

LEGISLATIVE ASSEMBLY

NOTICES AND ORDERS OF THE DAY

No. 242

THURSDAY, 17 NOVEMBER 2016, 9.00 a.m.

Prayers *

Petitions

Papers

Giving Notices of Motion

Brief Ministerial Statements *

Questions Without Notice – approximately 2.00 p.m. each day

Matter of Public Interest – one per week on any day

Private Members' Business – 4.30 p.m. to 6.00 p.m. Wednesdays

Grievances – approximately 9.00 a.m. Thursdays

Private Members' Statements – 12.50 p.m. Thursdays

** Note: On days when the Assembly meets at 2.00 p.m. Brief Ministerial Statements and Questions Without Notice will follow immediately after Prayers.*

Memorandum: *An electronic version of the Assembly's Questions on Notice booklet is available on the Parliament's Internet site at www.parliament.wa.gov.au.*

GOVERNMENT BUSINESS – ORDERS OF THE DAY

1. ***Restraining Orders and Related Legislation Amendment (Family Violence) Bill 2016**
(Deputy Premier) (LC No. 210, 2r.– 16/11/16)

Second reading. Adjourned debate (Leader of the House).

2. **Statutes (Repeals) Bill 2016** (Deputy Premier) (LC No. 214, 2r. – 16/11/16)

Second reading. Adjourned debate (Ms R. Saffioti).

3. ***Pilbara Port Assets (Disposal) Bill 2015** (Treasurer) (No. 161, 2r. – 25/11/16)

Consideration of Legislative Council Message No. 165.

4. ***Aquatic Resources Management Bill 2015** (Minister for Fisheries) (No. 52, 2r. – 24/02/15)

Consideration of Legislative Council Message No. 166.

5. **Licensing and Other Authorisations Amendment Bill 2016**

(Minister for Finance) (No. 213, 2r. – 14/9/16)

Second reading. Adjourned debate (Mr D.A. Templeman).

- 6. Building and Construction Industry Training Fund and Levy Collection Amendment Bill 2015** (Minister for Training and Workforce Development) (No. 137, 2r. – 18/6/15)
(last debated – 16/6/16)

Second reading. Adjourned debate (Mr D.A. Templeman).

- 7. Obsolete Legislation Repeal Bill 2015** (Deputy Premier) (LC No. 165)

To be read a first time.

- 8. Limited Partnerships Bill 2016** (Parliamentary Secretary to the Minister for Commerce)
(LC No. 217)

To be read a first time.

- 9. Heritage Bill 2016** (Minister for Heritage) (No. 145, 2r. – 24/8/16)

Second reading. Adjourned debate (Ms S. McGurk – continuation of remarks).

- 10. Criminal Code Amendment (Prevention of Lawful Activity) Bill 2015** (Deputy Premier)
(LC No. 114, 2r. – 24/2/16)

Second reading. Adjourned debate (Mr D.A. Templeman).

- 11. Land Acquisition Legislation Amendment (Compensation) Bill 2014** (Premier) (No. 100,
2r. – 27/11/14, restored 18/2/16)

Second reading. Adjourned debate (Mr D.A. Templeman).

- 12. *Aboriginal Heritage Amendment Bill 2014** (Minister for Health) (No. 81, 2r. – 27/11/14,
restored – 18/02/16)

Second reading. Adjourned debate (Mr D.A. Templeman).

- 13. Premier's Statement**

Adjourned debate (Leader of the House) on the amendment moved by Ms J.M. Freeman –

That the following words be added after “noted”–

“That the Liberal National Government be condemned for failing to meet its election
promise on Police numbers”

on the question, That the Premier's Statement be noted.

- 14. Fremantle Port Assets (Disposal) Bill 2016** (Treasurer) (No. 186, 2r. – 18/5/16)

Second reading. Adjourned debate (Mr W.J. Johnston).

- 15. Local Government Amendment (Auditing) Bill 2016** (Minister for Local Government)
(No. 203, 2r. – 25/8/16)

Second reading. Adjourned debate (Mr W.J. Johnston).

- 16. Petroleum Legislation Amendment Bill 2016** (Minister for Mines and Petroleum)
(No. 218, 2r. – 12/10/16)

Second reading. Adjourned debate (Ms S. McGurk).

PRIVATE MEMBERS' BUSINESS – NOTICES OF MOTION

- 1. Metropolitan Region Scheme Amendment – Disallowance** (Notice given – 28/6/16)

Mr B.S. Wyatt: To move –

That the Metropolitan Region Scheme Amendment 1210/41 “Rationalisation of Stirling Highway Reservation”, under the *Planning and Development Act 2005*, a copy of which was laid upon the table of the House on Tuesday, 10 May 2016, is hereby disallowed.

2. Bus Services and Infrastructure (Notice given – 16/8/16)

Ms R. Saffioti: To move –

That this House calls on the Minister for Transport to immediately improve the provision of bus services and bus infrastructure in our suburbs.

3. Management of the House and the Leader of the House (Notice given – 26/11/15, renewed 16/8/16)

Mrs M.H. Roberts: To move –

That this House condemns the Barnett Government for its shambolic management of the House and calls on the Leader of the House to resign his position due to incompetence.

4. Road Safety Summit (Notice given – 15/3/16, renewed 6/9/16)

Mr R.F. Johnson: To move –

That this House calls on the Government, as a matter of urgency, to establish a road safety summit with invitations to attend to experts in the field from both Australia and overseas, relevant road safety stakeholders and representatives of the community directly affected by road trauma.

5. The Interests of Older Western Australians (Notice given – 20/9/16)

Ms M.M. Quirk: To move –

That this House condemns the Liberal National Government for failing to consider the interests of older Western Australians in its policies and to accommodate their future health, housing, security, communication and financial needs.

6. Perth Freight Link Expenditure (Notice given – 20/9/16)

Ms R. Saffioti: To move –

That this House calls on the Barnett Government to explain why it spent \$23 million on the second stage of the Perth Freight Link when the Premier had no intention to build it.

7. Taxi Plate Owners (Notice given – 20/9/16)

Ms R. Saffioti: To move –

That this House calls on the Barnett Government to explain what extra assistance will be offered to taxi plate owners given the commitments made by the former Minister for Transport.

8. Heavy Vehicle Charge (Notice given – 20/9/16)

Ms R. Saffioti: To move –

That this House calls on the Barnett Government to explain whether it supports a heavy vehicle charge, a new toll, given it has introduced legislation to allow for such a charge.

9. Leases on the Roe 8 Road Reserve (Notice given – 20/9/16)

Mr P.C. Tinley: To move –

That this House condemns the Liberal National Government for their mismanagement of the resumption of leases on the Roe 8 road reserve.

10. Aged Care Facilities (Notice given – 5/4/16, renewed 20/9/16)

Ms M.M. Quirk: To move –

That this House condemns the Barnett Government for its failure to plan and provide for suitable sites for aged care accommodation; to negotiate with the Commonwealth for the necessary number of aged care licenses to meet the needs of this State; and to suitably manage the transition of elderly patients from tertiary hospitals to other settings for recuperation and rehabilitation.

11. The City of Perth (Notice given – 11/10/16)

Mr D.A. Templeman: To move –

That this House calls on the Minister for Local Government to immediately resolve the chaotic situation at the City of Perth including the flawed status of the office of Lord Mayor.

12. Incidents of Theft (Notice given – 8/11/16)

Ms M.M. Quirk To move –

That this House recommends that in light of the alarming and escalating incidents of the theft of metals from premises, and in order to assist investigators of said offences, that the regulations under the *Pawnbrokers and Second-Hand Dealers Regulations 1996* be amended to remove the exclusion of '*Ferrous and non-ferrous scrap metals*'.

13. Housing, Transport and Planning Failures (Notice given – 8/11/16)

Mr F.M. Logan: To move –

That this House censures the Barnett Government for failures in housing, transport, and planning over its eight years in government.

14. State Government's Expenditure Management (Notice given – 21/6/16, renewed 15/11/16)

Mr R.F. Johnson: To move –

That this House notes with gravest concern that the following have been caused by the State Government's reckless approach to expenditure management:

- (a) the downgrade of the State's credit rating;
- (b) a sizable annual interest bill;
- (c) pressures to privatise a number of the State's assets;
- (d) a significant increase in land tax and consequent hardship on:
 - (i) tenants; and
 - (ii) investors with unlet properties;
- (e) the abandonment of key public transport projects;
- (f) the breaking of the Government's promise to keep utility bill increases to CPI; and
- (g) the diversion of resources away from law and order and road safety.

15. Liberal Party Candidates (Notice given – 21/6/16, renewed 15/11/16)

Mr R.F. Johnson: To move –

That this House express its concern that the Liberal Party is unable to select enough capable candidates for Parliament with the necessary skills to tackle this State's continued economic challenges because of the influence of factional powerbrokers and religious sects.

PRIVATE MEMBERS' BUSINESS – ORDERS OF THE DAY
1. Increases in Land Tax (Moved – 18/11/15)

Adjourned debate (Treasurer – continuation of remarks) on the motion moved by Mr B.S. Wyatt –

That this House condemns the Barnett Liberal National Government for its three consecutive increases in land tax which are significantly impacting land owners and small businesses at a time when businesses are experiencing an economic slowdown.

2. "Buy Local" Policies (Moved – 25/11/15)

Adjourned debate (Minister for Regional Development – continuation of remarks) on the motion moved by Mr F.M. Logan –

That this House condemns the Barnett Government over its failure to abide and enforce its own "Buy Local" policies on providing preferential treatment to regional and indigenous companies tendering for housing maintenance and building contracts in the Kimberley.

3. Crime in Suburbs and Towns (Moved – 24/2/16)

Adjourned debate (Mr P. Papalia – continuation of remarks) on the motion moved by Mrs M.H. Roberts –

That this House notes the Liberal National Government has failed to properly address the rising crime being experienced in our suburbs and towns.

4. Private Sector Deals (Moved – 6/4/16)

Adjourned debate (Minister for Lands – continuation of remarks) on the motion moved by Mr B.S. Wyatt –

That this House condemns the Liberal National Government for its bad deals with the private sector which results in costing taxpayers significant sums of money, and notes the poor return the Government has received from its current sale of government land.

5. Sentence Administration Amendment Bill 2016 (Mr J.R. Quigley) (No. 177, 2r. – 24/2/16) (last debated – 11/5/16)

To be read a third time.

6. Taxi Industry Concerns (Moved – 11/5/16) (last debated – 18/5/16)

Adjourned debate (Ms R. Saffioti – continuation of remarks) on the motion moved by Ms R. Saffioti –

That this House calls on the Minister for Transport to immediately address the concerns and hardship being faced by the taxi industry.

7. Training Sector Management (Moved – 15/6/16)

Adjourned debate (Minister for Training and Workforce Development – continuation of remarks) on the motion moved by Mr F.M. Logan –

That this House condemns the Liberal National Government for its mismanagement of the state training providers resulting in significant job losses, fee increases, reductions in student contact hours and the increasing privatisation of the training sector.

8. Health Care Provision (Moved – 22/6/16)

Adjourned debate (Mr C.J. Tallentire – continuation of remarks) on the motion moved by Mr R.H. Cook –

That this House reaffirms its support for free, accessible universal health care and also calls on the Commonwealth Government to reject any proposal to implement a co-payment for GP and pathology test services or the privatisation of Medicare, which would result in increased pressure on hospital emergency departments.

9. Increase in Crime and Methamphetamine Use (Moved – 17/8/16)

Adjourned debate (Ms M.M. Quirk – continuation of remarks) on the motion moved by Mrs M.H. Roberts –

That this House condemns the Liberal National Government for its unprecedented increases in crime, and the shocking rate of Methamphetamine use in Western Australia.

10. Taking of Property on Just Terms Bill 2014 (Mr M.J. Cowper) (No. 78, 2r. – 25/6/14) (Restored – 13/8/15 & 18/8/16)

Second reading. Adjourned debate (Mr M.J. Cowper – continuation of remarks).

11. Building New Schools (Moved – 14/9/16)

Adjourned debate (Mrs M.H. Roberts – continuation of remarks) on the motion moved by Dr A.D. Buti –

That this House condemns the Minister for Education and the Government for its slow rate of building new schools.

12. Management of Local Government Portfolio (Moved – 21/9/16)

Adjourned debate (Mr A.J. Simpson – continuation of remarks) on the motion moved by Mr D.A. Templeman –

That this House condemns the Barnett Liberal Government for its illogical and erratic management of the local government portfolio.

13. Macro Realty and Veronica Macpherson (Moved – 12/10/16)

Adjourned debate (Mr F.M. Logan – continuation of remarks in reply) on the motion moved by Mr F.M. Logan –

That That this House calls on the Member for Pilbara to provide a full and thorough explanation of his dealings and interactions with Macro Realty and Veronica Macpherson both as Minister and Member for Pilbara.

14. *Limitation Amendment (Child Sexual Abuse Actions) Bill 2015 (Dr G.G. Jacobs)
(No. 160, 2r. – 12/11/15) (last debated – 13/10/16)

Second reading. Adjourned debate (Leader of the House).

15. Major Events (Ticket Scalping) Bill 2014 (Mr M. McGowan) (No. 111, 2r. – 23/9/15)
(restored – 9/11/16)

Second reading. Adjourned debate (Mr A. Krsticevic).

16. Seniors in Western Australia (Moved – 11/11/15) (last debated – 9/11/16)

Adjourned debate (Ms M.M. Quirk – continuation of remarks in reply) on the motion moved by Ms M.M. Quirk –

That this House condemns the Barnett Government for its lack of leadership and planning for the increase in Western Australia's ageing population, for its failure to consult seniors in the course of its concession review and for a range of decisions which disproportionately impact on seniors.

17. Infrastructure and Transport Needs (Moved 16/11/16)

Adjourned debate (Minister for Transport – continuation of remarks) on the motion moved by Ms R. Saffioti –

That this House condemns the Liberal National Government for failing to adequately plan for the infrastructure and transport needs of the growing metropolitan northern corridor.

* Denotes amendments appearing in the Notices and Amendments section of the Notice Paper.

‡ Denotes second reading debate on the Bill is being undertaken cognately with a principal Bill, and no further second reading debate will occur.

AWAITING GOVERNOR'S MESSAGE**1. Peel Harvey Catchment Bill 2014** (Mr C.J. Tallentire) (No. 82, 2r. – 25/6/14,
restored – 13/8/15 and 22/9/16) (last debated – 16/9/15)

Second reading.

2. Container Deposit and Recovery Scheme Bill 2016 (Mr C.J. Tallentire) (No. 211, 2r. –
24/8/16)

Second reading.

COMMITTEES TO REPORT

<i>Committee</i>	<i>Date Due</i>
<i>Education and Health Standing Committee:</i> Inquiry into Aboriginal Youth Suicide	17 November 2016
<i>Joint Standing Committee on the Corruption and Crime Commission:</i> Inquiry into the Corruption and Crime Commission Being Able to Prosecute its Own Charges	17 November 2016

GOVERNMENT RESPONSES TO COMMITTEE RECOMMENDATIONS

<i>Committee</i>	<i>Ministers to Respond</i>	<i>Date Due</i>
Community Development and Justice Standing Committee – Report No. 13: Cultivating promise - Building Resilience and Engagement for At-Risk Youth through Sport and Culture	Premier, Minister for Culture and the Arts; Minister representing the Minister for Aboriginal Affairs	15 November 2016 [non-compliance reported 16/11/16]
Public Accounts Committee – Improving Outcomes from the Western Australian Government’s Investment in Information and Communications Technology (ICT)	Premier; Minister for Innovation; Minister for Finance; Minister for Lands; Treasurer	22 December 2016
Education and Health Standing Committee – <System Error> Auditor General’s Report on Health Department’s Procurement and Management of its Centralised Computing Services Contract	Minister for Health; Minister for Finance; Minister for Culture and the Arts	22 December 2016
Joint Standing Committee on the Corruption and Crime Commission	Premier; Minister representing the Attorney General	15 February 2017

NOTICES AND AMENDMENTS

Aboriginal Heritage Amendment Bill 2014 (No. 81-1)

Clause 18.

The Minister for Health: To move –

Page 19, lines 16 to 20 – To delete the lines and substitute:

“

(3) In section 28(4):

(a) delete “Subject to subsection (3), the” and insert:

The

(b) delete “Minister from a panel of names submitted for the purposes of this Act by the Registrar.” and insert:

Minister.

”.

Clause 43.

The Minister for Health: To move –

Page 34, line 13 – To delete “5” and substitute:

“ 6 ”.

Aquatic Resources Management Bill 2015 (No. 52-2)

Legislative Council Message No. 166

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Aquatic Resources Management Bill 2015* subject to the amendments contained in the Schedule annexed; in which amendments the Legislative Council desires the concurrence of the Legislative Assembly.

Schedule indicating the amendments made by the Legislative Council in the Aquatic Resources Management Bill 2015

No. 1

New Part 19 Division 1, page 210, after line 1 — To insert —

Division 1 — *Biodiversity Conservation Act 2016* amended**288A Act amended**

This Division amends the *Biodiversity Conservation Act 2016*.

288B Section 5 amended

- (1) In section 5(1) delete the definitions of:

fish

pearl oyster

- (2) In section 5(1) insert in alphabetical order:

aquatic organism has the meaning given in the *Aquatic Resources Management Act 2016* section 3(1);

- (3) In section 5(1) in the definition of *biodiversity conservation measures* delete paragraph (g)(v) and insert:

- (v) aquatic resource use plans and management plans under the *Aquatic Resources Management Act 2016* and measures under Part 6 of that Act relating to the control of declared organisms or biological threats;

- (4) In section 5(1) in the definition of *fauna processing establishment* delete “fish or pearl oyster,” and insert:

aquatic organisms,

288C Section 7 amended

In section 7(1) in the definition of *relevant authorisation* delete paragraphs (d) and (e) and insert:

- (d) the *Aquatic Resources Management Act 2016*; or

288D Section 12 amended

Delete section 12(1) and insert:

- (1) This Act, other than Part 9, does not apply to or in relation to any aquatic organism that is the subject of —
- (a) aquaculture, as defined in the *Aquatic Resources Management Act 2016* section 3(1); or

- (b) commercial fishing, as defined in the *Aquatic Resources Management Act 2016* section 3(1); or
- (c) recreational fishing, as defined in the *Aquatic Resources Management Act 2016* section 3(1).

288E Section 54 amended

In section 54(2)(b) delete “*Fish Resources Management Act 1994*.” and insert:

Aquatic Resources Management Act 2016.

288F Section 132 amended

Delete section 132(3)(a)(ii) and (iii) and insert:

- (ii) if the species to which the order relates is a species of aquatic organism — the Minister responsible for the administration of the *Aquatic Resources Management Act 2016*;

288G Section 145 amended

In section 145 in the definition of *fauna* delete “fish or pearl oyster.” and insert:

aquatic organisms.

288H Section 151 amended

- (1) In section 151(1)(a) delete “fish or pearl oyster); and” and insert:

aquatic organisms); and

- (2) In section 151(2)(a)(i) delete “fish or pearl oyster); and” and insert:

aquatic organisms); and

288I Section 153 amended

- (1) In section 153(3)(a) delete “fish or pearl oyster); and” and insert:

aquatic organisms); and

- (2) In section 153(4)(a)(i) delete “fish or pearl oyster); and” and insert:

aquatic organisms); and

288J Section 158 amended

In section 158(1) in the definition of *fauna* delete “fish or pearl oyster.” and insert:

aquatic organisms.

288K Section 166 amended

In section 166 in the definition of *flora* delete “fish.” and insert:

aquatic organisms.

288L Section 190 amended

In section 190 in the definition of *aquatic-eco tourism* delete “*Fish Resources Management Act 1994* section 4(1);” and insert:

Aquatic Resources Management Act 2016 section 3(1);

288M Section 194 amended

In section 194(3) delete “*Fish Resources Management Act 1994*” and insert:

Aquatic Resources Management Act 2016

288N Section 274 amended

In section 274(1) in the definition of *information sharing agency* —

(a) after paragraph (a) insert:

(aa) the department of the Public Service principally assisting in the administration of the *Aquatic Resources Management Act 2016*;

(b) delete paragraphs (e) and (h).

288O Schedule 1 amended

In Schedule 1 item 2 delete “fish or pearl oyster),” and insert:

aquatic organisms),

No. 2

Clause 312, page 220, line 22 to page 221, line 8 — To delete the lines and insert:

- (2) Delete section 101B(3)(a) and (b) and insert:

(a) the *Aquatic Resources Management Act 2016*,

Limitation Amendment (Child Sexual Abuse Actions) Bill 2015 (No. 160–I)

Clause 3.

Dr G.G. Jacobs: To move –

Page 2, line 10 – To delete “Act” and substitute:

“ Act, other than section 7, ”.

Clause 5.

Dr G.G. Jacobs: To move –

Page 2, lines 22 to 25 – To delete the lines and substitute:

“

child sexual abuse, of a person, means an act or omission in relation to the person, when the person is a minor, that is sexual abuse;

child sexual abuse action means an action on a cause of action that relates, directly or indirectly, to a personal injury of the person commencing the action where the injury results from child sexual abuse of the person;

compensation payment means a payment that has been made in respect of a person by way of compensation or redress (including an ex gratia payment) in respect of child sexual abuse of the person.

”.

Dr G.G. Jacobs: To move –

Page 3, after line 16 – To insert:

“

- (6) A court, in making an award of damages in a child sexual abuse action in respect of a person, must deduct the amount of any compensation payment made in respect of the person.
- (7) This section applies regardless of whether the action is brought in tort (including trespass), in contract, under statute or otherwise.

”.

New Clause 7.

Dr G.G. Jacobs: To move –

Page 3, after line 22 – To insert:

“

7. Consequential amendment to *Criminal Injuries Compensation Act 2003*

- (1) This section amends the *Criminal Injuries Compensation Act 2003*.
- (2) After section 21(2) insert:
 - (3) An assessor cannot –
 - (a) require a victim referred to in subsection (1) or a personal representative referred to in subsection (2) to take proceedings that are or relate to a child sexual abuse action; or
 - (b) defer an application pending the determination of proceedings that are or relate to a child sexual abuse action.
 - (4) In subsection (3) –
child sexual abuse action has the meaning given in the *Limitation Act 2005* section 7A(1).

”.

Long title.

Dr G.G. Jacobs: To move –

Page 1 – To delete “**abuse**” and substitute:

“ **abuse, to amend the *Criminal Injuries Compensation Act 2003* consequentially** ”.

Pilbara Port Assets (Disposal) Bill 2015 (No. 161–2)

Legislative Council Message No. 165

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Pilbara Port Assets (Disposal) Bill 2015* subject to the amendment contained in the Schedule annexed; in which amendment the Legislative Council desires the concurrence of the Legislative Assembly.

Schedule indicating the amendment made by the Legislative Council in the Pilbara Port Assets (Disposal) Bill 2015

No. 1

New Clause 46A, page 35, after line 16 — To insert —

46A. Preservation of rights to future access

- (1) In this section —
access means access to a service;

access capacity means the capacity to provide services of the person who owns, controls or operates a port facility;

eligible request for access means a request for access that would not, if granted, result in the proportion of the access capacity taken up by protected users exceeding 50%;

prescribed period for a request for access means 180 days, or such other period as is specified in regulations, after the day on which the request is made;

prescribed user means a person specified in regulations as a user or potential user of a service;

protected user means a user or potential user of a service other than a prescribed user;

service has the meaning given in section 46(1).

- (2) It is a condition of the operation of a port facility that, subject to subsection (3), 50% of the access capacity must be reserved for protected users.
- (3) Despite subsection (2) if a request for access made by a prescribed user would, if granted, result in the proportion of the access capacity taken up by prescribed users exceeding 50%, the request may be granted as long as it is granted on terms that would not prevent a protected user who subsequently makes an eligible request for access from being provided with access within the prescribed period or at a later time agreed to by the protected user.

Restraining Orders and Related Legislation Amendment (Family Violence) Bill 2016 (No. 210–2)

New Part 3 Division 5A.

Ms S. McGurk: To move –

Page 80, after line 6 – To insert:

“

Division 5A — *Evidence Act 1906* amended

103A. Act amended

This Division amends the *Evidence Act 1906*.

103B. Section 106A amended

- (1) In section 106A delete the definition of *victim*.
- (2) In section 106A insert in alphabetical order:

FVRO has the meaning given in the *Restraining Orders Act 1997* section 3(2);

victim means —

- (a) in relation to a serious sexual offence or a criminal organisation offence — a person upon or in respect of whom it is alleged that the offence was committed, attempted or proposed; and
- (b) in relation to an FVRO — the person seeking to be protected by the FVRO;

103C. Section 106R amended

After section 106R(3B) insert:

- (3C) Despite subsection (3), in an application for an FVRO an order must be made under subsection (1) in respect of the person seeking to be protected by the FVRO unless the court is satisfied —
 - (a) that subsection (3) does not apply to the person; and
 - (b) that the person does not wish to be declared to be a special witness.

”.

KIRSTEN M. ROBINSON

Clerk of the Legislative Assembly