

# Dr Danny Sullivan

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Consultant Forensic Psychiatrist

24 October 2022

## PSYCHIATRIC REPORT

*In confidence*

Kate Lockery  
Principal Solicitor  
For Crown Solicitor  
Special Commission of Inquiry in LGBTIQ hate crimes  
GPO Box 5341  
Sydney 2001

Dear Ms Lockery

Re: **The death of Kenneth BRENNAN**  
DOB: **6 October 1941**

### Background

- [1] I have provided a report at your request. I understand that the death of Mr Brennan is a subject of inquiry under the Special Commission of Inquiry in LGBTIQ hate crimes ('the Inquiry'). You have sought an opinion on issues of potential relevance to the Inquiry from the perspective of a forensic psychiatrist. Your letter of instruction dated 10 October 2022 sets out the assumed facts and the materials provided to me.
- [2] I work as a Consultant Forensic Psychiatrist. My medical degree is from the University of Melbourne. I hold three Masters degrees, in Medical Law (Melbourne), Bioethics (Monash), and Management (McGill). I am a Fellow of the Royal Australian and New Zealand College of Psychiatrists, Fellow of the Royal College of Psychiatrists (UK) and Associate Fellow in the Royal Australasian College of Medical Administrators. I am an Accredited Member of the Faculties of Adult and Forensic Psychiatry of the RANZCP. I am Executive Director of Clinical Services at the Victorian Institute of Forensic Mental Health (Forensicare), where I have worked since 2004. I have clinical experience in forensic community, prison and hospital settings, with particular experience in the assessment and management of sexual offending. I hold honorary academic positions at the University of Melbourne, and Swinburne University: I am active in research, teaching and publishing academic articles, and remain engaged in clinical practice and the administration and management of mental health services. I have previously provided expert evidence to the Coroner's Court of NSW in several cases. I have been a member of the Victoria Police Road Safety Fatality Review Panel since 2009 and the Human Research Ethics Committee of the Victorian Institute of Forensic Medicine (VIFM) since 2011. My full curriculum vitae is available on request.
- [3] This report is prepared in my private capacity and does not reflect the opinion of any organisation by which I am employed or with which I am affiliated. I have no conflict of interest in this matter, and no affiliation with any party in this matter.

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**FRANZCP**  
• Fellow •  
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& New Zealand  
College of Psychiatrists

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- [4] I, Dr Danny Sullivan, acknowledge for the purpose of Rule 31.23 of the *Uniform Civil Procedure Rules 2005* that I have read the *Expert Witness Code of Conduct* in Schedule 7 to the said rules, and agree to be bound by it.

### Information from materials

- [5] I understand that Mr Brennan was found dead in the Elizabeth Bay apartment he shared with his long-term partner, [NP215] on the afternoon of 12 June 1995.
- [6] Two days before this, the two had travelled to the home of a recent acquaintance, [NP214] and the three had had sex together. Mr Brennan returned home while his partner remained with [NP214] and returned home two days later, whereupon he discovered the body. It was noted that the relationship between Mr Brennan and [NP215] had some issues, as Mr Brennan had sought other men for sex with and without [NP215]. [NP215] reported to police that Mr Brennan did not use the services of sex workers and had agreed not to bring partners back to their apartment without [NP215].
- [7] It was noted that the day before, Mr Brennan received voicemail responses to an advertisement for sexual partners placed in *Q Magazine*. There were 11 responses but he did not contact any of them.
- [8] It was noted that Mr Brennan's body was found at the entrance of the bedroom lying on a pillow and it appeared that the body had been partially sponged down. He had been stabbed 15 times with a knife from the kitchen and may have also been struck or beaten around the head with a frying pan. It was thought that he died on the evening of Sunday, 11 June 1995 and there were used condoms at the scene suggesting sex had occurred before the attack.
- [9] Crime scene photographs demonstrated a significant amount of blood staining on the wall, the bed and Mr Brennan's naked body was in the hallway. The coroner's report prepared by Dr P G Bradhurst noted a post mortem examination. The estimated time of death was between 5 pm and midnight on Sunday, 11 June 1995. There were 15 stab wounds which were consistent with the knife found at the scene. There was no evidence of sexual assault. It was noted that there were defensive wounds. Facial and head injuries resembled a shoe print. There was a small amount of alcohol and a therapeutic level of metoprolol (a prescription antihypertensive medication) detected. The cause of death was considered stab wounds to the chest.
- [10] The statement of Constable of Police, L Thurtell, noted that Mr Brennan and his boyfriend [NP215] travelled to the house of [NP214] in Woollahra on the evening of Saturday, 10 June 1995, and had sex. Mr Brennan left at about 10 pm that night while [NP215] stayed with [NP214]. He rang on the afternoon of 11 June and on 12 June in the afternoon he telephoned the unit and received no answer, so he returned home and discovered the body of Mr Brennan lying on the left side in the lounge room. He attended Kings Cross Police Station immediately.
- [11] There was evidence of sexual interactions found at the scene of the crime, including lubricating gel, condoms, gay literature, a chromed ring and a studded leather strap.
- [12] [NP215] was interviewed and noted that Mr Brennan had married Rosemary Ferguson in 1963 and separated in 1989. They did not have children. Mr Brennan had worked as a teacher and after separation, lived in a relationship with [NP215]. They both took redundancy packages in 1993 and moved to Sydney. [NP215] appeared to have less interest in having sexual contact with others and he noted some deterioration in the relationship over six months as Mr Brennan would like to have relations with others including Asian men.
- [13] The statement of [NP190] was noted, who noted contact with Mr Brennan at the King Steam Sauna at about 6:30 pm on Sunday, 11 June 1995 with an attempt at sexual intercourse but this did not proceed as Mr Brennan reported back pain. Mr Brennan had disclosed to him that his relationship with [NP215] had some problems.
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- [14] Among enquiries it was identified that a man named [NP199], aged 62, had met Mr Brennan and [NP215] about two years previously through an advertisement in a gay newspaper and introduced them subsequently to [NP214]. He could not confirm his whereabouts on the evening of 11 June 1995 and declined to sign a statement or supply body samples.
- [15] Following a search for information from the public, a shop owner from Oxford Street recollected seeing Mr Brennan on the evening of Sunday, 11 June between 9 and 10 pm "in the company of a young man 16 to 18 years old, slim build, blonde messy hair with pimples on his face, wearing a sloppy joe and light-coloured jeans and possibly homosexual". It was noted that they bought a bottle of rum and a bottle of Coca-Cola and left together.
- [16] Another man described meeting a young male in Darlington Street near Oxford Street requesting money and invited the young man home, who identified himself as [NP198]. The witness, [I299] "ascertained that he was dependent on drugs. Both then fell asleep, about 6 am. [I299] stated that he woke up and left the unit to use the common toilet, but on his return [NP198] had disappeared and a 30 cm carving knife was found protruding from his wooden table". Enquiries were made to identify [NP198] and he was identified as [NP198] and noted that he was at the time a voluntary patient suffering schizophrenia and was in Melbourne. He reported having travelled to Sydney during 1995 and worked as a male prostitute and then returned on 14 June 1995.
- [17] Other collateral information indicated that there was some unhappiness in the relationship between [NP215] and Mr Brennan.
- [18] A man named [NP188] was identified as a suspect, interviewed and [REDACTED] obtained. He was reported to have made admissions. However, alibi information was obtained.
- [19] Biological specimens were examined but did not reveal identifiable suspects.
- [20] The investigating police officer considered that the likely scenario was that on the evening of 11 June 1995 after leaving King Steam Sauna, "he has met person or persons at an unknown location or upon returning to his home has met some person by arrangement... then had sexual intercourse with a person or persons... after the sexual act he has been stabbed, possibly in the bathroom and the other parts of the unit... also been hit in the face with a metal frypan... a struggle has taken place in the bedroom and hallway and the deceased has eventually been placed in the position he was found with a pillow under his body".
- [21] It is also noted that he had been sponged down and the knife blade located in the bedroom was the murder weapon. Strike Force Garrett noted a post-operational assessment review of investigation into the death of Mr Brennan.
- [22] The coronial inquest was held on 17 September 1996 and in that the coroner took evidence from Dr Peter Bradhurst, noting that he described this as "it could be a frenzied attack... might be more likely... to have been a frenzied struggle for survival".
- [23] The evidence provided by DSC L W Van Leeuwen from the Crime Scene Section noted that the crime scene examiners considered the body having been sponged down to be very unusual.

### **Your specific questions**

*Whether there are any aspects of the manner of death (including the nature and extent of the injuries inflicted) and/or crime scene which may indicate that a homicide has occurred in the context of LGBTIQ hate/prejudice/bias (hereafter collectively referred to as "hate")*



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[24] There is no information from a forensic psychiatric perspective of relevance to the circumstances of death.

*The possible motivation/s of the unidentified perpetrator of Mr Brennan's injuries, to the extent that this can be discerned from the available evidence. In answering this question, please consider any relevant concepts including (but not limited to) notions of masculinity, male honour, internalised homophobia, medicalised stigma, conflating homophobia with paedophilia, perceptions of the characteristics of LGBTIQ persons, and particular psychopathologies*

[25] The investigating police officer raises a plausible scenario. Assuming that Mr Brennan had sex with another person or persons at his home on 11 June 1995, the circumstances suggest that this was consensual. The killing took place after and likely occurred on the bed.

[26] Possible motivations include robbery, anger, or distress if the unknown protagonist was conflicted about their sexual orientation. The offence appeared at some level opportunistic in the absence of evidence of a pre-arranged liaison, and using a weapon or weapons obtained in the residence. Pathological interpretations of the injuries note a struggle and significant numbers of injuries, suggesting marked anger, hatred or overkill.

*Aspects of victimology that may be relevant to Mr Brennan's death*

[27] There was no indication of mental disorder or clinically significant substance abuse in Mr Brennan.

[28] There were reported recent relational problems between Mr Brennan and his partner [NP215] but without evidence of overt acrimony or violence.

[29] There is limited evidence to support Mr Brennan using the services of sex workers or bringing sexual partners to his home without the presence of [NP215].

[30] There is no other information from a forensic psychiatric perspective of relevance to Mr Brennan's character or behaviour as an element in this offence.

*Any recommendations for further investigations with respect to determining the manner and cause of the person's death*

[31] I have no suggestions.

*Any other matters you wish to raise within your expertise that may be of assistance to the Inquiry.*

[32] There are no matters I wish to raise.

[33] I hope this report has been of assistance to the Inquiry.

Yours sincerely



**Dr Danny Sullivan**  
Consultant Forensic Psychiatrist