

**WITNESS STATEMENT OF DAVID SMITH**

**I, DAVID SMITH, Acting Director General of the Department of the Premier and Cabinet (the "Department"), in the State of Western Australia, do say as follows:**

1. This statement has been prepared with the assistance of the State Solicitor's Office and supplements the witness statement I provided to the Royal Commission in connection with Case Study 51 on 15 November 2017 ("my First Statement"). I have not repeated my qualifications, employment history or present duties as those remain as set out in my First Statement.

**Introductory statement**

2. By letter dated 3 February 2017, the Royal Commission wrote to the State Solicitor's Office ("the Letter") asking for statements from appropriate witnesses of Director General level within the Western Australian government to give evidence in relation to the particular matters identified in the Letter. The statements are to update the Royal Commission on any steps the government of Western Australia has taken or intends to take in respect of the topics identified, since my First Statement was provided.
3. I am the most appropriate witness to give evidence in Case Study 51 in relation to the matters of redress and civil litigation reform as the policy development in these areas has largely been co-ordinated by the Department.
4. This statement addresses the topics below to the extent that I am able to do so while the Government of Western Australia is in caretaker mode as a result of the issuing of the writs for the State election, which is to be held on Saturday 11 March 2017.

**Redress**

5. The Department is engaging with the Commonwealth's Redress Taskforce.
6. Representatives of the Department met with the Commonwealth's Redress Taskforce in May 2016 and spoke with the Redress Taskforce in October 2016.
7. The Commonwealth's proposed redress scheme was not foreshadowed at these meetings which were focused on Western Australia providing the Commonwealth with information about its experience in running its two redress schemes.
8. Representatives from the Department received phone calls from the Commonwealth's Redress Taskforce on the morning of 4 November 2016, advising of the impending same-day announcement of a Commonwealth redress scheme, with opportunity for States and Territories to participate by 'opting in'.
9. On 25 November 2016, the Prime Minister wrote to the Premier of Western Australia inviting participation in the scheme.
10. On 6 December 2016, a representative from the Department attended a preliminary inter-jurisdictional meeting in Canberra hosted by the Redress Taskforce.
11. No Western Australian government position on the Commonwealth's proposed redress scheme was formalised prior to caretaker commencing on 1 February 2017.

**Limitations periods**

12. On 17 January 2017, the Premier of Western Australia announced that the Western Australian Government is committed to removing limitation periods for child abuse (sexual and serious physical abuse) and legislation would be enacted if returned to Government in March 2017.
13. A copy of the media statement outlining the Government's commitment is annexed hereto and marked **DS1**.

**Close**

14. The contents of this statement are true and correct to the best of my knowledge and information and belief.

SIGNED: \_\_\_\_\_

A handwritten signature in black ink, appearing to be 'M. J.', written over a horizontal line.

DATED: \_\_\_\_\_

20/02/2017