



Special Commission of Inquiry into LGBTIQ hate crimes

Statement of Hermione Nicholls

21 June 2023

This statement made by me accurately sets out the evidence that I would be prepared, if necessary, to give to the Special Commission of Inquiry into LGBTIQ hate crimes (**the Inquiry**) as a witness. This statement has been prepared from my own knowledge and perusing the records of the Inquiry. The statement is true to the best of my knowledge and belief.

1. My name is Hermione Grace Nicholls. My address is known to the Inquiry.
2. I am employed as a Senior Solicitor by the Inquiry.
3. In the course of my duties, I have reviewed and conducted inquiries in relation to the death of Kenneth Brennan, who died on 11 June 1995 at Elizabeth Bay, NSW. The information contained in this statement is true based on my own knowledge and documents that are in the possession of the Inquiry and relevant to Mr Brennan.

Request for coronial file

4. On 11 May 2022, the Inquiry issued a written request to the Registrar of the Coroners Court of NSW at Lidcombe to obtain the coronial file in relation to the death of Mr Brennan. On 26 May 2022, the Coroners Court produced Mr Brennan's coronial file to the Inquiry.

Summonses and requests for police files and documents

5. On 18 May 2022, the Inquiry issued a summons to the NSW Police Force (**NSWPF**) for, *inter alia*, the investigative file in relation to the death of Mr Brennan (summons NSWPF1). A hard copy of the file in relation to Mr Brennan was produced on 8 June 2022.

Inquiries in relation to Mr Brennan

6. On 13 April 2023, the Inquiry issued a summons to the NSW Registry of Births, Deaths and Marriages (**NSW BDM**) for, *inter alia*, Mr Brennan's death certificate (summons BDM22). On 17 April 2023, NSW BDM produced Mr Brennan's death certificate. This document is included in the tender bundle.

Inquiries in relation to Mr Brennan's family members

7. As part of its investigations into Mr Brennan's death, the Inquiry has made contact with Jan Ferguson, who is the sister of Mr Brennan's ex-wife Rosemary Ferguson. Members of the Inquiry's

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legal team video-conferenced with Ms Ferguson and members of her family on 14 October 2022 and 9 June 2023.

8. The Inquiry has also attempted to contact Mr Brennan's parents, Josephine and William Brennan, and his siblings Robert Brennan and Ronda Saler.
9. The Inquiry understands that Josephine and William Brennan are both deceased. On 10 May 2023, NSW BDM advised the Inquiry that evidence in its possession appears to indicate that Josephine Brennan is deceased. Although no death certificate was produced for either Josephine or William Brennan, Ms Ferguson advised the Inquiry in conference on 9 June 2023 that Mr Brennan has no surviving immediate family members.
10. In addition, the Inquiry has been unable to identify any contemporary contact details for Robert Brennan, despite inquiries with NSW BDM, South Australian Police and other government agencies (via inter-agency cooperation). The Inquiry located the last known address for Ms Saler and issued a letter to that address on 6 June 2023. As at today's date, no response to that letter has been received by the Inquiry. However, the Inquiry understands Ms Saler is alive and has received the letter issued (see [15] below).

Inquiries in relation to **NP215**

11. Through inter-agency cooperation the Inquiry has been provided with contact details for Mr Brennan's de-facto partner **NP215**
12. On 14 June 2023, the Inquiry issued a letter to **NP215** informing him of the public hearing into Mr Brennan's death.
13. On 16 June 2023, the Inquiry issued a further letter to **NP215** informing him that he would be named (with a pseudonym) as a person of interest at the public hearing into Mr Brennan's death, and of the relevant procedures should he wish to become involved in the proceedings and/or make submissions in relation to this matter.
14. On 20 June 2023, the Inquiry received an email from **NP215** in response to the Inquiry's letters issued on 14 and 16 June 2023.
15. That day, I also received a telephone call from **NP215** about the arrangements for Mr Brennan's hearing. During that conversation, **NP215** informed me that Mr Brennan's sister, Ms Saler, is Mr Brennan's only surviving family member and that she received the Inquiry's letter dated 6 June 2023.

Inquiries in relation to persons of interest

16. As part of its investigations into Mr Brennan's death, the Inquiry has taken steps to locate all persons of interest in Mr Brennan's matter.
17. Through summonses to NSW BDM and inter-agency cooperation, the Inquiry has determined that the following persons are deceased:

- a. **NP188**;

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- b. **NP188**;
- c. **NP198**;
- d. **NP202**;
- e. **NP205**;
- f. **NP187**; and
- g. **NP199**.

18. Through summonses to NSW BDM and Queensland Police Services, and inter-agency cooperation, the Inquiry has been provided with relatively contemporary contact details for the following persons:

- a. **NP214**;
- b. **NP189**;
- c. **NP190**;
- d. **NP204**;
- e. **NP200**;
- f. **NP203**;
- g. **NP182**;
- h. **NP218**;
- i. **NP212**;
- j. **NP208**;
- k. **NP206**;
- l. **NP183**;
- m. **NP196**;
- n. **NP195**;
- o. **NP197**;
- p. **NP209**;
- q. **NP186**; and
- r. **NP192**.

19. To date, the Inquiry has not contacted any of the persons listed above in [18].

20. The Inquiry has been unable to identify contemporary contact details for the following persons:

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- a. **NP194**;
- b. **NP211**;
- c. **NP185** (who appears to have resided offshore since 2012);
- d. **NP184**; and
- e. **NP193**

Inquiries in relation to Mr Brennan's neighbours*Natalie Leonoff*

21. The Inquiry understands that Natalie Leonoff is deceased. A copy of Mrs Leonoff's death certificate was produced by NSW BDM on 17 April 2023 and is included in tender bundle.

Christopher Crook

22. On 27 April 2023, the Inquiry requested inter-agency cooperation to locate "C.D.Crook", who was a neighbour of Mr Brennan's at the time of his death (SCOI.10316.00009). On 28 April 2023, the Inquiry was informed that "C.D.Crook" is Christopher Desmond Crook and was provided with his contact details.
23. On 3 May 2023, the Inquiry issued a letter to Mr Crook seeking any relevant information he may have in relation to Mr Brennan's death. On 15 May 2023, this letter was returned to the Inquiry with a notation that Mr Crook was no longer residing at that address.
24. On 10 May 2023, I telephoned Mr Crook. Mr Crook advised me that he resides in Queensland and would not be able to provide further information to the Inquiry. I attempted to contact Mr Crook again on 16 and 19 May 2023 without success.

Inquiries in relation to other witnesses

25. On 2 June 2023, the Inquiry sought inter-agency cooperation, to locate contemporaneous contact details for a witness named Christopher Thomas in records received by the NSWPF.
26. On 5 June 2023, the Inquiry was informed that Mr Thomas is deceased.

Signature: 

Name: Hermione Nicholls

Date: 21 June 2023