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WEINSTEIN'S SECRET WEAPON

MeToo For decades, the sexual predator hid behind non-disclosure agreements and hush money, one accuser tells **Natasha Boddy**.

Rowena Chiu was hit by a wave of emotion as she watched her former boss, Harvey Weinstein, being led out of a New York courtroom shackled in handcuffs. She was conflicted, torn, confused. And it caught her by surprise.

"So I kind of thought that if there'd be any kind of conviction that I would feel some sense of elation and jubilation. I think many people did feel that," says Chiu, who has accused the former movie mogul of trying to rape her in 1998 when she was his assistant.

Chiu says she is in awe of the six brave women who took the stand as well as the 100 women, like her, who have spoken out but not had their day in court and the scores of others who are pushing for change in the fallout of the MeToo movement.

"To kind of get to a point where there was even a partial conviction was very awe-inspiring to see the power of all that coming together but honestly, I think a lot of us were bracing for full acquittal," she says.

In her first Australian interview since Weinstein's guilty verdict this week, 45-year-old Chiu says the case has exposed the frailty and inappropriateness of the legal system when dealing with rape cases.

"It's a well-known statistic that only 2 per cent of rapes ever reach convictions so we're in that lucky category to even get a partial conviction," says the British-born mother of four from Silicon Valley.

"I think there needs to be systemic change because the process was horrific. For the six women who were up there, it was as though they were on trial. Their private lives were on trial, their morality was on trial. All of it was laid bare. They were criticised for friendly emails, maintaining contact with Harvey Weinstein.

They had to live up to this myth of a perfect rape victim."

Weinstein was convicted of rape in the third degree and a criminal sexual act but was acquitted of the most serious charge, predatory sexual assault, and one count of rape in the first degree.

Rowena Chiu regrets signing a non-disclosure deal, Harvey Weinstein. PHOTO: KATHY LABARRE

Chiu says she was sexually assaulted by Weinstein, a secret she kept for almost 20 years, including from her Australian-born husband Andrew Cheung, who didn't find out until 2017. She shared her story for the first time in the book *She Said*.

Chiu was a 24-year-old Oxford graduate and had worked for Weinstein for just two months in the Miramax London office. She says he tried to rape her in a hotel room during the Venice film festival in 1998. Weinstein denies he assaulted Chiu.

Now an advocate for the MeToo movement, Chiu is speaking out against the use of non-disclosure agreements (NDAs) to silence victims of sexual assault. She is also calling for a cultural shift where rape victims aren't treated like criminals and is lobbying for laws to end harassment and abuse in the workplace.

"NDAs have been weaponised into a legal document that hide actual crimes," Chiu told *AFR Weekend*. "Corporations are now saying, 'Sign this NDA, take this money, we can make this go away'. Companies should not be permitted to use these NDAs as a way of silencing victims because it helps these corporations maintain their good name."

For almost 20 years, Chiu could tell no one about what happened to her in 1998 because of a non-disclosure agreement she signed. It was known that Weinstein was a "bully" with a "legendary temper" and an "adulterer" who was inappropriate with women and his female staff.

"There were rumours about him, that he was unfaithful to his wife and he'd ask for massages from assistants or liked to strut around naked," Chiu says.

"Now that I'm in my mid-40s, I look back at [myself as] someone who was young and desperate to get into film and think I was naive. What was interesting about Hollywood was the sense of normalisation of this kind of behaviour."

But when it came to Weinstein's sexual predations, it would take until 2017 for the truth to be fully exposed.

"Harvey was considered a sex pest. The reality of who he turned out to be was so much worse," Chiu says. "The first night that I was alone in a hotel room [in Venice] with him involved a lot of badgering, a lot of pestering, a lot of, you know, promises that I

THE BIZARRE WORLD OF 'PRISON PREPPERS'

Hard cell The former movie mogul has paid consultants to help him adjust to life inside, writes **Luke Mintz**.

Steve Dagworthy had never received so much as a school detention when, in 2009, he was escorted into Chelmsford prison to begin a six-year sentence for fraud. Until then, the 44-year-old had lived a quiet, middle-class existence with his wife and two children in Essex, where he worked as a financial broker.

Prison was an environment he knew only from television and he was staggered by just how little his lawyers had prepared him for life behind bars.

He was a stranger to what his fellow inmates called "cell etiquette", for example, such as the rule that whoever arrives first in a cell gets the bottom bunk. And he was appalled to witness bloody knife fights among his fellow inmates, some of whom planted "shivs" in the handles of toothbrushes.

Upon his release in 2012, Dagworthy founded Prison Consultants, Britain's first jail time advice service, which teaches wealthy clients how to adapt to life inside.

The bizarre (and expanding) world of these "prison preppers" was highlighted this week by Harvey Weinstein, who hired his own prison consultant shortly before his conviction for third-degree rape, for which he faces up to 25 years in prison.

For thousands of dollars, experts say, the unnamed consultant will most likely explain to Weinstein how to survive life in the slammer as an ultra-recognisable sex offender, going into everything from how to deal with his fellow inmates to how to fill his long, empty days.

It is a lesson that the Hollywood mogul may have taken from Bernie Madoff, the disgraced financier who reportedly hired his own consultant to help him adjust to his 150-year federal prison sentence.

And it is a service for which Weinstein will be grateful: when he leaves the hospital prison ward to which he was rushed after suffering heart palpitations following his conviction, the 67-year-old will be held at Rikers Island, a notorious New York jail that housed Sex Pistols punk Sid Vicious and Mark Chapman, the man who killed John Lennon.

Rikers has been plagued by overcrowding and gang brutality and there have been allegations of human rights violations, and conditions are so brutal that in 2017 mayor Bill de Blasio vowed to shut it down within a decade.

Dagworthy tells his British clients that their first six months inside will be dominated by fear and bewilderment. "The prison van might as well have been a spaceship, because it put me into a whole new world," he says. "I liken it to arriving in North Korea. The sights, smells, sounds, the language the other prisoners speak was all alien to me.

"Most middle-class prisoners will come across as slightly different to the rest. They're not of the villainous nature, they probably speak slightly differently, they probably don't understand the language.

"Then, about six months in, clients will reach their realisation point – when the adrenaline stops pumping. You've realised this is your home now and then the enormity hits you, and the stress you put on your family. That's a massive low point. It took me about two weeks to get through.

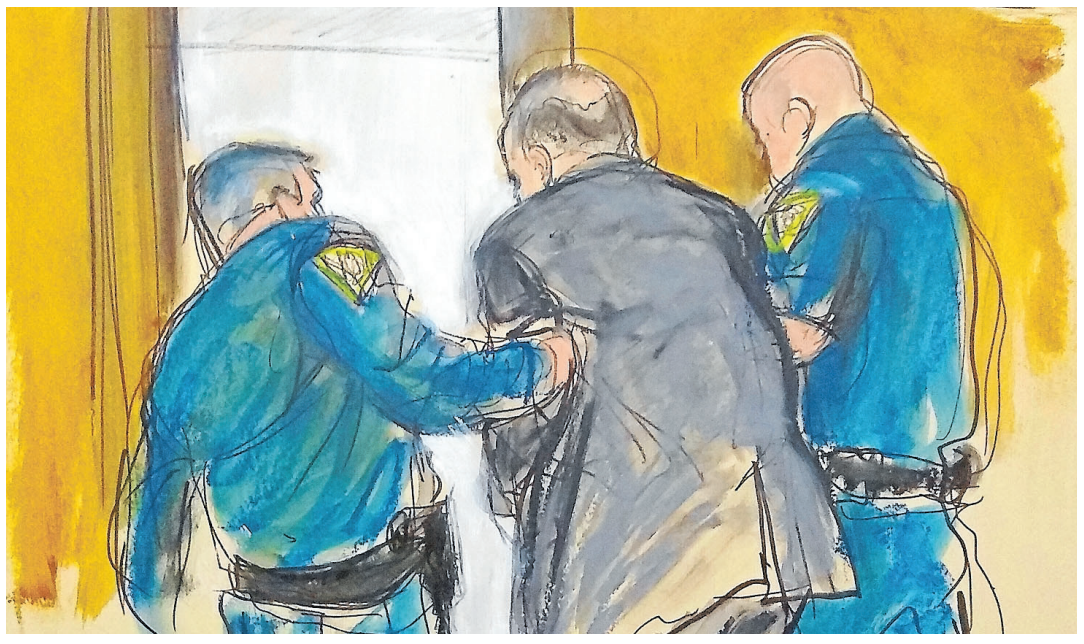
He advises his clients to find something to fill their day, but to keep away from jobs that might put them in an awkward position. If you work in the kitchen, for example, you might be asked to provide extra food to certain inmates.

But what of US prisons, such as the one in which Weinstein will find himself?

David Parker*, who spent 12 years in the US federal system and now also works as a prison consultant, says Weinstein's experience will depend massively on where he is held after sentencing. High-security institutions such as Rikers are "violent and dangerous", but Weinstein may eventually be moved to a medium-security facility, which, in Parker's experience "wasn't that bad".

In order to survive – and even thrive – he says Weinstein will need to show respect to his fellow inmates. The adage that you should "find the biggest guy you can and punch him" – as demonstrated by Edward Norton's character in *American History X*, who gets into a brawl to prepare for his spell inside – is "horrible advice", Parker says. Your relationship with fellow inmates is far more important than that with the guards, whom you should keep at arm's length in case you are seen to be currying favour.

Parker says: "When I went in, I kept looking to the guards for guidance on what you



Above: a court artist captured the moment when Harvey Weinstein was escorted from the Manhattan courtroom after his conviction. PHOTOS: ELIZABETH WILLIAMS, AP

WHAT TO EXPECT | YOUR FIRST TIME IN JAIL

Steve Dagworthy's British company provides the following advice to its clients entering the prison system:

- Your first experience of prison will be 21 out of 24 hours per day locked up, probably in a shared cell and with a shared toilet. You will be fed food that costs pennies and tastes unpleasant.
- You will be lucky if you have 10 minutes each day to call your family on a community phone.
- A significant minority of your fellow prisoners will suffer from mental illness, personality disorders or have an addiction of some kind.
- You will be given a set of heavily overused bedding, prison clothes and underwear.
- You will not know what the prison rules are but you will be punished if you break them.
- There is a real likelihood that within the first three months you will be offered illegal drugs and witness violence.
- All your post can be read by prison officers.
- Upon arrival at prison all prisoners, regardless of their crime, are treated equally; white collar offenders start at the same level and in the same cells as hardened career criminals and repeat offenders.

SOURCE: PRISONCONSULTANTS.CO.UK

would get ahead in the film industry if I did these sexual favours for him.

"The second night, things racheted up a lot. It started 'normally': we talked through scripts, he begged for a massage, he told me how much he loved Chinese girls because we were discreet.

"The cajoling went up a step, it turned into inappropriate touching; I was frightened and tried to back away but in the end, he held me down on to the bed and parted my legs and said, 'Just one thrust and it'll all be over'."

Chiu confided in fellow Miramax assistant and friend Zelda Perkins, who confronted Weinstein.

The two resigned and found lawyers, but what happened to Chiu during that trip remained buried for almost two decades.

Chiu and Perkins were paid a settlement of £125,000 each and signed a restrictive non-disclosure agreement, which was so suffocating it couldn't be discussed even with family, doctors, therapists or lawyers. She says she was never given a copy of it.

They had to live up to this myth of a perfect rape victim.
Rowena Chiu, former Weinstein assistant

"From the get-go, we had no intention of signing an NDA. When the issue of money was first brought up, I felt really offended, I thought, 'I can't be bought, this is like blood money'," Chiu says.

Although Chiu is still bound by the agreement, she is breaking her silence on the back of the groundswell of support for the MeToo movement.

"The fact that so many women have spoken out about Harvey, he can't sue each and every one of us," she says. "One of the problems with signing an NDA is that the victim at the time often doesn't know how they're going to feel in 10, 20 years. We didn't.

"As for not being able to tell anyone, I can't measure the extent of the trauma. It was hugely traumatic."

Chiu says she twice attempted suicide.

Chiu and Perkins tried to get clauses included in their NDAs to protect other women, including a requirement that if Weinstein assaulted another person, settled with them and paid them £35,000 or more, it would trigger his resignation from Miramax and a report to Disney.

"I think if one had a crystal ball and knew where one would be in five years' time, 10 years, 20 years' time, and what you had to go through in terms of the trauma and the processing, I don't think women will be as quick to sign NDAs."

Chiu says the sheer number of women who have come out with allegations against Weinstein is staggering and she is amazed at how it has triggered an entire movement.

"Society was no more saying: 'Oh, slap on the hand, naughty boy, get to work.' They were saying: 'No, we're not accepting it any more. You're fired'. And that was kind of unimaginable a few years ago," she says.

Chiu says although Weinstein's guilty verdict has brought some relief, she won't sleep until he is behind bars and paying for his crimes. Weinstein is awaiting sentencing on March 11 and also faces a separate trial in Los Angeles.

On his way to Rikers Island prison, he suffered heart palpitations and was admitted to the prison wing of Manhattan's Bellevue Hospital where he is being cared for.

Chiu believes that although Weinstein has brought about a long overdue movement, the fight is far from over.

"If we're really going to provide protections for our daughters and granddaughters, we need to make actual concrete change in the legal system and the political system around policy," she says. W

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Rikers prison featured in the film *The Shawshank Redemption*, top left, and a documentary, left. Above: Steve Dagworthy turned his time inside into a business.
PHOTOS: AP, GETTY

do and when you do it, and quickly found out that that was absolutely the wrong thing to do.

"The advice I give my clients is look for someone who looks like you and get them to teach you the ropes."

Weinstein's own situation will be complicated, of course, by the fact that he is now one of the most widely known sex offenders in history. It is likely he will be placed in protective custody, Parker thinks, to stop him meeting the same fate as James "Whitey" Bulger, the organised crime boss who was beaten to death in his West Virginia cell in October 2018. This may shield him from violent inmates, protective custody but it means less freedom, too.

Although Parker would not recommend it, some ultra-wealthy clients such as Weinstein decide to bribe other inmates, either by buying objects such as radios and MP3 players at the prison commissary, or by arranging payments to be made outside prison: "There are probably going to be people around," says Parker, "think of them as groupies. They want to be a wealthy person's friend."

Dagworthy advises against any display of largesse, saying gangs have been known to threaten wealthy inmates with violence unless their families, on the outside, pay up.

But there is no harm, he thinks, in a well-connected inmate such as Weinstein using their education to help others, like Andy Dufresne in *The Shawshank Redemption*, an accountant who thrives by doling out financial advice. "There's high levels of illiteracy in prison. They're getting letters from family or lawyers, and they can't reply. Anyone who can read and write is always useful."

Ultimately, Parker says, Weinstein might not have such a terrible time in prison as he expects: "What eventually happens is that your former life falls away. So it's not what am I missing – my girlfriend, my family?. Instead, it's: 'On Tuesdays, I play the sports league', or 'on Thursdays, I go watch a movie in the library'. The first six months are really hard. The last six months are also really hard. But the 10 years in between, they're really not that bad." W

THE TELEGRAPH, LONDON

**Name has been changed*

THE BROAD CHURCH OF KILBEY'S CAREER

New music The once po-faced writer of serious pop gems is now happy to play '80s package shows or teach songcraft to kids, writes **Michael Bailey.**

Collaborators: Kate Ceberano, Steve Kilbey and Sean Sennett. PHOTO: JUSTINE WALPOLE

Pity Steve Kilbey's financial planner. "My whole career, I get these huge chunks of cash coming in, then long periods of nothing," says the singer-songwriter, best known for founding and fronting psychedelic rock band The Church, from behind his sunglasses and neat grey beard.

Case in point: many of us would have last seen Kilbey on ABC TV's New Year's Eve concert at the Sydney Opera House, singing The Church's shimmering 1988 masterpiece *Under The Milky Way*.

"I got eight grand for that, which for a guy whose dad made $150 a week, slogging it out as a foreman, still does my head in," Kilbey says, his accent retaining vestiges of his English birthplace in Hertfordshire, which he left at five before settling in Canberra.

Contrast that with 2015, when The Church toured the US for six weeks and cleared the princely sum of $1300 each, getting that much only because drummer Tim Powles flew into a rage and grabbed extra cash off the tour manager's table.

"Between the extremes, you end up having no real sense of what money's worth. That's probably why in the past I spent what I did get so cavalierly," Kilbey says with a sigh.

AFR Weekend is meeting the author of at least two other songs to have been canonised as Australian rock classics – 1981's *The Unguarded Moment* and 1982's *Almost With You* – in a cafe next to the Sydney studios of Network 10. Kilbey's just been on, promoting a new album which, in a parallel universe, would be getting high rotation too.

The Dangerous Age is Kilbey's collaboration with Kate Ceberano, composer and singer of a few classics herself (she's sitting, distractingly, at the next table) as well as Sean Sennett, a journalist and musician who's recorded with the likes of Daddy Cool's Ross Wilson and Midnight Oil's Rob Hirst.

It's an album of sophisticated adult pop whose literate, character-driven songs smoulder rather than self-actualise, and are played with live instruments rather than laptops.

All of which, in 2020, destines *The Dangerous Age* to the more fallow side of Kilbey's financial situation. Luckily, at 65, he's past the age of worrying about it.

"We did an experimental gig for this record in Queensland, and Kate's there playing drums with a snare skin round her neck and a kids' kit at her feet; really cool, such a great night," he says.

"Then last weekend I was at the Rooty Hill Coliseum on an '80s package show, singing f---ing *Unguarded Moment* – this thing I knocked out in five minutes 40 years ago, which means nothing to me personally any more – but then you see the audience light up, and that's really gratifying as well."

When Kilbey got clean of heroin in 2000, a habit that consumed his royalties (and nearly him) for a decade, he decided he would start saying "yes" to everything. If he's asked, he'll visit primary schools to hold songwriting workshops, or hospitals to play for sick fans.

"Being a singer-songwriter's my vocation. So I'll jump at a chance to do it and be of benefit," he says. "If *Play School* or Eurovision asked me to write a song, I'd bring as much aplomb and integrity to it as I could."

Kilbey wasn't always so open-minded. He owns up to an arrogance that contributed to The Church being a fractious unit, unable to pull together and solidify the mainstream US success promised when *Starfish*, the album containing *Milky Way*, sold 600,000 copies there.

"I remember sitting there on ['80s music TV show] *Sounds* thinking, 'I'm a poet, I'm too good to be on here'," Kilbey recalls. "Then in the break [host] Donnie Sutherland grabs me and yells, 'Why'd you f---ing come on if you're not going to say anything!' He was right."

Founding lead guitarist Marty Wilson-Piper quit The Church in 2013, and founding rhythm guitarist Peter Koppes followed last year, leaving Kilbey as the only original member. Probably for good.

"Looking back on it, the others probably thought I was an overbearing tyrant, and I thought they were unappreciative they'd met a guy who could actually write songs," Kilbey says.

Sipping a coffee, he describes the gradual poisoning of inter-band relationships, where an incident as trivial as his stepping on someone's toes on the way to the stage at Rydalmere Family Inn – he's specific on this location – becomes a perceived slight that festers for years.

"Then it's, 'You got a better room than me', or 'Why were you in business class?', or 'Why'd that journalist write you played my guitar solo?', and it all magnifies over the decades until you f---ing hate each other," he says.

However, the po-faced Kilbey of old is now a man prepared to laugh at himself, as is evident on the new album's standout title track.

Over chiming Church-inspired chords, Ceberano sings Kilbey's mock biography with breathy intensity: *Stevie K had his heyday/In the distant past/ That song just don't belong now, we're all aghast.*

It's a multi-level joke. For one, *Heyday* was the name of the album The Church recorded in 1986, its backward-looking title a sneer to local critics who were already writing off the band. The record ended up paving the way for The Church's commercial peak.

Kilbey is still writing compulsively, now for a coming album with a new-look The Church.

"I'm always gathering snippets. I was in a business meeting the other day and someone said, 'Ask for everything, they can only say no'. That's now the first line of the record," he says. W

The Dangerous Age by Kate Ceberano, Steve Kilbey and Sean Sennett is out now.