

From: [Hermione Nicholls](#)
To: [David Bruce \(NSW Health Pathology\)](#)
Cc: [Kate Lockery](#); [Caitlin Healey-Nash](#); [Clint Cochrane \(NSW Health Pathology\)](#)
Subject: Brennan - enquiries following receipt of expert certificate of Dr David Bruce
Date: Tuesday, 19 September 2023 9:11:00 AM
Attachments: [image001.jpg](#)

Dear David,

Thank you for your time in conference last week.

Following our conference, I would be grateful if you could please liaise with your database management team and relevant persons to address the following questions:

1. In what years were condoms 1 and 2 tested by FASS? In particular, were condoms 1 and 2 tested in 2016/2017?
2. If condoms 1 and 2 were tested in 2016/2017:
 - please indicate the results of the 2016/2017 tests; and
 - indicate in what way (if any), the 2016/2017 tests produced different results from the results referred to in your expert certificate dated 8 September 2023 (**2023 results**), and the reasons for those differences.
3. If condoms 1 and 2 were not tested in 2016/2017, please indicate whether the 2023 results would have been able to be obtained in 2016/2017 had testing in 2016/2017 been carried out.
4. As at September 2023, is it standard practice for the data within each state/territory DNA database to be uploaded to the National Criminal Investigation DNA Database (**NCIDD system**) or any other national database? If not, please outline the steps that the Inquiry should take to ensure a specific DNA profile has been checked against each state/territory DNA database.
5. Does FASS have access to DNA databases within New Zealand? If not, please outline the steps that the Inquiry should take to ensure a specific DNA profile has been checked against any existing New Zealand DNA database.
6. If possible, please identify the medium (i.e. blood, semen, saliva etc) of each of the DNA profiles referred to at: (a) item 36i; and (b) item 37ii of paragraph 4 of your expert certificate dated 8 September 2023.

If you have any questions in relation to this email, please do not hesitate to contact me. I would be grateful if you could provide your responses to the questions above by 22 September 2023.

Kind regards,

Hermione



Hermione Nicholls (*she/her*)

Senior Solicitor

Special Commission of Inquiry into LGBTIQ hate crimes

Chief Secretary's Building 121 Macquarie Street, Sydney NSW 2000

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I acknowledge the traditional owners and custodians of country throughout NSW and their continuing connection to the land, culture and community. I pay my respects to Elders past and present.