



## Special Commission of Inquiry into LGBTIQ hate crimes

10 October 2022

Dr Danny Sullivan  
 Consultant Forensic Psychiatrist  
 PO Box 1060  
 NORTH MELBOURNE VIC 3051

By email: [REDACTED]

Dear Dr Sullivan,

### Special Commission of Inquiry into LGBTIQ hate crimes: expert report in relation to the death of Kenneth Richard Brennan

As you are aware, I assist the Honourable Justice John Sackar in the Special Commission of Inquiry into LGBTIQ hate crimes ("the Inquiry").

#### The Inquiry

By way of background, on 13 April 2022 the Governor of NSW, by Letters Patent, issued a commission to his Honour to inquire into and report on historical LGBTIQ hate crimes. Specifically, the Letters Patent require his Honour to inquire into and report to the Governor and Premier on the following matters by 30 June 2023:

- A. The manner and cause of death in all cases that remain unsolved from the 88 deaths or suspected deaths of men potentially motivated by gay hate bias that were considered by Strike Force Parrabell; and
- B. The manner and cause of death in all unsolved suspected hate crime deaths in New South Wales that occurred between 1970 and 2010 where:
  - i. The victim was a member of the lesbian, gay, bisexual, transgender, intersex and queer (LGBTIQ) community; and
  - ii. The death was the subject of a previous investigation by the NSW Police Force.

#### Request for expert opinion

Further to your conferences with the Commissioner and assisting team on 23 May 2022 and 31 August 2022, by this letter, you are briefed to prepare an expert report for the Inquiry in relation to death of Kenneth Richard Brennan from the perspective of a forensic psychiatrist addressing certain matters identified below.

I would be grateful if you could provide your report by **21 October 2022**. If you anticipate any difficulties with this timeframe, please let me know as soon as possible.

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GPO Box 5341 Sydney NSW 2001  
[www.specialcommission.nsw.gov.au](http://www.specialcommission.nsw.gov.au)

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In addition to providing your report, you may be required to give oral evidence at any hearing in relation to Mr Brennan's death. If you are required to give oral evidence, I will notify you as soon as practicable to discuss suitable arrangements.

### Assumptions

In preparing your report, you are requested to assume the facts set out in the below summary. Additionally, please have regard to any other relevant information contained in the briefing materials provided to you.

1. Mr Brennan (born 6 October 1941) was found dead in the apartment he shared with his long-term partner, [NP215] [REDACTED] Onslow Avenue, Elizabeth Bay, shortly after 5:20pm on Monday, 12 June 1995 by [NP215].
2. On the evening of Saturday, 10 June 1995, Mr Brennan and [NP215] had travelled to the home of a recent acquaintance, [NP214], at which time the three men had had sex. Mr Brennan returned home that evening at approximately 10pm, citing fatigue, while [NP215] remained with [NP214] until he returned home two days later to discover the body.
3. On the morning of 11 June 1995, Mr Brennan had retrieved various voicemail responses to an advertisement for sex placed in "Capital Q" magazine on the morning of 11 June 1995, although none of the eleven responding persons were contacted by Mr Brennan on that date.
4. At 6:30pm on 11 June 1995, Mr Brennan was seen at King Steam Sauna (38-42 Oxford Street, Darlinghurst), a venue often used by gay men for casual sex, by [NP190] [NP190] and Mr Brennan had previously been sexual partners. On this occasion they engaged in foreplay, but were unable to have sex as [NP190] was not aroused.
5. Mr Brennan's naked body was found at the entrance to the bedroom, lying on top a bed pillow. A blood-stained cleaning sponge was resting on his right shoulder, and smears of dried blood suggested the body had been partially sponged down.
6. Mr Brennan had been stabbed with a knife from the kitchen (located broken at the scene) fifteen times. He may also have been hit with a frying pan and had his head struck or stomped on, possibly after he was incapacitated.
7. Mr Brennan was likely attacked in the bedroom and dragged to his final location.
8. Forensic analysis placed Mr Brennan's death between 5:30pm and 11:30pm on Sunday, 11 June 1995.
9. Three used condoms at the scene suggested sex had occurred before the attack (possibly with more than one person).
10. Mr Brennan was "well-built" and it is possible that two persons may have been involved in the attack.
11. There were no signs of forced entry and no missing keys. A set of keys would likely be required to exit the unit.
12. [NP215] was initially a suspect. The relationship between [NP215] and Mr Brennan had suffered some deterioration in the six months preceding Mr Brennan's death, as Mr Brennan had allegedly developed a frequent habit of seeking other men for sex (both with and without [NP215] involvement). However, alibi evidence from [NP214] is inconsistent with [NP215] involvement.
13. A recent police reinvestigation identified an unmatched DNA profile on one of the used condoms found at the scene, suggesting the involvement of at least one unknown party.

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14. [NP215] told police that Mr Brennan did not hire sex workers and had agreed with [NP215] not to bring back any potential sexual partners to their apartment in [NP215]' absence.

### Material with which you are briefed

For the purpose of preparing your report, you are briefed with the materials in the **enclosed** index. The material contained in the index has been extracted from the NSWPF investigation file and the court file from the Coroners Court of NSW.

Please note that the briefing materials contain sensitive images. The relevant tabs of your briefing material have been marked with an asterisk on the index.

If there is any additional material that you consider would be of use to you in forming your opinion, please contact Emily Burston and this material will be provided to you (if available).

### Matters to be addressed in your report

I would be grateful if you could address the following matters in your report, having regard to the material with which you are briefed and to the extent that they are matters which fall within your expertise:

1. 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");
2. 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;
3. Aspects of victimology that may be relevant to Mr Brennan's death;
4. Any recommendations for further investigations with respect to determining the manner and cause of the person's death; and
5. Any other matters you wish to raise within your expertise that may be of assistance to the Inquiry.

Subject to your discretion, the Inquiry requires only a succinct analysis of the above matters and does not anticipate that your report need exceed three pages. However, you should not feel constrained to this page guidance if you consider a longer report necessary or appropriate.

In the event that you are called to give evidence before the Inquiry, either as to general matters in connection with LGBTIQ hate crimes or particular cases, it may be necessary for the Inquiry to disclose to interested parties any correspondence or conference notes with you.

### Expert Witness Code of Conduct

I **enclose** a copy of the Expert Code of Conduct with which expert witnesses in Supreme Court proceedings in NSW are typically required to comply. While the present inquiry is not a Court proceeding, I would be grateful if you would read the Code of Conduct and agree to be bound by it. I suggest the following form of words be included in the body of your report in due course:

"I, Dr Danny Sullivan, acknowledge that I have read the Expert Witness Code of Conduct in Schedule 7 to the Uniform Civil Procedure Rules 2005 (NSW) and agree to be bound by it."

Thank you for your consideration and assistance.

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Please do not hesitate to contact Emily Burston, Senior Solicitor on [REDACTED] or Kate Lockery, Principal Solicitor on [REDACTED] if you have any queries in relation to this matter.

Yours faithfully,



Emily Burston  
Senior Solicitor  
**for Crown Solicitor**

Encl. 2

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## Death of Kenneth Brennan

## Index to Brief

Tab	Document	Date	Relativity reference
<b>Forensic material</b>			
1.	Autopsy Report of Peter Graham Bradhurst	6 October 1995	SCOI.00009.00132 and SCOI.00009.00133
2.	Statement of Sergeant Paul Loftus Shiels	2 April 1996	SCOI.00009.00010
3.	Statement of Detective Senior Constable Lyle William Van Leeuwen	13 August 1996	SCOI.00009.00013
4.	Crime scene photographs*	12 June 1995	SCOI.00009.00137
5.	Statement of Senior Constable Robert Andrew Ford	13 August 1996	SCOI.00009.00014
6.	Autopsy photographs*	13 June 1995	SCOI.00009.00138
7.	Results of forensic examination by Michele Anne Franco (DAL)	24 January 1996	SCOI.10183.00004
8.	Further results of forensic examination by Michele Anne Franco (DAL)	10 September 1999	SCOI.10181.00005
<b>Information regarding deceased and police investigation</b>			
9.	Statement of Constable Laura Clare Thurtell	19 January 1996	SCOI.00009.00008
10.	Statement of Detective Senior Constable Brad Edmund Tayler	29 January 1996	SCOI.00009.00141
11.	Post-operational assessment of Strike Force Skarratt	1 August 2019	N/A
12.	Statement of <b>NP215</b>	15 June 1995	SCOI.00009.00019
13.	Statement of <b>NP215</b>	29 June 1995	SCOI.10278.00007
14.	Record of interview with <b>NP215</b>	12 June 1995	SCOI.10183.00008

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15.	Notes of interview with <b>NP215</b>	Undated	SCOI.10307.00096
16.	Statement of <b>NP214</b>	12 June 1995	SCOI.00009.00018
17.	Statement of <b>NP214</b>	16 June 1995	SCOI.00009.00022
18.	Statement of Ronda Helen Saler	3 August 1995	SCOI.00009.00028
19.	Statement of Rosemary Joan Ferguson	3 August 1995	SCOI.00009.00051
20.	Statement of <b>NP189</b>	16 June 1995	SCOI.00009.00020
21.	Statement of <b>I282</b>	11 June 1995	SCOI.00009.00021
22.	Statement of <b>NP199</b>	24 August 1995	SCOI.00009.00053
23.	Statement of Graham Frank Duckett	3 August 1995	SCOI.00009.00052
24.	Statement of <b>NP190</b>	20 June 1995	SCOI.00009.00029
25.	Transcript of coronial inquest	17 September 1996	SCOI.00009.00059