

2 page



Filed: 1 February 2018 12:36 PM



Form 3A/B UCPR 6.2

STATEMENT OF CLAIM

COURT DETAILS

Court	Supreme Court of NSW
Division	Common Law
List	Defamation
Registry	Supreme Court Sydney
Case number	2018/00034244

TITLE OF PROCEEDINGS

First Plaintiff	Craig McLachlan
First Defendant	Christie Whelan Browne
Second Defendant	FAIRFAX MEDIA PUBLICATIONS PTY LIMITED

FILING DETAILS

Filed for	Plaintiff[s]
Legal representative	Mark O'Brien
Legal representative reference	
Telephone	9216 9830
Your reference	MOBL:225

NOTICE OF LISTING

This matter has been listed for Argument at Supreme Court Sydney on 16 March 2018 at 02:00 PM.

ATTACHMENT DETAILS

In accordance with Part 3 of the UCPR, this coversheet confirms that both the Statement of Claim (e-Services), along with any other documents listed below, were filed by the Court.

Statement of Claim (UCPR 3A/3B) (SOC - Fairfax Media Publications Pty Ltd.pdf)

[attach.]

Form 3A (version 7)
UCPR 6.2

STATEMENT OF CLAIM

COURT DETAILS

Court	Supreme Court of New South Wales
Division	Common Law
List	Defamation
Registry	Sydney
Case number	2018/

TITLE OF PROCEEDINGS

Plaintiff	Craig McLachlan
First Defendant	Christie Whelan Browne
Second Defendant	Fairfax Media Publications Pty Ltd (ACN 003 357 720)

FILING DETAILS

Filed for	Craig McLachlan, Plaintiff
Legal representative	Mark Geoffrey O'Brien, Mark O'Brien Legal
Legal representative reference	MOBL:225
Contact name and telephone	Mark Geoffrey O'Brien +61 2 9216 9828
Contact email	markobrien@markobrienlegal.com.au

TYPE OF CLAIM

Torts – Other - Defamation

[on separate page]

RELIEF CLAIMED

The Plaintiff claims:

- 1 Damages including special damages and aggravated damages.
- 2 An order that the First and Second Defendant be permanently restrained from publishing any defamatory imputation of and concerning the Plaintiff as particularised by the Plaintiff and found by the Court to be carried by the matters complained of.
- 3 An order that the third matter complained of (as defined in the pleadings and particulars below), or any matter in substantially the same form, be permanently removed from:
 - a. the Second Defendant's websites www.smh.com.au and www.m.smh.com.au and/or any archive and/or other website(s) associated with those websites; and
 - b. any other website operated or controlled by the Second Defendant.
- 4 Costs.
- 5 Interest pursuant to sections 100 and 101 of the *Civil Procedure Act 2005* (NSW) including interest on costs.
- 6 Such further and other orders as the Court deems fit or thinks necessary.

PLEADINGS AND PARTICULARS

The Plaintiff relies on the following facts and assertions:

THE DEFENDANTS

- 1 The Second Defendant is and was at all material times:
 - (a) a corporation entitled to be sued in its own corporate name and style;
 - (b) the publisher of The Sydney Morning Herald, a newspaper having a wide and extensive circulation in New South Wales, and all of the other States and Territories within Australia; and
 - (c) the publisher of material on the website located at URL address www.smh.com.au and the associated website located at URL address www.m.smh.com.au (the SMH Websites).

THE SMH PUBLICATIONS

FIRST MATTER COMPLAINED OF

- 2 On or before 8 January 2018 the First Defendant published to an employee and/or agent of the Second Defendant certain words, a transcript of which is set out in Annexure "A" hereto (the **first matter complained of**).

Particulars of Publication

- (a) The First Defendant was interviewed by, and spoke the words set out in Annexure "A" hereto to an employee and/or agent of the Second Defendant on a date on or before 8 January 2018;
- (b) Further particulars of publication of the first matter complained of will be supplied following discovery and interrogatories.

- 3 The first matter complained of, in its natural and ordinary meaning, was defamatory of the Plaintiff.

Particulars of Imputations

The first matter complained of carried the following defamatory imputations of and concerning the Plaintiff:

- (a) *That the Plaintiff is guilty of the crime of indecent assault upon Christie Whelan Browne;*
- (b) *That the Plaintiff is guilty of the crime of assaulting Christie Whelan Browne.*

Particulars of parts of the first matter complained of

The Plaintiff relies on the whole of the first matter complained of as giving rise to each of the imputations pleaded. In particular, the Plaintiff relies on the following parts of the first matter complained of, adopting the paragraph numbering in the schedule at Annexure "A":

- (a) Imputation 3(a): 1, 2 and 3;
- (b) Imputation 3(b): 4.

- 4 In making the publication of the first matter complained of as set out in paragraph 2 above, the First Defendant knew and intended that the Second Defendant would publish and/or republish those said words in the Second Defendant's publications (both print and online), and authorised the Second Defendant to publish and/or republish those words. Further, such publication and/or republication was the natural and probable consequence of the First Defendant's publication to the employee and/or agent of the Second Defendant.

SECOND MATTER COMPLAINED OF

- 5 On or about 8 January 2018 and thereafter, the Second Defendant published of and concerning the Plaintiff an article in The Sydney Morning Herald entitled "*He's calculated, manipulative, a predator*" a copy of which is set out in Annexure "B" hereto (**the second matter complained of**). The second matter complained of included the words comprising the first matter complained of.

Particulars of Publication

- (a) The second matter complained of was published by the Second Defendant in The Sydney Morning Herald newspaper in New South Wales and in the other States and Territories of Australia.
- (b) Further particulars of publication of the second matter complained of will be supplied following discovery and interrogatories.
- 6 The second matter complained of, in its natural and ordinary meaning, was defamatory of the Plaintiff.

Particulars of Imputations

The second matter complained of carried the following defamatory imputations of and concerning the Plaintiff:

- (a) *That the Plaintiff is guilty of indecently assaulting, sexually harassing, indecently exposing himself to, and bullying female cast members of the 2014 production of the Rocky Horror Show;*
- (b) *That the Plaintiff in his contact with female cast members of the 2014 production of the Rocky Horror Show is guilty of the crime of:*
- (i) *indecent assault;*
 - (ii) *indecent exposure;*
 - (iii) *assault.*

Particulars of parts of the second matter complained of

The Plaintiff relies on the whole of the second matter complained of as giving rise to each of the imputations pleaded. In particular, the Plaintiff relies on the following parts of the second matter complained of, adopting the paragraph numbering in the schedule at Annexure "B":

- (a) Imputation 6(a): 3, 4, 8, 15, 16, 17, 19, 23, 25, 26, 27, 29, 30, 32, 36, 37-39, 44-45, 48, 50-57, 61-67 and 73, 76-78.

(b) Imputation 6(b): 4, 15, 16, 17, 23, 25-27, 29-30, 32, 36, 37-39, 50, 57 and 65-67.

7 Further, the First Defendant is liable for the publication of the second matter complained of in the sense that it was a republication of the first matter complained of by reason of the matters pleaded at paragraphs 2, 4 and 5 above.

THIRD MATTER COMPLAINED OF

8 On or about 8 January 2018 and thereafter, the Second Defendant published of and concerning the Plaintiff in New South Wales and in the other States and Territories of Australia an article on the SMH Websites entitled "*He's calculated and manipulative, a predator: Craig McLachlan accused of indecent assault*" a copy of which is set out in Annexure "C" hereto (**the third matter complained of**). The third matter complained of included the words comprising the first matter complained of.

Particulars of Publication

- (a) The third matter complained of was published by the Second Defendant by uploading to and thereby making the publication available and/or causing the publication to be made available for download to large numbers of users and/or subscribers in each State and Territory of Australia of the SMH Websites.
 - (b) The third matter complained of was in fact downloaded and read in each State and Territory of Australia and, by reason of the large numbers of users and/or subscribers, it is to be inferred that the third matter complained of was published to a substantial number of readers in each State and Territory of Australia.
 - (c) The third matter complained of was published on the SMH Websites from on or about 8 January 2018 and thereafter.
 - (d) The third matter complained of is still available for download on the SMH Websites.
 - (e) Further particulars of publication of the third matter complained of will be supplied following discovery and interrogatories.
- 9 The third matter complained of, in its natural and ordinary meaning, was defamatory of the Plaintiff.

Particulars of Imputations

The third matter complained of carried the following defamatory imputations of and concerning the Plaintiff:

- (a) *That the Plaintiff is guilty of indecently assaulting, sexually harassing, indecently exposing himself to, and bullying female cast members of the 2014 production of the Rocky Horror Show;*
- (b) *That the Plaintiff in his contact with female cast members of the 2014 production of the Rocky Horror Show is guilty of the crime of:*
 - (i) *indecent assault;*
 - (ii) *indecent exposure;*
 - (iii) *assault.*

Particulars of parts of the third matter complained of

The Plaintiff relies on the whole of the third matter complained of as giving rise to each of the imputations pleaded. In particular, the Plaintiff relies on the following parts of the third matter complained of, adopting the paragraph numbering in the schedule at Annexure "C":

- (a) Imputation 9(a): 1, 4, 6-9, 11, 15, 20, 25, 27, 28-29, 32, 34, 41, 43, 47-50, 53-56, 62-68, 70, 75-79, 81 and 91-93.
- (b) Imputation 9(b): 1, 4, 6-9, 11, 15, 20, 25, 27, 28-29, 32, 34, 41, 43, 48-50, 70 and 78.

- 10 Further, the First Defendant is liable for the publication of the second matter complained of in the sense that it was a republication of the first matter complained of by reason of the matters pleaded at paragraphs 2, 4 and 8 above.

DAMAGES

- 11 By reason of publication of the first to third matters complained of (collectively, **the matters complained of**), the Plaintiff has been greatly injured in his business, personal and professional reputation and has been and will be brought into public disrepute, odium, ridicule and contempt.
- 12 The Plaintiff claims damages, aggravated damages, special damages, interest and costs.

Particulars of Aggravated Damages

- (a) The Plaintiff's knowledge of the falsity of the imputations.

- (b) The Plaintiff's knowledge that the Second Defendant, in an editorial published on 26 January 2018 including the words set out hereunder, acknowledged the injustice of such defamatory attack as it had made on the Plaintiff.

Clearly, much injustice and pain have been caused by serial molesters in Hollywood and elsewhere. But exactly who? And what, precisely, can they be proved to have done? This is not a question of statistics, or likelihood, or suspicion, but of justice.

By waiting years to react, and then assuming a simple accusation equals guilt, the #MeToo movement risks doing more harm than good. Greer is right: people should feel confident enough – angry enough – to speak up about misbehaviour immediately. That is what liberation is about.

By making accusation – long after the event – equal guilt, and making inevitable mistakes by doing so, a groundswell of belated anger such as the present one must inevitably produce a result opposite to the one intended. Instead of righting past wrongs, it inadvertently commits new injustices and creates new victims among the very people it seeks to bring to justice.

Due process, in which the accused is given a chance to answer the accusers, may be slow and can make mistakes. For would-be revolutionaries, it is no doubt deeply unexciting. It does, however, work more often than not. Its justice lasts longer, and has a better record, than that of the lynch mob.'

- (c) The dishonesty of the First Defendant in claiming that she had been offended by the Plaintiff's alleged conduct (which is denied by the Plaintiff) in circumstances where the First Defendant had committed indecent acts upon the Plaintiff, was herself a notoriously foul mouthed person who publicly distributed offensive matter, and had expressed interest in deviant sexual practices including:

- i) during the 2014 production of the Rocky Horror Show:
- A. the First Defendant "goosed" the Plaintiff (that is, poked him between the buttocks with her finger) on numerous occasions;
 - B. the First Defendant reached to grab the front of the Plaintiff's boxer shorts whilst he was wearing them and, after he pulled back, the First Defendant said in substance "You've probably got more than Rob Mills" (Mr Mills being the First Defendant's ex-boyfriend);

- C. the First Defendant on numerous occasions poked the Plaintiff in the groin with a prosthetic leg, attempted to "dack" (or pull down) the Plaintiff's boxer shorts that he was wearing, gave the Plaintiff "wedgies" (that is, pulled his boxer shorts up sharply between the buttocks), pinched him on his buttocks, slapped him on the buttocks and pulled and released his knicker elastic whilst in costume;
 - D. the First Defendant called Sally Greenwood, the Company Manager of RHS, a "*useless cunt*";
 - E. the First Defendant called Mitzi Zaphir, the Executive Producer of RHS, a "*cunt*";
 - F. the First Defendant called the Resident Director of the production, who is ethnically Fijian, a "*black cunt*";
 - G. the First Defendant said to the Plaintiff in substance "*D'ya reckon the audience'll see my vag*" and "*Maybe just the slit*";
 - H. the First Defendant called Ms Erika Heynatz a "*talentless cunt*" and said to the Plaintiff about Ms Heynatz in substance that she "*hated that cunt*" because Ms Heynatz had a better dressing room than she did;
- ii) during the filming of an episode of "The Wrong Girl" Ms Whelan Browne in front of the Plaintiff, other cast and crew used the phrase "*gobbler and blumkin*" to describe the characters played by the Plaintiff and Ms Whelan Browne, with the phrase "*gobbler and blumkin*" meaning a deviant sexual act;
 - iii) posting sexually suggestive material on her Instagram account including material depicting male genitalia, a male monkey with its genitals in its mouth, and a post containing a reference to the word "*cunt*".
- (d) The conduct of the Second Defendant in publishing the allegations in the matters complained of giving rise to the imputations particularised when they knew or ought to have known that those allegations were false by reason of the matters specified in the email from the Plaintiff to the Second Defendant's agent, Ms Lorna Knowles dated 7 January 2018, such matters including:
 - (i) that the Plaintiff denied the allegation that during the performance of "*Touch Me*" two actresses had to sing on an elevated platform and that

on two occasions, the Plaintiff stuck his hand up between the legs of one of the performers. The Plaintiff also stated in the email that at all times other people were around the platform as part of the show, that the Plaintiff had spoken to those people, and that they could not recall any such incident;

- (ii) that the Plaintiff recalled many actions of Ms Whelan Browne and Ms. Heynatz on the Rocky Horror Show tour, including:
1. Ms Whelan Browne presenting photos of her faeces to the Plaintiff, discussing her sex life, and talking about the visibility of her vagina to the audience;
 2. Ms. Heynatz coming to the Plaintiff's dressing room to vomit because of excess alcohol consumption, and discuss her personal relationship issues;
 3. that both were involved in numerous practical jokes at the Plaintiff's expense which were forced upon him, including attempting to pull his underpants down in front of the Rocky Horror Show company, or attempting to "goose" him backstage;
 4. that Ms. Heynatz frequently entered the Plaintiff's dressing room unannounced wearing nothing more than panties and a bra.
- (e) The conduct of the Second Defendant in declining to inform the Plaintiff of the identity of the complainants prior to publication of the second and third matters complained of.
- (f) The engagement by the second defendant of a smear campaign as against the Plaintiff by republishing the allegations in the second and third matters complained of, giving rise to the imputations particularised in other articles published in the SMH (print and online) on 9 and 10 January 2018 and in The Age (print and online) on 8, 9 and 10 January 2018.
- (g) The encouragement by the Second Defendant for readers to share by social media the third matter complained of w by providing social media links such as Twitter on the webpage containing that matter complained of.
- (h) The republication by the First and Second Defendant of the third matters complained of by social media.
- (i) Further particulars of aggravated damages will be provided in due course.

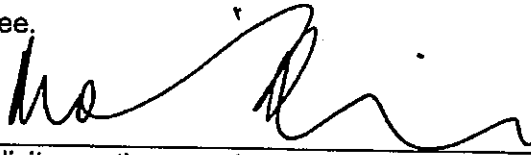
This document has been settled by Stuart Littlemore QC and Matthew Richardson.

SIGNATURE OF LEGAL REPRESENTATIVE

I certify under clause 4 of Schedule 2 to the Legal Profession Uniform Law Application Act 2014 that there are reasonable grounds for believing on the basis of provable facts and a reasonably arguable view of the law that the claim for damages in these proceedings has reasonable prospects of success.

I have advised the Plaintiff that court fees may be payable during these proceedings. These fees may include a hearing allocation fee.

Signature



Capacity

Solicitor on the record

Date of signature

1 February 2018

NOTICE TO DEFENDANT

If you do not file a defence within 28 days of being served with this statement of claim:

- **You will be in default in these proceedings.**
- **The court may enter judgment against you without any further notice to you.**

The judgment may be for the relief claimed in the statement of claim and for the plaintiff's costs of bringing these proceedings. The court may provide third parties with details of any default judgment entered against you.

HOW TO RESPOND

Please read this statement of claim very carefully. If you have any trouble understanding it or require assistance on how to respond to the claim you should get legal advice as soon as possible.

You can get further information about what you need to do to respond to the claim from:

- A legal practitioner.
- LawAccess NSW on 1300 888 529 or at www.lawaccess.nsw.gov.au.
- The court registry for limited procedural information.

You can respond in one of the following ways:

- 1 **If you intend to dispute the claim or part of the claim, by filing a defence and/or making a cross-claim.**
- 2 **If money is claimed, and you believe you owe the money claimed, by:**
 - Paying the plaintiff all of the money and interest claimed. If you file a notice of payment under UCPR 6.17 further proceedings against you will be stayed unless the court otherwise orders.
 - Filing an acknowledgement of the claim.
 - Applying to the court for further time to pay the claim.
- 3 **If money is claimed, and you believe you owe part of the money claimed, by:**
 - Paying the plaintiff that part of the money that is claimed.
 - Filing a defence in relation to the part that you do not believe is owed.

Court forms are available on the UCPR website at www.ucprforms.justice.nsw.gov.au or at any NSW court registry.

REGISTRY ADDRESS

Street address	Level 5, 184 Phillip Street SYDNEY NSW 2000
Postal address	PO Box 3 SYDNEY NSW 2001
Telephone	+61 2 9230 8111

FURTHER DETAILS ABOUT PLAINTIFF**Plaintiff**

Name Craig McLachlan
Address Level 3, 44 Martin Place
Sydney NSW 2000

Legal representative for Plaintiff

Name Mark Geoffrey O'Brien
Practising certificate number 4771
Firm Mark O'Brien Legal
Contact solicitor Paul Svilans
Address Level 3, 44 Martin Place
Sydney NSW 2000
Telephone +61 2 9216 9830
Email paul.svilans@markobrienlegal.com.au
Electronic service address Not applicable

DETAILS ABOUT DEFENDANTS**First Defendant**

Name Christie Whelan Browne
Address Level 1, 99 Spring St
Bondi Junction, NSW 2022

Second Defendant

Name Fairfax Media Publications Pty Limited
ACN 003 357 720
Address 1 Darling Island Road
Pyrmont NSW 2009

"A"

FIRST MATTER COMPLAINED OF

1. "So he [Craig McLachlan] started the kissing down the neck and down the arm, but then it gradually moved to the breasts and down the stomach. So he would keep kissing as if he was going to keep going and I would have to swat him away."
2. "But this one night when he turned me around, he pulled my undies up so my bum cheek was out and he was kissing my bum. There is nothing I can do. I am stuck. There's 2000 people watching me and can't see him. As the tour went on he would say he could see my vagina through my white underpants – that was my costume – and he said that he could see the slit of my vagina and that he could smell it and it smells sweet."
3. "When he was down in the bed he traced the outline of my vagina with his finger and I slapped his hand away."
4. "He was supposed to stroke my face lovingly as he sang his goodbye. Instead he grabbed me by my jaw and wrenched my face to one side. And as we were taking our bow, he clapped his hands in my face."
5. "I ran off stage and said to our resident director, 'What the f--- is going on?' and she said 'He's angry'. The director then just stared straight ahead."
6. "The next day John Frost, the managing director of GFO dropped by the theatre. He asked if I was alright. I burst into tears and said 'I am not ok. I am frightened of him.' On hearing what happened, Frost said 'No, no, no we can't have that. That's terrible. God, I can't believe he's been like this. We've never had a problem with him before'. After giving me a hug and handing over his phone number in case there were any further problems, he left".
7. "The following day I expressed my concerns to the stage manager, who said to me: 'That's a very serious accusation and if you want to take that further I'm going to have to call the producers. Is that what you want?' I got the clear impression I was being warned that it was not worth my while taking my concerns further."
8. "When the Harvey Weinstein story broke I started to get... terrible anxiety that was keeping me up at night... my heart punching through my chest day and night."
9. "I took two weeks off for a back injury. When I returned, McLachlan had said of my understudy 'Thank God you're back, her pussy stinks.'"

'Manipulative, a predator':

14. For the past 25 years Craig McLachlan has been the golden-haired boy of the Australian theatre and television industry.

15. But now the Gold Logie award-winning actor famous for his starring roles in the *Doctor Blake Mysteries*, *Neighbours* and *Home and Away* stands accused of indecent assault, sexual harassment, exposing himself and belittling female colleagues.

16. A major investigation by the Herald and the ABC can reveal that a number of female cast members of the 2014 *Rocky Horror Show* have alleged they were abused, harassed or assaulted by McLachlan, 52. Two cast members have lodged a complaint with Victorian police alleging that a number of actresses in the show were subjected to McLachlan touching their genitals, groping their breasts, exposing himself and peeing his pants against them.

17. Complaints to the production company, the Gordon Frost Organisation, fell on deaf ears, they say. "He's really calculated and very manipulative, a predator," said model and actress Erika Heynitz, one of those who have gone to the police.

18. Another actress, who has previously worked with McLachlan, said her "biggest pet peeve is that people think he is this winkle-playing larrikin that they see on the *Teddy* show every couple of months when he comes on to spruik something he's doing".

19. "He's a larrikin, up for a laugh and certainly, when we all first met him, that's indeed how he came across. But there is another side to this man that he has very, very craftily and cleverly disguised from people for so long. It's like this split personality. The other personality is this sinister, predatory behaviour," she said.

20. DENIAL

21. For his part, McLachlan, who is in Adelaide starting in the 2018 tour of *Rocky Horror*, says the allegations are "baseless" and "they seem to be simple inventions, perhaps made for financial reasons, perhaps to gain notoriety".

22. "The allegations are ALL made up" he said in an emailed response.

23. One of the country's leading musical performers, Christie Whelan Browne, currently starring in *Muriel's Wedding The Musical*, performed the lead role of Janet during the 2014 *Rocky Horror* tour. She alleged that McLachlan indecently assaulted her during the show.

24. Whelan Browne, who had to perform a sex scene with McLachlan, was horrified when he went off script. The scene saw Whelan Browne in a vertical bed, covered by a sheet, where she was visible to the audience only from the shoulders up.

25. The carefully scripted choreography of that scene required McLachlan, who was playing the lead role of Dr Frank N. Furter, to kiss Whelan Browne down the neck and then disappear below the sheet. "So he started the kissing down the neck and down the arm, but then it gradually moved to the

EXCLUSIVE 9

Kate McClymont

breasts and down the stomach. So he would keep kissing as if he was going to keep going and I would have to wail him away," said Whelan Browne.

26. "But this one night when he turned me around, he pulled my underwire so my bum cheek was out and he was kissing my bum. There is nothing I can do. I am stuck. There's 2000 people watching me and can't see him. As the tour went on he would say he could see my vagina through my white underpants - that was my costume - and he said that he could see the slit of my vagina and that he could smell it and it smells sweet."

27. Whelan Browne began to cry as she recounted the night "when he was down in the bed he traced the outline of my vagina with his finger and I slapped his hand away".

28. McLachlan denies that this happened. He claimed that the show was "a confrontational musical coming with sexuality" and that to "make" the show "actors have to perform certain actions, all of which flow from the show itself".

29. McLachlan allegedly made inappropriate comments to actress Angela Scundl about her breasts, he claimed what he described as special "moments" for her on stage and on one occasion he was wearing only white boxer shorts when he hugged her.

30. "He pushed his pelvis into me and moved around so I could feel his penis against my body," said Scundl, who played a phantom and also understudied Heynitz's role of Magenta.

31. On another occasion, "Craig grabbed my hand... and said to me, 'Every day I'm falling more and more in love with you'."

32. Scundl, who has made a lengthy statement to police, alleges that on another occasion McLachlan asked her to come into his dressing room as he had something private to discuss. After the door was closed he undressed, took his underwear off and stood up naked.

33. "I said 'What the f---?' and turned away to leave. He responded with laughter, saying 'No, no, no. Don't go, sorry, I'm just so comfortable'."

34. "I have NEVER done anything like this," said McLachlan in his emailed response.

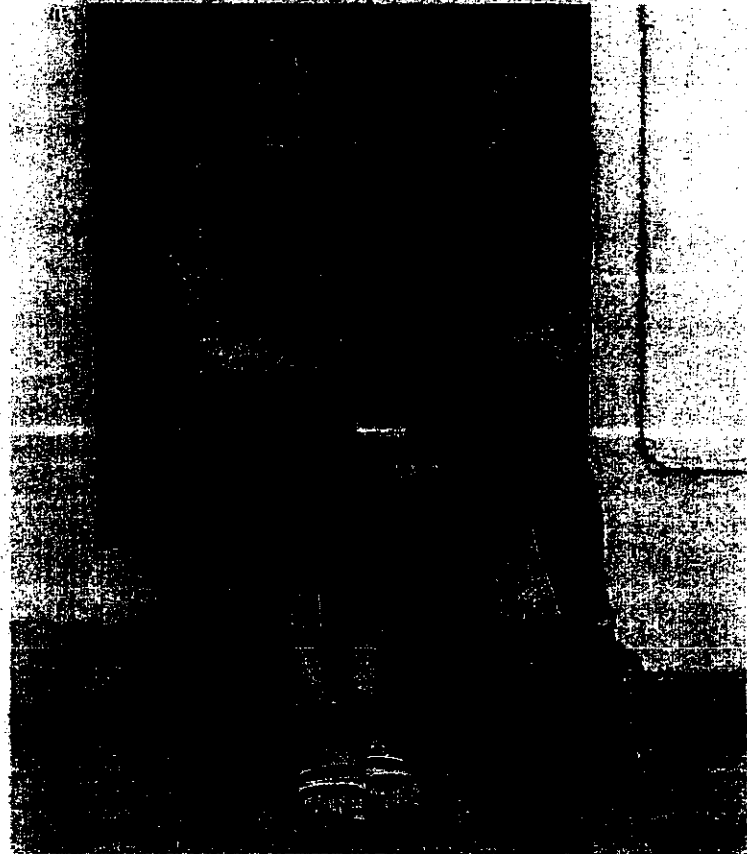
35. McLachlan was also adamant that he never made unwanted sexual advances. "I am, and have been at all relevant times, in a stable relationship with my long-term partner."

36. However, Heynitz alleges she also experienced unwanted sexual advances from McLachlan.

37. Heynitz claims she had been sitting on a chair in the green room of Melbourne's Comedy Theatre when McLachlan walked over and "straddled me on the couch, knee either side and started kissing my neck".

38. When she recoiled, he bent back and said, "Too much?"

39. "Yes," replied Heynitz. McLachlan then nonchalantly "climbed off and just walked away".



40. 'I was in shock. It was a yuck thing.'

chlan then nonchalantly "climbed off and just walked away".

41. "That's not normal workplace behaviour, that's not normal, that's not OK and yet for some reason, because of this sense of entitlement and this level of confidence... he thought there was nothing wrong with doing that," she said.

42. McLachlan said: "I have no recollection whatsoever of any such event."

43. This was allegedly not Heynitz's first unwanted encounter with McLachlan. Earlier in the tour, she said, he came into her dressing room as she was putting on her make-up ready to go on stage. McLachlan told her to stop what she was doing. "What I have to tell you is important," he said.

44. McLachlan allegedly then turned her chair around to face him. "You're really beautiful and I can't stop thinking about you and every day I'm becoming more and more enchanted by you and I'm falling for you," he allegedly said. "And touch something that I've got to do." With that, he allegedly took Heynitz by the face and kissed her.

45. "I was almost paralysed... I was in shock. It was a yuck thing," she said. "Ultimately, it's just like being kissed by the boss. You want to work with these people. You don't want to be touched by them, kissed by them, you don't want them to be sexualising you."

46. Heynitz observed that McLachlan's behaviour was escalating as time went on. She felt that "he was becoming more bold and more brazen with everything he did both on stage and off".

47. McLachlan refuted the suggestion that his kissing scenes were becoming longer and more intimate. "How little you appear to know about this production of the show," he said, claiming that during the performance "there are a number of small comic kisses directed in the piece".


48. But cast members allegedly observed McLachlan taking advantage of intimate scenes with one particular actress.

49. When Scundl was told she had to

Erika Heynitz 12. (above) left with Christie Whelan Browne; Angela Scundl (below). Photos: Louise Kennedy, Jenie Barrett



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EXCLUSIVE JANUARY 8 2018

SAVE PRINT LICENSE ARTICLE

1. 'He's calculated and manipulative, a predator': Craig McLachlan accused of indecent assault

2.  Kate McClymont

   MORE

3. For the past 25 years Craig McLachlan has been the golden-haired boy of the Australian theatre and television industry.

4. But now the Gold Logie award-winning actor - famous for his starring roles in the *Doctor Blake Mysteries*, *Neighbours* and *Home and Away* - stands accused of indecent assault, sexual harassment, exposing himself and bullying female colleagues.



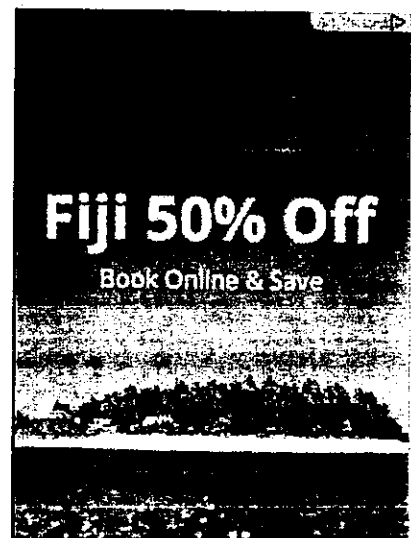
6. Craig McLachlan accused of sexual assault and harassment

A joint Fairfax Media/ABC investigation can reveal that Award-Winning Australian actor Craig

7. McLachlan has been accused of indecent assault, sexual harassment and bullying while performing in the hit musical 'The Rocky Horror Show' in 2014.

8. A major investigation by Fairfax Media and the ABC can reveal that a number of female cast members of the 2014 *Rocky Horror Show* have alleged they were abused, harassed or assaulted by McLachlan, 52.

9. Two cast members have lodged a complaint with Victoria Police, alleging that a number of actresses in the show were subjected to



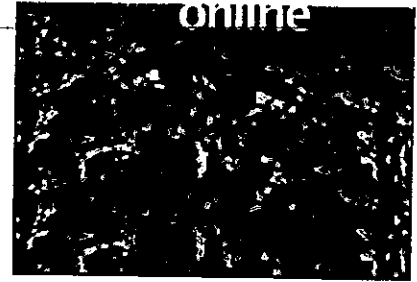
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McLachlan touching their genitals, groping their breasts, exposing himself and pressing his penis against them.

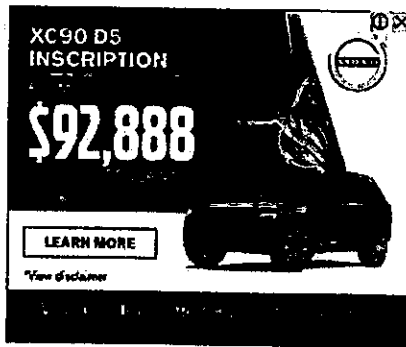
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The life and loves of Craig McLachlan

- 10. Complaints to the production company, the Gordon Frost Organisation, fell on deaf ears, they say.
- 11. "He's really calculated and very manipulative, a predator," said model and actress Erika Heynatz, one of those who have gone to the police.



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- 12. Another actress, who has previously worked with McLachlan, said her "biggest pet peeve is that people think he is this ukulele-playing larrikin that they see on the *Today* show every couple of months when he comes on to spruik something he's doing".



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- 13. "He's a larrikin, up for a laugh and certainly, when we all first met him, that's indeed how he came across. But there is another side to this man that he has very, very craftily and cleverly disguised from people for so long. It's like this split personality. The other personality is this sinister, predatory behaviour," she said.

14.



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- 15. Craig McLachlan has been accused of indecent assault and bullying women. Photo: Network Ten

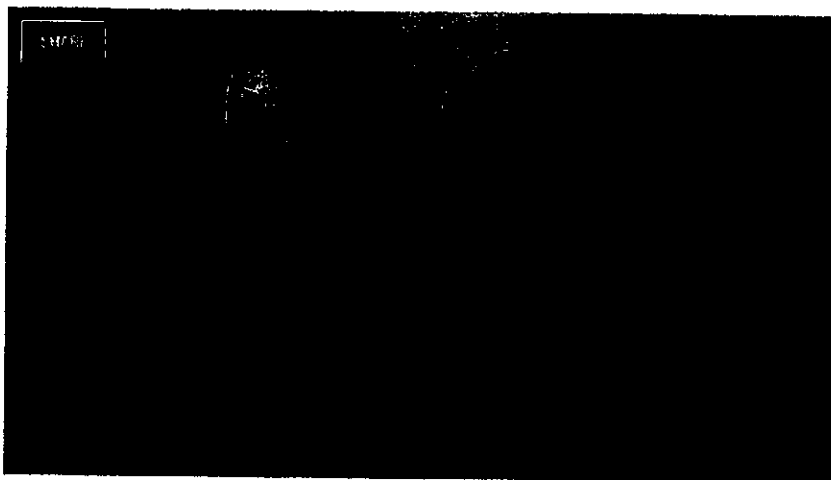
- 16. For his part, McLachlan, who is in Adelaide starring in the 2018 tour of



ROCKY HORROR, says the allegations are "baseless" and "they seem to be simple inventions, perhaps made for financial reasons, perhaps to gain notoriety".

17. "These allegations are ALL made up," he said in an emailed response.

18.



19. Christie Whelan Browne and Erika Heynatz, who appeared with Craig McLachlan in a 2014 production of *The Rocky Horror Show*. Photo: Louise Kennerley

20. One of the country's leading musical performers, Christie Whelan Browne, now starring in *Muriel's Wedding The Musical*, performed the lead role of Janet during the 2014 *Rocky Horror* tour. She alleged that McLachlan indecently assaulted her during the show.

21. Whelan Browne, who had to perform a sex scene with McLachlan, was horrified when he went off script. The scene saw Whelan Browne in a vertical bed, covered by a sheet, where she was visible to the audience only from the shoulders up.

22.

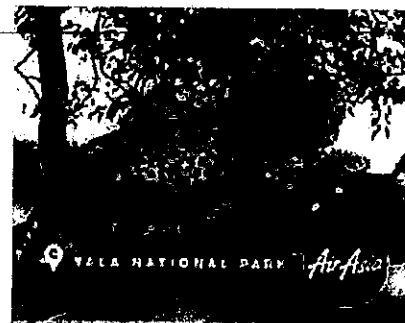


23. Christia Whelan Browne and Craig McLachlan on stage in *The Rocky Horror Show* Photo: YouTube

24. The carefully scripted choreography of that scene required McLachlan, who was playing the lead role of Dr Frank-N-Furter, to kiss Whelan Browne down the neck and then disappear below the sheets.

25. "So he started the kissing down the neck and down the arm, but then it gradually moved to the breasts and down the stomach. So he would keep kissing as if he was going to keep going and I would have to swat him away," said Whelan Browne.

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27. Actress Angela Scundi has made a statement to police about Craig McLachlan's alleged behaviour. Photo: Janie Barrett

28. "But this one night when he turned me around, he pulled my undies up so my bum cheek was out and he was kissing my bum. There is nothing I can do. I am stuck. There's 2000 people watching me and can't see him.

29. "As the tour went on he would say he could see my vagina through my white underpants - that was my costume - and he said that he could see the slit of my vagina and that he could smell it and it smells sweet."

30.



31. Christie Whelan Browne and Craig McLachlan on stage in The Fucky Horror Show. Photo: Supplied

32. Whelan Browne began to cry as she recounted the night "when he was down in the bed he traced the outline of my vagina with his finger and I slapped his hand away".

33. McLachlan denies that this happened. He claimed that the show was "a confrontational musical oozing with sexuality" and that to "make" the show "actors have to perform certain actions, all of which flow from the show itself".

34. McLachlan allegedly made inappropriate comments to actress Angela Scundi about her breasts; he created what he described as special "moments" for her on stage and on one occasion he was wearing only satin boxer shorts when he hugged her.

35.



41. "He pushed his pelvis into me and moved around so I could feel his penis against my body," said Scundi, who played a phantom and also understudied Heynatz's role of Magenta.



42. On another occasion, "Craig grabbed my hand ... and said to me, 'Every day I am falling more and more in love with you.' "

36. Craig McLachlan performing with the band Welter. Photo: Greg Totman

43. Scundi, who has made a lengthy statement to police, alleges that, on another occasion, McLachlan asked her to come into his dressing room as he had something private to discuss. After the door was closed he undressed, took his underwear off and stood up naked.

37.



44. "I said 'What the f---?!' and turned away to leave. He responded with laughter, saying 'No, no, no. Don't go, sorry, I'm just so comfortable.' "

45. "I have NEVER done anything like this," said McLachlan in his emailed response.

38. Craig McLachlan in The Doctor Blake Mysteries. Photo: Supplied

46. McLachlan was also adamant that he never made unwanted sexual advances: "I am, and have been at all relevant times, in a stable relationship with my long-term partner."

39.



47. However, Heynatz alleges she also experienced unwanted sexual advances from McLachlan.

48. Heynatz claims she had been sitting on a couch in the green room of Melbourne's Comedy Theatre when McLachlan walked over and "straddled me on the couch, knee either side and started kissing my neck".

40. Craig McLachlan playing Henry Ramsay in Neighbours. Photo: Supplied

49. When she recoiled, he leant back and said: "Too much?"

50. "Yes," replied Heynatz. McLachlan then nonchalantly "climbed off and just walked away".

51. "That's not normal workplace behaviour, that's not normal, that's not OK and yet for some reason, because of this sense of entitlement and this level of confidence ... he thought there was nothing wrong with doing that," she said.

52. McLachlan said: "I have no recollection whatsoever of any such event."
53. This was allegedly not Heynatz's first unwanted encounter with McLachlan. Earlier in the tour, she says, he came into her dressing room as she was putting on her make-up ready to go on stage. McLachlan had told her to stop what she was doing.
54. "What I have to tell you is important," he had said. McLachlan allegedly had then turned her chair around to face him.
55. "You're really beautiful and I can't stop thinking about you and every day I'm becoming more and more enchanted by you and I'm falling for you," he is said to have gushed. "And there's something that I've got to do."
56. With that, he allegedly took Heynatz by the face and kissed her. "I was almost paralysed ... I was in shock. It was a yuck thing," she said.
57. "Ultimately, it's just like being kissed by the boss. You want to work with these people. You don't want to be touched by them, kissed by them, you don't want them to be sexualising you."
58. Heynatz observed that McLachlan's behaviour was escalating as time went on. She felt that "he was becoming more bold and more brazen with everything he did both on stage and off".
59. McLachlan rejected the suggestion that his kissing scenes were becoming longer and more intimate.
60. "How little you appear to know about this production of the show," he said, claiming that, during the performance, "there are a number of small comic kisses directed in the piece".
61. But cast members allegedly observed McLachlan taking advantage of intimate scenes with one particular actress. When Scundi was told she had to fill in for this actress, she informed the company managers that she didn't want to be kissed like that.
62. Scundi claims it was to no avail and that, on the second night, he forced his tongue into her mouth. When they left the stage and she told him never to kiss her like that again, McLachlan became enraged, she said.
63. "The show was still going so it was quiet and he had his finger in my face ... I was terrified," she said.
64. "You are nothing! Don't you dare talk to me like that. I will end you," McLachlan allegedly said.
65. "And in that moment, I believed him," said Scundi. Fearful that she would lose her job because of McLachlan's powerful position, she put her hands in the air and said: "I'm only joking."
66. During the final performance of the tour, when Scundi was back playing the role of a phantom, she says McLachlan again went off script, kneeling in front of her.
67. "He grabbed my shoulders, pulling me in to kiss me. I pushed him off me and he fell backwards."

Scundi recalls his look of shock which quickly changed to rage. Even

68. Scundi retains his look of shock which quickly changed to rage. Even though she was still on stage, she burst into tears.
69. Scundi wasn't the only one who was frightened of his alleged unchecked behaviour. Heynatz recounted performing a duet with another actress. They were standing on a platform with only their heads and shoulders visible to the audience.
70. Knowing they were completely vulnerable, Heynatz alleges McLachlan took to groping her colleague. He was "reaching up and grabbing up between her legs and up at her bottom so she's having to kind of donkey kick him away," said Heynatz.
71. While McLachlan denied that this incident ever happened, the cast said his behaviour started impacting on their ability to perform.
72. "Because I've already been on the receiving end of some unwanted attention, I'm thinking, any minute now, that's going to be me. So of course my legs start shaking and ultimately it's not safe," Heynatz said. "While you are on stage you've still got to do your job, and meanwhile you've got this person who's kind of messing with you, messing with you from the waist down."
73. Heynatz went immediately to the head mechanist, whose job it was to ensure safety. She recalled that he was laughing "uncomfortably". But she told him that McLachlan had to be spoken to, that this was a safety issue.
74. As the tour went on, Heynatz said the anxiety about what McLachlan would do next started affecting her performance. "I started to get really anxious on stage. I started to get the shakes. My voice started to close up," she said.
75. The words "sexual harassment" are mentioned in the notes of the doctor whom Heynatz consulted about her anxiety while the show was touring.
76. When a male cast member complained first to management and then to McLachlan about the unnecessary lewdness that McLachlan had allegedly added to a scene, McLachlan is said have flown into a rage.
-
77. That night, as the cast and crew were gathered backstage for the cast call before the show, McLachlan allegedly shouted at them: "You are a bunch of untalented and ungrateful c---s."
78. He is said to have become aggressive to cast members during the performance. Whelan Browne said that he was supposed to stroke her face lovingly as he sang his goodbye. Instead, he "grabbed me by the jaw" and wrenched her face to one side. And as they were taking their bow, Whelan Browne recalled her terror as he glared angrily at her and "clapped his hands in my face".
79. "I ran off stage and said to our resident director, 'What the f--- is going on?' ", and she said, "He's angry."
80. Whelan Browne said the director then just stared straight ahead.
81. The next day John Frost, the managing director of GFO, happened to drop by the theatre. He asked if she was all right. "I burst into tears and said, 'I am not OK. I am frightened of him.' "

On the night that had happened, Frost said: "McLachlan was on the stage and he was

82. On hearing what had happened, Frost said: "No, no, no, we can't have that. That's terrible. God, I can't believe he's been like this. We've never had a problem with him before."
83. After giving her a hug and telling her to call if there were any further problems, he left.
84. Frost was not available for comment but his suggestion that the company had never had a previous problem with McLachlan is disputed by other cast members who said that complaints had been made. They also said that the production crew had witnessed McLachlan's behaviour but had failed to intervene.
85. Emboldened by her conversation with Frost, the following day Whelan Browne expressed her concerns to the stage manager.
86. "That's a very serious accusation and if you want to take that further I'm going to have to call the producers. Is that what you want?" said the stage manager. Whelan Browne got the clear impression she was being warned that it was not worth her while taking her concerns further.
87. McLachlan denied that he ever bullied or intimidated cast members. "These are baseless and vicious lies," he said.
88. The turning point for the women was the fallout from the exposure of legendary Hollywood producer Harvey Weinstein as a sexual predator.
89. "When the Harvey Weinstein story broke, I started to get ... terrible anxiety that was keeping me up at night ... my heart punching through my chest day and night," said Whelan Browne.
90. Heynatz and Scundi experienced a similar reaction.
91. The women had not shared their experiences during the show. They said they felt isolated and alone and that McLachlan had played them off against each other.
92. Whelan Browne, who took two weeks off for a back injury, said that, when she returned, McLachlan had said of her understudy: "Thank God you're back, her pussy stinks."
-
93. Heynatz and Scundi said that, when Whelan Browne had gone off injured, McLachlan said: "She's a c--- and she won't be coming back."
94. "This is a simple lie," said McLachlan. "The use of such language is repugnant." He also pointed out that his "accusers" have had "thousands of opportunities to raise these accusations" but none of them did.
95. Said Heynatz about their reticence to come forward at the time: "They're not going to believe us, he's the big head star, they're going to keep him, we're going to lose our jobs."
96. "We were replaceable ... That's the disgusting thing about it. We all feel as though our voice isn't enough, we're not important enough, we don't earn enough money," she said.
97. In the wake of the Weinstein allegations the women reconnected. When they realised that they were not alone in regards to McLachlan's behaviour, they decided it was time to act.

98. "We all decided ... the time is now and it has to be done and then perhaps now we will be taken seriously," said a tearful Scundi. She also said she hoped that "other people will have the opportunity to actually come forward and be heard as well".
99. "We're all considered strong, resilient, self-assured women, we've been in this industry a long time. So the fact we were intimidated and we were made to feel vulnerable at that time, is one thing," said Heynatz, "but the crucial thing ... is to prevent similar behaviour from happening to others."
100. Heynatz said it was vital that young actresses, who have "stars in their eyes", realised that they did not have to put up with unacceptable behaviour.
101. Before Christmas, the women went to the union, lawyers and police.
102. While they were not identified, their lawyers outlined their allegations to GFO and asked that their concerns be investigated as a matter of urgency as McLachlan's reprisal of the role was opening in Adelaide on New Year's Eve.
103. GFO's lawyers responded by saying: "Your clients, by instructing your firm to send a letter alleging serious unlawful conduct (without any evidence to support such allegations), may have made defamatory statements regarding GFO, members of its management and also Mr McLachlan. Our client reserves all its rights in respect of that issue."
104. GFO, the country's leading producer of musical theatre, declined to comment to Fairfax Media but maintained in its legal letters that it always provided a safe work place, "free of bullying or unlawful harassment".
105. Do you know more? Contact kmcclymont@fairfaxmedia.com.au

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