

'The world now knows the real person — the paedophile, not the football star'

TIM CLARKE



All the best stories do — and a lot of the worst ones — it started with a whisper. There was a writ. A civil claim for damages, involving one of the best footballers WA had ever produced. And it contained some horrific allegations.

Sexual abuse of a child, going on for years. Psychological damage lasting a lifetime. And a name — Barry Thomas Cable. Revered as an AFL icon throughout Australia. An Indigenous legend. But now accused — formally, in a court — of being a paedophile.

The information came from one of the best football writers in the caper. It was detailed — which court, which jurisdiction, which lawyers.

And so in April 2019, armed with some knowledge of what to ask whom within the court system, The West Australian went looking to confirm a story of significant public interest, and of huge interest to the public.

Which is where things started to get weird.

The name Cable didn't appear on any court list — despite a hearing having been held before a registrar.

The writ — which in most circumstances are available on request — was "before a judge to review".

So was "the issue of suppression", which was news in itself, as that also hadn't been listed publicly — or certainly made public to any media, which have a right to argue against if they have the time, energy and money.

"It would be inappropriate to pre-empt the judge's decision by giving out any information," was the response from Perth's District Court.

And so it had begun — a near five-year legal battle by one woman to have her case finally heard. Another by lawyers for Barry Cable to have it exterminated. And another, smaller proxy war — the fight to tell the public the case was happening, and who it involved.

A fight which had been partly fought more than 20 years before.

The allegations against Barry Cable, although new to the District Court of WA — courtesy of the time limit being removed to bring civil claims for sexual abuse — were not new.

They had been around since 1998, when the woman who had endured Cable's attentions for most of her childhood, took her claims to WA Police.

They were detailed, they were credible, and — at least by the police officers who compiled her harrowing statement — they were believed.

They wanted Cable charged. The felt they had enough detail for a chance of a conviction.

But they also knew the Cable name, and profile, still held plenty of weight in a football-mad State.

Two VFL premierships, four WAFL premierships. Sandover Medals. Simpson Medals. A place in North Melbourne's Team of the Century.

But the allegations were credible. The detectives were committed. And so they went and knocked on Barry Cable's door.

"Come in. I've been expecting you," was his response.

Cable was never — and has never — been charged by WA Police with any criminal offence. But he has given evidence, been cross-examined — and told his story.

It was just the media weren't allowed to say who he was. Or after a while, even what sport he played.

Q2 was the codename given to him by the 2002 Kennedy Royal Commission into police corruption — which was tasked to investigate whether high-level police had interfered with the abuse complaint against him.

It was there where Cable first claimed that while he might have had sex with his accuser, it was consensual and she



was an adult at the time. He made plenty of denials as well.

He denied he had a close friendship with then deputy police commissioner Bruce Brennan.

He denied he had been tipped off about a potential visit from sex assault detectives. He denied he had told them he was expecting them.

And he denied any underage sexual contact with the girl — on the stand, and through his loyal lawyer Michael McPhee.

"My client denies any crime or other wrongdoing as alleged or at all. He has been questioned by the police and other authorities," they said in a statement.

The royal commission hearings set the rumour mill alight. But suppression orders — strict, then stricter by order of the commission — meant the name of "the former football star" was not meant to be publicised.

But it was. On August 26, 2002, Paul Murray — once editor of The West Australian and

then host on Radio 6PR — broke the order. Broke the rules and broke the code of silence that existed around Cable.

Twice he identified him on air as Q2 — the man accused of repeatedly raping a child. In Murray's memory, he got "s...canned" for it.

But he never got sued. And so the commission continued. In weeks of hearings, Commissioner Geoffrey Kennedy sat between a heated blue — between blue and blue.

On one side, the detectives who were sure Cable should have been prosecuted. On the other, the brass who decided he wouldn't be.

The main one of those was Supt David Caporn, who said he "did nothing more than my job" by closely reviewing the case.

"There is no whitewash here. I sit here with absolute confidence that any reasonable thinking person who examines all of the material on this could not come to this conclusion," he said.

That material — tendered before the royal commission — included the diary

It's never been about money.

It's always been about the truth.

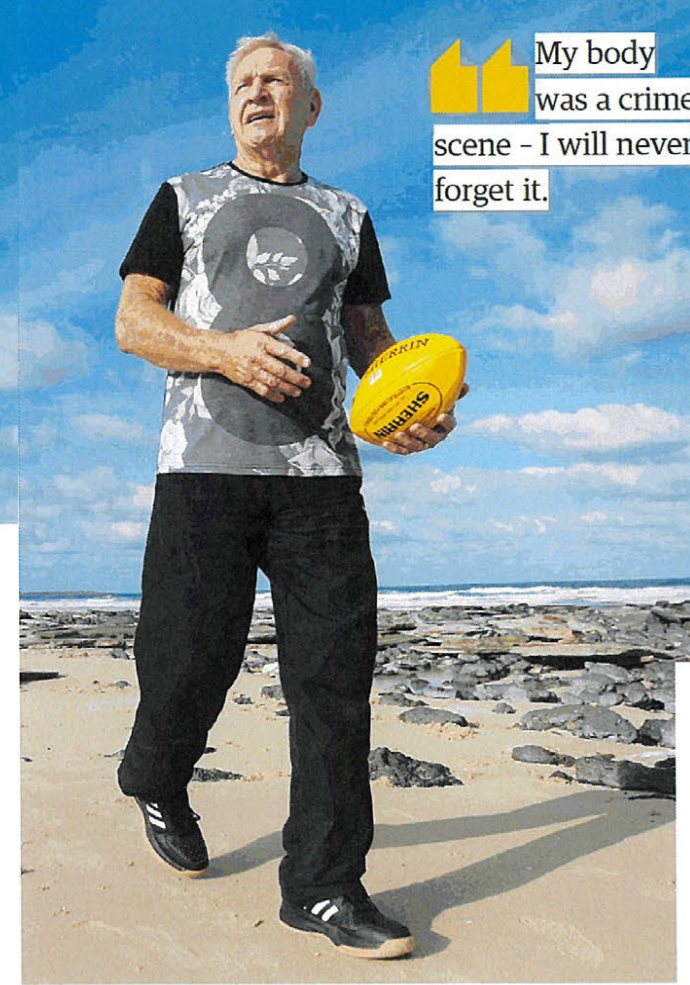
of then deputy commissioner Brennan, showing meetings with Mr Cable during crucial weeks of the investigation.

It revealed the pair took a bike ride around the Swan River, just after Mr Cable had been briefly interviewed by child abuse unit detectives.

And it uncovered a photo of them together, taken in August 1997 — which was hanging on the wall of deputy commissioner Brennan's office.

Mr Brennan told the commission that Supt Caporn's close review of the file was also not unusual.

"With Q2 being a person of some con-



My body was a crime scene - I will never forget it.

siderable profile, he was going to make sure, as is his style, that things were adequately and thoroughly canvassed before any charges were preferred."

Which they eventually weren't — leaving the woman at the centre of the allegations feeling abused all over again.

"I have never been satisfied that there was not interference in the investigation and I am incensed if there is what seems to be one justice for the famous or well-connected and another for the rest," she said at the time.

Cable's lawyer said he "does not believe he is obliged to be tried in the press" — even though his name was formally suppressed.

And the royal commission eventually found that while senior police officers' contact with Cable at the time was "unwise, if not foolish" — officers had not engaged in any improper conduct.

Strangely, that portion of the final Kennedy report can't be found online.

In 1996, Barry Thomas Cable had been one of the first inductees into the AFL Hall of Fame.

In 2004 he was made a legend in the 2004 WA Football Hall of Fame.

And in 2012 — 10 years after being briefly named as potential paedophile — he was upgraded to Legend status by the AFL.

By contrast, in 2002 the woman who had told police she had been abused by Cable from the age of 12 was "profoundly depressed, anxious and suicidal".

"She reported that she had been in a similar state for an extended period but the intensity of the symptoms and the

suicidality had increased," her psychiatrist said.

"The terror, the shame, the guilt and — and dreadful kind of secrecy that she had to maintain — it's absolutely catastrophic stuff."

And it was just something she had learnt to live with.

She did have a life. A career. A partner. Love and support. But her truth was still not out there. It couldn't be.

Until 2018. When the laws in WA changed, and abuse survivors could no longer be told: "You're too late."

The thrillingly titled Civil Liability Legislation Amendment (Child Sexual Abuse Actions) Bill 2017 (WA) removed the limitation periods for all child sexual abuse actions, both retrospectively and future.

The amendment defined a child as a person under 18 years of age.

And so that injured girl and damaged woman who had lived near Barry Cable from 1968 was one of the very first to lodge a writ alleging abuse.

A writ which for years was known as ZYX v JD.

Just as he had back in 2002, Mr McPhee went into legal battle for Cable. He argued that the case should be



Left: Barry Cable in 2016. Above: Cable in 1979 with fans. Below: In hospital in 1980.

tossed out for several reasons — because it impinged a right to silence, that it amounted to a private prosecution and that the time passed made it "irretrievably prejudiced".

He also argued that its very existence should not be allowed to be published — and even the court file should be "sealed".

Then District Court's chief judge Kevin Sleight dismissed all those claims.

But he did agree that Mr Cable's identity should remain protected — defying long and detailed arguments made by The West Australian.

"The defendant, due to his reputation in the community, will be subjected to an extended period of publicity of the allegations against him of having committed acts of child sexual abuse," Judge Sleight ruled. "Given the nature of these allegations there is likely to be some sections of the community hostile towards the defendant."

And so, Cable stayed as JD.

All that could initially be reported was that "a revered WA sporting figure was being sued". And just like in the royal commission, even the mention of football was banned.

A second bid by Cable to have the case spiked failed. His appeal failed.

And then Mr McPhee, who had stood by the rover for so long, died after his own medical battle.

More lawyers were found. Files were retrieved. A trial was finally due to start — 25 years after a childhood was stolen.

Until, on that trial's eve, a final twist. A bankruptcy — claimed by Cable — which was briefly argued meant the case was now defunct. That legal argument also failed.



And so, with no likelihood of a settlement, Judge Mark Herron said any reason for Cable's anonymity to remain had also — finally — fallen away.

Without Cable in person, but in name, the trial went ahead.

"The abuse was constant, it was pervasive, and it was degrading. There was a complete power imbalance — he was a well-known, powerful sportsman who played Australian Rules football," the woman's barrister said. "She was completely powerless."

Or she had been. Over two days she told her story — the story Barry Cable never wanted told. Four other women did the same.

"My body was a crime scene — I will never forget it," she said. Cable claimed innocence, as he always had.

"For four years I have fought to clear my name. I was declared bankrupt only weeks before the trial commenced, after using all my savings, mortgaging my house and selling my medals," he said in his defence statement.

"It is clear that the plaintiff has experienced significant trauma in her life, and has received extensive treatment, support and medication as a result."

"I believe this trauma, and ongoing medication has significantly compromised her memory."

But in the end, Judge Herron believed her, not him, and awarded more than \$800,000 in damages.

"It's never been about money for my client," said her solicitor Michael Magazani after the ruling. "It's always been about the truth."

"If Cable had admitted publicly what he'd done, this would have been over years ago. But that was never going to happen because Cable is addicted to lies and deceit."

"All of this happened under suppression orders, which prevented the public learning about the allegations against cable or is desperate legal manoeuvring. "Nothing can wash away the damage that was done to her."

"But certainly having spoken publicly — which is an amazingly courageous thing to do — having been believed, and having got a judgment in their favour. That's a that's a big part of the healing process."



Barry helps his wife Helen in 1980.