

BARRY CUNNINGHAM

In America he would be called, “ornery.” In England, “feisty”. But in Australia he is simply, “a cantankerous old bastard.” What? Who? Well Barry Cunningham of course, our polliie who just loves a fight. If you were ever feeling a little liverish because you had missed out on your daily fight just ask Barry why he deserves his politician’s gold card. Or whether he thinks Electrical Trade Union Secretary, Dean Mighell has received a bad press. Or if your interests are restricted to golf you could ask about the changes made to the Kevin Hartley master plan. Or perhaps the legal liability of the Club if they do not rectify known dangers. Or even the constitutional issues of Incorporation. Po-Anna grass will also get him going. He leaves you wondering the conundrum of whether politics made him the way he is or if he got into politics because of the way he is made.

However, this is but one side to Barry. What should be acknowledged is the role he played in the building of the new nine in 2001. The building of the original Club House in 1967, the purchase of land on Fairway Drive in 1989 and the recently completed refurbishment of the Club House in 2010 were all major developments which if we got wrong would have seen the Club go under. The development of the new nine belongs in this category. This was a development on a large scale with big money at stake. We got it right and Barry deserves much of the credit.

He was given the opportunity by Doug Clark, a life member of the Club but clearly one whose friendship meant much to Barry. He takes up the story.

“You can only wonder at the positive influence an individual can have on your life. The person I refer to and who departed the world just last week is former president, Doug Clark.

Doug along with his Committee decided that it was time in 2001 to move on plans to expand the 18-hole public course to a 27 hole, safe playing, private/public facility. He approached me and asked whether I would be interested in taking on the role as manager of the process. The project was to be based upon the professional, 36 hole plans laid out by world renowned Course Designer, Kevin Hartley and covered the land purchased next door to “public land” on which the original golf course and racecourse stood.”

It wasn’t surprising that Barry was approached. There were few in the Club who had the experience and skills to manage a major development project. As Chief Whip in the Hawke Governments he was right in the thick of the political action of projects involving millions and sometimes billions of dollars. He had practical experience too. When he left politics - well to be truthful when he lost his seat - he became the administrator of the Cocos Islands. This is an Australian dependency in the Indian Ocean that for many years had been run almost as a feudal fiefdom by the Clunes-Ross family. Eventually the family ceded control to the Australian Government and hence Barry found himself lord and master of all that he could survey. It wasn’t much because the island was small. Nevertheless he was responsible for the wise spending of taxpayers’ money.

He needed all of this expertise because the management job involved the supervising of the tender process as well as ensuring the contractors completed the job on budget and to the Club’s specifications. This last mentioned proved some difficulties with the election of a new committee with different ideas. Not surprisingly, Barry let it be known when he thought the Club was straying from the Hartley plan.

Preparation for the project included the co-ordination of things like land preparation, surveying, water connection and mapping. However, the real work commenced in late 2000 when the Club finalised its ideas for the new course and tenders were let. Five companies showed interest and three submitted a tender. Of these Densal Plant Hire Pty Ltd was deemed to be the best and the contract

was signed for a limit of \$480,000. In reaching this decision it helped that the Club was able to visit Hidden Valley Golf Club to see Densal's work.

The contract called for the development to proceed in two stages. The first stage was to begin on February 5th 2001 and by May all greens, surrounds, roughs and carrier drains were to be completed. This work would be consolidated over winter by the Club and in November, fairway drainage, bunker drainage and sand delivery to bunkers would be completed. The first part of this schedule was maintained and Barry formed a good working relationship with the company, particularly its on-site manager, Paul Reeves.

This didn't mean all was plain sailing. A particular difficulty was the choosing of the grass for the fairways. A "lively" debate ensued. In a Club based in a farming district there are always plenty of experts. Couch was the preferred option but few at the Club were familiar with this and some had reservations about the choice. And then what sort of couch? Warragul opted for Legend; we went for Santa Anna. In later years this debate was revisited when problems were encountered. What needs to be remembered is that Warragul had a different soil base and different drainage problems to us.

The addition of nine new holes also had implications for the work practices of the ground staff. Either more staff needed to be employed or the work had to be done in a different way. This required information which Barry felt, John De Cort, the head groundkeeper was reluctant to give. Barry felt that John didn't understand that the old way of doing things no longer was appropriate given the legal status of the Club had changed when the development began. Barry felt that there was a similar misunderstanding of this amongst some committee members which produced its own problems. More of this later on.

From John's point of view he felt that the Course Development Committee, particularly Barry, lacked confidence in his ability and interfered too much. Relations between the two men deteriorated requiring the intervention of the General Committee.

Barry also encountered problems when he felt that proper process was not being observed. As Chairman of a legally delegated sub-committee, he believed that he was the only one to have direct communication with John. If anyone could direct the staff he saw there would be chaos. He was not impressed when Committee members ignored this. Nor was he impressed when he discovered ground staff had acted independently and in conflict with the contract we had with Densal. Throughout 2001 tension was very evident.

Despite this the job was completed and in March 2002, Neil Linklater, President, was proudly able to declare the new nine open. Life members, Edna Cropley and Gerry Butler had the honour of playing the eighth. Gerry went over the trees on the corner; Edna played more circumspectly by playing round the corner. Both on the fairway so no embarrassment there. Conspicuously, Barry was absent from this opening so what went wrong?

Well he was no longer Chairman of the Development Committee for a start. He lost that position when the new Management Committee was elected in August 2001. They then appointed Chairs of the various sub-committees including the Course Development Committee in a manner Barry believed was unconstitutional. Nevertheless the second stage of the development beginning in November was completed although not under Barry's control.

What went wrong is a complex matter but stemmed from issues that had been brewing for some time. Barry would say that it was not properly understood that the decision to become incorporated in 1985 meant that the old way of doing things was not possible. The Club was now bound by the Incorporation Act. Sub-committees had to be properly constituted and run. Constitutional changes had to follow a strict procedure. The role of the Secretary/Manager must be strictly defined so that it

was not in conflict with the role of the elected secretary. The Club would not have a legal leg to stand on in a court of law if it was found not to have acted constitutionally at all times.

So in the period leading to the new election of the Committee these were issues creating tension and this was apart from the ongoing differences of opinion as to the best way to develop the new nine.

In 2001 the new committee reappointed the sub committees in a manner Barry believed was unconstitutional. Legal advice on both sides was sought resulting in mediation organised under the auspices of the Justice Department. This was unsuccessful.

On 19th November 2001 he received a letter from the General Committee that said in part, “The Committee maintains that a reasonable interpretation of your letter of the 19th August 2001 was that you did not wish to be considered for a position on the Course Development sub-committee again.

We thank you once again for your past contributions and your contribution is drawn to Rule 54(c) giving you the right within ten days of this letter to ask for a meeting including a mediator.” Not surprisingly, Barry vigorously disputes this interpretation but did not proceed further. The job was finished and he didn’t feel appreciated. Enough was enough.

And yet it wasn’t. He continued to dispute the Management Committee’s various attempts to change the Constitution in 2004. It got so bad that he was threatened with suspension before the Committee backed down. Then in 2006 he bobbed up again this time as Club Secretary. And surprise, surprise, controversy followed. As already noted, Barry has always been a stickler for proper governance. It must be the politician coming out in him. He takes up the story.

“The major change to the Golf Club’s legal structure occurred when the land was purchased next door to the public land and the Club moved from an entity on a small private block using adjacent public land to an “Incorporated Body”, dealing with land subdivision and subsequent sales and eventually an extended golf course.

The changes to the legislation related to the “Incorporated Development” in the early eighties, impacted upon the methods required in such a project. Several court cases changed forever the attitude that near enough is good enough.

The High Court found in favour of a Queensland golfer crippled for life on a Queensland facility and now in a wheel chair. The club was forced to sell the private assets when the insurance company challenged the injured golfer’s “positive damages” court case and counter-sued the golf club.”

For Barry this meant that a club that knowingly allows a dangerous situation to occur cannot expect protection from the law. An example would be the danger posed by players deliberately aiming for the fourth fairway when teeing off from the sixth. The Club recognised this at one stage by making the fourth fairway out of bounds. The growth in the trees seems to have alleviated this problem. However, he is more concerned at the dangers posed by an errant tee shot on the 24th tee. It would only take a ball driven at full power through the trees to hit a player on the 23rd green for dreadful damage to be done. He says the solution here is obvious: Implement the Hartley master plan which places the 23rd green mid-way along the current 25th fairway.

When this concern was not addressed his position was clear. He was an elected official. In case of a legal dispute involving the Club it could be his assets that are seized. His only option was to resign.

No doubt he was influenced by his disquiet at the proposal to sell the practice fairway and first hole that nearly tore the Club apart. Barry was right in the thick of it. And even after this was resolved, he was still at odds with the Club. You don’t build a dam on the side of the hill. Apart from the risk

of subsidence you are saddled with the cost of providing power to pump the water to the dam. Then, if you have to create a holding dam on the flat you shouldn't be surprised if this creates a backflow of water that raises the water table and creates immense drainage problems on the 11th and 12th fairways.

This is Barry's story so it is fitting that nearly the last word on this matter should go to him. Not surprising, he fires both barrels.

"The tragedy for the Drouin Golf & Country Club is that the work proposed under Doug Clark's leadership has never adequately been completed. This positive outcome was not achieved basically because there was a major change to the Committee and the works required have been shelved. Blocking creeks to flood one's own land and building dams on the side of hills that slide and eventually collapse, were never part of the design works. Tragically, time has moved on and we now have lost this best and most forward looking President."

Barry wrote this soon after Doug died. Interestingly, in an interview with Doug well before this he said, "Without Barry's contribution, the new nine simply wouldn't have happened."

Enough of the administration and Club politics. Is there another side to Barry? Well, yes there is actually. He has always been a fine sportsman and life after politics turned up some interesting things.

As a youngster he showed talent as a footballer and tried out for Collingwood in 1957 - the year before they won the flag - and made their final list. He was recruited as a centre half forward but would have been too short for that position. No, he would play on the flank to be looked after by Murray Weideman. When his father suffered a serious injury he was forced to abandon that dream and return to the farm. Of course there were some who said that it was more to do with Collingwood not being able to cope with a player who also delighted in playing the violin. That can't be right because in the seventies David Graham, a very talented centre half forward, played classical piano.

He returned to the bush and continued with his football. He coached Nar Nar Goon to a one point loss to Pakenham in the Grand Final. He remembers this game for another reason. He was due to get married the following week. He doesn't know what he would have done if there was a replay. He suspects the marriage may have been postponed. He continued to play football until 38 and then took up golf.

And he can play golf. In the ALP often your enemies are your factional opponents more so than the Tories. Steering clear of trouble in the factional wars is an art. This is especially so when you are the Whip. Not only do you have to keep the naughty boys in order but you are also the PM's eyes and ears ever alert to the rumblings of discontent on the backbench. This has served as a useful training ground for golf. Barry hits the ball straight and doesn't get into too much trouble around the greens. If he putts well then he is in the hunt. His lowest handicap was 10 but age and health problems are starting to take its toll. Still, never count him out. There is always that competitive spirit.

Never was this more evident than in the regular rounds of golf played in Canberra. Bob Hawke had the ego to believe he could win at anything so why should golf be any different? But being Prime Minister simply meant he was fair game so the battle was always on. Another member of the group was John Brown who, when Tourism Minister, had an unfortunate encounter with a koala - it pissed on him while he was performing official duties. He also had an encounter - fortunate this time - with his wife and a table top but in a family publication the details of this shouldn't be revealed. These epic battles took place at Royal Canberra where the Government members enjoyed honorary membership. The moment Barry lost office his membership lapsed. Isn't it good to know that pollies are just like us?

His story can't be complete without returning to the Cocos Islands. If you like your history spicy, look them up. Feuding families, harems, virtual slavery, mutiny, piracy and action in both World Wars – it's all there. To be fair Barry wasn't responsible for any of this because it happened before his time. He did, though, have to prepare the islands for a cyclone with 200 kilometre winds. On another occasion having authorised the manoeuvre, he had to watch nervously as giant Russian transport carrier just managed to lift off before the runway met the ocean. If it had crashed the world press would have had a field day because it was carrying two hippopotamuses headed for the Brisbane zoo. In those days the Cocos was a quarantine station. Now just imagine the reaction if he got either of those decisions wrong!

So that is our Barry. A man of many complexities whose contribution to the Club should not be forgotten.

Written by George Shand