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**Royal Commission****into the Management of Police Informants****STATEMENT OF MICHELLE MAREE KERLEY**

1. My full name is Michelle Maree Kerley. I am currently an Acting Senior Sergeant at Reservoir Police Station.
2. I make this statement in response to a request from the Royal Commission into the Management of Police Informants in relation to a meeting I had with Ms Gobbo on 18 July 2006 at approximately 6.20pm, according to my police diary. This statement will be produced to the Royal Commission in response to a Notice to Produce.

**Meeting on 18 July 2006**

3. As at 18 July 2006, I was a Detective Senior Constable and a core member of Detective Sergeant Bateson's crew, along with Detective Senior Constable Mark Hatt and Detective Senior Constable L'Estrange. I reported to DS Bateson. We occasionally had other people in the crew undertaking temporary duties. I was an active part of the investigation team, primarily investigating the murders of Mark Moran, Jason Moran, Pasquale Barbaro and Michael Marshall as well as others. I regularly attended the Supreme Court as part of the investigation team. I reported directly to DS Bateson. DS Bateson reported to Detective Inspector Gavan Ryan.
4. I was aware of Ms Gobbo as a defence barrister acting for accused persons, including [REDACTED] at around this time. I do not believe that I knew that Ms Gobbo had been a human source at this time or at all until I became aware through media reports late last year or early this year.
5. I have been told that the Royal Commission has heard evidence that:
  - (a) Ms Gobbo went to the Purana Taskforce on the evening of 18 July 2007 to read or review draft statements prepared for [REDACTED]
  - (b) Ms Gobbo asserts that she edited, amended or corrected some of [REDACTED] statements;
  - (c) the statements were likely to have been taken by DS Bateson or someone from his crew.



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6. I have been shown a transcript of a conversation between Ms Gobbo, Officer Green and Officer White.<sup>1</sup> I address in this statement the assertions made by Ms Gobbo in that transcript.

#### Diary Entry

7. I have been shown an extract of my diary from 18 July 2006,<sup>2</sup> which records:

*1500 on duty @ office. re review LD material re OP Brill, to*

*1820 Nicola Gobbo, [REDACTED] Barrister @ office re read/~~reveiw~~ statement to [my initials appear above where I have crossed out and changed a word]*

*2230 Gobbo clear*

8. I believe Operation Brill was the investigation into Mark Moran's murder.
9. I have been asked why a word has been crossed-out and changed. It is clear to me that I changed the word "reveiw", which I had mis-spelled. I wrote "read" over the first part of the mis-spelled word, then crossed out the "iw". I initialled the change (above the crossed out letters) because I had been taught since Detective Training School to initial changes I made to any of my notes. This is standard practice. The initials do not suggest that the entry was amended at any later time. I firmly believe that the change was made at the time I made the diary entry and for the reason I have stated. No one directed me to amend my diary entry. To me, the words "read" and "review" mean exactly the same thing.
10. I reviewed this entry and some of my other relevant diary entries in January 2019. I did not make any change or any amendment or in any way mark up my diaries at this time or at any other time since I finished at Purana.

#### Meeting on 18 July 2006

11. I have been asked about what I remember of the meeting my diary records on the evening of 18 July 2006. Doing the best I can, my recollection is set out below.
12. I have very little independent recollection of meeting with Ms Gobbo on 18 July 2006. Where I state below that I 'would have' done something, that statement is based on my, and the Purana Taskforce's, usual practices and my best efforts to recall.

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<sup>1</sup> VPL.0100.0239.0001 at .0239

<sup>2</sup> VPL.0005.0134.0001 at .0053

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13. I recall that I was the person who met with Ms Gobbo when she came in to review [REDACTED] statement. I mainly recall this because I was asked to review my diaries earlier this year for the purpose of this Royal Commission and I remembered seeing the entry about the meeting. I have been told that the page of my diary relating to 18 July 2006 (among others) has been produced to the Royal Commission and that a record of that entry was included in a chronology document also produced to the Royal Commission, which I have been shown.<sup>3</sup>
14. I do not specifically recall who asked me to meet with Ms Gobbo on 18 July 2006, but DS Bateson was in charge of the team, so he would have at least been aware of the meeting and I expect that he asked me to attend that meeting.
15. I was rostered on for the afternoon shift that day. I understand that this is the sole reason that I, rather than anyone else, was asked to meet Ms Gobbo when she came to the Purana Taskforce.
16. It did not strike me as unusual that Ms Gobbo would come in to read [REDACTED] statements, nor that I would be asked to meet with her for this purpose. She would not have been permitted to be at Purana unattended, so someone had to be present while she read the statements and I was rostered on that day.
17. I do not know specifically why Ms Gobbo was given the opportunity to read [REDACTED] statement, but I assumed then (and still assume) that it was because [REDACTED] asked that she read them.
18. To the best of my recollection, I was not involved in preparing any statement for [REDACTED] Investigators from outside of DS Bateson's crew tended to be involved in taking statements that were relevant to their own investigations. The role I played with [REDACTED] was more in relation to ensuring his welfare throughout the statement-taking process.
19. I have been asked who else knew that I would be meeting with Ms Gobbo that night. I do not now recall. However, I assume that DS Bateson knew and that DSC L'Estrange and DSC Hatt would have known at the time as the other core members of the crew. I also assume that DI Ryan would have known at the time.
20. I have also been asked whether any of Dale Flynn, Boris Buick or Jim O'Brien knew about the meeting. I cannot recall whether any of them knew or would have known.

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<sup>3</sup> VPL.0015.0001.0409, RC-252 at .0441



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21. There was nothing clandestine or secret about the meeting.
22. The meeting on 18 July 2006 took place at the St Kilda Road Police Headquarters. Ms Gobbo would have had to enter through the front entrance as it was the only entrance to the building. I believe that there was CCTV at the entrance. Protective Service Officers were also stationed at that entrance and there were sliding glass security doors which required a security pass to enter through to get to, among other places, the Purana Taskforce.
23. While I do not specifically recall Ms Gobbo's arrival that night, I believe she would have followed the usual practice, which to the best of my recollection, was as follows:
  - (a) Ms Gobbo would have spoken to the Protective Services Officers and been asked to sign in. I do not recall whether they would have been provided with a visitor's pass or not;
  - (b) The Protective Services Officers would then have phoned me;
  - (c) I would have come down to collect Ms Gobbo and escorted her to the Purana Taskforce.
24. I do not recall which room I took Ms Gobbo to. I believe it would have been an interview room. I certainly did not take her into the main office area, where sensitive material relating to Purana's investigations was kept.
25. I do not independently recall from where or from whom I collected the statements to show to Ms Gobbo. I recall that, at that time, hard copies of statements were kept in a locked drawer. Only the members of DS Bateson's crew had access to the key.
26. I would definitely have shown hard copy statements to Ms Gobbo, rather than an electronic version. Statement were kept in hard copy.
27. I do not recall how many different statements Ms Gobbo read, but as my diary records that she was at Purana for four hours, I believe it would have been a number of statements.
28. I believe I stayed with Ms Gobbo the whole time I was at Purana Taskforce. I cannot recall needing to step out. I cannot recall needing to get someone else to sit in with Ms Gobbo while I stepped out at any point.
29. I have been asked whether I left Ms Gobbo alone at any point that night. I am confident I did not leave Ms Gobbo alone with the documents she was reading at any point. The reason for this is that I did not trust Ms Gobbo.



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30. I do not recall anyone else being present in the room during that meeting. I believe I would have recorded anyone else's presence in my diary.
31. There would have been other people at the Purana Taskforce and the St Kilda Road complex that night for the whole time that Ms Gobbo was there. This is because the 'afternoon' shifts ran from either 1pm to 9pm or 3pm to 11pm. Accordingly, by the time Ms Gobbo left at 10.30pm, there would still have been other people present. I do not recall who or how many people were present that evening.
32. Four hours did not strike me as a long time for Ms Gobbo to have been reviewing the statements. That is just how long it took.
33. I do not believe I made any conversation with Ms Gobbo. I do not recall and do not believe that we discussed the statements that she was reviewing. Further, I think it unlikely that I would have made small talk with Ms Gobbo, but I do not recall.
34. I believe I may have known and have spoken to Ms Gobbo from time to time before that night, but I do not specifically recall.
35. I do not recall Ms Gobbo saying anything to me about the contents of the statement.
36. I do not recall Ms Gobbo suggesting that the statements should be changed in any way. I do not recall her writing on or marking up the statements in any way. I believe I would have stopped her from marking up the statements if I had seen her attempting to do so. She would not have been permitted to take any statement away with her.
37. In any event, my understanding is and was that Ms Gobbo could not have amended the statements as they were [REDACTED] statements and, therefore, his to amend. I understood that if she wanted to suggest any changes she would suggest the changes to [REDACTED] and not to me or any other police officer.
38. I do not recall Ms Gobbo taking any notes during the meeting.
39. I do not recall Ms Gobbo making any phone call at any time during the meeting.
40. I would have stayed with Ms Gobbo the whole time, but I likely would have checked anyway to make sure I had the same number of statements at the end as at the beginning.
41. If I had suspected that anything at all was wrong either during or after the meeting, I would have told DS Bateson. I do not recall needing to do this.



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42. I do not specifically recall what I did with the statements after Ms Gobbo left, but I believe I would have put them in the locked drawer where statements were kept and locked that drawer. I believe I would have kept the key to the drawer until I was able to give it to DS Bateson. The Purana Taskforce considered these statements to be highly sensitive, so great care was taken to ensure they were kept safely.
43. I have been asked specifically about the statements made by Ms Gobbo recorded in the transcript of her meeting with Officer Green and Officer White, that (or to the effect that):
- (a) she had "edited" or "corrected" [REDACTED] statement;
  - (b) she had gone to Purana "secretly one night and edited all his statements"; and
  - (c) she met with a detective who was not a witness so that no record of the meeting would need to be disclosed.
44. None of the statements above is correct to my knowledge. I have said above that I do not recall Ms Gobbo amending or marking up the statements in any way. I have also said there was nothing secret or clandestine about the meeting.
45. Further, I was not asked to be involved in this meeting for the reason the statement at paragraph 43(c) suggests. I believe I was, in fact, a witness named in the proceedings in which [REDACTED] evidence was used and that my notes and diaries were produced in these matters. I do not now know whether my diary entry for this date was one of the documents that was produced. I was never asked to attend this meeting in order to prevent notes of the meeting being disclosed.
46. To the best of my recollection, most of my notes (and the notes of the other Purana Taskforce members) were subpoenaed and produced during this time, subject to some public interest immunity claims.

**Discussions**

47. I have been asked whether I have discussed this meeting with anyone since the time it happened. I have no recollection of discussing the meeting with anyone after it





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happened until recently. I have only discussed the meeting in the context of being asked to give a statement to address this matter.

48. I became aware through media reports that Ms Gobbo had made assertions along the lines of those summarised at paragraph 43 above. I later discussed the assertions with Stuart Bateson. I speak to Stuart regularly as friend and as someone who provides emotional support to me. My recollection is that the assertions came up during a regular chat and I said to Mr Bateson that I thought I was the person who had met with Ms Gobbo when she came in to read [REDACTED] statements. I remembered this, in part, because of the review of my diaries that I had done earlier this year.
49. My conversation with Mr Bateson did not include discussing the detail of the meeting on 18 July 2006; only that I had been there. Mr Bateson did not prompt or try to prompt my memory about the meeting or tell me to say anything about the meeting. Mr Bateson did not tell me anything he remembered about the circumstances of that meeting. I do not recall him asking me what I remembered about the meeting nor that I volunteered any recollection. I believe it just came up in conversation and I said, "*I think that was me*".
50. At the time I became aware of Ms Gobbo's assertion through media reports, I remember thinking that it was completely wrong to say that I was picked to speak to her because I was not giving evidence in the relevant proceedings.
51. I have not spoken to anyone else, besides my legal representatives, about this meeting.
52. I have been shown SML entries for 18 July 2006 and 19 July 2006<sup>4</sup>, which states:
  - (a) 18 July 2006 – "*HS to go to BSR to view [REDACTED] statements*"; and
  - (b) 19 July 2006 – "*HS impressed with [REDACTED] statements*".
53. I have been shown an ICR entry for 18 July 2006 and 19 July 2006<sup>5</sup>:
  - (a) *HS going to BSR @1800 to read [REDACTED] s'ments*
  - (b) *HS v. impressed with [REDACTED] s'ments includes over 40 pages re trafficking, HS amended some slightly*

<sup>4</sup> VPL.2000.0001.9447 at .9486

<sup>5</sup> (VPL.2000.0003.1941 at .1946)

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54. I believe "BSR" means B District – St Kilda Road, meaning the St Kilda Road Police Headquarters. As stated above:

- (a) I do not recall Ms Gobbo saying to me that she was impressed with the statements or making any other comment about the statements; and
- (b) I do not recall Ms Gobbo making or attempting to make any amendments to the statements.

**Other matters**

55. I have been asked whether I attended a meeting on 13 July 2006 at the Victorian Police Centre with [REDACTED] DS Bateson, DSC Hatt and DSC L'Estrange at which Ms Gobbo may also have been present.

56. I have been shown my diary entry of 13 July 2006. It provides:

*0820 clear with Hatt, Bateson, L'Estrange to*

*0920 @ S4 re [REDACTED] to*

*1000 S/T Shane Kelly @ [REDACTED] re [REDACTED] Kelly S/T [REDACTED]*

*1015 clear Hatt, L'Estrange, Bateson, [REDACTED] convey [REDACTED] to VPC*

*1100 @ VPC [REDACTED] to S/T soli Nicola Gobbo to*

*1210 clear*

57. I have no independent recollection of this day. Based on my diary note, I believe that the following is correct:

- (a) S4 was a secure location where we met [REDACTED]
- (b) Shane Kelly was a [REDACTED] officer who attended pursuant to the order under which [REDACTED] was [REDACTED] I think that this order was required to be reviewed every seven days;
- (c) [REDACTED] then conveyed [REDACTED] to the Victorian Police Centre where he spoke to Ms Gobbo.

58. I do not recall whether I or any other member of my crew spoke to Ms Gobbo on that occasion.

Dated: 26 September 2019



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**Michelle Maree Kerley**

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