kirby of NKH Ltd of Suite 4, Level 1, 9 Bowman Street, South Perth, Western Australia, within one month from the date of this publication after which date the executrix will proceed to distribute the assets of the deceased among the persons entitled thereto having regard only to the claims and demands of which she shall have notice.

SUMMERS PARTNERS.

WESTERN AUSTRALIA

## **LABOUR RELATIONS REFORM ACT 2002**

**Price: \$23.85 counter sales  
Plus postage on 400 grams**

\*Prices subject to change on addition of amendments.

WESTERN AUSTRALIA

## **CRIMINAL INVESTIGATION (IDENTIFYING PEOPLE) ACT 2002**

**Price: \$13.35 counter sales  
Plus postage on 175 grams**

\*Prices subject to change on addition of amendments.

WESTERN AUSTRALIA

## **CRIMINAL INVESTIGATION (EXCEPTIONAL POWERS) AND FORTIFICATION REMOVAL ACT 2002**

**Price: \$8.20 counter sales  
Plus postage on 95 grams**

\*Prices subject to change on addition of amendments.

WESTERN AUSTRALIA

## **ROAD SAFETY COUNCIL ACT 2002**

**Price: \$3.10 counter sales  
Plus postage on 30 grams**

\*Prices subject to change on addition of amendments.

WESTERN AUSTRALIA

**INDUSTRY AND TECHNOLOGY  
DEVELOPMENT ACT 1998**

**Price: \$8.20 counter sales  
Plus postage on 108 grams**

\*Prices subject to change on addition of amendments.

WESTERN AUSTRALIA

**BIRTHS, DEATHS AND MARRIAGES  
REGISTRATION ACT 1998**

**Price: \$15.05 counter sales  
Plus postage on 209 grams**

\*Prices subject to change on addition of amendments.

WESTERN AUSTRALIA

**RAIL SAFETY ACT 1998**

**Price: \$17.25 counter sales  
Plus postage on 245 grams**

\*Prices subject to change on addition of amendments.

WESTERN AUSTRALIA

**FIRE AND EMERGENCY SERVICES  
AUTHORITY OF W.A. ACT 1998**

**Price: \$26.05 counter sales  
Plus postage on 506 grams**

\*Prices subject to change on addition of amendments.

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