

**From:** [David Bruce \(NSW Health Pathology\)](#)  
**To:** [Hermione Nicholls](#)  
**Cc:** [Kate Lockery](#); [Caitlin Healey-Nash](#); [Clint Cochrane \(NSW Health Pathology\)](#)  
**Subject:** RE: Brennan - enquiries following receipt of expert certificate of Dr David Bruce  
**Date:** Wednesday, 4 October 2023 10:25:16 AM  
**Attachments:** [image002.jpg](#)  
[image003.jpg](#)  
[image004.png](#)  
[image005.png](#)  
[image006.png](#)  
[image007.png](#)  
[image008.png](#)  
[image009.png](#)  
[image010.jpg](#)

**Importance:** High

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Good Morning Hermione

The information contained in the case file from the original examination of the condom in 1995 does not clarify whether the 'outside' surface of the condom refers to 'as received' or 'as worn'. It is probably more likely that the condom was examined 'as received' with 'outside' and 'inside' distinguishing the samples taken from the outside surface and the inside surface. When the condom was re-examined in 2016 it is noted that the samples were taken from the outside and inside surfaces as received.

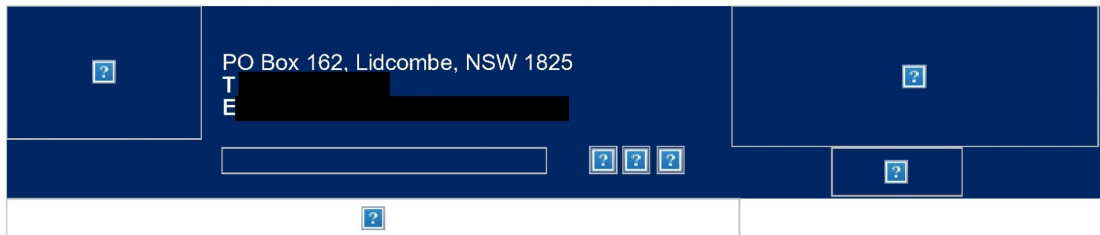
I hope this is of assistance to you and please let me know if you need any further information.

Kind Regards

David

## Dr David Bruce

Senior Forensic Biologist and Historical DNA Casework Coordinator, Forensic & Analytical Science Service  
 Industry Associate Professor of Forensic Biology, Western Sydney University



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**From:** Hermione Nicholls <[REDACTED]>  
**Sent:** Tuesday, 3 October 2023 5:39 PM  
**To:** David Bruce (NSW Health Pathology) <[REDACTED]>  
**Cc:** Kate Lockery <[REDACTED]>; Caitlin Healey-Nash <[REDACTED]>; Clint Cochrane (NSW Health Pathology) <[REDACTED]>  
**Subject:** RE: Brennan - enquiries following receipt of expert certificate of Dr David Bruce

Hi David,

Thank you for providing your statement.

I would be grateful if you could please clarify whether the reference to "outside" of the condom (versus "inside" of the condom) at paragraph 10 of your statement refers to the surface of the condom that would be on the outside (i.e.

adjacent to air, rather than skin) at the time the condom was being used.

If you have any questions in relation to this email, please do not hesitate to contact me.

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

T [REDACTED] E [REDACTED]

[www.specialcommission.nsw.gov.au](http://www.specialcommission.nsw.gov.au)

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**From:** David Bruce (NSW Health Pathology) <[REDACTED]>  
**Sent:** Wednesday, 27 September 2023 12:43 PM  
**To:** Hermione Nicholls <[REDACTED]>  
**Cc:** Kate Lockery <[REDACTED]>; Caitlin Healey-Nash <[REDACTED]>; Clint Cochrane (NSW Health Pathology) <[REDACTED]>  
**Subject:** RE: Brennan - enquiries following receipt of expert certificate of Dr David Bruce  
**Importance:** High

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Good Afternoon Hermione

Please excuse the delay in responding to your initial email.

I have attached a copy of a Statement which addresses the questions raised in the email dated the 19<sup>th</sup> September.

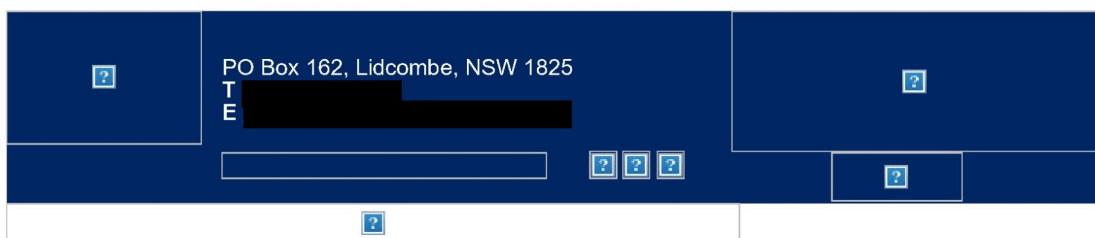
Please let me know if you need any further information.

Kind Regards

David

### Dr David Bruce

Senior Forensic Biologist and Historical DNA Casework Coordinator, Forensic & Analytical Science Service  
 Industry Associate Professor of Forensic Biology, Western Sydney University



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**From:** Hermione Nicholls <[REDACTED]>  
**Sent:** Tuesday, 26 September 2023 5:59 PM

**To:** David Bruce (NSW Health Pathology) <[REDACTED]>  
**Cc:** Kate Lockery <[REDACTED]>; Caitlin Healey-Nash <[REDACTED]>  
 [REDACTED]; Clint Cochrane (NSW Health Pathology) <[REDACTED]>  
**Subject:** RE: Brennan - enquiries following receipt of expert certificate of Dr David Bruce

Hi David,

Thank you for your email.

Yes, tomorrow is suitable.

If you have any questions in relation to this email, please do not hesitate to contact me.

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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**From:** David Bruce (NSW Health Pathology) <[REDACTED]>  
**Sent:** Tuesday, 26 September 2023 1:48 PM  
**To:** Hermione Nicholls <[REDACTED]>  
**Cc:** Kate Lockery <[REDACTED]>; Caitlin Healey-Nash <[REDACTED]>  
 [REDACTED]; Clint Cochrane (NSW Health Pathology) <[REDACTED]>  
**Subject:** RE: Brennan - enquiries following receipt of expert certificate of Dr David Bruce  
**Importance:** High

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Good Afternoon Hermione

I apologise for the delay in responding to your email but I am just checking details in order to give you the most accurate response.

I am working at Western Sydney University at Richmond today and do not have access to my NSW FASS LIMS here. Would it be convenient for you if I send you my response tomorrow, Wednesday, before 3pm instead of today?

Please let me know if this change of schedule is acceptable to you.

Kind Regards

David

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**From:** Hermione Nicholls <[REDACTED]>  
**Sent:** Monday, 25 September 2023 5:00 PM  
**To:** David Bruce (NSW Health Pathology) <[REDACTED]>  
**Cc:** Kate Lockery <[REDACTED]>; Caitlin Healey-Nash <[REDACTED]>  
 [REDACTED]; Clint Cochrane (NSW Health Pathology) <[REDACTED]>  
**Subject:** RE: Brennan - enquiries following receipt of expert certificate of Dr David Bruce  
**Importance:** High

Dear David,

I refer to my email below.

I would be grateful if, by 3pm tomorrow, you could please provide your responses in relation to the 6 questions below. If you require additional time to prepare your responses, please let me know as soon as possible.

If you have any questions in relation to this email, please do not hesitate to contact me.

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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**From:** Hermione Nicholls

**Sent:** Tuesday, 19 September 2023 9:11 AM

**To:** David Bruce (NSW Health Pathology) <[REDACTED]>

**Cc:** Kate Lockery <[REDACTED]>; Caitlin Healey-Nash <[REDACTED]>; Clint Cochrane (NSW Health Pathology) <[REDACTED]>

**Subject:** Brennan - enquiries following receipt of expert certificate of Dr David Bruce

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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