

We hear ya but can't really Sia

KATHY McCABE

IT'S pop but not as you know it when delivered in a stadium by that delightfully bewigged musical eccentric Sia.

The Australian songwriter to the stars has built her own career on anonymity, defiantly swapping fame for a black-and-white wig and a platform in the shadows at her Sydney concert in front of 30,000 fans at Allianz Stadium on a rainy Saturday night.

The performance art meets interpretative dance experience may have polarised her Melbourne audience, but it was clear young fans at her Sydney concert got the memo about this non-conventional pop show. Tween girls wearing her signature bob wig mirrored every move executed by Sia's teen alter ego Maddie Ziegler.

The woman behind so many chart-toppers, from concert opener *Alive* to *Diamonds* by Rihanna, sang strongly as dancers interpreted her songs.

The video screens broadcast pre-recorded clips, occasionally starring actors Kristen Wiig, Paul Giamatti and Ben Mendelsohn which were mirrored by the live performance on stage.

Close ups appeared designed to assure the audience Sia was definitely in the house. Of course, it would have been better had she reached out to her audience with some thank yous. But that's Sia. She never promised anything more than this. And the deafening cheers show they got what they came for.



Sia and her visual alter ego Maddie Ziegler. Picture: Anthony Smith

Rush quits arts academy

EXCLUSIVE

JONATHAN MORAN



Rush.

ACADEMY Award-winning actor Geoffrey Rush yesterday stood down as president of the Australian Academy of Cinema, Television and Arts (AACTA) in the wake of allegations of "inappropriate behaviour" levelled against him by a female co-star.

Rush will no longer attend the annual AACTA Awards in Sydney on Wednesday, and producers of the live television

broadcast have scrapped a video introduction to the night that he filmed with Rebel Wilson last week.

"AACTA acknowledges the decision today of Geoffrey Rush to voluntarily step aside as president of AACTA and accepts and respects his decision to do so," AACTA said in a statement.

"We have been deeply con-

cerned about the situation and support a course of action that both respects Geoffrey's rights to the presumption of innocence and due process, but also acknowledges good corporate governance in these circumstances."

The Sunday Telegraph can reveal the allegations against Rush — which he has repeatedly denied — caused a major shake-up of the AACTA board.

Foxtel executive director of television Brian Walsh has written to the board to notify it of his resignation.

Others on the board include Noni Hazlehurst, Alan Finney, Margaret Pomeranz and Mark Morrissey.

Foxtel and Channel 7 are the broadcast partners of the event and are understood to have contacted AACTA on Friday with concerns about Rush's position as head of the organisation as well as his participation in the ceremony.

"We were jointly concerned about sending the wrong message to the community and brought everyone back to the table to consider

the situation," a Channel 7 spokeswoman said.

Rush, 66, has strongly denied accusations of repeatedly inappropriately touching a cast member during The Sydney Theatre Company's stage production of *King Lear*, which ran from November 2015 to January 2016.

It is understood the alleged incidents at times occurred in full view of the audience in the Roslyn Packer Theatre.

The STC confirmed a complaint was made after the production came to an end.

While the actor who filed the complaint has asked not to be named, two of her fellow actors have come out in support of her, including *King Lear* co-star Meyne Raul Wyatt.

"I was in the show," Wyatt wrote on social media after The Daily Telegraph broke the story. "I believe (the person) who has come forward."

A Sunday Telegraph journalist attempted to contact Rush at his Melbourne home yesterday, where his wife, actor Jane Menelaus, would not comment.

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Cruel end as system fails kids

EXCLUSIVE
ANNA CALDWELL
STATE POLITICAL EDITOR

THERE has been a dramatic rise in the number of children committing suicide after coming into contact with the NSW child safety system, according to a shocking new report.

The government has been alerted to the horror statistic that, in 2016, 11 children aged between 13 and 17 and known by the Department of Families and Community Services (FACS) committed suicide. In the three years prior, that number had been steady at around five deaths per year. Family Services Minister Pru Goward declared the government must "continuously improve its child safety systems to keep vulnerable children and young people safe".

The report into the deaths of the children known by the child safety system noted that all but one of the victims had experienced childhood trauma including "physical abuse, domestic violence and sexual assault," but that despite this FACS did not recognise the children needed help.

"FACS did not recognise the children as being in need of care and support and therefore we missed opportunities to understand the risk their behaviour posed to other children and themselves," the Child Deaths Annual Report said.

It detailed how the warning signs existed: "A number of the children were suffering from mental health problems prior to their death. Reported concerns were about risk-taking behaviour, such as problematic substance use and self-harm. Several of the children had made a previous suicide attempt or had made threats to end their life."

It comes as statewide figures show that of all children across the state identified in the past year as being at risk of significant harm, just one in three were assessed face-to-face by caseworkers. In October, Coroner Harriet Graeme — considering the suicide of a 13-year-old boy known to FACS — warned the government the system was in "ongoing crisis".

That boy had been reported to FACS multiple times, but was not adequately followed up before his 2013 death. Coroner Graeme said in his findings: "It is more than a sad state of affairs, it is an ongoing crisis. Time after time this court grapples with the under-resourced Department of Families and Community Services".



Orange Is The New Black actor Yael Stone and (inset) as Moretto and (above right) Geoffrey Rush.
Main Picture: Stephen Cooper

UGLY OPEN SECRET IS CENTRE STAGE

TV and theatre star's warning

JONATHAN MORAN

ACCLAIMED Australian actor and Sydney Theatre Company regular Yael Stone says the "truth is hitting home" after complaints of inappropriate conduct in the local entertainment industry exposed a culture which has been an ugly "open secret".

Stone, who stars in the popular US series *Orange Is The New Black*, says "clear guidelines" and "well established, protected systems" must be put in place to safeguard actors.

The comments follow legendary actor Geoffrey Rush standing down as president of the Australian Academy of Cinema, Television and Arts in the wake of allegations of "inappropriate behaviour" towards a female co-star during the STC's recent production of *King Lear*.

Rush has vehemently denied the accusations and any wrongdoing.

"The scale of this unspoken culture, and the abuse of power manifested in sexual aggression, shouldn't really come as a surprise," Stone, 32, said.

"But the fact that we have collectively kept an open secret like this for so long is inherently shocking."

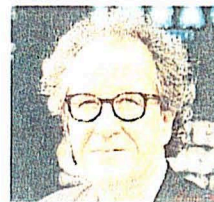
"Now we are discovering that this culture also exists in Australia, the truth is hitting home, and it hurts."

Stone has done several shows with the STC including *Frankenstein*, *Elling* and *Honour*.

She was set to be part of its 2018 season until she fell pregnant.

Stone said social media's #metoo movement, which has gathered steam after allegations of sexual misconduct were levelled at Hollywood producer Harvey Weinstein, has meant power "imbalance" is no longer "enough to keep less powerful victims silent".

"Some of those accused of inappropriate behaviour have never considered their manner of operating unsavoury or upsetting, be-



cause the culture has fostered it," she wrote in a piece yesterday for the *Guardian*.

"For those on the receiving end, it is so hard for a less experienced person to say 'stop' when the world you're trying to break into keeps saying 'this is normal'."

"We create the normal, and we are responsible for it."

Stone says that some people assume that the "creative arts" is a "space where it's impossible to keep interpersonal and power dynamics healthy".

But she says that is wrong. "As these issues come to light more publicly, both at home in Australia and abroad, I have great faith that the major storytelling houses and all workplaces — will take the opportunity to examine their culture, and foster an environment in which everyone can feel safe," she said.

The *Daily Telegraph* last week revealed the STC had revised its HR policies in the wake of the complaint against Rush. "We have reviewed policies and procedures in place and that includes educating actors when they come into the company about our intolerance of inappropriate behaviour, who they should speak to and encouraging them to speak up," executive director of the STC Patrick McIntyre said.



SCOUTS' GIRLS GUIDE

SCOUT leaders in the UK have been told to avoid referring to children as "boys" and "girls" to ensure that transgender members are not offended.

Official guidelines instruct leaders to use "gender-neutral" phrases such as "hello, everybody" when addressing Scout troops.

They also say the phrase

"hello gentlemen" should be avoided and warns against calling female Scouts "ladies".

The advice has come to light just a week after it was revealed that the Girl Guides in the UK now allows boys who believe they are female to share changing rooms and toilets with girls while camping.



Bridgette van Leuven.

Children get the run of the House

IT has hosted some of the biggest names in entertainment but next year, the Sydney Opera House will be home to a 78-storey treehouse and a billionaire boy.

Australia's cultural icon has a goal to host the biggest showcase of children's entertainment in the country. Bridgette Van Leuven, Head of Children, Families and Creative Learning, said: "It is our

fervent belief and desire to treat our younger audience with the respect they deserve and present shows of world renown for them to enjoy."

The Opera House first began programming for children in 1977, four years after it first opened. "Four decades on, our program reaches 650,000 young people and their families each year and is

a foundation for learning and inspiring the next generation of innovators, creators and future leaders," Ms Van Leuven said.

The 2018 Children's program includes the stage adaptation of Andy Griffiths and Terry Denton's bestseller *The 78-Storey Treehouse* and the production of David Walliams' hit book *Billionaire Boy*, among many others.

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CONFIDENTIAL

AACTA Awards: Stars of stage and screen urge industry to tackle cancer of sexual harassment

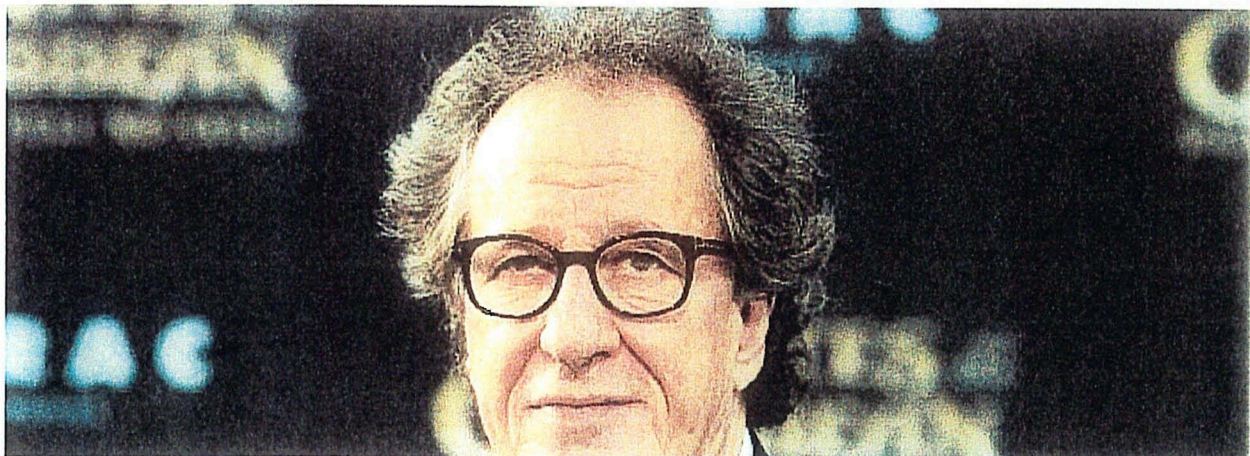
Karlle Rutherford & Kris Crane, The Daily Telegraph

December 5, 2017 1:29pm

[Subscriber only](#)

AUSTRALIA's version of the Oscars has been hit by a last-minute plot twist that has put the dark side of the entertainment industry squarely in the spotlight.

The Australian Academy of Cinema and Television Arts (AACTA) Awards are supposed to be a celebration of local film and television, with honour and homage paid to the giants of stage and screen, but the question many were asking as the show kicked off yesterday was — how will this story end?





Oscar winner Geoffrey Rush has been stood down as AACTA president. Picture: Jordan Strauss/Invision/AP

This year's event has been overshadowed by a series of sexual harassment and bullying allegations levelled at some of entertainment's biggest stars following Hollywood's earth-shaking Harvey Weinstein scandal.

Actor, writer and director Josh Lawson said the industry was in transition and would emerge stronger.

"I think like a lot of people. I stand beside all victims ... and I look forward to the new normal where anyone of any gender can work without intimidation and fear and on equal footing and equal pay," he said at yesterday's AACTA luncheon.





Josh Lawson said the industry will emerge stronger. Picture: Ben Rushton



Walking Dead star Callan McAuliffe worked with Rush and described him as a gentleman. Picture: Richard Dobson

"It's like cutting out a tumour, it's messy, it's bloody and ultimately we will be better for it."

Among the figures in the spotlight is AACTA president and Oscar winner Geoffrey Rush who has stood down from his position after being accused of "inappropriate behaviour" towards a female co-star during a recent stage production of King Lear. A claim he strongly denies.

TV presenter Don Burke is also facing allegations he denies and dozens of other well-known figures are expected to be accused of misconduct.

At yesterday's ceremony winners of production categories were announced in advance of tomorrow's awards night, but the mood was subdued. Rush's fellow AACTA board member, respected film critic Margaret Pomeranz, refused to walk the red carpet or enter the media room after winning Best Female Presenter and ignored requests for interviews.





📷 Margaret Pomeranz refused to walk the red carpet, enter the media room and ignored requests for interviews. Picture: Richard Dobson

Actor and fellow board member Noni Hazlehurst refused to comment, while Susie Porter said she respected Rush's decision to step down.

Walking Dead star Callan McAuliffe, who worked with Rush on Hollywood film *The Book Thief*, threw his support behind the actor, whom he described as a gentleman.

But he also revealed he'd been subjected to sexual harassment during his career without naming the perpetrator.

"It has happened to me before which is uncomfortable. People grope you," the 22-year-old said. "I certainly wouldn't call myself a victim."

MORE: [ACTORS SUPPORT WOMAN WHO COMPLAINED OF TOUCHING](#)

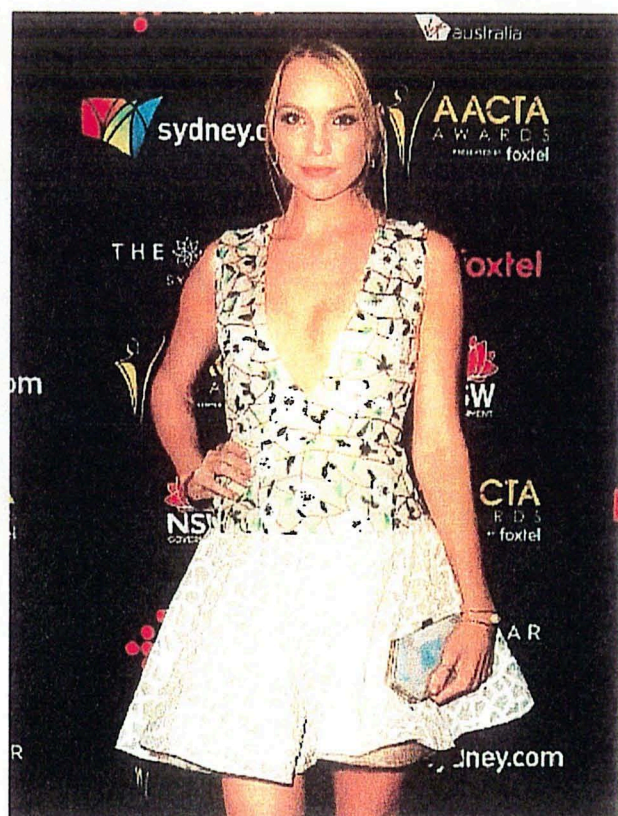
MORE: [RUSH DENIES ACCUSATION OF 'INAPPROPRIATE BEHAVIOUR'](#)

"I am not a victim of anything so severe as what we are hearing about now. But, you get the hug which lasts too long. Or someone taps you in a place where you would not tap someone else."

Actor Hunter Page-Lochard, who appeared with Rush in *Bran Nue Dae*, said while he would not comment on Rush's specific allegations because "I don't know anything personally" he supported people speaking out about inappropriate conduct.



Actor Hunter Page-Lochard is supporting people speaking out. Picture: Richard Dobson



800 Words star Melina Vidler is throwing her support to women across the world telling their stories. Picture: Lisa Maree Williams/Getty Images

ABC host Julia Zemiro also refused to comment on Rush, but said abuse was rampant in the industry.

"If you are a woman you are not shocked by men behaving poorly," she said.

"I've not had a hideous time of it. I am extremely proud of the women ... who are speaking out. We have to start calling out behaviours when they happen."



ABC host Julia Zemiro wouldn't comment on Rush but agreed abuse was rampant in the industry. Picture: Richard Dobson



Emma Booth says she is aware inappropriate behaviour goes on and described the movement as a 'beautiful change'. Picture: Richard Dobson

Melina Vidler, who won a Logie for her role in 800 Words, threw her support behind the women across the globe telling their stories: "It's really difficult to say because you don't want to tell your mother or your husband, let alone the world ... it shows how resilient women are."





Actress Susie Porter.

There was a notable absence of discussion on the issue of the day from the presenters and award winners, however, AACTA did announce its collaboration with Women in Film and Television in NSW (WIFT), supporting an industry forum next week to address harassment.

A poll released last month by WIFT revealed 58 per cent of respondents have experienced sexual harassment in the workplace.



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TV chiefs at centre of Rush departure

SALLY RAWSTHORNE

FOXTEL and Channel 7 forced the Australian Academy of Cinema, Television and Arts to take a stand on Geoffrey Rush after allegations of inappropriate behaviour were levelled against the superstar.

The networks took the extraordinary measure of writing a joint letter to AACTA chief executive Damian Trehwella, leading to Rush (pictured) stepping down as president of the organisation over the weekend.

"The entertainment industry is under intense scrutiny in relation to allegations of unacceptable behaviour by individuals in all areas of our businesses," Foxtel boss Peter Tonagh and Seven's director of programming Angus Ross wrote. "Both of our companies take very seriously the importance of having a safe and trusted work environment for our employees. The reason for this letter is to ensure that any organisation with which we are associated takes the same approach and adheres to the same principles."

The Daily Telegraph understands the letter was sent on Friday, a day after the AACTA board met for crisis talks. Foxtel executive director of television Brian Walsh resigned from his post on the board after that meeting.

"We are concerned that the current events affecting the industry may impact on the integrity of the awards broadcast next Wednesday night," the Foxtel-Seven letter read.

"Foxtel and Seven seek assurance every effort will be made to ensure that next Wednesday night's event is one of celebration for achievement in film and television. To that end we are concerned to ensure the board expresses AACTA's general condemnation of inappropriate behaviour by anyone associated with the industry."

The letter was sent on Friday, a day after the AACTA board met for crisis talks. Foxtel executive director of television Brian Walsh resigned from his post on the board after that meeting.

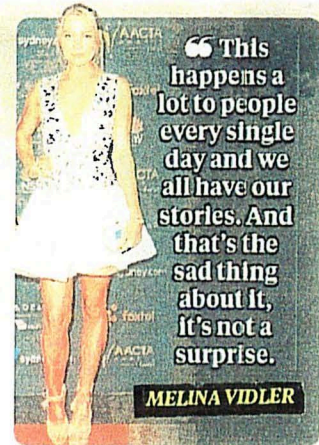
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IT'LL BE UGLY



"I think the one way you can look at this is positive ... it's the only way you can look at it. It's like cutting out a tumour, it's messy, it's bloody and ultimately we will be better for it."

JOSH LAWSON

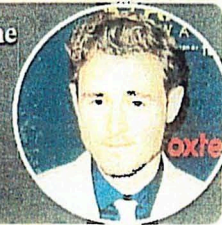


"This happens a lot to people every single day and we all have our stories. And that's the sad thing about it, it's not a surprise."

MELINA VIDLER

"It has happened to me before ... The industry is a very hyper sexual one. It happens to the best and worst of us."

CALLAN MCAULIFFE



Stars of stage and screen urge industry

KARLIE RUTHERFORD & KRIS CRANE

AUSTRALIA's version of the Oscars has been hit by a last-minute plot twist that has put the dark side of the entertainment industry squarely in the spotlight.

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Susie Porter

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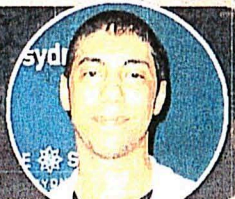
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BUT WORTH IT

"I support (people speaking out) where it's valid ... you have to stand behind the right."

HUNTER PAGE-LOCHARD



"I am extremely proud of the women who ... are speaking out. We have to start calling out behaviours when they happen."

JULIA ZEMIRO



"I've seen bits and pieces - I also used to model so I've seen it there. It's not something that's hugely affected me but people know it's been going on and I think it's a beautiful change."

EMMA BOOTH



Glitch star Emma Booth on the red carpet yesterday. Pictures: Richard Dobson

to tackle cancer of harassment

also revealed he'd been subjected to sexual harassment during his career without naming the perpetrator.

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Mercedes rage led to death

A WOMAN who fatally stabbed her cousin after a prolonged argument over the use of her car was yesterday found guilty of manslaughter.

Katherine Abdallah, 37, claimed she had acted in self-defence when she killed Suzie Sarkis, 21, at her Brighton-Le-Sands townhouse on February 9, 2013. However, after almost five days of deliberations, a NSW Supreme Court jury found Abdallah guilty of manslaughter, before her bail was revoked and the case put over to December 13. Abdallah originally faced a murder trial but was found guilty of the less serious charge of manslaughter and jailed in May 2015 for at least eight years and three months. Later that year, she successfully challenged her conviction and was ordered to face a second trial. The Crown contended during the retrial the stabbing was not self-defence but a continuation of a series of violent acts by Abdallah that day after she became angry at her cousin for using her new Mercedes.



Abdallah.

A flood of damages

COMMON sense and dam manuals were ignored by flood engineers during Queensland's deadly 2011 deluge, according to a class-action lawsuit aiming to secure hundreds of millions of dollars in damages for victims.

Launched in Sydney yesterday, the case comes nearly seven years after thousands of homes and businesses in Brisbane and surrounding areas were inundated by swirling, muddy floodwaters. When the gates of Wivenhoe Dam, west of Brisbane, were opened on January 11, the water released reached an extraordinary rate of 7464 cubic metres per second — more than double what it was only nine hours earlier.

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STAGE DRAMA

| 03

Rush 'just playful': Director

JACK HOUGHTON

THE director of a Sydney play at the centre of claims actor Geoffrey Rush "inappropriately touched" a co-star yesterday backed the Oscar winner, saying his "playfulness" was part of his "great artistry".

However director Neil Armfield conceded he did not know the full details of the alleged incident.



Armfield.

"In my time in all the weeks and months of rehearsal and performance, I saw absolutely nothing other than an artist at the top of his form leading a company with respect and playfulness and great artistry." Neil Armfield told ABC presenter Fran Kelly. "The allegation is not (sexual in nature). It is inappropriate behaviour."

A stunned Kelly followed up by asking if he knew details of the allegation. "No. I do not," Armfield replied.

Spacey was sex suspect

PRODUCTION on the 1995 film *The Usual Suspects* was shut down for two days after actor Kevin Spacey was accused of "inappropriate sexual behaviour," his co-star Gabriel Byrne has revealed.

Byrne said Spacey was accused of sexual misconduct by a young actor, but he did not know the full extent.

"I mean, he was kind of a joke in that people would say 'That's Kevin,' but nobody really understood the depth of his predations," Byrne said.

Byrne labelled Spacey a "bully-like movie mogul" Harvey Weinstein.

'Brave' women win praise at glam awards

ALISON STEPHENSON & KRIS CRANE

WOMEN speaking out against abuse and harassment in the entertainment industry were last night hailed as "pioneers" while two more big names revealed they had also been victims.

The revelations came as the biggest names on Australia's small and silver screens gathered for the seventh annual Australian Academy of Cinema and Television Arts (AACTA) Awards at The Star in Pyrmont last night.

The industry is reeling after allegations against former AACTA president Geoffrey Rush, who stood down after being accused of "inappropriate behaviour" towards a female co-star during a production of *King Lear*.

...a claim he strongly denies. And TV presenter Don Burke is facing multiple allegations, which he also denies.

"People that are brave enough to come forward are pioneers. (They) pave the way, so I will stand behind them and beside them," Wentworth star Danielle Cormack said.

WHILE RUSTY'S JOKE FALLS FLAT

RUSSELL Crowe stunned the audience at last night's AACTA awards with a bizarre speech about how he accidentally "sodomised" *Romper Stomper* co-star Jacqueline McKenzie during filming.

After first asking the gathering if they were "bored shitless", Crowe (pictured) launched into a story about filming sex scenes.

"I just want to talk about what binds us together, whether we work in film or television or theatre. I think it is two things. One is the driving passion for our pursuit

and the other is sensitivity. I was sodomising Jacqueline McKenzie on the set of *Romper Stomper* and I didn't actually intend to do that. I was trying to keep my bits away from her bits.

"She had been given one of those pieces of elastic that the girls get that protects them. All my bits and pieces were in a canvas sack with a drawstring... it wasn't until the opening night of the film that it was pointed out by none other than Jackie McKenzie's beautiful late mother that we were actually engaged in sodomy." Some observers were left "disgusted" by Crowe's remarks.



forward are pioneers. (They) pave the way, so I will stand behind them and beside them," Wentworth star Danielle Cormack said.

Film and TV veterans Jacqueline McKenzie and Debra Lawrence both spoke of being victims of past harassment, with Lawrence saying it was from "very famous men". McKenzie said the women speaking out were bringing about "some meaningful change".

because it is time. The way I dealt with things growing up is not the ideal way, but it was the only way I knew how to," she said. "I would just say, Get off me you perv. I think it's a clean slate now. We have an opportunity to set a new tone and new playing field."

Star sisters Jessica and Penny McNamara also opened up about finding themselves in uncomfortable situations.

Best lead actress winner Emma Booth on the red carpet before her AACTA triumph. Picture: Richard Dobson

All the winners and the glam from the big night in Sydney Confidential
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JACK HOUGHTON

THE director of a Sydney play at the centre of claims actor Geoffrey Rush "inappropriately touched" a co-star yesterday backed the Oscar winner, saying his "playfulness" was part of his "great artistry".

However director Neil Armfield conceded he did not know the full details of the alleged incident. "In my time in all the weeks and months of rehearsal and performance, I saw absolutely nothing other than an artist at the top of his form leading a company with respect and playfulness and great artistry," Neil Armfield told ABC presenter Fran Kelly. "The allegation is not (sexual in nature). It is inappropriate behaviour."

A stunned Kelly followed up by asking if he knew details of the allegation. "No, I do not," Armfield replied.

Spacey was sex suspect

PRODUCTION on the 1995 film *The Usual Suspects* was shut down for two days after actor Kevin Spacey was accused of "inappropriate sexual behaviour," his co-star Gabriel Byrne has revealed.

Byrne said Spacey was accused of sexual misconduct by a young actor, but he did not know the full extent.

"I mean, he was kind of a joke in that people would say, 'That's Kevin,' but nobody really understood the depth of his predations," Byrne said.

Byrne labelled Spacey a "bully" like movie mogul Harvey Weinstein.

Best lead actress winner Emma Booth on the red carpet before her AACTA triumph. Picture: Richard Dobson

'Brave' women win praise at glam awards

ALISON STEPHENSON & KRIS CRANE

WOMEN speaking out against abuse and harassment in the entertainment industry were last night hailed as "pioneers", while two more big names revealed they had also been victims.

The revelations came as the biggest names on Australia's small and silver screens gathered for the seventh annual Australian Academy of Cinema and Television Arts (AACTA) Awards at The Star in Pyrmont last night.

The industry is reeling after allegations against former AACTA president Geoffrey Rush, who stood down after being accused of "inappropriate behaviour" towards a female co-star during a production of *King Lear* — a claim he strongly denies. And TV presenter Don Burke is facing multiple allegations, which he also denies.

"People that are brave enough to come forward are pioneers. (They) pave the way, so I will stand behind them and beside them," Wentworth star Danielle Cormack said.

Film and TV veterans Jacqueline McKenzie and Debra Lawrance both spoke of being victims of past harassment, with Lawrance saying it was from "very famous men". McKenzie said the women speaking out were bringing about "some meaningful change".

WHILE RUSTY'S JOKE FALLS FLAT

RUSSELL Crowe stunned the audience at last night's AACTA awards with a bizarre speech about how he accidentally "sodomised" *Romper Stomper* co-star Jacqueline McKenzie during filming.

After first asking the gathering if they were "bored shitless", Crowe (pictured) launched into a story about filming sex scenes.

"I just want to talk about what binds us together, whether we work in film or television or theatre. I think it is two things. One is the driving passion for our pursuit

and the other is sensitivity. I was sodomising Jacqueline McKenzie on the set of *Romper Stomper* and I didn't actually intend to do that. I was trying to keep my bits away from her bits.

"She had been given one of those pieces of elastic that the girls get that protects them. All my bits and pieces were in a canvas sack with a drawstring... It wasn't until the opening night of the film that it was pointed out by none other than Jackie McKenzie's beautiful late mother that we were actually engaged in sodomy." Some observers were left "disgusted" by Crowe's remarks.

forward are pioneers. (They) pave the way, so I will stand behind them and beside them," Wentworth star Danielle Cormack said.

Film and TV veterans Jacqueline McKenzie and Debra Lawrance both spoke of being victims of past harassment, with Lawrance saying it was from "very famous men". McKenzie said the women speaking out were bringing about "some meaningful change".

because it is time. "The way I dealt with things growing up is not the ideal way, but it was the only way I knew how to," she said. "I would just say, 'Get off me you perv'. I think it's a clean slate now. We have an opportunity to set a new tone and now playing field."

Star sisters Jessica and Penny McNamee also opened up about finding themselves in uncomfortable situations.

All the winners and the glam from the big night in Sydney Confidential
PAGES 26-27

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TPG

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12/9/17 Australian (Newspaper) 8

News

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Section: Review
Rosemary Neill

The code of silence that allowed arts industries to ignore complaints is over, writes Rosemary Neill

A recent report from California's San Diego State University showed that women accounted for just 7 per cent of directors attached to the 250 top-grossing Hollywood films last year. In a telling comparison, this figure was two percentage points lower than it had been in 1998, almost two decades before.

In Australia, the prospects for female feature film directors during the past 47 years were only moderately better. Screen Australia statistics reveal women comprised 16 per cent of local film directors between 1970 and this year (though that figure is increasing because of the screen agency's recent, if sometimes contentious, affirmative action programs).

To put this in perspective, women are more likely to be accepted into the air force than they are to secure film directing gigs. (Women filled 19 per cent of jobs in the RAAF last year.) Yet unlike the military, the movie business promotes itself as inherently, unimpeachably progressive — early adopters of everything from gay marriage to wheatgrass shots; among the first to call out Donald Trump's grossly offensive comments about women on the Access Hollywood bus.

Even so, it has often seemed as if the more women complained about the celluloid ceiling, the less Hollywood — and film industries here and in Europe — were prepared to listen. Now, however, the tsunami of sexual harassment, assault and inappropriate behaviour allegations is engulfing some of the arts and screen industry's most powerful men, including Australia's Don Burke and **Geoffrey Rush**, who have both firmly denied the claims of misconduct.

Nonetheless, the ever-widening scandals are casting women's lack of career progress in a new, harsher light: It's only logical to assume that if an industry like Hollywood treats young actresses like glorified escorts — sending them off to job interviews with producers wearing bathrobes, expecting them to cop groping or indecent exposure as part of the job — then that industry is unlikely to take seriously women's broader career aspirations.

As the tidal wave of complaints about internationally influential figures (Harvey Weinstein, Kevin Spacey, Brett Ratner, Roger Ailes, Matt Lauer) shows little sign of receding, the arts and screen industries' dirtiest secret is being exposed: in the 21st century, there is no equivalent sector, apart from the sex industry, in which young people are so exploited for the sexual gratification of older, powerful men.

Megan Riakos, the president of Women in Film & Television NSW, says "there is an absolute link" between this diminished view of women, and their lack of career progress as, say, film directors or cinematographers. "I think it's an inextricable link. If you are objectifying women and you don't have that respect, you are unlikely to facilitate their careers in a meaningful way. That's 100 per cent a problem." Deb Verhoeven, a former chief executive of the Australian Film Institute and an associate dean with the University of Technology -Sydney's faculty of arts and social sciences, tells Review: "Sexual harassment and assault are -defining features of all film industries around the world and Australia is no exception.

"When we talk about a culture of silence around sexual predation, what we really mean is that these crimes and behaviours are rarely prosecuted ... Sexual discrimination and crimes in the Australian film industry are widely discussed- by those who are harmed by them (mostly women), but their experiences are seldom- taken seriously." Until now.

This week, WIFT is holding a groundbreaking forum in Sydney that will discuss implementing a sexual harassment code of ethics for the local screen industry. It also will canvass how to empower witnesses to report harassment and bullying. Normally, such an event would be a case of preaching to the converted. But in the current charged climate, major players are taking notice and taking part. Foxtel, Screen Australia, the Australian Academy of Cinema and Television Arts. and Screen Producers Australia plan to -attend the event.

Riakos says the initiative was sparked by the slew of sexual- misconduct allegations, including rape, made against former Hollywood kingpin Weinstein (who denies engaging in non-consensual acts). She says the forum's objective is to "break the culture that encourages this kind of harassment".

If real change is to occur, the arts and screen industries must confront another uncomfortable question: is there something about these industries that encourages an unusually high level of sexual harassment and intimidation?

Given the sheer volume of revelations made since The New York Times broke the Weinstein story two months ago, the answer is an -unequivocal yes. The Los Angeles Police Department- is investigating 28 sex-crime cases linked to Hollywood, while a further 37 cases are being looked at in other US jurisdictions. Police in Boston and London are investigating three sexual-assault-allegations, involving male victims, against Oscar-winning actor Spacey. London's Old Vic theatre recently found that Spacey, the theatre's former artistic director, was involved in 20 cases of alleged "inappropriate behaviour" between 1995 and 2013.

In Australia, former top-rating gardening guru Burke is facing multiple allegations of sexual misconduct — which he denies — from women working inside and outside the screen industry.

The Sydney Theatre Company says it received- a complaint that Oscar-winning actor **Geoffrey Rush** engaged in "inappropriate -behaviour" during a 2015-16 production of King Lear — a charge **Rush** vehemently denies. Other claims have been made about the Nine Network's past blokey, boozy culture — former program host Kerri-Anne Kennerley told news.com.au last week that an ex-network executive exposed his genitalia at an office party in the 1990s. "He literally pulled out his old fella and put it on the Channel 9 bar in front of the work-experience girl," she said.

In the wake of the Weinstein scandal, former broadcast journalist Tracey Spicer tweeted that she was investigating harassment and abuse in the media and entertainment industries. Within weeks, she received calls and emails from about 500 women identifying 65 men who were alleged "serial offenders".

Preliminary findings from a survey by the Media Entertainment & Arts Alliance's Actor-s Equity division found that 40 to 60 per cent of Australian actors had been sexually -harassed. Forty per cent of those actors report-ed the harassment, but most said there was no response, or an unsatisfactory response.

What are the factors that have allowed harassment in the arts, media and screen industries — and an attendant code of silence — to persist for decades, even as other male-domin-ated professions faced pressure to clean up their acts?

WIFT's Riakos says the wall of silence that can entrench harassment "has a lot to do with the freelance, unstable nature of the work". Many actors or directors only gained breakthrough jobs after years of sacrifice. This meant "the stakes were really high" when it came to making a misconduct complaint against a powerful figure.

Jane Hansen, a former journalist and co-author- of *Boned*, a satirical novel that took aim at commercial TV's unrepentant sexism, recently wrote of surviving life as a war correspondent — and of having someone expos-e his penis to her in a television boardroom. Writing in The Sunday Telegraph, she argued- that harassment in TV was fuelled by "an appalling sense of entitlement.

Like kids in a lolly shop, it is an industry where powerful men hold the strings to the hopes of so many vulnerable, beautiful and talented young women.

"The temptation to abuse such power is too much for some, but when such men form an impene-trable club ... rewarding bad behaviour with promotions, those who wish to stand up to it do not have a chance." Another factor that militates against calling out abusive behaviour is the high-risk economics surrounding film and TV projects.

Stage and screen actress Jacqueline McKenzie told The Australian last week she had endured "sexual- harassment, bullying, groping, lascivious comments and unwanted advances" while working here and overseas. On the two occasions- she complained, "the behaviour was ignored".

McKenzie, who appears in a forthcoming remake- of Romper Stomper, said entertainment executives were incapable of being objective about harassment claims because they were terrified- their productions could be shut down. "So often, they do not back you up because people- stand to lose livelihoods if productions are shut down — and not just one person, but hundreds of people," she says, calling for an independent body to investigate screen harassme-nt cases.

The idea that artists are outliers, that the rules do not apply to them, has long had currenc-y in the arts and entertainment worlds, and this, too, has nourished a culture of harassment and even child abuse.

Director Roman Polanski confessed to having unlawful sex with a 13-year-old schoolgirl when he was 43. Almost three decades later, Hollywood gave him an Oscar and a 30-second standing ovation.

A more recent case involving Hollywood producer and director Ratner, who has directed or produced hits including **Rush** Hour and X-Men: The Last Stand, and actress Olivia Munn also speaks to the idea of powerful artists being a protected species.

In a 2010 collection of essays, Munn told of visiting the set of a Hollywood film six years earlier, when she was an aspiring actress. As she dropped off food to the director's trailer, the directo-r — who she didn't name — allegedly masturbated and ejaculated in front of her. In a 2011 television interview, Ratner admitted he was the unnamed director.

He denied the masturbation claim, but said he and Munn had been dating; that he "banged her a few times ... forgot her", so "she's bitter". Days later, in a radio interview, he admitted he had lied — he and Munn had never dated or been intimate.

In any other industry, a man who admitted he lied to discredit a woman complaining of seriou-s sexual abuse would be toast. Not in Hollywood. Ratner went on to produce the Oscar-winning The Revenant (2015) and was an executive producer on the recently released children's film The LEGO Ninjago Movie.

Last month, however, six women including Munn approached the Los Angeles Times, accusing Ratner of sexual misconduct and harassment-. The producer and director denies the claims.

For all its self-styled progressivism, the arts and entertainment sector is surprisingly hierarchical. The notion directors are infallible is entrenched inside the rehearsal room and this can encourage bad behaviour.

I once asked a well-known Australian actor whether he would refuse to perform a stunt -demanded by a director, if he considered it to be demeaning. I was thinking of one actor who had to simulate sex with a bunch of flowers; and an actress who had to drop her knickers and sit on the loo a couple of metres away from the audience. "But ... but ... it's the director," stammered the actor, suddenly sounding like an intimidated schoolboy. "You can't say no ..." The media has also neglected its duty to challenge a culture built on unquestioned reverence for starry, bankable names. These days, interv-iews with Hollywood directors and stars are too often interviews in name only — they typically last about 15 minutes and difficult questions are usually banned. Through such tight control — coupled with widespread acquiescence by journalists — a culture of scrutiny is discouraged.

Of course, there will always be grey areas in an industry where men and women are paid to take off

their clothes, or perform simulated sex. And, as fresh revelations of sexual misconduct come to light almost daily, the allegations can feel relentless.

Certainly, we need a vocabulary that better distinguishes between different types of harassment. There is a vast difference between rape and a butt cheek being pinched; between mildly inappropriate language and Don Burke allegedly discussing the size of an Olympian's genitalia in her own home. Yet in the current debate all transgressors tend to be treated as equally culpable.

This leads us to the vexing case of **Rush**, and the accusation he denies that he engaged in "inappropriate behaviour" during an STC production of *King Lear*. This allegation, published by Sydney's *The Daily Telegraph*, generated headlines around the world, and has seen the Oscar-winner step aside as president of screen awards body AACTA.

Yet the nature of the alleged offending is unknown and the complainant has not been identified, spoken publicly or gone to the police. **Rush** says he has not been given any details of the "inappropriate" conduct — a source close to the STC, who did not want to be named, disputes this.

This week the production's director, Neil Armfield, told ABC radio: "I believe a great injustice is being perpetrated." Armfield said that, throughout the *King Lear* rehearsals and performances, "I saw absolutely nothing other than an artist at the top of his form, leading a company with respect and playfulness." A *King Lear* cast member has backed the complainant and the STC has conducted an investigation. However, this was carried out without **Rush's** knowledge, meaning he wasn't able to defend himself. The unnamed source says the STC "followed the complainant's wishes and didn't involve **Geoffrey**, investigated it [the allegation], and now the focus is on looking after her, which we're still doing." The STC has been criticised for telling journalists that a complaint was made while withholding details from the accused actor, but the source explains that "if we said nothing and a journalist had chapter and verse, then it would look like we were covering up. On the other hand, we've gone to a lot of trouble to respect the complainant's position." Through his lawyers, **Rush** has accused the STC of trying to "smear his name". Despite the troubling uncertainties surrounding the case, the sense that a turning point has been reached has come from an unexpected quarter. Conservative columnist Andrew Bolt confessed this week he has had an epiphany about the importance of women occupying key roles in the screen and media industries, so that bad behaviour is more likely to be challenged. Bolt asked what had catalysed the change under which "so many powerful men are today being outed? One thing above all. There are lots more women at work and in power — enough to call out the creeps." While he opposed screen industry quotas, the man who progressives love to hate admitted: "I wish I'd seen what a difference sheer numbers would make in bringing bastards to heel."

--- INDEX REFERENCES ---

COMPANY: FOXTEL MANAGEMENT PTY LTD; **RUSH ENTERPRISES INC;** Sydney Theatre C; BRITISH FILM INSTITUTE; SUNDAY TELEGRAPH; CROWN RESORTS LTD; NINE DIGITAL PTY LTD
NEWS SUBJECT: Assault & Battery (1AS33); Crime (1CR87); Sex Crimes (1SE01); Social Issues (1SO05); Violent Crime (1VI27)
INDUSTRY: Celebrities (1CE65); Entertainment (1EN08); Motion Pictures (1MO51)
REGION: Americas (1AM92); Australasia (1AU56); Australia (1AU55); California (1CA98); New South Wales (1NE75); North America (1NO39); Oceania (1OC40); U.S. West Region (1WE46); USA (1US73)
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THE AUSTRALIAN

Geoffrey Rush secures interim order to gag The Daily Telegraph's evidence

Geoffrey Rush at a press conference in December. Picture. AAP.

DANA MCCAULEY THE AUSTRALIAN 1:34PM February 8, 2018

Geoffrey Rush has secured an interim order to suppress *The Daily Telegraph's* defence to his defamation claim in the Federal Court.

There was no sign of the actor at the first hearing of the case in Sydney today.

Mr Rush's barrister Richard McHugh SC argued against allowing even a redacted version of the defence to be given to media, after submitting that vast slabs must be crossed out to prevent further damage to his client's reputation.

Justice Michael Wigney deferred argument on that issue to later this month. He found that to preserve Mr Rush's position until then so much material would have to be redacted that it would nullify the argument that the document should be released in the interests of the fair and open administration of justice.

Mr McHugh submitted that if the media was provided with the documents, it would allow them to publish material, based on "rumour", that would go further in damaging his client's reputation than the original articles he says defamed him.

"The problem is no one has ever gone close to saying anything like that," he said.

"It goes vastly beyond what was in the article ... and my client will have no redress ... It will be a fair and accurate court report, and my client will have no right to sue over it."

Mr McHugh argued that some particulars of the defence may be later abandoned and that they should therefore not be made public at this stage of the proceedings, as there was a risk that "these particulars become a vehicle through which the defendants can further damage my client."

Mr McHugh will also seek to have *The Telegraph's* defence struck out on the basis that it did not make out the truth of the defamatory imputations his client alleged had been made about him.

He said the damage to Mr Rush's reputation was "ongoing" as the articles about him remained online.

Mr Rush sued Nationwide News, publisher of *The Daily Telegraph*, in December after it published a story detailing an investigation into the actor by the Sydney Theatre Company over alleged sexual misconduct, along with a follow-up story and associated social media posts.

Barrister David Sibtain appeared on behalf of Fairfax Media and Nine, arguing that the defence should be made available.

Mr Rush alleges that the newspaper made him out to be a "pervert" and "sexual predator" with the headline of its front page story, which read "King Leer" in capital letters.

And he alleges, in documents filed with the court, that *The Daily Telegraph* billboard displayed in newsagents implies that he had "engaged in scandalously inappropriate behaviour" and "inappropriate sexual behaviour" towards another person during the STC's 2015 production of *King Lear*.

It read: "World exclusive: Geoffrey Rush in scandal claims, theatre company confirms 'inappropriate behaviour'."

Rush's legal team will argue that his reputation was "irreparably damaged" by the publication, and seek special damages including economic damages.

The actor is also suing entertainment journalist Jonathon Moran, who broke the story.

His lawyers will argue that the stories, headlines, billboard and social media posts defamed him.

Mr Rush claims that he was forced to resign as president of AACTA following the publication of the articles.

The Daily Telegraph and *The Australian* share common ownership. Both newspapers are published by News Corp. Nationwide News is a News Corp subsidiary.

THE AUSTRALIAN* PRESENTS

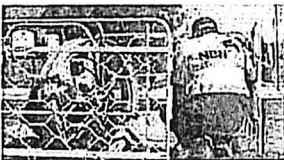
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ANTHONY KLAN

Most NBN users are opting for slower speed packages, according to the ACCC's latest snapshot of the market.



ABC retrenches Walkley winner

STEPHEN BROOK

She has won three Walkley Awards but it seems there is no room at the ABC for journalist Ginny Stein.



MARGIN CALL

Catalano calls in the big gun

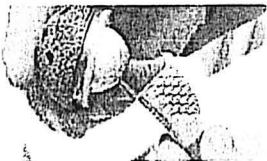
WILL GLASGOW, CHRISTINE LACY
Antony Catalano has engaged defamation lawyer Mark O'Brien, as a review is launched into Domain's working environment.



MARGIN CALL

Minchin to join Conroy's book

WILL GLASGOW, CHRISTINE LACY
Liberal grandee Nick Minchin will shortly join one time rival Stephen Conroy at local gambling lobby RWA.



Medibank's out-of-pocket reveal

SARAH-JANE TASKER

Medibank has launched an out-of-pocket cost calculator as the industry steps up efforts to highlight medical procedure costs.



Missing in the mini-bounce

JAMES KIRBY

Many of the nation's favourite stocks failed to shine in today's recovery, falling short of the market's miserly gains.

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The Daily Telegraph

\$1.60 // TUESDAY, FEBRUARY 20, 2018

We're for you

SCOOP

LET JOYCE KEEP HIS JOB: WIFE

SHARRI MARKSON & KYLAR LOUSSIKIAN

NATALIE Joyce has told close friends she wants her cheating husband Barnaby to keep his job despite the devastation his affair with a now pregnant young staffer has caused her and their four daughters.

Trying to shake off the trauma of the past two weeks, Mrs Joyce made her first public appearance since the scandal broke on Saturday night when she attended a luxury boat birthday party of a major Coalition donor on Sydney Harbour. Friends of Mrs Joyce's said she does not want the Deputy Prime Minister to lose his job, which is partly why she has been hesitant to agree to a major media interview.

Mrs Joyce even voiced concerns about colleagues using the family's pain to jostle for the party's leadership.

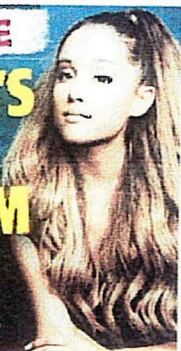
It comes as only one-third of Nationals MPs were yesterday willing to publicly back Mr Joyce as leader of the party.

➔ FULL REPORTS PAGES 10-11

EXCLUSIVE

SYDNEY'S \$785M TOURISM BOOM

Full report P4



SCOOP

ABBOTT'S BIG DIG AT GLIB MAL

SHARRI MARKSON

FORMER prime minister Tony Abbott will today unleash a stinging rebuke of modern Australian politics — including a thinly veiled take-down of Malcolm Turnbull's elitist attitude and the growing gulf between the "talking class" and the "working class".

Delivering a speech to the Sydney Institute tonight, Mr Abbott will deliver a brutal assessment of Mr Turnbull's National Energy Guarantee and education policy, while highlighting the "insiders versus outsiders" chasm dividing Western democracies.

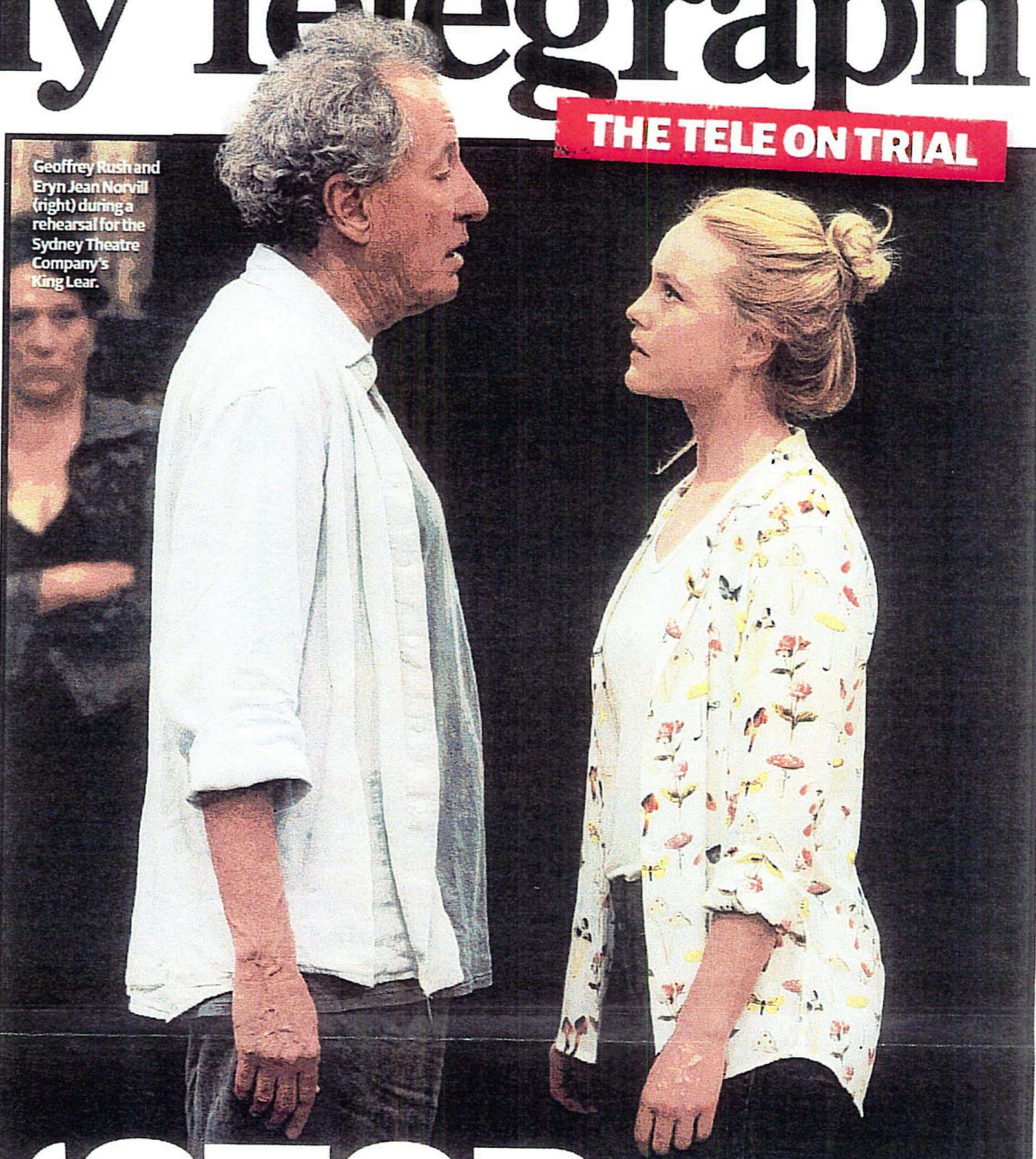
Mr Abbott, who lost the leadership to Mr Turnbull in September 2015, will also call for immigration levels to be cut to 110,000 people a year from 190,000, until migrants are able to properly integrate into the Australian way of life, and to help wages grow and make house prices more affordable.

But it is his attack of Mr Turnbull and his "glib talk" that is the most cutting.

"All too often, it seems, the people

➔ CONTINUED PAGE 11

Geoffrey Rush and Eryn Jean Norvill (right) during a rehearsal for the Sydney Theatre Company's King Lear.



THE TELE ON TRIAL

'STOP DOING IT'

**Court hears allegations
Rush touched actor
five times & confronted
her in female toilets**

MATTHEW BENNS

OSCAR winner Geoffrey Rush repeatedly touched his Sydney Theatre Company co-star onstage in a way that made her uncomfortable and ignored a request to "stop doing it", the Federal Court heard yesterday.

It was also alleged that Rush followed highly regarded stage star Eryn Jean Norvill into the female toilets at the

after-party on the final night of King Lear and stood outside her cubicle until she told him to "F... off".

The incident allegedly left her "visibly upset". Norvill complained about the star after he allegedly touched her on five separate nights during the final week of the STC production, the court heard. Rush, 66, is suing The Daily Telegraph for its reporting of Norvill's complaint about

alleged inappropriate behaviour made to the STC in 2016. Rush denies the allegations. Yesterday the Federal Court lifted a suppression order rejecting an application by Rush's lawyer to stop details of the defence of truth being made public. Justice Michael Wigney said concerns about releasing details were outweighed by the need for open justice.

➔ FULL REPORTS PAGES 6-7

V2 - TELE0301M4

06

TUESDAY FEBRUARY 20 2018 DAILYTELEGRAPH.COM.AU

We lived next door to malice

NEIGHBOURS of Australian terrorist Khaled Sharrouf have given a scathing account of the IS recruit's time in Syria.

Sharrouf, 36, who packed up his young family and travelled half way across the world to fight for the cowardly terror group in 2013, used his brother's passport to leave Australia. He then set up home in the Syrian city of Raqqa.

"He was so corrupt, it's unbelievable. He was such an outlaw. He was even outside Islamic law," his neighbour



Sharrouf.

Abdel Aziz Bin Khalafa told ABC's Four Corners. Mr Bin Khalafa remembered the way Sharrouf exposed his children to a violent life.

"Whenever he would step outside here, as soon as he'd see me, he'd carry his weapons and fire in the air as if he wanted to make a point — I am here, I have weapons," Mr Bin Khalafa said.

His neighbours often complained to IS about his behaviour and the extremists eventually turned on him, one time sending security to reprimand him at 2am.

Sharrouf and two of his children were reportedly killed by a US air strike last year.

Navy life not so fulfilling

MORE than 200 men are suing the Commonwealth, claiming they did not receive promised training in the navy which was supposed to give them a trade in civil life.

Opening the Supreme Court class action yesterday, the men's barrister, Nick Kidd SC, said their training contracts were binding but were not honoured by the Royal Australian Navy. One man claimed he and other recruits posted to HMAS Kuttubul in 2011 spent a lot of time just playing games on their phones.

REVEALED 'UPSET ACTOR TOLD YOUNG STAR'S BOLD CLAIMS



Actress Eryn Jean Norvill, who made a complaint to the STC after the King Lear production. Picture: Carly Earl

MATTHEW BENNS
EDITOR-AT-LARGE

OSCAR winner Geoffrey Rush allegedly touched an actress repeatedly in a way that made her uncomfortable and ignored her requests for him to "stop doing it", the Federal Court heard yesterday.

Rush's highly regarded co-star in the Sydney Theatre Company's 2015-2016 production of King Lear, Eryn Jean Norvill, complained about the Pirates Of The Caribbean star after he allegedly touched her on five occasions during the final week of the play.

The court heard the actor followed her into the female toilets at the after-party on the final night of the STC's performance of the Shakespeare classic and stood outside her cubicle until she told him to "F... off". The incident allegedly left her "visibly upset".

Rush, 66, is suing The Daily Telegraph for its reporting of Ms Norvill's complaint about alleged inappropriate behaviour made to the Sydney Theatre Company in 2016. Rush denies the allegations.

Yesterday the Federal Court lifted a suppression order on the newspaper's defence document, rejecting an application by Rush's lawyer Richard McHugh SC, to stop the details being made public.

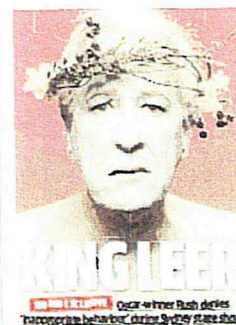
Upon application by David Sibtain, representing Fairfax

Media and Channel 9, Justice Michael Wigney said fears that releasing details of the defence case could further damage Rush's reputation were outweighed by the need for open justice.

For the first time the extent of the allegations against Rush can now be revealed.

According to the document, Rush touched the actress "in a manner that made the Complainant feel uncomfortable"

Daily Telegraph



One of the stories at the centre of Rush's legal claim.

during the play's final scene.

As King Lear, Rush had to carry Norvill on to the stage as she simulated the lifeless body of the title character's daughter, Cordelia.

Norvill asked Rush to "stop doing it" but it is alleged that he repeated the touching on another four occasions in the final week of the STC pro-

duction's run in January 2016.

Tom Blackburn, SC, counsel for Nationwide News, publisher of The Daily Telegraph, told the court this touching could amount to "scandalous and inappropriate behaviour".

"The allegation is not that she was touched in a particular place but she was touched in a way that made her uncomfortable. She said stop and he kept doing it," he said.

Mr McHugh said Rush denied the allegations.

"They are necessarily touching as part of what the production requires," he said.

And he said an earlier report which quoted Rush as saying he had a "stage door Johnny crush" on the actress was clearly said in jest.

Mr McHugh had argued that the newspaper's truth defence should be struck out because it lacked sufficient detail.

According to The Daily Telegraph's defence, Rush engaged in further inappropriate behaviour at the party to celebrate the final night of the production at the Walsh Bay Kitchen, next door to the play's venue.

During the party for cast and crew Rush "entered the female bathroom located in the foyer of the Roslyn Packer Theatre, knowing (Norvill) was in there, and stood outside a cubicle" that she was in.

He left when she told him to "F... off".

She was "visibly upset" following the incident.

Mr Blackburn said: "There can be no more compelling



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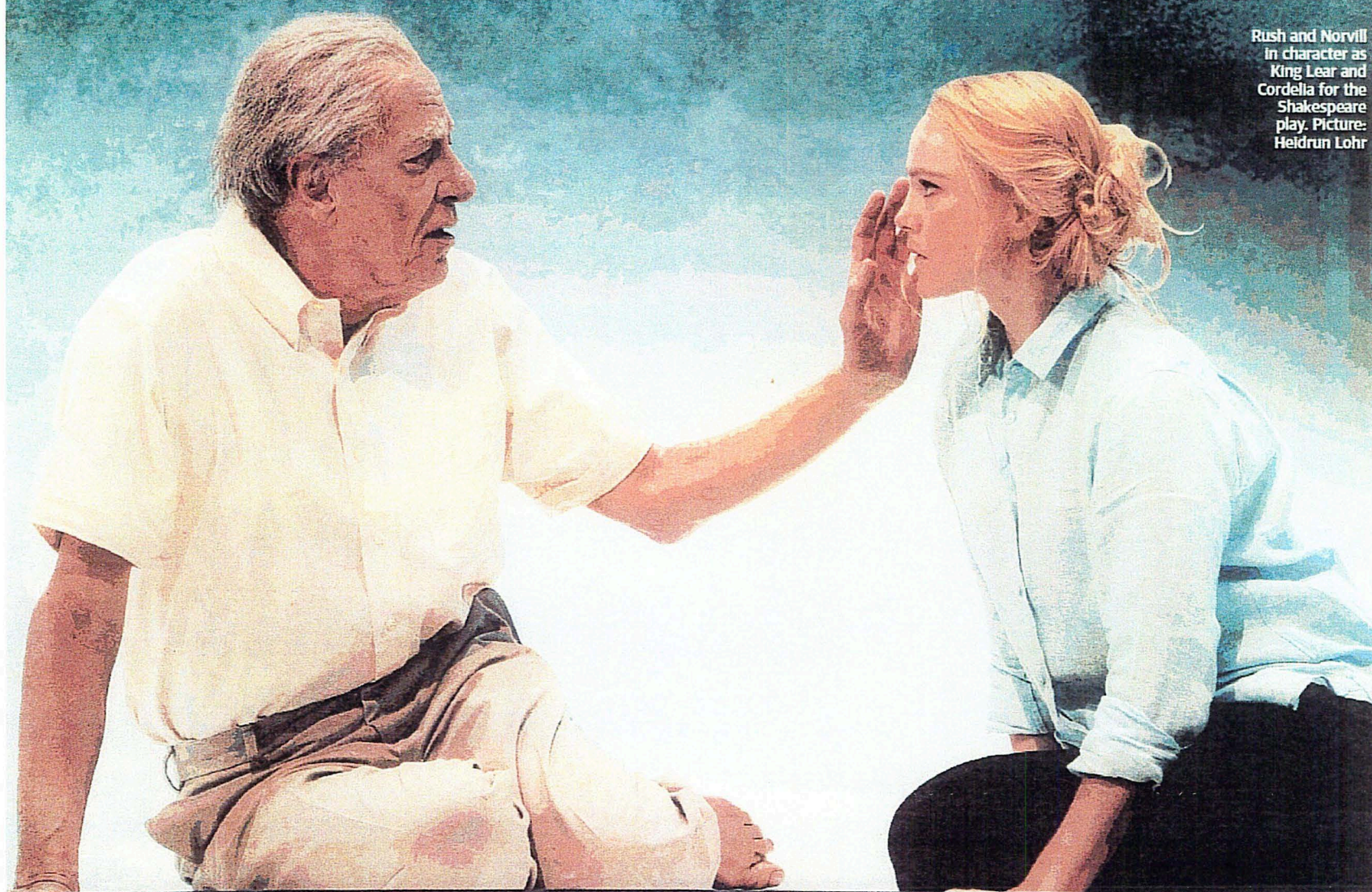
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DAILYTELEGRAPH.COM.AU TUESDAY FEBRUARY 20 2018

07

OSCAR WINNER INSIDE TOILET: F--- OFF'

Rush and Norvill in character as King Lear and Cordelia for the Shakespeare play. Picture: Heidrun Lohr



“The allegation is ... she was touched in a way that made her uncomfortable. She said stop and he kept doing it.”

Tom Blackburn, SC, counsel for Nationwide News

reason for publication than it was true.”

According to the defence document “Following the investigation the STC decided that it would never work with the Applicant (Rush) again.”

Apart from truth, The Daily Telegraph, is also relying on the defence of qualified privilege in defending the defamation case.

It argued the allegations were “matters of proper and legitimate public interest” in the wake of a string of allegations concerning “sexual mis-

conduct, bullying and harassment in the entertainment industry” which started with the Harvey Weinstein scandal.

The Daily Telegraph argues it had more information about the Rush allegations at the time of publication but did not include them in its

reports. This included an allegation that Rush had touched Norvill on the genitals.

The defence document stated: “that a complaint had

been made to the STC by the complainant (Norvill) in substance that the Applicant (Rush) had touched her genitals during the production of King Lear without her consent.”

The Judge reserved his decision on Mr McHugh’s application to strike out large parts of The Daily Telegraph’s defence including the entirety of its truth defence.

Justice Wigney also reserved his decision on Rush’s application to stop the issuing of a subpoena by Nationwide

News on the Sydney Theatre Company for documents relating to the alleged complaint.

Mr McHugh argued the request for a subpoena was a “fishing expedition” and an abuse of process.

Mr Rush launched the defamation proceedings in the Federal Court in December 2017, alleging The Daily Telegraph had engaged in “hyperbole, lies and spurious claims” in its report of the complaint from the actress to the STC.



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V1 - TELE9221MA



EMMA-NOMICS

ABC's Media Watch joins Emma Alberici's critics (P2)

• John McGrath calls in Paul Hogan's lawyer (P17)

THE BAFTAS

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Sisterhood turns on duchess for wearing green (P3)

• JUDITH SLOAN Busting the gender pay gap myths (P12)



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HCF and HBF bid to combine 2.5 million customers
• JOHN DURIE (BUSINESS P17)



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DETAILS P6

ALP TO PUT FAIR WORK FOCUS ON LOW-PAID

Backdown on radical wage plan

EWYN HANNAN
WORKPLACE EDITOR

Bill Shorten's Labor Party is backing away from a controversial proposal to legislate significant minimum wage rises, instead considering a plan to force the Fair Work Commission to give greater weight to the needs of low-paid workers when awarding minimum wage increases.

Employers warned the new approach, flagged yesterday by opposition workplace relations spokesman Brendan O'Connor, would still cost thousands of jobs.

A Shorten government would consider amending the Fair Work Act to change the factors the commission must take into account when determining annual increases, under the new approach.

The commission currently takes into account the performance and competitiveness of the national economy, including productivity, business competitiveness and viability, inflation and employment growth. It also considers the promotion of social inclusion through increased workforce participation, relative living standards and needs of the low-paid, and the principle of equal remuneration for work of equal or comparable value.

Mr O'Connor told *The Australian*: "Labor still considers the commission to be essential in setting wages in this country, but given the persistent low wage growth, we are considering whether the independent umpire has sufficient guidance from the parliament to ensure workers get their fair share."

The Australian Industry Group's head of national workplace relations policy, Stephen Smith, warned last night against changing the minimum wage objective in the Fair Work Act.

"It requires that the Fair Work

Labor finds some coal comfort — but not for Adani

BEN PACKHAM
GLOUF CHAMBERS

Labor has moved to reassure miners and unions that a Shorten government would continue to support existing coalmines, while declaring Adani's proposed Galilee Basin mine was financially unviable.

Opposition energy spokesman Mark Butler, in a speech to the Sydney Institute last night, emphasised that Labor remained sceptical about thermal coal, but would continue to support the booming coking-coal export industry. The left-wing energy

spokesman said the outlook for coking coal remained "relatively robust as industry still searches for clearer ways to make steel" and Labor supported the viability of thermal coal production in established basins, including the Hunter Valley.

This month Labor frontbenchers warned Bill Shorten that the opposition could not be seen as "anti-coal", urging him to shift the Adani debate away from "green" issues. *The Australian* reported that Labor right-wing MPs had pushed back against the Opposition Leader's lurch to the left on Adani, amid the political fight with the Greens in the Batman by-election.

In the past week, Mr Shorten has travelled to Queensland,

Continued on Page 2

INSIDE

Brendan O'Connor is one of the most unimpressive members of the Labor frontbench. At least he has seen the light on this particularly reckless idea.

JUDITH SLOAN P6

Commission strike a careful balance between a number of specific factors, Mr Smith said.

"The commission must take into account the needs of low-paid workers as well as economic factors, such as employment growth, business viability, competitiveness and inflation."

"It would not be in anyone's interests for the criteria in the act to be skewed in favour of any one

factor. If an unsustainable wage increase is awarded to low-paid workers because the criteria gives inadequate weight to business viability and competitiveness, thousands of low-paid workers could lose their jobs as a result."

"It is essential that the commission is not hamstringed when carefully weighing up all of the relevant factors and determining what minimum-wage increase is appropriate."

On January 30, Mr O'Connor said a Labor government would consider changing the law to peg the minimum wage to a certain proportion of the median wage.

The ACTU has proposed a long-term "living wage" target of 60 per cent of the median wage, up from 54 per cent. The current minimum weekly wage is \$9.95.

In a claim rejected by the Fair Work Commission last year,

Continued on Page 6

MORE REPORTS P6

Abbott's call to cut migrant intake

SIMON BENSON
NATIONAL AFFAIRS EDITOR

Tony Abbott has called on Malcolm Turnbull to halve Australia's immigration program in a return to the Howard-era targets and accused frontbench colleagues of "lacking the courage to take the issue on as a key part of tackling their rising cost of living."

The former prime minister has also savaged the government's National Energy Guarantee, claiming it is an example of the "low ebb" of politics because it sounds "wonderful" but lacks any explanation as to how it would bring down prices.

Calling on his own government to adopt "principled, practical and popular policies", Mr



Tony Abbott

Abbott argues that cutting the migration rate could be enacted swiftly as it would not require state and territory approval or Senate negotiation.

In extracts of a speech to be delivered to the Sydney Institute

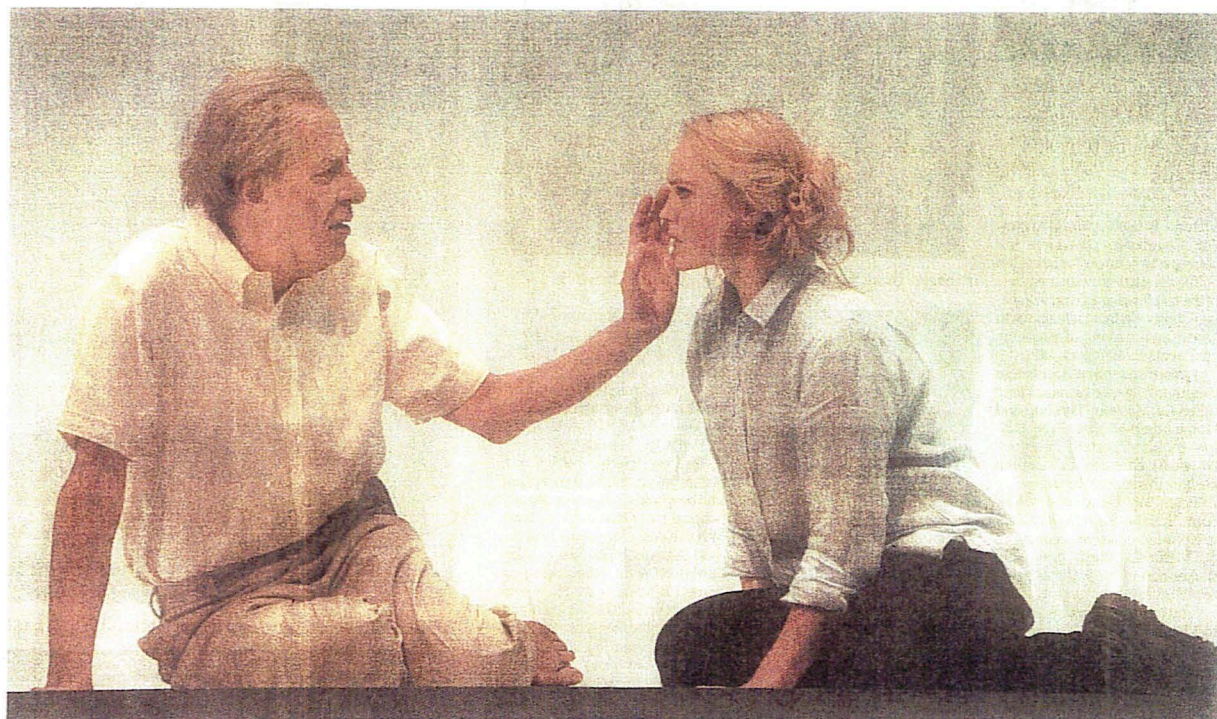
tonight and supplied to *The Australian*, Mr Abbott says the immigration rate should be returned to what he claims was the long-term average under the 11 years of the Howard government, at least until infrastructure and housing stock could catch up.

Having first raised the issue a year ago, Mr Abbott has put firm figures around his proposal, suggesting the Turnbull government should scale back the annual intake to 110,000 a year to address low wage growth, housing prices and social integration that he claims have become critical issues due to historically high immigration levels.

"It's a basic law of economics that increasing the supply of labour depresses wages, and that

Continued on Page 2

Actress at heart of case against Rush revealed



Geoffrey Rush and Eryn Jean Norvill as King Lear and his daughter Cordelia in the STC production of the Shakespearean play

HEIDRUN LOHR

ROSEMARY NEIL

Emerging stage actress Eryn Jean Norvill has been revealed as the woman at the centre of allegations levelled against Geoffrey Rush after the Oscar-winning actor yesterday lost his bid to censor *The Daily Telegraph's* defence in his defamation case against the Sydney newspaper.

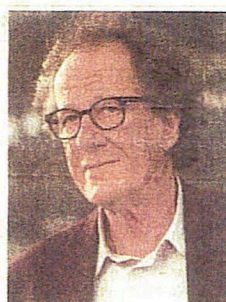
The *Daily Telegraph's* amended defence documents, which had previously been suppressed, include allegations Rush inappropriately touched Norvill while they were on stage in a Sydney Theatre Company production of *King Lear*. Rush strenuously denies the allegations.

The newspaper's particulars of qualified privilege claim Norvill complained to the STC that Rush had touched her genitals during



Norvill, the actress who starred in *King Lear*

the production of *King Lear* without her consent. Rush denies this claim. The actor said it had not been raised with him by the complainant or the STC.



Rush, who has vehemently denied the claims

The qualified-privilege particulars also claim Rush harassed Norvill throughout the production and that another board member confirmed the above

incident had occurred. In its "particulars of truth" defence—which Rush's lawyers have described as "scanty" and vague—the newspaper alleges that the actor touched Norvill "in a manner that made the complainant feel uncomfortable" five times during the production's closing week at Sydney's Roslyn Packer Theatre in early 2016.

Rush was playing *King Lear* and Norvill was portraying Cordelia, Lear's youngest daughter. In one of the play's most famous scenes, the ageing monarch carries his lifeless daughter across the stage. After the first "uncomfortable" touch, the complainant said to the applicant, words to the effect "stop doing it" however, the applicant repeated the conduct... on four occasions, according to the amended defence.

Rush denies that the conver-

sation with Norvill took place.

The particulars of truth further allege that at a closing-in party for the STC cast and crew at the upmarket Walsh Bay Kitchen Restaurant, Rush allegedly went into the female toilets and "stood outside a cubicle that was occupied by the complainant. The complainant told the applicant to f.k off, and he then left the bathroom". After this alleged incident, the complainant was "visibly upset", the defence documents state.

Rush, who vehemently denies any allegations of inappropriate behaviour, launched defamation proceedings against *The Daily Telegraph* late last year, after the newspaper published allegations he had been the subject of an "inappropriate behaviour" complaint towards a female colleague.

Continued on Page 2

Nationals phone a friend on Joyce crisis

JOE KELLY

Nationals president Larry Anthony has convened an emergency meeting of senior party officials to discuss the widening Barnaby Joyce crisis, following pleas by former deputy prime minister John Anderson for MPs to "exercise their responsibility" and resolve the stand-off by next week.

The phone hook-up included Nationals party officials from NSW, Queensland, Victoria and Western Australia and canvassed the political fallout over Mr Joyce's affair with former staffer and mother of his unborn child Vikki Campion, which has imperilled his leadership and escalated calls for his resignation.

The *Australian* understands the meeting was brief and there was no final decision made about Mr Joyce's future. The talks specifically discussed yesterday's Newspoll, which showed that 65 per cent of Australians wanted the Nationals leader to resign to the backbench or leave parliament altogether.

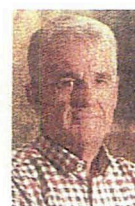
Michael McCormack — the



McCormack



Joyce



Anderson

Veterans' Affairs Minister touted as most likely to succeed Mr Joyce—fuelled leadership speculation further after repeatedly refusing to support the Deputy Prime Minister. He also refused to rule out a challenge at next Monday's partyroom meeting before reluctantly signalling his personal support.

"There is no challenge at the moment," Mr McCormack told Sky News.

"Of course, there's been talk about what may or may not happen... but at the moment Barnaby Joyce is the leader of the National party. If I knew what was going to happen this week, I'd be down at the local racetrack betting on the

horses I knew were going to come home."

Senior Nationals sources said Mr Joyce commanded the support of a key bloc of MPs, including Matthew Canavan, David Littleproud, Nigel Scullion, Bridget McKenzie, George Christensen, Damian Drum and Llew O'Brien.

Speaking in PyeongChang at the Winter Olympics yesterday, Ms McKenzie lent her support to Mr Joyce, saying he "delivers for regional and rural Australia like nobody else."

"I support our leader," Ms McKenzie, the Sport Minister, said. "This is a party that's been delivering for the regions for 100 years."

Barnaby's pet project off track

The Australian Rail Track Corporation has conceded that Barnaby Joyce's 1700km inland rail project is unlikely to generate a commercial return, despite its off-budget treatment as an equity investment.

FULL REPORT P4

"I have been unequivocal in my comments around Barnaby and his leadership and the National party's role in Australian politics, so that's where it stands."

Continued on Page 4

MORE REPORTS P4
TROY BRAMSTON P12

Space next frontier for hi-tech crims

Criminals in Mexico have built a nationwide encrypted mobile phone network to shield their phone conversations from authorities—and they are odds-on to harness satellite technology to spy on law-enforcement agencies.

US futurist and author Marc Goodman highlighted these and other examples of criminals operating at the cutting edge of technology at a summit in Sydney yesterday.

Mr Goodman is a speaker at the three-day SingularityU Australia Summit that looks at how massive technological change is shaping the world, including crime. "There is a great quote by GK Chesterton, who says: 'The criminal is the true artist, and the detective is only the critic,'" Mr Goodman said yesterday.

FULL REPORT P3



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ABOVE & BEYOND

African street gangs taskforce 'a front for ALP'

STATE OF DISORDER

EXCLUSIVE

SAMANTHA HUTCHINSON
VICTORIAN POLITICAL REPORTER

Victoria Police's African-Australian Community Taskforce has come under scrutiny for being too politically partisan, with members of the taskforce caught up in Facebook posts pledging allegiance to Labor and making disparaging comments about Liberal MPs.

A month after South Sudanese community leader Richard Deng called for Malcolm Turnbull and Home Affairs Minister Peter Dutton to be deported, Facebook posts have emerged showing him pledging his support to Labor.

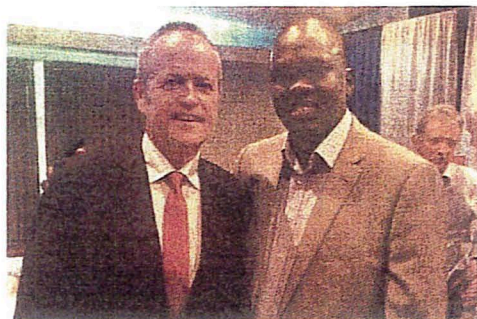
Both Mr Deng and fellow South Sudanese community leader Kot Manohar have become two of Victoria's most prominent spokesmen in the wake of gang-related events over summer.

The two have been appointed to Victoria Police's African-Australian Community Taskforce to help tackle youth street gangs, but concerns have cropped up as evidence emerges of the men's allegedly partisan links.

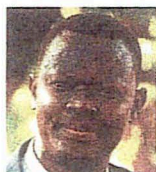
In comments on a Facebook event apparently organised with Wyndham ALP organiser Emily Yuille and in other conversations, Mr Deng and Mr Manohar speak of their allegiance to Labor and its leader, Bill Shorten, while laughing at disparaging comments made about state Liberal Opposition Leader Matthew Guy.

In response to a comment on the Facebook page that said "Invite Matthew Guy - we can cook him on the BBQ", Mr Deng said: "Please don't blow up your cover. We will show him how to talk and how to cook a BBQ."

Another post in the thread, by other respondents, requested that Liberal MP Bernie Finn wasn't invited to the event because the guest "can't promise I won't take



Richard Deng with Bill Shorten at a Labor Christmas party



Kot Manohar

to him with a pair of tongs... sharp ones (if you know what I mean)".

In another thread, Mr Manohar writes to Mr Deng, "Richard Deng, Labour values are traditionally focus on improving access for services and bridging the class difference. You as a son of a chief should always rally the farmers and farmers' children to go Labour."

Mr Deng responded: "I intend to always be there for people's party."

In other posts, Mr Deng speaks of Mr Shorten as the "potential PM of Australia. He's doing very well", while also mentioning the "Liberal Party's war with migrants is getting deadly".

Opposition police spokesman Ed O'Donohue said partisan links could undermine the work and status of the community taskforce. "It's important any committee directly associated with the Chief Commissioner Graham Ashton is not only independent but perceived to be politically independent," he said.

Victoria Police unveiled the taskforce in a high-profile media event as it fought to address gang

violence over summer. Opposition spokesman for scrutiny of government Tim Smith slammed the taskforce as a "sham".

"Daniel Andrews's sham African community taskforce is nothing but a political front for the Labor Party," he said.

Mr Deng rejected that he had a bias to either political party, but said he would strongly oppose any political party that used the issue of youth crime for political gain.

"I support bipartisan politics, but I don't want politicians using crime for political gain," he told *The Australian*. "My position as a community leader is to represent the people. And I'm not a Labor member in any form."

He also said the comments did not reflect on his work on the taskforce in any way.

"There's no correlation between those messages and the taskforce, those messages are from December and the taskforce was announced in January. There's no connection," he said.

Mr Manohar, a lawyer at Slater & Gordon's Sunshine office, did not respond to requests for comment regarding the posts.

Victorian Labor assistant state secretary Kosmos Samaras said neither man had ever been members of the party.

"The Victorian Labor Party has had no contact and will continue to have no contact with any individual who is active within any government or government related body/taskforce. Our only interest is to see these bodies succeed," he said.

Warnings as cyclone surf hits

Heavy surf along Australia's east coast has led to hundreds of rescues and at least one death as lifeguards in Queensland and NSW urged swimmers to stay out of the water.

Swells of up to 4m were predicted as big surf generated by Tropical Cyclone Gita saw dozens of beaches closed.

All beaches in the Gold Coast, as well as Mooloolaba on the Sunshine Coast, were closed yesterday, as well as more than 10 Sydney beaches and Newcastle's Merewether beach.

Surf Lifesaving NSW said it was one of the busiest weekends of the season as conditions caused "chaos" along the coast.

More than 150 people were rescued at the weekend with 42 ambulances called to treat swimmers dumped by the surf.

A search continued yesterday for a 22-year-old man who disappeared while swimming at Valla Beach on the state's north coast on Saturday. Another man in his 20s was found dead at Hat Head near Kempsey on Sunday.

A hazardous surf warning in NSW will most likely remain in place until today.

Yorkeys Knob beach near Cairns was also closed yesterday after a lifeguard spotted a 2m crocodile swimming just 15m from the shore.

SIMONE FOX KOOB

'Enslaved on bread, pickles'

An Indian woman was allegedly forced to live on bread and pickles and made into a slave by her husband after moving to Australia to be with him, a court has heard.

The man, who cannot be identified, is charged with reducing his wife to slavery in August-October 2015.

Melbourne Magistrates Court documents allege the woman was forced into domestic chores for her husband and his brother immediately upon her arrival in Melbourne.

The brother was initially charged with a slavery offence but the charge was withdrawn.

TESSA KERMAN

ABC's opinion guidelines under fire



ABC chief economics correspondent Emma Alberici has been criticised by management

FACT CHECK ON ALBERICI

CLAIM: Since the peak of the commodities boom in 2011-12, profit margins have risen to levels not seen since the early 2000s but wages growth has been slower than at any time since the 1960s.



FACT: Profit margins for top 100 ASX companies have risen over past year, but were lower in 2015-16 - the year of the ATO records cited by the ABC - than at any time since the 2007-08 financial crisis and before the 2000-01 downturn. They are still below the historic average.

CLAIM: It's disingenuous to talk about a 30 per cent rate when so few companies pay anything like that thanks to tax legislation that allows them to avoid paying corporate tax.

FACT: ATO shows half the top-earning 100 companies paid between 27 and 30 per cent of their profits in tax, while 80 per cent paid more than 20 per cent. The 10 with small or zero tax had either losses carried forward or were investment companies receiving franked dividends from taxed profits.

CLAIM: Business investment in Australia has been at historically high levels over much of the past decade despite our comparatively high headline corporate tax rate.

FACT: Business investment soared with the resources boom. Non-mining business investment has averaged less than 10 per cent of GDP for past three years, the lowest level in at least 30 years.

CLAIM: Despite generating income of \$106.4 billion, the flying kangaroo has avoided paying tax on that bounty since 2009.

FACT: Tax is paid on profit, not revenue. The \$106.4 billion is revenue. Qantas has made losses.

CLAIM: Others who have escaped paying any corporate tax for three years because of large accumulated losses or high debt are Bluescope Steel, Amcor, Billabong International and Transurban Holdings.

FACT: Tax law says companies may claim losses as tax deductions when they return to profit.

CLAIM: The principal beneficiaries of a cut in Australia's corporate tax rate are overwhelmingly foreign companies and foreign shareholders in Australian companies. There is no guarantee at all that cutting the tax they pay in Australia will lead them to increase the level of business investment in Australia.

FACT: Yes, dividend imputation means foreign companies and shareholders are the biggest beneficiaries. If you cut the tax cost of investment, you will increase the volume.

CLAIM: The BCA and its high-profile members like Alan Joyce are insisting on a company tax cut that would blow a massive hole in the government's revenues and push the budget and national debt further into the red.

FACT: The tax cuts are already in the budget, which Treasury shows returning to surplus in 2020-21.

STEPHEN BROOK

The ABC's *Media Watch* last night added its voice to criticism of Emma Alberici, saying the ABC chief economics correspondent overstepped the mark in online articles she wrote about corporate tax payments.

The senior ABC journalist has already been criticised by ABC management that said there were issues with accuracy in her news report and issues with impartiality in her analysis report about how one in five major Australian companies were not paying company tax, both published last Wednesday.

The ABC last week removed the analysis for rewriting and editing and republished the news report with additional information.

The host of *Media Watch* Paul Barry said Alberici's analysis was "well-argued but one-sided". "You can still see Alberici's news story online, but it has now been drastically rewritten, and we believe it needed to be - to clear up the confusion between income and profit, to moderate the tone, and to get rid of gratuitous swipes," he said.

Media Watch criticised the ABC for its editorial staff guidelines about writing opinion and analysis pieces and called for them to be revised.

Barry said the analysis was initially removed because it overstepped the ABC's "rigid" guidelines on analysis and opinion, and argued these guidelines need to be relaxed.

"The analysis report was withdrawn from publication on the advice from Editorial Policies that it did not comply with opinion guidelines for ABC journalists," an ABC spokesman told *The Australian*.

Alberici told *Media Watch* she contested the ABC claim about inaccuracies. "I set about testing the claim that tax cuts for big companies are necessarily linked to wages growth. As the ABC's chief economics correspondent with 25 years' experience in the fields of business and finance reporting I would be expected to do that," she said.

Despite ABC news director Gaven Morris flagging problems via email with managers about two hours after the pieces were published, the ABC did not remove the analysis from its website until the following day and did not update and republish the news report until Friday.

It is understood consultations between editors and with Alberici contributed to the delay. By that time the Prime Minister's office, the Treasurer's office and Communications Minister Mitch Fifield had written to ABC managing director Michelle Guthrie urging her to investigate the articles, which Senator Fifield said "fell well short of the standards set by the ABC's editorial policies".

One section in the 1000-word complaint from the Prime Minister's office said the coverage had confused income with profit. "Alberici repeatedly compares the 'income' several companies have earned, with the taxes they pay. Corporate income tax is payable on profits, not gross income," the complaint said.

NICK CATER P12
EDITORIAL P13

Abbott's call to cut migrant intake

Continued from Page 1

increasing demand for housing boosts price," Mr Abbott said.

"Such is the unreality of our political discourse, though, that amidst great concern about unaffordable housing and stagnant wages, no one on the frontbench of government or opposition had been prepared to raise the one big contributing factor that is wholly and solely within the federal government's control - until Peter Dutton finally said last week that immigration could be cut 'if it's in our national interest'."

Mr Abbott's call has support from several conservative colleagues, with Mr Dutton, the Home Affairs Minister, recently agreeing the migrant intake should be reviewed. Critics of the high intake argue that companies abuse the 457 visa program that helps subdue wage costs.

The Department of Home Affairs statistics for last year revealed a net migration intake of 183,608, which was below the government's "planning level" of 190,000. More than two-thirds of migrants arrive as skilled migrants and one-third from the family visa stream.

The major source countries include India, China and Britain. More than a third of all new migrants settle in NSW.

Mr Abbott, who as prime minister in 2014 approved a rise in the humanitarian refugee intake from 13,750 to 18,750 by this year, admitted that some businesses would be "inconvenienced" by a cut to the skilled and family migration intake.

"But that's hardly unreasonable if it helps wages to grow more strongly and makes homes more affordable. At least until infrastructure, housing stock, and integration has better caught up, we simply have to move the overall numbers substantially down," he says.

"A strong migration program in the long term doesn't preclude a smaller one in the short term especially when there's acute pressure on living standards and quality of life."

Mr Abbott also claims there is a political imperative for the Turnbull government in targeting immigration.

"In order to win the next election, the government needs policy positions which are principled, practical and popular," he says.

"And if they also outrage the Labor Party, so much the better. Scaling back immigration acknowledges that government's first duty is to its own citizens."

In a continuation of a theme he has pursued since losing the leadership in 2015, Mr Abbott argues that politics is at a "low ebb". He cites the Queensland government's demands for a national approach for bullying despite having no ideas on how to tackle it and knowing the federal government does not run schools.

"Another instance is the federal government's National Energy Guarantee," Mr Abbott says. "It sounds wonderful. Both prices and emissions will fall and the lights will stay on. We just have to rely on the experts at the Australian Energy Market Operator and at the Energy Security Board to tell us how it's done."

Rush case actress revealed

Continued from Page 1

during a Sydney Theatre Company production of *King Lear*.

In his statement of claim lodged with the Federal Court, Rush alleged the newspaper articles carried "defamatory meanings" that he "behaved as a sexual predator" while working on the production.

Federal Court judge Michael Wigney yesterday decided he would not extend a confidentiality order he placed on *The Daily Telegraph*'s amended defence.

"The central reason is that I think the interests of open justice outweigh the... potential damage to your client's (Rush's) reputation," he said, addressing Rush's barrister Richard McHugh SC.

However, the judge has reserved his decision on Rush's application to strike out key elements of *The Daily Telegraph*'s defence. If successful, this would mean these elements could not be used in court.

The newspaper says it is true that allegations were made against Rush but denies the more serious meaning - that Rush actually committed the conduct in question - is conveyed by the article.

It also pleads qualified privilege over the entire article, arguing publication of the allegations was in the public interest.

Mr McHugh argued that *The Daily Telegraph*'s "whole truth defence should be struck" because it lacked "specificity".

He described a move by *The Daily Telegraph*'s defence team to subpoena documents from the STC as "a fishing expedition of the highest order".

He also said the newspaper cited 36 sources for the articles that sparked the defamation proceedings, but had not spoken directly to Norvill. Among the paper's sources was Patrick McIntyre, the Sydney Theatre Company's general manager.

Tom Blackburn SC, barrister for Nationwide News, owners of *The Daily Telegraph* as well as *The*

Australian, told the court yesterday Rush's strike-out bid was "a drastic remedy sought at a very early stage of proceedings".

The Pirates of the Caribbean star was not in court yesterday, when details of the defence started to emerge as the suppression application was debated. Mr Blackburn claimed that when Norvill asked Rush to stop touching her in a way that made her feel uncomfortable, "he didn't, he kept on doing it".

However, Mr McHugh said the actor and the complainant were "necessarily touching" as the production required. He said the respondents' details about the nature of the touching were so vague they left a "gaping hole" in the defence case.

Justice Wigney agreed the lack of detail around the touching allegation was "bizarre".

In court, *The Daily Telegraph*'s lawyers admitted Rush's alleged "inappropriate behaviour" had occurred during the last week of the production, not over months, as the newspaper had reported.

Labor finds some coal comfort

Continued from Page 1

talking up jobs creation and the importance of mining. "There is a role for mining in Australia; there is a role for coal in Australia," he said in Townsville yesterday.

In his speech, Mr Butler said Australia's coking coal industry had a bright future, while the economic case for thermal coal was becoming more marginal.

"If anything, Australia is likely to increase its already dominant share of the seaborne trade in coking coal from Queensland, but the outlook for thermal coal is a different matter," he said.

The case made a decade ago for opening up Queensland's Galilee Basin "rested on demand projections that are fundamentally inconsistent with current market trends and the more probable scenarios for future global demand".

"In all of the many discussions I've had over recent years with different interests about the Galilee Basin project, a consensus view has been put that they are simply not financially viable - that the

cost of developing the new mines cannot be recouped from a declining market with a thermal coal price projected to be in the dollars for years," Mr Butler said.

"Adani continues to struggle to get financial backing for the Carmichael mine, most recently seen in the decision of the large Chinese banks to walk away from the project. And in light of what's happening in the Indian energy market - including to Adani's massive power station in the state of Gujarat, the Mundra station - it's increasingly difficult to see how Adani would get off-take agreements for Carmichael coal."

Mr Butler said he could be proven wrong if the Adani project secured taxpayer funds to help make the mine viable, and that Labor conceded there would continue to be "substantial demand overseas for thermal coal exported from the Hunter Valley."

"That coal is high-quality, close to port and seen as a stable source for importers," he said. "Even on the International Energy Agency's two-degree scen-

ario, those operations will continue to have a market for quite some time to come, but the growth projections that underpinned plans for a brand new basin have disappeared."

Mr Butler said governments in Australia, through their resources agencies, had been "bullish about the outlook for thermal coal exports". He pointed to Labor's 2012 energy-white paper, which forecast thermal coal exports increasing production by an average of 2.8 per cent a year over 20 years.

"Coal exports (of coking and thermal coal) were expected to grow strongly to between 530 (million) and 690 million tonnes by 2025," he said. "And the paper said pointedly that increasing demand has meant that an entirely new coal precinct has opened up in Queensland's Galilee Basin."

A decade on, those projections were "fundamentally inconsistent with current market trends". Resources Minister Matt Canavan recently called coal a "beautiful industry" but said exports were under threat from the US.

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THAT'S ENOUGH
SUGAR

BOOTCAMP FOR GLIDERS | P5



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ONE
FINE DAY

AT just 17, Queenslander Riley Day has claimed Athletics Australia's highest honour, the Betty Cuthbert medal, in her sprint to the Commonwealth Games.

REPORT | P55

ELDERLY LIVES 'AT RISK'

AGED SCARE HOMES

EXCLUSIVE Failed safety audits tip of the iceberg, nurses warn

NATASHA BITA

VIOLENCE, malnutrition and neglect have been exposed in Queensland nursing homes, with one in seven failing government inspections in the past year.

Fifteen homes have failed audits in the past 12 months, includ-

ing one that failed to report assaults to police, and another that neglected to "minimise skin tears and bruising" when restraining elderly residents.

Aged-care inspectors have alerted the federal Health Department about a "serious risk" to residents' safety in four homes,

including two run by the Queensland Government.

Queensland Nurses and Midwives Union secretary Beth Mohle yesterday warned the failed audits were "the tip of the iceberg" and urged families to check on their loved ones in nursing homes.

REPORT P6

Stroke hope for victims

LUCIE VAN DEN BERG

STROKE victims could soon be given an infusion of cells from the placenta to help heal the brain after promising world-first Australian research.

Human trials will start later this year, after scientists discovered their experimental therapy can reduce brain injury and aid recovery up to three days after a stroke.
REPORT P5



TIME TO
DUCK OUT

BRISBANE'S HOTEL
RESTAURANT BOOM P4

Rush was told to 'stop'

MATTHEW BENNS

OSCAR winner Geoffrey Rush allegedly touched an actress repeatedly in a way that made her uncomfortable and ignored her requests for him to "stop doing

it", the Federal Court heard yesterday. Eryn Jean Norvill, Rush's co-star in the theatre production of *King Lear*, claims he also followed her into the female toilets at the after-party. He denies the allegations. REPORT P9

'STOP DOING IT'

Actress tells King Lear to 'f--- off' in toilet, court told

MATTHEW BENNS

OSCAR winner Geoffrey Rush repeatedly touched an actress in a way that made her uncomfortable and ignored her requests for him to "stop doing it", the Federal Court was told yesterday.

Rush's co-star in the Sydney Theatre Company's 2015-2016 production of *King Lear*, Eryn Jean Norvill, complained about the *Pirates of the Caribbean* star after he allegedly touched her four more times during the final week of the play.

The court heard the actor followed her into the female toilets at the after-party on the final night and stood outside her cubicle until she told him to "f--- off". The incident left her "visibly upset".

Rush, 66, is suing *The Daily Telegraph* for its

reporting of Ms Norvill's complaint about alleged inappropriate behaviour to the Sydney Theatre Company in 2016. Rush denies the allegations.

Yesterday the Federal Court lifted a suppression order on the newspaper's defence document, rejecting an application by Rush's lawyer Richard McHugh SC to stop the details being made public.

Now, for the first time, the extent of the allegations against Rush can be revealed.

According to the document, Rush touched the actress "in a manner that made the Complainant feel uncomfortable" during the final scene.

As King Lear, Rush had to carry



66
SHE WAS TOUCHED
IN A WAY THAT
MADE HER
UNCOMFORTABLE

Tom Blackburn, QC

Norvill on to the stage as she simulated the lifeless body of Lear's daughter, Cordelia.

Norvill asked Rush to "stop doing it" but it is alleged he repeated the touching on another four occasions in the final week of the play in January 2016.

Tom Blackburn, SC, counsel for *The Daily Telegraph*, told the court this touching amounted to "scandalous and inappropriate behaviour".

"The allegation is not that she was touched in a particu-

lar place but she was touched in a way that made her uncomfortable. She said stop and he kept doing it," he said.

Mr McHugh said Rush denied the allegations.

"They are necessarily touching as part of what the production requires," he said.

And he said an earlier report which quoted Rush as saying he

had a "stage door Johnny crush" on the actress was clearly said in jest.

According to the newspaper's defence, Rush engaged in further inappropriate behaviour at the final night after-party.

Mr Blackburn said: "There can be no more compelling reason for publication than it was true."

According to the defence document: "Following the investigation the STC decided that it would never work with the Applicant (Rush) again."

The Daily Telegraph is also relying on the defence of qualified privilege in defending the defamation case.

It argued the allegations were "matters of proper and legitimate public interest".

The judge reserved his decision on Mr McHugh's application to strike out large parts of *The Daily Telegraph's* defence.

ACTION:
Geoffrey Rush
and Eryn Jean
Norvill in
King Lear.

Two-hour limit pain for nurses

NURSES fear they will have to leave every two hours during hospital shifts to move their vehicles due to the lack of long-term parking options around the Commonwealth Games Village.

The Courier-Mail can reveal Queensland Health staff at Parklands have been told the only guarantee of getting a park was the expensive private parking facility used by patients and their families.

Staff are being advised that "the only way of a guaranteed park is to salary sacrifice" to obtain a concession spot at the car park. But nurses were advised by the parking management that "we are nearing the cap for designated staff parking through salary sacrificing: once that figure is reached a waiting list will be established for applicants".

Concession rates for staff are not advertised but daily parking can cost between \$6 an hour and \$16.50 for more than three hours.

The two-hour zones around the precinct and other Games hot spots will take effect from Friday, and enforced between 9am-5pm on week days.

Opposition health spokesman Kos Bates said: "I'm concerned for the safety of these hard-working staff."

Don't learn, don't earn

QUEENSLAND'S poor rate of higher education "just won't cut it" if the economy is to meet its goals over the next 10 years, a Deloitte report says.

The report said people were being left behind when their industry was overtaken by technology.

"Education has not been a strong point for Queensland in recent years," the report said.

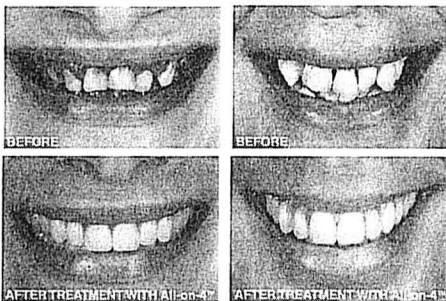
"In a knowledge economy, this just won't cut it. There is much more work to be done here."

Deloitte said that if Queensland "gets it right" the economy could grow by \$54 billion and 230,000 jobs over the next decade.

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NEWS

Court hears that actress repeatedly asked Geoffrey Rush to ... STOP DOING IT



Geoffrey Rush and Eryn Jean Norvill in the Sydney Theatre Company's *King Lear*.

OSCAR winner Geoffrey Rush allegedly touched an actress repeatedly in a way that made her uncomfortable and ignored her requests for him to "stop doing it" the Federal Court heard yesterday.

Rush's co-star in the Sydney Theatre Company's 2015-2016 production of *King Lear*, Eryn Jean Norvill, complained about the *Pirates Of The Caribbean* star after he allegedly touched her on five occasions during the final week of the play.

The court heard the actor followed her into female toilets at the after-party on the final night of the performance of the Shakespeare classic and

MATTHEW BENNS

stood outside her cubicle until the "visibly upset" actress told him to "f--- off".

Rush, 66, is suing the *Daily Telegraph* for its reporting of Ms Norvill's complaint about alleged inappropriate behaviour, made to STC in 2016. Rush denies the allegations.

Yesterday the Federal Court lifted a suppression order on the newspaper's defence document, rejecting an application by Rush's lawyer Richard McHugh, SC, to stop the details being made public.

Justice Michael Wigney said the need for open justice outweighed fears that releas-

ing details of the defence case could further damage Rush's reputation.

According to the document, Rush touched the actress "in a manner that made the Complainant feel uncomfortable" during the play's final scene.

As *King Lear*, Rush had to carry Norvill on to the stage as she simulated the lifeless body of the title character's daughter, Cordelia.

Norvill asked Rush to "stop doing it" but it is alleged that he repeated the touching on another four occasions in the final week of the play in January 2016.

Tom Blackburn, SC, coun-

sel for Nationwide News, publisher of the *Daily Telegraph*, told the court this touching could amount to "scandalous and inappropriate behaviour".

"The allegation is not that she was touched in a particular place but she was touched in a way that made her uncomfortable. She said stop and he kept doing it," he said.

Mr McHugh said Rush denied the allegations.

"They are necessarily touching as part of what the production requires," he said.

And he said an earlier report which quoted Rush as saying he had a "stage door Johnny crush" on the actress was clearly said in jest.

Mr McHugh had argued the newspaper's truth defence should be struck out because it lacked sufficient detail.

According to the newspaper's defence, Rush engaged in further inappropriate behaviour at the party to celebrate the final night.

During the party, Rush allegedly "entered the female bathroom located in the foyer of the Roslyn Packer Theatre, knowing (Norvill) was in there, and stood outside a cubicle" that she was in.

He left when she told him to "f--- off". She was "visibly upset" following the incident.

Mr Blackburn said: "There can be no more compelling

reason for publication than it was true."

According to the defence document: "Following the investigation the STC decided that it would never work with the Applicant (Rush) again."

The *Daily Telegraph* is also relying on the defence of qualified privilege in the defamation case, arguing it was in the public interest.

The *Daily Telegraph* says it had more information about the Rush allegations at the time of publication but did not include them in its reports.

This included an allegation that Rush had touched Norvill on the genitals.

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March 19, 2018

Section: Media

THE DIARY

STEPHEN BROOK

TV gossip mill working overtime As an item of TV gossip, it is irresistible. And everyone is talking about Seven director of programming Angus Ross and his blazing row with Seven West Media chief executive Tim Worner over the botched launch of Australian Spartan, which tanked and prompted Ross to storm off to Noosa for a week. Pity it is not true, says the man in question. Ross tells Diary with a laugh: "I don't have that sort of relationship with Tim Worner. I was in Noosa but it was a holiday my wife insisted I go on because we hadn't had a holiday in about three years." Nice idea, but the reality turned out quite differently. "It wasn't much of a holiday when those week-two Spartan figures came out. Also, I injured my back while I was up in Noosa and Jetstar lost our bags. They didn't turn up until the second day. Not fun when you have a small child."

A work in progress But there is more. Seven doubled down, filming two series of Spartan, which survived for only two nights before it was pulled from the schedule. It will reappear at Easter, during a non-ratings period when Seven will try to build its audience. But what to do with season two, which is already in the can? Ross is already clear on one point: "We wouldn't put it up against Married at First Sight."

Newsman departs More changes at Sky News. Rob Raschke, executive editor of Sky News Australia, has left the network. Chief executive Angelos Frangopoulos told staff in a note last week he had accepted Raschke's resignation. Police charged Raschke, 52, last month with assault following an incident at his home. Raschke, a Walkley Award winner and former news director of Seven Network, then consented to an apprehended violence order and pleaded guilty to the charge of assault. Meanwhile, the network is giving Herald Sun columnist Rita Panahi a 4pm program titled The Friday Show.

Rapid promotion James Chessell's speedy elevation last week from national editor to group executive editor left some Fairfax journos "stunned and shocked". As Diary tipped, Australian Metro Publishing boss Chris Janz was going to want to reduce his 16 direct reports at some point. But who will replace Chessell? It looks like his old job will be advertised, which means an outsider might walk through the door.

Look Marr. no appendix David Marr has had his appendix out. Just FYI.

Kids' TV under review Last year Diary accused Communications Minister Mitch Fifield's office of being a Bermuda Triangle when it came to actually doing anything about the multitude of reviews, reports and appointments it was tasked with acting on. Our list was long but the jab certainly shook away the stupor as news of the appointment of Bulent Hass

WESTLAW

Dellal to chair SBS leaked out that very day — to Fairfax! Diary is certain things will move much more swiftly with the Australian and Children's Screen Content Review, which sailed into the Triangle in December. Diary expects the government will respond to it by offering to reduce the output-based quotas that govern how many hours of drama, children's and preschool programs must screen on commercial free-to-air television. At the same time, tax offsets to fund local productions are expected to be increased and/or broadened. The theory being that the audience will demand more episodes of *Offspring* and *The Wiggles* anyway, and if networks and production companies can share in a bit of financial relief in making and buying them, then everyone's a winner.

Hutchy's challenge Good times and bad times for Craig Hutchison's Crocmedia content company. On Thursday shareholders gave a big tick to the proposal to merge Crocmedia with Pacific Star. This means Hutchy, who has worked at the Herald Sun, Seven and Nine in his time, will run the merged entity, which includes the SEN sport radio station. Crocmedia already holds AFL rights and distributes footy content to other stations. The bad times came on Tuesday when radio ratings were released and SEN fell 0.5 percentage points, not the world's greatest drop but it reduced SEN's share from 3.2 to 2.7, which is just ahead of ABC Radio National. And this at a time when high-profile broadcaster Gerard Whateley moved from ABC to SEN, described in Melbourne media as a "stunning leap of faith". Ratings in his slot, partly covering his arrival, fell 1.3 points from 4.4 to 3.1 per cent. Hutchy can't be too glum about the tanking ratings. In his new gig his take-home salary is \$883,752.

Guardian deputy goes A changing of the guard at Guardian Australia. Will Woodward, the site's deputy editor for three years who is said to hold the whole show together, is heading back to Britain to rejoin the mothership as head of sport, which sounds like his dream job. As is his wife, Claire Phipps, senior live blogger, who becomes digital editor. Guardian Australia's editor is Lenore Taylor, and Diary (who once worked at The Guardian in Britain) was wondering if this departure would mean the local operation would have two Aussies at the editorial helm for the first time since launch in 2013, instead of the traditional Brit/Aussie combo. Answer: no. Another Brit, David Munk, international news editor for Asia Pacific and already based in Sydney, is taking over as deputy in April. "Will and Claire have both done fantastic work during their time in Australia and we're sorry the time has come for them to return to the UK. The deputy editor position was open to internal applications and David Munk was an outstanding candidate," Taylor says. Guardian Australia chief executive Ian McClelland is heading to a London role as managing director of corporate development. Guardian US chief executive Evelyn Webster will run the Australian operation, but is searching for a managing director.

Aussies to the fore A stellar night for antipodeans at the British Press Awards last week. Pilita Clark, formerly of the Sydney Morning Herald and currently with The Financial Times, was named environment journalist of the year, and The Sunday Times reporter Richard Kerbaj, formerly of The Australian, shared the scoop of the year. Clark won the award for a magazine feature on the state of renewable energy while Kerbaj's scoop reported that police had found pornographic material on one of the computers of then deputy prime minister Damian Green. Clark has won the award three times, putting her ahead of fellow Australians Phillip Knightley, Clive James and Peter Harvey, but still some distance behind John Pilger, who has won about half a dozen. Clark is unlikely to catch him. She has been promoted to associate editor and now writes a weekly column.

ABC in hire mode The ABC is continuing its hiring spree in the wake of axing Lateline and diverting the funds into journalism. The national broadcaster is hiring Guardian Australia's Michael Slezak as its environment reporter, and also Brisbane reporter Josh Robertson. And Michaela Boland, who left The Australian last year, started at Aunty last week as national arts, culture and entertainment reporter. She's not at the ABC, but Lydia Bilton is now an associate digital producer on Nine's 60 Minutes, a great result for the recipient of the 2017 Jacoby-Walkley Scholarship. Entries are open for this year's scholarship, funded by media executive Anita Jacoby. It includes a 10-week job placement at Nine. Check the Walkleys website.

Rush date Tomorrow is a big day in the legal action **Geoffrey Rush** has taken against Sydney's Daily Telegraph. As this newspaper reported, the Telegraph's amended defence documents, which were at one point suppressed, include

allegations Rush inappropriately touched Eryn Jean Norvill while they were on stage in a Sydney Theatre Company production of King Lear. Rush strenuously denies the allegations. The newspaper's particulars of qualified privilege claim Norvill complained to the STC that Rush "had touched her genitals during the production of King Lear without her consent". Rush denies this claim and the actor said it had not been raised with him by the complainant or the STC. Federal Court judge Michael Wigney will deliver judgment on the interlocutory application from Rush's lawyers. Meaning, whether he will strike out parts of the Telegraph's defence.

— Index References —

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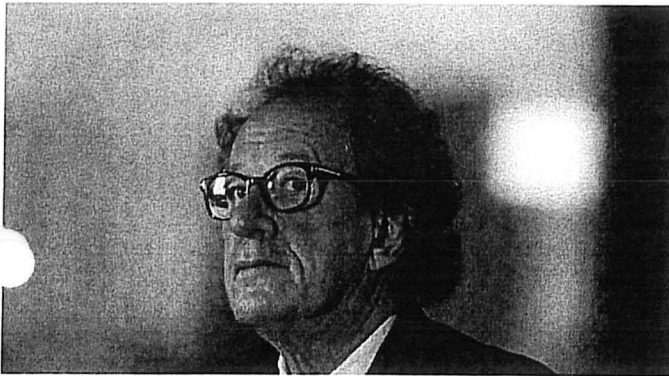
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Daily Telegraph's defamation defence removed in Geoffrey Rush case

ACTOR Geoffrey Rush has had a win in his defamation lawsuit, with the Daily Telegraph not able to use truth as a defence.

AAP MARCH 20, 2018 11:13AM



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Actor Geoffrey Rush is suing over an article published by the Daily Telegraph. Source: News Corp Australia

THE Daily Telegraph will not be able to use truth as a defence in the defamation lawsuit brought by Australian actor Geoffrey Rush.

The Oscar winner is suing the Sydney newspaper and its journalist Jonathon Moran following articles alleging he behaved inappropriately to a colleague during a Sydney Theatre Company production of *King Lear* in 2015.

In the Federal Court on Tuesday, lawyers for the 66-year-old were successful in their preliminary application to have all of the paper's truth defence struck out.

Rush's legal team's bid to remove part of the paper's qualified privilege defence, which is that it was reasonable to publish the article, was also accepted.

Justice Michael Wigney also ruled against a bid by the defence to subpoena the Sydney Theatre Company.

A defence document from News Corp Australia subsidiary Nationwide News alleges Rush touched co-star Eryn Jean Norvill in a way that made her feel uncomfortable on five separate occasions during the final week of the production.

Rush is also accused of following his co-star into the women's toilet and standing outside her cubicle until she told him to "f*** off" at a party to celebrate the end of the production.

The defence denies that the *Telegraph* articles made Rush out to be a pervert and a sexual predator, and previously told the court they made no allegations of a sexual nature.

The *Telegraph* can no longer seek to prove it substantially true that Rush engaged in scandalously inappropriate behaviour.

News Corp Australia is also the publisher of news.com.au

Playing with house money

MAJOR infrastructure projects in Sydney's far west are set to boost house values by up to \$100,000 as eager buyers cast an eye over the region.

The Western Sydney City Deal has already attracted interest from developers trying to snap up greenfield sites near the proposed transport links.

And with more activity expected, experts predict prices in suburbs such as St Marys and Glenfield could jump \$100,000, roughly 15 per cent, over the next few years. That would defy the cooling market elsewhere in Sydney, where the median home price is expected to drop 5 per cent this year.

\$12 picture a gold mine

A COLLECTOR paid \$12 for a photograph on eBay — which turned out to be a rare snap of notorious Wild West outlaw Jesse James worth millions.

Justin Whiting had a hunch about the Victorian image, described by the seller as simply "a young man in dark suit standing by a chair". And now he has been told the picture could fetch up to \$3.6 million at auction in Britain.

The photo shows James as a 14-year-old in the 1860s, before he made his name leading a gang of bank-robbing bandits.



WELCOME TO THE CUB

IT was claws for a super celebration. And Bula and Bontle were happy to make the most of it in their new home at Johannesburg Zoo's large lion enclosure yesterday.

The five-month-old siblings are the first lion cubs born at the zoo in 10 years and have spent the first part of their lives under special observation to make sure all was well.

Helpless at birth, lion cubs are born blind and are not able to stand until they're two weeks old. In the wild, they are at least two months old before they join the rest of their pride.

Clearly feline fine, the dynamic duo cavorted happily, wrestling and playfighting as keepers and zoo visitors watched on.

Bula and Bontle make the most of their new enclosure at Johannesburg Zoo.
Picture: AP/Theмба Hadebe

Rush case to head for trial

Tele may appeal truth defence ruling

MATTHEW BENNS

OSCAR winner Geoffrey Rush's defamation claim against The Daily Telegraph will go to trial in August, a court heard yesterday.

In the interim The Daily Telegraph will consider appealing a preliminary judgment in which Justice Michael Wigney struck out parts of its defence to the legal action brought by the Pirates Of The Caribbean star.

Mr Rush (right) is suing the Telegraph after it reported his co-star in a Sydney Theatre Company production of King Lear lodged a complaint with the

STC over Mr Rush's "inappropriate behaviour".

Federal Court Justice Wigney yesterday agreed with an application by Mr Rush's lawyers to remove "truth" from the newspaper's defence of the star's claim.

The Daily Telegraph editor Chris Dore said: "The Daily Telegraph considers that its conduct in publishing the articles concerning a complaint made to the STC against Geoffrey Rush was reasonable. This is one stage of complex legal proceedings. The Daily Telegraph is considering the judgment and whether it will make an application for leave to appeal."

Justice Wigney said the newspaper had provided "insufficient details" about the complaint in its defence documents filed last month.

The Telegraph was seeking to prove that Mr Rush, 66, touched his co-star Eryn Jean Norvill in an inappropriate manner while he carried her on stage as she simulated the lifeless body of King Lear's daughter Cordelia.

Justice Wigney also set aside the newspaper's application to subpoena the STC, saying it was not permitted to undertake "a fishing expedition" for evidence.

Mr Rush's lawyer Sue Chrysanthou said the actor was keen to push ahead with an eight-day trial in early August.



SEX & THE CITY HALL FOR STAR

FORMER Sex And The City star Cynthia Nixon is running for New York governor.

After flirting with a run for months, Nixon tweeted that she will challenge Governor Andrew Cuomo in New York's Democratic primary in September. It sets up a longshot bid pitting an openly gay liberal activist who has never held political office against a two-term incumbent with a \$39 million war chest and possible presidential ambitions.

Nixon clearly has her work cut out for her, with a poll released on Monday showing Cuomo leading her 66 per cent to 19 per cent among registered Democrats.



Cynthia Nixon.

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March 21, 2018

Section: TheNation

Rush defamation case: truth defence rejected

Rosemary Neill

A Federal Court judge has struck out The Daily Telegraph's entire truth defence in a defamation case brought by **Geoffrey Rush**, arguing the newspaper's claims were too "vague" and "imprecise" to prove the allegation the Oscar-winning actor had "inappropriately touched" a co-star during a King Lear production.

"The particulars provided no meaningful details of the alleged touching, and how and why the touching made the actress feel uncomfortable," judge Michael Wigney said yesterday in a summary of his decision.

At a pre-trial hearing in Sydney, Justice Wigney also struck out three paragraphs from the newspaper's qualified-privilege defence and set aside its application to subpoena documents from the Sydney Theatre Company, criticising this move as a "fishing expedition".

Rush launched defamation proceedings against The Daily Telegraph and journalist Jonathon Moran late last year after the paper published allegations the actor had been the subject of an "inappropriate behaviour" complaint made by a female colleague during a 2015-16 Sydney Theatre Company production of King Lear.

Rush strongly denied the allegation and, in his statement of claim, alleged the newspaper articles carried "defamatory meanings" that he "behaved as a sexual predator" while working on the production.

The Telegraph's defence document last month identified Eryn Jean Norvill as the cast member who made the complaint against Rush. She played Cordelia, Rush's daughter, in King Lear, and the document claimed the "inappropriate" touching occurred during the production's final five nights, when Rush carried her lifeless body across the stage.

However, Justice Wigney found the newspaper's truth defence offered "inadequate and insufficient details" about the - alleged touching. He said its nature and duration, how and why it made the actress feel "uncomfortable" and "what part of Mr Rush relevantly touched the actress" — were not specified.

The Telegraph's defence document also claimed that at a closing-night cast party, Rush entered the women's toilets and "stood outside a cubicle" occupied by Norvill. The actress told him to "f..k off", the document stated, and he left.

Rush has denied all allegations of inappropriate behaviour, while Justice Wigney yesterday found "the particulars of this bathroom incident are insufficiently precise and specific". Daily Telegraph editor Chris Dore yesterday said: "This

Rush defamation case: truth defence rejected, 2018 WLNR 8512247

is one stage of complex legal proceedings. ... The Daily Telegraph considers that its conduct in publishing the articles concerning a complaint made to the STC against **Geoffrey Rush** was reasonable."

— Index References —

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News Subject: (Crime (1CR87); Defamation, Libel & Slander (1DE07); Sex Crimes (1SE01); Social Issues (1SO05))

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NewsRoom

The Daily Telegraph

\$1.60 // TUESDAY, FEBRUARY 20, 2018

We're for you

SCOOP

LET JOYCE KEEP HIS JOB: WIFE

SHARRI MARKSON & KYLAR LOUSSIKIAN

NATALIE Joyce has told close friends she wants her cheating husband Barnaby to keep his job despite the devastation his affair with a now pregnant young staffer has caused her and their four daughters.

Trying to shake off the trauma of the past two weeks, Mrs Joyce made her first public appearance since the scandal broke on Saturday night when she attended a luxury boat birthday party of a major Coalition donor on Sydney Harbour. Friends of Mrs Joyce's said she does not want the Deputy Prime Minister to lose his job, which is partly why she has been hesitant to agree to a major media interview.

Mrs Joyce even voiced concerns about colleagues using the family's pain to jostle for the party's leadership.

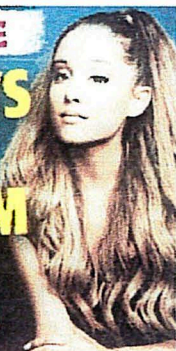
It comes as only one-third of Nationals MPs were yesterday willing to publicly back Mr Joyce as leader of the party.

▶ FULL REPORTS PAGES 10-11

EXCLUSIVE

SYDNEY'S \$785M TOURISM BOOM

Full report P4



SCOOP

ABBOTT'S BIG DIG AT GLIB MAL

SHARRI MARKSON

FORMER prime minister Tony Abbott will today unleash a stinging rebuke of modern Australian politics — including a thinly veiled take-down of Malcolm Turnbull's elitist attitude and the growing gulf between the "talking class" and the "working class".

Delivering a speech to the Sydney Institute tonight, Mr Abbott will deliver a brutal assessment of Mr Turnbull's National Energy Guarantee and education policy, while highlighting the "insiders versus outsiders" chasm dividing Western democracies.

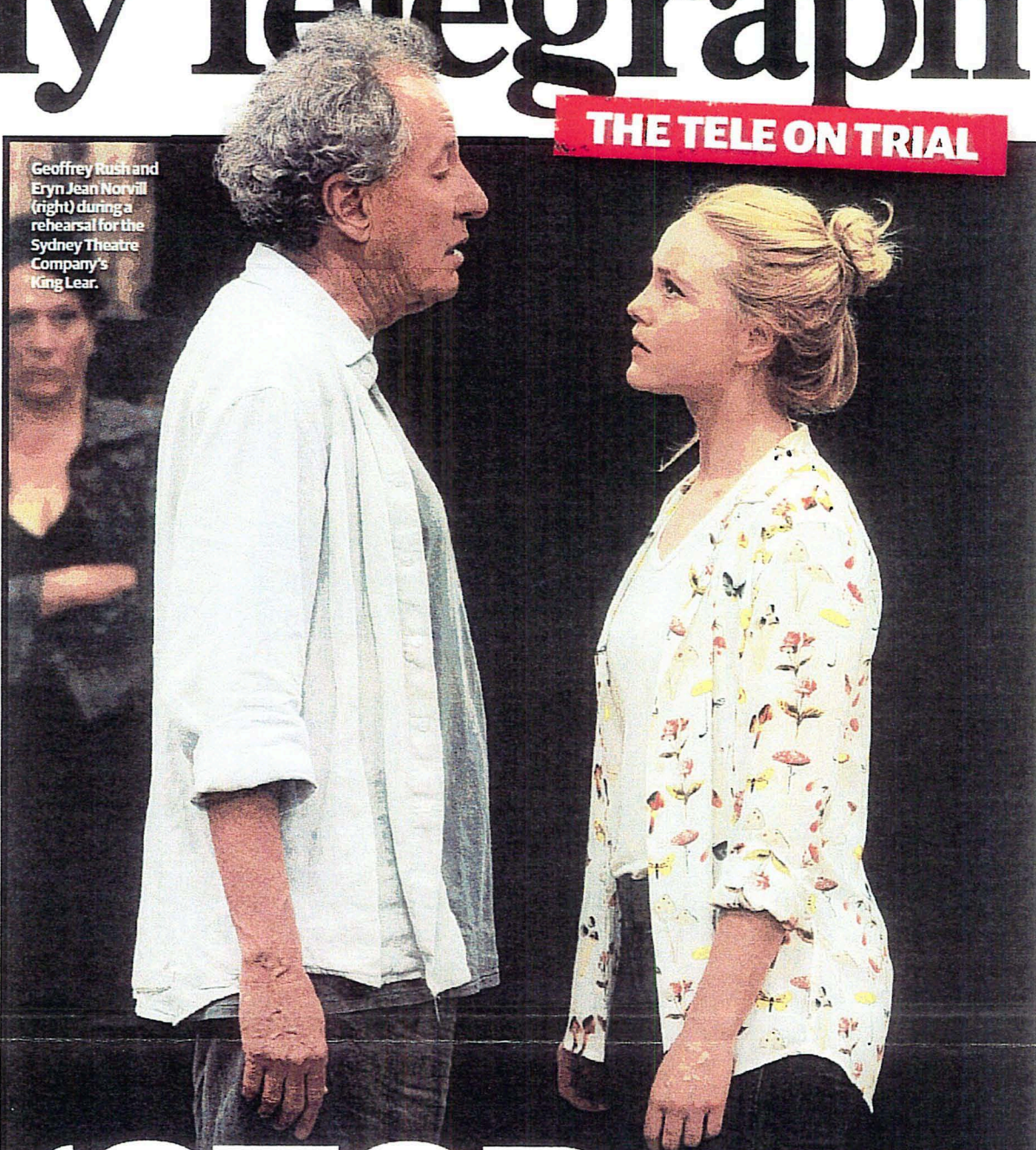
Mr Abbott, who lost the leadership to Mr Turnbull in September 2015, will also call for immigration levels to be cut to 110,000 people a year from 190,000, until migrants are able to properly integrate into the Australian way of life, and to help wages grow and make house prices more affordable.

But it is his attack of Mr Turnbull and his "glib talk" that is the most cutting.

"All too often, it seems, the people

▶ CONTINUED PAGE 11

Geoffrey Rush and Eryn Jean Norvill (right) during a rehearsal for the Sydney Theatre Company's King Lear.



THE TELE ON TRIAL

'STOP DOING IT'

Court hears allegations
Rush touched actor
five times & confronted
her in female toilets

MATTHEW BENNS

OSCAR winner Geoffrey Rush repeatedly touched his Sydney Theatre Company co-star onstage in a way that made her uncomfortable and ignored a request to "stop doing it", the Federal Court heard yesterday.

It was also alleged that Rush followed highly regarded stage star Eryn Jean Norvill into the female toilets at the

after-party on the final night of King Lear and stood outside her cubicle until she told him to "F... off".

The incident allegedly left her "visibly upset". Norvill complained about the star after he allegedly touched her on five separate nights during the final week of the STC production, the court heard. Rush, 66, is suing The Daily Telegraph for its reporting of Norvill's complaint about

alleged inappropriate behaviour made to the STC in 2016. Rush denies the allegations. Yesterday the Federal Court lifted a suppression order rejecting an application by Rush's lawyer to stop details of the defence of truth being made public. Justice Michael Wigney said concerns about releasing details were outweighed by the need for open justice.

▶ FULL REPORTS PAGES 6-7

V2 - TELE03011A

06

TUESDAY FEBRUARY 20 2018 DAILYTELEGRAPH.COM.AU

We lived next door to malice

NEIGHBOURS of Australian terrorist Khaled Sharrouf have given a scathing account of the IS recruit's time in Syria.

Sharrouf, 36, who packed up his young family and travelled half way across the world to fight for the cowardly terror group in 2013, used his brother's passport to leave Australia. He then set up home in the Syrian city of Raqqa.

"He was so corrupt, it's unbelievable. He was such an outlaw. He was even outside Islamic law," his neighbour



Sharrouf.

Abdel Aziz Bin Khalafa told ABC's Four Corners. Mr Bin Khalafa remembered

the way Sharrouf exposed his children to a violent life.

"Whenever he would step outside here, as soon as he'd see me, he'd carry his weapons and fire in the air as if he wanted to make a point -- I am here, I have weapons," Mr Bin Khalafa said.

His neighbours often complained to IS about his behaviour and the extremists eventually turned on him, one time sending security to reprimand him at 2am.

Sharrouf and two of his children were reportedly killed by a US air strike last year.

Navy life not so fulfilling

MORE than 200 men are suing the Commonwealth, claiming they did not receive promised training in the navy which was supposed to give them a trade in civil life.

Opening the Supreme Court class action yesterday, the men's barrister, Nick Kidd SC, said their training contracts were binding but were not honoured by the Royal Australian Navy. One man claimed he and other recruits posted to HMAS Kuttubul in 2011 spent a lot of time just playing games on their phones.

REVEALED

'UPSET ACTOR TOLD YOUNG STAR'S BOLD CLAIMS



Actress Eryn Jean Norvill, who made a complaint to the STC after the King Lear production. Picture: Carly Earl

MATTHEW BENNS
EDITOR-AT-LARGE

OSCAR winner Geoffrey Rush allegedly touched an actress repeatedly in a way that made her uncomfortable and ignored her requests for him to "stop doing it", the Federal Court heard yesterday.

Rush's highly regarded co-star in the Sydney Theatre Company's 2015-2016 production of King Lear, Eryn Jean Norvill, complained about the Pirates Of The Caribbean star after he allegedly touched her on five occasions during the final week of the play.

The court heard the actor followed her into the female toilets at the after-party on the final night of the STC's performance of the Shakespeare classic and stood outside her cubicle until she told him to "F... off". The incident allegedly left her "visibly upset".

Rush, 66, is suing The Daily Telegraph for its reporting of Ms Norvill's complaint about alleged inappropriate behaviour made to the Sydney Theatre Company in 2016. Rush denies the allegations.

Yesterday the Federal Court lifted a suppression order on the newspaper's defence document, rejecting an application by Rush's lawyer Richard McHugh, SC, to stop the details being made public.

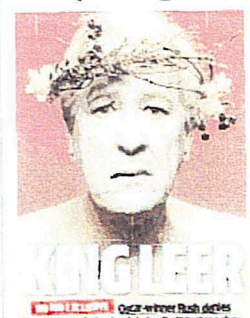
Upon application by David Sibtain, representing Fairfax

Media and Channel 9, Justice Michael Wigney said fears that releasing details of the defence case could further damage Rush's reputation were outweighed by the need for open justice.

For the first time the extent of the allegations against Rush can now be revealed.

According to the document, Rush touched the actress "in a manner that made the Complainant feel uncomfortable".

Daily Telegraph



One of the stories at the centre of Rush's legal claim.

during the play's final scene.

As King Lear, Rush had to carry Norvill on to the stage as she simulated the lifeless body of the title character's daughter, Cordelia.

Norvill asked Rush to "stop doing it" but it is alleged that he repeated the touching on another four occasions in the final week of the STC pro-

duction's run in January 2016.

Tom Blackburn, SC, counsel for Nationwide News, publisher of The Daily Telegraph, told the court this touching could amount to "scandalous and inappropriate behaviour".

"The allegation is not that she was touched in a particular place but she was touched in a way that made her uncomfortable. She said stop and he kept doing it," he said.

Mr McHugh said Rush denied the allegations.

"They are necessarily touching as part of what the production requires," he said.

And he said an earlier report which quoted Rush as saying he had a "stage door Johnny crush" on the actress was clearly said in jest.

Mr McHugh had argued that the newspaper's truth defence should be struck out because it lacked sufficient detail.

According to The Daily Telegraph's defence, Rush engaged in further inappropriate behaviour at the party to celebrate the final night of the production at the Walsh Bay Kitchen, next door to the play's venue.

During the party for cast and crew Rush "entered the female bathroom located in the foyer of the Roslyn Packer Theatre, knowing (Norvill) was in there, and stood outside a cubicle" that she was in.

He left when she told him to "F... off".

She was "visibly upset" following the incident.

Mr Blackburn said: "There can be no more compelling



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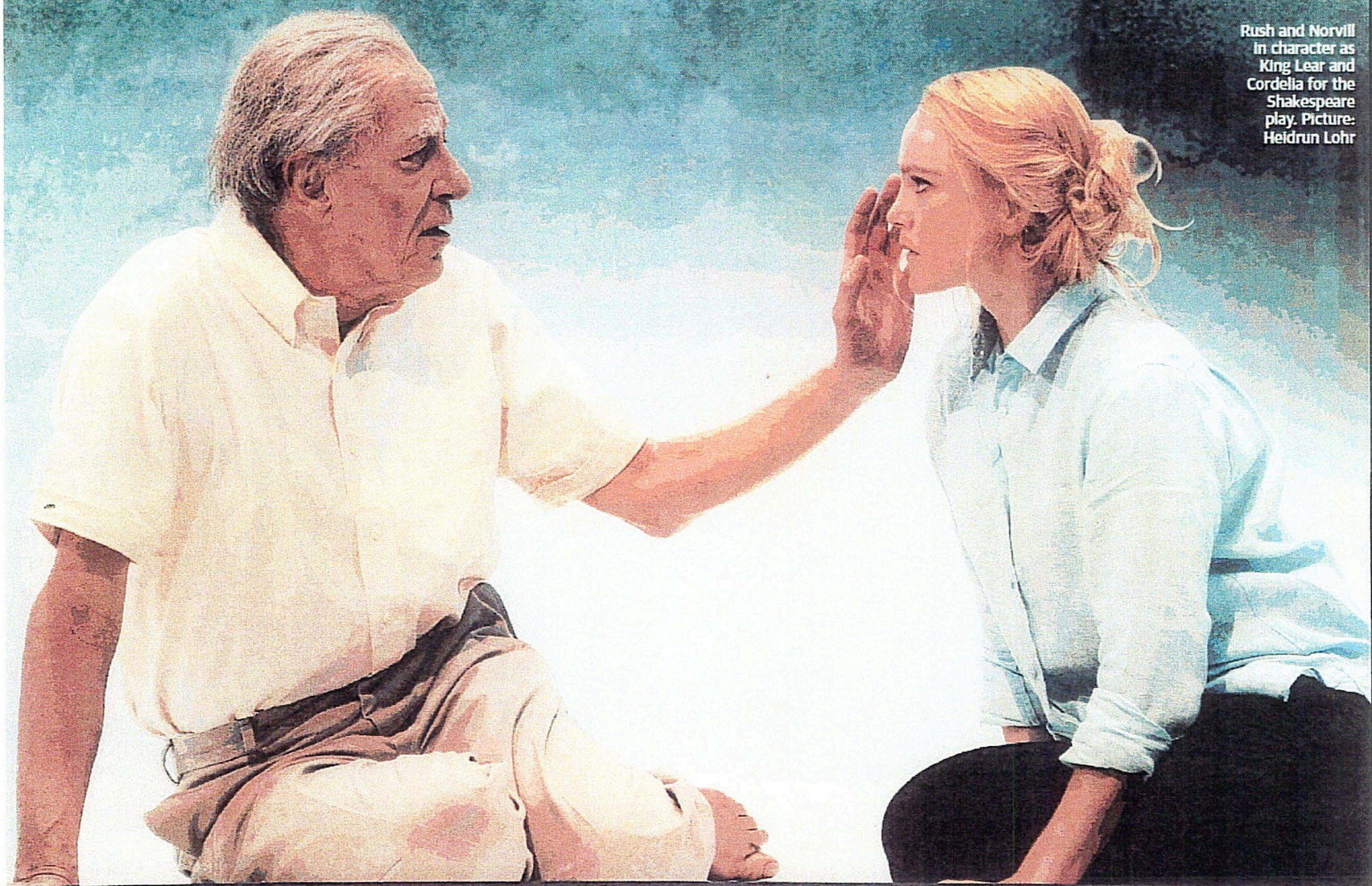
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DAILYTELEGRAPH.COM.AU TUESDAY FEBRUARY 20 2018

07

OSCAR WINNER INSIDE TOILET: F--- OFF'

Rush and Norvill
in character as
King Lear and
Cordelia for the
Shakespeare
play. Picture:
Heldrun Lohr



“The allegation is ... she was touched in a way that made her uncomfortable. She said stop and he kept doing it.”

Tom Blackburn, SC, counsel for Nationwide News

reason for publication than it was true.”

According to the defence document: “Following the investigation the STC decided that it would never work with the Applicant (Rush) again.”

Apart from truth, The Daily Telegraph is also relying on the defence of qualified privilege in defending the defamation case.

It argued the allegations were “matters of proper and legitimate public interest” in the wake of a string of allegations concerning “sexual mis-

conduct, bullying and harassment in the entertainment industry” which started with the Harvey Weinstein scandal.

The Daily Telegraph argues it had more information about the Rush allegations at the time of publication but did not include them in its

reports. This included an allegation that Rush had touched Norvill on the genitals.

The defence document stated: “that a complaint had

been made to the STC by the complainant (Norvill) in substance that the Applicant (Rush) had touched her genitals during the production of King Lear without her consent.”

The Judge reserved his decision on Mr McHugh’s application to strike out large parts of The Daily Telegraph’s defence including the entirety of its truth defence.

Justice Wigley also reserved his decision on Rush’s application to stop the issuing of a subpoena by Nationwide

News on the Sydney Theatre Company for documents relating to the alleged complaint.

Mr McHugh argued the request for a subpoena was a “fishing expedition” and an abuse of process.

Mr Rush launched the defamation proceedings in the Federal Court in December 2017, alleging The Daily Telegraph had engaged in “hyperbole, lies and spurious claims” in its report of the complaint from the actress to the STC.



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EMMA-NOMICS

ABC's *Media Watch* joins Emma Alberici's critics (P2)

• John McGrath calls in Paul Hogan's lawyer (P17)

THE BAFTAS

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Sisterhood turns on duchess for wearing green (P3)

• JUDITH SLOAN Busting the gender pay gap myths (P12)

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HCF and HBF bid to combine 2.5 million customers

• JOHN DURIE (BUSINESS P17)

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DETAILS P6

ALP TO PUT FAIR WORK FOCUS ON LOW-PAID

Backdown on radical wage plan

EWAN HANNAN
WORKPLACE EDITOR

Bill Shorten's Labor Party is backing away from a controversial proposal to legislate significant minimum wage rises, instead considering a plan to force the Fair Work Commission to give greater weight to the needs of low-paid workers when awarding minimum wage increases.

Employers warned the new approach, flagged yesterday by opposition workplace relations spokesman Brendan O'Connor, would still cost thousands of jobs.

A Shorten government would consider amending the Fair Work Act to change the factors the commission must take into account when determining annual increases, under the new approach.

The commission currently takes into account the performance and competitiveness of the national economy, including productivity, business competitiveness and viability, inflation and employment growth. It also considers the promotion of social inclusion through increased workforce participation, relative living standards and needs of the low-paid, and the principle of equal remuneration for work of equal or comparable value.

Mr O'Connor told *The Australian*, "Labor still considers the commission to be essential in setting wages in this country, but given the persistent low wage growth, we are considering whether the independent umpire has sufficient guidance from the parliament to ensure workers get their fair share."

The Australian Industry Group's head of national workplace relations policy, Stephen Smith, warned last night against changing the minimum wage objective in the Fair Work Act.

"It requires that the Fair Work

Labor finds some coal comfort — but not for Adani

IRIN FALKHAM
GEOFF CHAMBERS

Labor has moved to reassure miners and unions that a Shorten government would continue to support existing coalmines, while declaring Adani's proposed Galilee Basin mine was financially unviable.

Opposition energy spokesman Mark Butler, in a speech to the Sydney Institute last night, emphasised that Labor remained sceptical about thermal coal, but would continue to support the booming coking-coal export industry. The left-wing energy

spokesman said the outlook for coking coal remained "relatively robust as industry still searches for clearer ways to make steel" and Labor supported the viability of thermal coal production in established basins, including the Hunter Valley.

"This month Labor frontbenchers warned Bill Shorten that the opposition could not be seen as 'anti-coal', urging him to shift the Adani debate away from 'green' issues. *The Australian* reported that Labor right-wing MPs had pushed back against the Opposition Leader's lurch to the left on Adani, amid the political fight with the Greens in the Batman by-election.

In the past week, Mr Shorten has travelled to Queensland,

Continued on Page 2

INSIDE

Brendan O'Connor is one of the most unimpressive members of the Labor frontbench. At least he has seen the light on this particularly reckless idea.

JUDITH SLOAN P6

Commission strike a careful balance between a number of specific factors," Mr Smith said.

"The commission must take into account the needs of low-paid workers as well as economic factors such as employment growth, business viability, competitiveness and inflation.

"It would not be in anyone's interests for the criteria in the act to be skewed in favour of any one

factor. If an unsustainable wage increase is awarded to low-paid workers because the criteria gives inadequate weight to business viability and competitiveness, thousands of low-paid workers could lose their jobs as a result.

"It is essential that the commission is not hamstringed when carefully weighing up all of the relevant factors and determining what minimum-wage increase is appropriate."

On January 30, Mr O'Connor said a Labor government would consider changing the law to peg the minimum wage to a certain proportion of the median wage.

The ACTU has proposed a long-term "living wage" target of 60 per cent of the median wage, up from 54 per cent. The current minimum weekly wage is \$695.

In a claim rejected by the Fair Work Commission last year,

Continued on Page 5

MORE REPORTS P6

Abbott's call to cut migrant intake

SIMON BENSON
NATIONAL AFFAIRS EDITOR

Tony Abbott has called on Malcolm Turnbull to have Australia's immigration program in a return to the Howard-era targets and accused frontbench colleagues of "lacking the courage to take the issue on as a key part of ratcheting their rising cost of living."

The former prime minister has also savaged the government's National Energy Guarantee, claiming it is an example of the "low ebb" of politics because it sounds "wonderful" but lacks any explanation as to how it would bring down prices.

Calling on his own government to adopt "principled, practical and popular policies," Mr



Tony Abbott

Abbott argues that cutting the migration rate could be enacted swiftly as it would not require state and territory approval or Senate negotiation.

In extracts of a speech to be delivered to the Sydney Institute

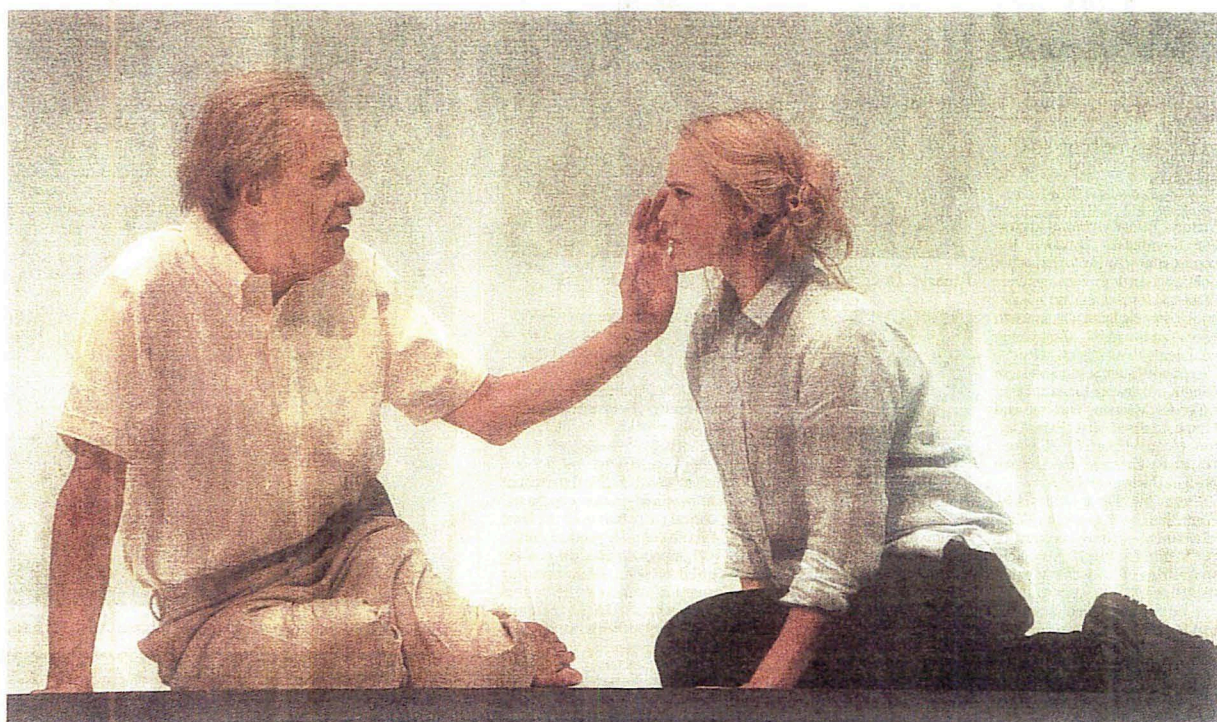
tonight and supplied to *The Australian*, Mr Abbott says the immigration rate should be returned to what he claims was the long-term average under the 11 years of the Howard government at least until infrastructure and housing stock could catch up.

Having first raised the issue a year ago, Mr Abbott has put firm figures around his proposal, suggesting the Turnbull government should scale back the annual intake to 110,000 a year to address low wage growth, housing prices and social integration that he claims have become critical issues due to historically high immigration levels.

"It's a basic law of economics that increasing the supply of labour depresses wages; and that

Continued on Page 2

Actress at heart of case against Rush revealed



HEIDRUN LOHR

Geoffrey Rush and Eryn Jean Norvill as King Lear and his daughter Cordelia in the STC production of the Shakespearean play

ROSEMARY NUBB

Emerging stage actress Eryn Jean Norvill has been revealed as the woman at the centre of allegations levelled against Geoffrey Rush after the Oscar-winning actor yesterday lost his bid to censor *The Daily Telegraph's* defence in his defamation case against the Sydney newspaper.

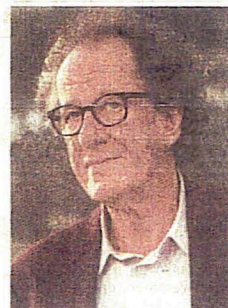
The *Daily Telegraph's* amended defence documents, which had previously been suppressed, include allegations Rush inappropriately touched Norvill while they were on stage in a Sydney Theatre Company production of *King Lear*. Rush strenuously denies the allegations.

The newspaper's particulars of qualified privilege claim Norvill complained to the STC that Rush "had touched her genitals during



Norvill, the actress who starred in *King Lear*

the production of *King Lear* without her consent". Rush denies this claim. The actor said it had not been raised with him by the complainant or the STC.



Rush, who has vehemently denied the claims

The qualified privilege particulars also claim Rush harassed Norvill throughout the production and that another board member confirmed the above

incident had occurred. In its "particulars of truth" defence—which Rush's lawyers have described as "scanty" and vague—the newspaper alleges that the actor touched Norvill "in a manner that made the complainant feel uncomfortable" five times during the production's closing week at Sydney's Roslyn Packer Theatre in early 2016.

Rush was playing King Lear and Norvill was portraying Cordelia, Lear's youngest daughter. In one of the play's most famous scenes, the ageing monarch carries his lifeless daughter across the stage. After the first "uncomfortable" touch, the complainant said to the applicant, words to the effect "stop doing it" — however, the applicant repeated the conduct "on four occasions", according to the amended defence.

Rush denies that the conver-

sation with Norvill took place.

The particulars of truth further allege that at a closing-night party for the STC cast and crew at the upmarket Walsh Bay Kitchen Restaurant, Rush allegedly went into the female toilets and "stood outside a cubicle that was occupied by the complainant. The complainant told the applicant to f--- off, and he then left the bathroom". After this alleged incident, the complainant was "visibly upset", the defence documents state.

Rush, who vehemently denies any allegations of inappropriate behaviour, launched defamation proceedings against *The Daily Telegraph* late last year, after the newspaper published allegations he had been the subject of an "inappropriate behaviour" complaint towards a female colleague

Continued on Page 2

Nationals phone a friend on Joyce crisis

JOE KELLY

Nationals president Larry Anthony has convened an emergency meeting of senior party officials to discuss the widening Barnaby Joyce crisis, following pleas by former deputy prime minister John Anderson for MPs to "exercise their responsibility" and resolve the stand-off by next week.

The phone hook-up included Nationals party officials from NSW, Queensland, Victoria and Western Australia and canvassed the political fallout over Mr Joyce's affair with former staffer and mother of his unborn child Vikki Campion, which has imperilled his leadership and escalated calls for his resignation.

The *Australian* understands the meeting was brief and there was no final decision made about Mr Joyce's future. The talks specifically discussed yesterday's Newspoll, which showed that 65 per cent of Australians wanted the Nationals leader to resign to the backbench or leave parliament altogether.

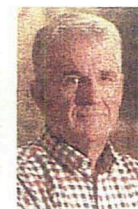
Michael McCormack — the



McCormack



Joyce



Anderson

Veterans' Affairs Minister touted as most likely to succeed Mr Joyce — fuelled leadership speculation further after repeatedly refusing to support the Deputy Prime Minister. He also refused to rule out a challenge at next Monday's partyroom meeting before reluctantly signalling his personal support.

"There is no challenge at the moment," Mr McCormack told Sky News.

"Of course, there's been talk about what may or may not happen... but at the moment Barnaby Joyce is the leader of the National party. If I knew what was going to happen this week, I'd be down at the local racetrack betting on the

horses I knew were going to come home."

Senior Nationals sources said Mr Joyce commanded the support of a key bloc of MPs, including Matthew Canavan, David Littleproud, Nigel Scullion, Bridget McKenzie, George Christensen, Damian Drum and Llew O'Brien.

Speaking in PyeongChang at the Winter Olympics yesterday, Ms McKenzie lent her support to Mr Joyce, saying he "delivers for regional and rural Australia like nobody else."

"I support our leader," Ms McKenzie, the Sport Minister, said. "This is a party that's been delivering for the regions for 100 years."

Barnaby's pet project off track

The Australian Rail Track Corporation has conceded that Barnaby Joyce's 1700km inland rail project is unlikely to generate a commercial return, despite its off-budget treatment as an equity investment.

FULL REPORT P4

"I have been unequivocal in my comments around Barnaby and his leadership and the National party's role in Australian politics, so that's where it stands."

MPs understood to be testing the moods in their electorates about the Joyce affair include Darren Chester, Keith Pitt, Andrew Broad, Michael McCormack, Ken O'Dowd, Barry O'Sullivan and Luke Hartsuyker. Other MPs who have provided qualified support for Mr Joyce include John Williams and Michelle Landry.

Continued on Page 4

MORE REPORTS P4
TROY BRAMSTON P12

Space next frontier for hi-tech crims

Criminals in Mexico have built a nationwide encrypted mobile phone network to shield their phone conversations from authorities — and they are odds-on to harness satellite technology to spy on law-enforcement agencies.

US futurist and author Marc Goodman highlighted these and other examples of criminals operating at the cutting edge of technology at a summit in Sydney yesterday.

Mr Goodman is a speaker at the three-day SingularityU Australia Summit that looks at how massive technological change is shaping the world, including crime. "There is a great quote by GK Chesterton, who says: 'The criminal is the true artist, and the detective is only the critic,'" Mr Goodman said yesterday.

FULL REPORT P3



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ABOVE & BEYOND

African street gangs taskforce 'a front for ALP'

STATE OF DISORDER

EXCLUSIVE

SAMANTHA HUTCHINSON
VICTORIAN POLITICAL
REPORTER

Victoria Police's African-Australian Community Taskforce has come under scrutiny for being too politically partisan, with members of the taskforce caught up in Facebook posts pledging allegiance to Labor and making disparaging comments about Liberal MPs.

A month after South Sudanese community leader Richard Deng called for Malcolm Turnbull and Home Affairs Minister Peter Dutton to be deported, Facebook posts have emerged showing him pledging his support to Labor.

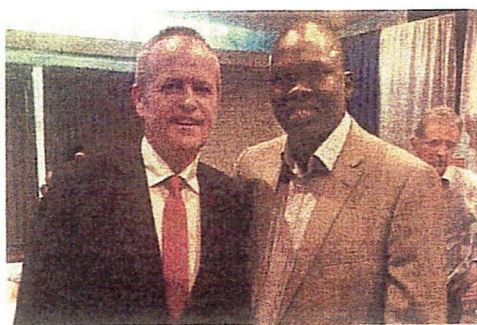
Both Mr Deng and fellow South Sudanese community leader Kot Manoh have been one of Victoria's most prominent spokesmen in the wake of gang-related events over summer.

The two have been appointed to Victoria Police's African-Australian Community Taskforce to help tackle youth street gangs, but concerns have cropped up as evidence emerges of the men's allegedly partisan links.

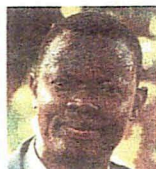
In comments on a Facebook event apparently organised with Wyndham ALP organiser Emily Yulle and in other conversations, Mr Deng and Mr Manoh speak of their allegiance to Labor and its leader, Bill Shorten, while laughing at disparaging comments made about state Liberal Opposition Leader Matthew Guy.

In response to a comment on the Facebook page that said "Invite Matthew Guy... we can cook him on the BBQ," Mr Deng said "Please don't blow up your cover. We will show him how to talk and how to cook a BBQ."

Another post in the thread, by other respondents, requested that Liberal MP Bernie Finn wasn't invited to the event because the guest "can't promise I won't take



Richard Deng with Bill Shorten at a Labor Christmas party



Kot Manoh

to him with a pair of tongs... sharp ones (if you know what I mean)."

In another thread, Mr Manoh writes to Mr Deng: "Richard Deng, Labour values are traditionally focus on improving access for services and bridging the class difference. You as a son of a chief should always rally the farmers and farmers' children to go Labour."

Mr Deng responded: "I intend to always be there for people's party."

In other posts, Mr Deng speaks of Mr Shorten as the "potential PM of Australia. He's doing very well," while also mentioning the "Liberal Party's war with migrants is getting deadly."

Opposition police spokesman Ed O'Donoghue said partisan links could undermine the work and status of the community taskforce. "It's important any committee directly associated with the Chief Commissioner Graham Ashton is not only independent but perceived to be politically independent," he said.

Victoria Police unveiled the taskforce in a high-profile media event as it fought to address gang

violence over summer. Opposition spokesman for scrutiny of government Tim Smith slammed the taskforce as a "sham."

"Daniel Andrews's sham African community taskforce is nothing but a political front for the Labor Party," he said.

Mr Deng rejected that he had a bias to either political party, but said he would strongly oppose any political party that used the issue of youth crime for political gain.

"I support bipartisan politics, but I don't want politicians using crime for political gain," he told *The Australian*. "My position as a community leader is to represent the people. And I'm not a Labor member in any form."

He also said the comments did not reflect on his work on the taskforce in any way.

"There's no correlation between those messages and the taskforce; those messages are from December and the taskforce was announced in January. There's no connection," he said.

Mr Manoh, a lawyer at Slater & Gordon's Sunshine office, did not respond to requests for comment regarding the posts.

Victorian Labor assistant state secretary Kosmos Samaras said neither men had ever been members of the party.

"The Victorian Labor Party has had no contact and will continue to have no contact with any individual who is active within any government or government related body/taskforce. Our only interest is to see these bodies succeed," he said.

'Enslaved on bread, pickles'

An Indian woman was allegedly forced to live on bread and pickles and made into a slave by her husband after moving to Australia to be with him, a court has heard.

The man, who cannot be identified, is charged with reducing his wife to slavery in August-October 2015.

Melbourne Magistrates Court documents allege the woman was forced into domestic chores for her husband and his brother immediately upon her arrival in Melbourne.

The brother was initially charged with a slavery offence but the charge was withdrawn.

TESSA AKERMAN

ABC's opinion guidelines under fire



ABC chief economics correspondent Emma Alberici has been criticised by management

STEPHEN BROOK

The ABC's *Media Watch* last night added its voice to criticism of Emma Alberici, saying the ABC chief economics correspondent overstepped the mark in online articles she wrote about corporate tax payments.

The senior ABC journalist has already been criticised by ABC management that said there were issues with accuracy in her news report and issues with impartiality in her analysis report about how one in five major Australian companies were not paying company tax, both published last Wednesday.

The ABC last week removed the analysis for rewriting and editing and republished the news report with additional information.

The host of *Media Watch* Paul Barry said Alberici's analysis was "well-argued but one-sided." "You can still see Alberici's news story online, but it has now been drastically rewritten, and we believe it needed to be — to clear up the confusion between income and profit, to moderate the tone, and to get rid of gratuitous swipes," he said.

Media Watch criticised the ABC for its editorial staff guidelines about writing opinion and analysis pieces and called for them to be revised.

Barry said the analysis was initially removed because it overstepped the ABC's "rigid" guidelines on analysis and opinion, and argued these guidelines need to be relaxed.

"The analysis report was withdrawn from publication on the advice from Editorial Policies that it did not comply with opinion guidelines for ABC journalists," an ABC spokesman told *The Australian*.

Alberici told *Media Watch* she contested the ABC claim about inaccuracies. "I set about testing the claim that tax cuts for big companies are necessarily linked to wages growth. As the ABC's chief economics correspondent with 25 years' experience in the fields of business and finance reporting I would be expected to do that," she said.

Despite ABC news director Gaven Morris flagging problems via email with managers about two hours after the pieces were published, the ABC did not remove the analysis from its website until the following day and did not update and republish the news report until Friday.

It is understood consultations between editors and with Alberici contributed to the delay. By that time the Prime Minister's office, the Treasurer's office and Communications Minister Mitch Fifield had written to ABC managing director Michelle Guthrie urging her to investigate the articles, which Senator Fifield said "fell well short of the standards set by the ABC's editorial policies".

One section in the 1000-word complaint from the Prime Minister's office said the coverage had confused income with profit. "Alberici repeatedly compares the 'income' several companies have earned, with the taxes they pay. Corporate income tax is payable on profits, not gross income," the complaint said.

NICK CAYLOR P12
EDITORIAL P13

FACT CHECK ON ALBERICI

CLAIM: Since the peak of the commodities boom in 2011-12, profit margins have risen to levels not seen since the early 2000s but wages growth has been slower than at any time since the 1960s.

CLAIM: It's disingenuous to talk about a 30 per cent rate when so few companies pay anything like that thanks to tax legislation that allows them to avoid paying corporate tax.

CLAIM: Business investment in Australia has been at historically high levels over much of the past decade despite our comparatively high headline corporate tax rate.

CLAIM: Despite generating income of \$106.4 billion, the flying kangaroo has avoided paying tax on that bounty since 2009.

CLAIM: Others who have escaped paying any corporate tax for three years because of large accumulated losses or high debt are Bluescope Steel, Amcor, Billabong International and Transurban Holdings.

CLAIM: The principal beneficiaries of a cut in Australia's corporate tax rate are overwhelmingly foreign companies and foreign shareholders in Australian companies. There is no guarantee at all that cutting the tax they pay in Australia will lead them to increase the level of business investment in Australia.

CLAIM: The BCA and its high-profile members like Alan Joyce are insisting on a company tax cut that would blow a massive hole in the government's revenues and push the budget and national debt further into the red.

FACT: Profit margins for top 100 ASX companies have risen over past year, but were lower in 2015-16 — the year of the ATO records cited by the ABC — than at any time since the 2007-08 financial crisis and before the 2000-01 downturn. They are still below the historic average.

FACT: ATO shows half the top-earning 100 companies paid between 27 and 30 per cent of their profits in tax, while 80 per cent paid more than 20 per cent. The 10 with small or zero tax had either losses carried forward or were investment companies receiving franked dividends from taxed profits.

FACT: Business investment soared with the resources boom. Non-mining business investment has averaged less than 10 per cent of GDP for past three years, the lowest level in at least 30 years.

FACT: Tax is paid on profit, not revenue. The \$106.4 billion is revenue. Qantas has made losses.

FACT: Tax law says companies may claim losses as tax deductions when they return to profit.

FACT: Yes, dividend imputation means foreign companies and shareholders are the biggest beneficiaries. If you cut the tax cost of investment, you will increase the volume.

FACT: The tax cuts are already in the budget, which Treasury shows returning to surplus in 2020-21.

Warnings as cyclone surf hits

Heavy surf along Australia's east coast has led to hundreds of rescues and at least one death as lifeguards in Queensland and NSW urged swimmers to stay out of the water.

Swells of up to 4m were predicted as big surf generated by Tropical Cyclone Gita saw dozens of beaches closed.

All beaches in the Gold Coast, as well as Mooloolaba on the Sunshine Coast, were closed yesterday, as well as more than 10 Sydney beaches and Newcastle's Merewether beach.

Surf lifesaving NSW said it was one of the busiest weekends of the season as conditions caused "chaos" along the coast.

More than 150 people were rescued at the weekend with 42 ambulances called to treat swimmers drenched by the surf.

A search continued yesterday for a 22-year-old man who disappeared while swimming at Valla Beach on the state's north coast on Saturday. Another man in his 20s was found dead at Hat Head near Kempsey on Sunday.

A hazardous surf warning in NSW will most likely remain in place until today.

Yorke's Knob beach near Cairns was also closed yesterday after a lifeguard spotted a 2m crocodile swimming just 15m from the shore.

SIMONE FOX KOOB

Rush case actress revealed

Continued from Page 1

during a Sydney Theatre Company production of *King Lear*.

In his statement of claim lodged with the Federal Court, Rush alleged the newspaper articles carried "defamatory meanings" that he "behaved as a sexual predator" while working on the production.

Federal Court judge Michael Wigney yesterday decided he would not extend a confidentiality order he placed on *The Daily Telegraph's* amended defence.

"The central reason is that I think the interests of open justice outweigh the... potential damage to your client's (Rush's) reputation," he said, addressing Rush's barrister Richard McHugh SC.

However, the judge has reserved his decision on Rush's application to strike out key elements of *The Daily Telegraph's* defence. If successful, this would mean these elements could not be used in court.

The newspaper says it is true that allegations were made against Rush but denies the more serious meaning — that Rush actually committed the conduct in question — is conveyed by the article.

It also pleads qualified privilege over the entire article, arguing publication of the allegations was in the public interest.

Mr McHugh argued that *The Daily Telegraph's* "whole truth defence should be struck" because it lacked "specificity".

He described a move by *The Daily Telegraph's* defence team to subpoena documents from the STC as "a fishing expedition of the highest order".

He also said the newspaper cited 36 sources for the articles that sparked the defamation proceedings, but had not spoken directly to Norvill. Among the paper's sources was Patrick McIntyre, the Sydney Theatre Company's general manager.

Tom Blackburn SC, barrister for Nationwide News, owners of *The Daily Telegraph* as well as *The*

Australian, told the court yesterday Rush's strike-out bid was "a drastic remedy... sought at a very early stage of proceedings".

The *Pirates of the Caribbean* star was not in court yesterday, when details of the defence started to emerge as the suppression application was debated. Mr Blackburn claimed that when Norvill asked Rush to stop touching her in a way that made her feel uncomfortable, "he didn't, he kept on doing it".

However, Mr McHugh said the actor and the complainant were "necessarily touching" as the production required. He said the respondents' details about the nature of the touching were so vague they left a "gaping hole" in the defence case.

Justice Wigney agreed the lack of detail around the touching allegation was "bizarre".

In court, *The Daily Telegraph's* lawyers admitted Rush's alleged "inappropriate behaviour" had occurred during the last week of the production, not over months, as the newspaper had reported.

Labor finds some coal comfort

Continued from Page 1

talking up jobs creation and the importance of mining. "There is a role for mining in Australia; there is a role for coal in Australia," he said in Townsville yesterday.

In his speech, Mr Butler said Australia's coking coal industry had a bright future, while the economic case for thermal coal was becoming more marginal.

"If anything, Australia is likely to increase its already dominant share of the seaborne trade in coking coal from Queensland, but the outlook for thermal coal is a different matter," he said.

The case made a decade ago for opening up Queensland's Galilee Basin "rested on demand projections that are fundamentally inconsistent with current market trends and the more probable scenarios for future global demand".

"In all of the many discussions I've had over recent years with different interests about the Galilee Basin projects, a consensus view has been put that they are simply not financially viable — that the

cost of developing the new mines cannot be recouped from a declining market with a thermal coal price projected to be in the doldrums for years," Mr Butler said.

"Adani continues to struggle to get financial backing for the Carmichael mine, most recently seen in the decision of the large Chinese banks to walk away from the project. And in light of what's happening in the Indian energy market — including to Adani's massive power station in the state of Gujarat, the Mundra station — it's increasingly difficult to see how Adani would get off-take agreements for Carmichael coal."

Mr Butler said he could be proven wrong if the Adani project secured taxpayer funds to help make the mine viable, and that Labor conceded there would continue to be "substantial demand overseas for thermal coal exported from the Hunter Valley."

"That coal is high-quality, close to port and seen as a stable source for importers," he said.

"Even on the International Energy Agency's two-degree scen-

Abbott's call to cut migrant intake

Continued from Page 1

increasing demand for housing boosts price," Mr Abbott said.

"Such is the unreality of our political discourse, though, that amidst great concern about unaffordable housing and stagnant wages, no one on the frontbench of government or opposition had been prepared to raise the one big contributing factor that is wholly and solely within the federal government's control — until Peter Dutton finally said last week that immigration could be cut "if it's in our national interest."

Mr Abbott's call has support from several conservative colleagues, with Mr Dutton, the Home Affairs Minister, recently agreeing the migrant intake should be reviewed. Critics of the high intake argue that companies abuse the 457 visa program that helps subvert wage costs.

The Department of Home Affairs statistics for last year revealed a net migration intake of 183,608, which was below the government's "planning level" of 190,000. More than two-thirds of migrants arrive as skilled migrants and one-third from the family visa stream.

The major source countries include India, China and Britain. More than a third of all new migrants settle in NSW.

Mr Abbott, who as prime minister in 2014 approved a rise in the humanitarian refugee intake from 13,750 to 18,750 by this year, admitted that some businesses would be "inconvenienced" by a cut to the skilled and family migration intake.

"But that's hardly unreasonable if it helps wages to grow more strongly and makes homes more affordable... At least until infrastructure, housing stock, and integration has better caught up, we simply have to move the overall numbers substantially down," he says.

"A strong migration program in the long term doesn't preclude a smaller one in the short term especially when there's acute pressure on living standards and quality of life."

Mr Abbott also claims there is a political imperative for the Turnbull government in targeting immigration.

"In order to win the next election, the government needs policy positions which are principled, practical and popular," he says.

"And if they also outrage the Labor Party, so much the better. Scaling back immigration acknowledges that government's first duty is to its own citizens."

In a continuation of a theme he has pursued since losing the leadership in 2015, Mr Abbott argues that politics is at a "low ebb". He cites the Queensland government's demands for a national approach for bullying despite having no ideas on how to tackle it and knowing the federal government does not run schools.

"Another instance is the federal government's National Energy Guarantee," Mr Abbott says. "It sounds wonderful. Both prices and emissions will fall and the lights will stay on. 'We just have to rely on the experts at the Australian Energy Market Operator and at the Energy Security Board to tell us how it's done.'"

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We surrender - turf war is over

Hills bowls
club to give
up last grass

PROUD HISTORY: Kathy Probert, Geoff Deeble, Malcolm and Ros Story at the Uraidla Bowls Club, before the green is dug up and replaced with a synthetic surface next month. Picture: MATT TURNER

REECE HOMFRAY

URAILLA Bowls Club is preparing to farewell 70 years of history this month when the last grass green in the Adelaide Hills is dug up and replaced with a synthetic surface.

The drain on volunteers to maintain the pristine surface and a move towards year-round, low-maintenance use will see the tiny Hills town join Gumeracha, Hahndorf, Lenswood, Lobethal, Meadows, Mount Barker, Mount Pleasant, Oakbank and Woodside with an artificial surface.

It costs about \$10,000 a year to maintain a grass green and about \$220,000 to install a syn-

thetic one. The club's decision to make the switch has been four years in the making and will be funded by a State Government grant and member donations and loans.

Geoff Deeble, 60, is the club's volunteer greenkeeper. He spends three half-days a week mowing, spraying, watering and rolling the green with the help of four others.

But he says the time is right to join the growing movement among bowls clubs towards a synthetic surface.

According to Bowls SA, about 30 per cent of its 220 clubs have replaced their grass greens with synthetic and a further 10 per cent are considering

it. "Because the bowling club's population is getting older and we're relying on volunteers to do the work - we've got one guy who rolls the greens for me in his 80s - you can't go on forever," Mr Deeble said.

"The cost of maintaining the green you factor into your running costs but it's the manpower required and, here in the Hills, the growing season doesn't start until late spring and if we get a wet spring then we can't get people to the club practising."

"Every time you've got people there, you're generating revenue with bar sales and things like that and with an artificial surface somebody can

turn up, get some bowls out and go for it."

The club put a proposal to a member vote last summer and, while it was passed, there was still some resistance.

"There's people that are unhappy in our club, there are a few who would rather stay the traditional way, but you've got to move forward," Mr Deeble said. "Every club that visits us says 'this is fantastic, we're really sorry to see it go' but every other club has got rid of their grass and gone artificial for the same reason we are."

Uraidla Bowls Club was formed in 1948 and the green - which was turfied in the 1980s - has been in the same location

ever since. The final game on the grass will be played on February 24 and digging will start in early March, with the new surface ready for next summer.

A concert to farewell the green is planned for March 3 with singer Dave Gleeson. Bowls SA chief executive Mark Easton said synthetic surfaces were popular among hills and country clubs but he hoped they would never take over completely. "I certainly think it has an appeal having a synthetic, it's not too dissimilar to having tennis played on grass and hard court, but I'm not sure that we want to lose the whole box and dice, it's nice to have a mixture," he said.

Court hears 'touching' allegations against star

MATTHEW BENNS

OSCAR winner Geoffrey Rush allegedly touched an actress repeatedly in a way that made her uncomfortable and ignored her requests for him to "stop doing it", the Federal Court heard yesterday.

Rush's co-star in the Sydney Theatre Company's 2015-2016 production of *King Lear*, Eryn Jean Norvill, complained about the *Pirates Of The Caribbean* star after he allegedly touched her on five occasions during the final week of the play.

The court heard the actor, pictured, followed her into the female toilets at the after-party on the final night of the STC's performance of the Shakespeare classic and stood outside her cubicle until she told him to "f.. off". The incident allegedly left her "visibly upset".

Rush, 66, is suing *The Daily Telegraph* for its reporting of Ms Norvill's complaint about alleged inappropriate behaviour made to the Sydney Theatre Company in 2016. Rush denies the allegations.

Yesterday the Federal Court lifted a suppression order on the newspaper's defence document, rejecting an application by Rush's lawyer Richard McHugh, SC, to stop the details being made public.

Upon application by David Sibtain, representing Fairfax Media and Channel 9, Justice Michael Wigney said fears that releasing details of the defence case could further damage Rush's reputation were outweighed by the need for open justice. According to the document, Rush touched the actress "in a manner that made the Complainant feel uncomfortable" during the play's final scene.

As *King Lear*, Rush had to carry Norvill on to the stage as she simulated the lifeless body of her character. Norvill asked Rush to "stop doing it" but it is alleged he repeated the touching on another four occasions.

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NEWS



Rush to take action over claim

LEADING actor Geoffrey Rush is bringing defamation proceedings over allegations of inappropriate behaviour made against him.

The Oscar winner yesterday announced he would take action in the Federal Court against Sydney's Daily Telegraph, which first published the story. "I must now seek vindication of my good name through the courts," he said.

Rush has strongly denied the allegations, which date back to a Sydney Theatre Company performance of *King Lear* in 2015.

Lawyer Nicholas Pullen said Rush was unable to answer questions about the case.

The veteran actor's breakthrough performance in the 1996 film *Shine* earned him an Academy Award, a Golden Globe and a BAFTA.

He has gone on to become one of Australia's biggest and most respected Hollywood exports, starring in *Shakespeare in Love*, *Elizabeth* and *The King's Speech*.

Toowoomba-born Rush, 66, was a prominent actor at the Queensland Theatre Company before his movie success.

He now lives in Melbourne with his wife.

The Daily Telegraph's editor Christopher Dore said: "The Daily Telegraph accurately reported that the Sydney Theatre Company received a complaint alleging that Mr Geoffrey Rush had engaged in inappropriate behaviour.

"We will defend our position in court," he said.

friend who was living in Perth at the time.

The friend, named Chris, called police in April 1993 to say he had received as many as eight or nine calls from Chad between late November and late December.

It is possible Chad attempted to call after that, but Chris told police he moved house in late December.

Chris said that in one of the calls, Chad told him they were in Sydney. In another, about three weeks later, he had said

they were in Adelaide. Sen-Sgt Powell said that while police had no reason to doubt the information, it was "very unusual" that nobody ever came forward to say they had picked up the two hitchhikers.

The phone calls were not able to be verified through phone records.

"The time gap between the phone calls would indicate they were hitchhiking with a number of people or travelled a number of different ways," he said.

"I would have thought somebody would have come forward shortly after 1992 ... (that) there would be a concerned mother or father who would say why are these young kids hitchhiking by themselves, and give them a lift to help them out and then (call police)."

Sen-Sgt Powell said that without any verification of the siblings' whereabouts at any time, detectives had been left with the whole of Australia as a search area.

He said there was also a possibility the siblings had been left on the side of the road in a remote area and died of dehydration, their bodies never found.

Grandmother Jean Turich said that Chad and Melony's mother had died without learning the fate of her children. But she said her daughter never gave up hope that they'd turn up alive.

"(She was always) saying they'll turn up somewhere, sometime," she said.

"It's only a natural a mother would think that. She was terribly upset, crying."

Ms Turich said she believed it was likely her grandchildren had been abducted.

"It's either foul play they've met with or else someone's got them ... into one of those cults," she said. "I just wish someone who knows something would come forward."

Sen-Sgt Powell has appealed to the public for any information regarding the pair.



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NEWS

Court hears that actress repeatedly asked Geoffrey Rush to ... **STOP DOING IT**



Geoffrey Rush and Eryn Jean Norvill in the Sydney Theatre Company's *King Lear*.

OSCAR winner Geoffrey Rush allegedly touched an actress repeatedly in a way that made her uncomfortable and ignored her requests for him to "stop doing it", the Federal Court heard yesterday.

Rush's co-star in the Sydney Theatre Company's 2015-2016 production of *King Lear*, Eryn Jean Norvill, complained about the *Pirates Of The Caribbean* star after he allegedly touched her on five occasions during the final week of the play.

The court heard the actor followed her into female toilets at the after-party on the final night of the performance of the Shakespeare classic and

MATTHEW BENNS

stood outside her cubicle until the "visibly upset" actress told him to "f--- off".

Rush, 66, is suing the *Daily Telegraph* for its reporting of Ms Norvill's complaint about alleged inappropriate behaviour, made to STC in 2016. Rush denies the allegations.

Yesterday the Federal Court lifted a suppression order on the newspaper's defence document, rejecting an application by Rush's lawyer Richard McHugh, SC, to stop the details being made public.

Justice Michael Wigney said the need for open justice outweighed fears that releas-

ing details of the defence case could further damage Rush's reputation.

According to the document, Rush touched the actress "in a manner that made the complainant feel uncomfortable" during the play's final scene.

As *King Lear*, Rush had to carry Norvill on to the stage as she simulated the lifeless body of the title character's daughter, Cordelia.

Norvill asked Rush to "stop doing it" but it is alleged that he repeated the touching on another four occasions in the final week of the play in January 2016.

Tom Blackburn, SC, counsel

for Nationwide News, publisher of the *Daily Telegraph*, told the court this touching could amount to "scandalous and inappropriate behaviour".

"The allegation is not that she was touched in a particular place but she was touched in a way that made her uncomfortable. She said stop and he kept doing it," he said.

Mr McHugh said Rush denied the allegations.

"They are necessarily touching as part of what the production requires," he said.

And he said an earlier report which quoted Rush as saying he had a "stage door Johnny crush" on the actress was clearly said in jest.

Mr McHugh had argued the newspaper's truth defence should be struck out because it lacked sufficient detail.

According to the newspaper's defence, Rush engaged in further inappropriate behaviour at the party to celebrate the final night.

During the party, Rush allegedly "entered the female bathroom located in the foyer of the Roslyn Packer Theatre, knowing (Norvill) was in there, and stood outside a cubicle" that she was in.

He left when she told him to "f--- off". She was "visibly upset" following the incident.

Mr Blackburn said: "There can be no more compelling

reason for publication than it was true."

According to the defence document: "Following the investigation the STC decided that it would never work with the Applicant (Rush) again."

The *Daily Telegraph* is also relying on the defence of qualified privilege in the defamation case, arguing it was in the public interest.

The *Daily Telegraph* says it had more information about the Rush allegations at the time of publication but did not include them in its reports.

This included an allegation that Rush had touched Norvill on the genitals.

(Matthew Benns reports on the case)



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