

# SAVE COLONG BULLETIN

THE COLONG COMMITTEE

The Colong Committee

Northam, Western Australia

15 Argyle St.,  
Sydney N.S.W. 2000.

NUMBER 20

12 MAY 1971

Price 10¢

## ANNUAL GENERAL MEETING OF ASSOCIATED PORTLAND CEMENT<sup>2</sup> MANUFACTURERS (AUSTRALIA) LIMITED

### OUT OF THE FRYING PAN AND INTO THE FIRE

Shortly before 9.00 a.m. on Wednesday the 28th April 1971, the Southern Aurora drew into Spencer Street Station, Melbourne, and four members of the Colong Committee and seven New South Wales shareholders stepped into perhaps the most concentrated blaze of publicity yet experienced by a New South Welsh conservation group.

Our Melbourne organiser, Laurence Rentoul, met the Sydney contingent and the party went to the University of Melbourne for a two hour tactics conference organised by Geoff. Parr-Smith of the Melbourne University Conservation Society. Laurence Rentoul, with much energy and organisational ability, had arranged for some 290 proxy shareholders to attend the Annual General Meeting of Associated Portland Cement Manufacturers (Australia) Limited. This year the number of people wishing to attend outstripped the supply of proxy forms.

By about 2.30 p.m. more than 300 people were milling about in the lobby of the A.M.P. theatrette. It seemed as if every radio and television station, every newspaper in Melbourne, not to mention a number from Sydney, were there for the meeting of the year. The media had been alerted by the dynamic efforts of Dr Harvey Cohen of La Trobe University. He had organised lectures with slides, handouts and an abseil down A.P.C.M.'s Melbourne office to attract people to the meeting, all in the space of two weeks.

The Chairman of A.P.C.M. announced the reason for moving the meeting to Melbourne as recognition of the two directors (out of ten) who came from Victoria. The Colong Committee stated previously that the main reason was to escape from conservationist shareholders in New South Wales and that, by holding the meeting in Melbourne, they were jumping "out of the frying pan and into the fire".

By the time the meeting was well under way every seat in the theatrette was taken and many people were standing and sitting in the aisles.

THE FLAMES GROW HIGHER

The meeting started with a vote of thanks to the Board for moving the meeting to Melbourne. "It has given us a chance to meet Victorian conservationists. It is good to see such a fine group of people filling the hall", David Eden, a Colong Committee member, said.

Milo Dunphy, Hon. Secretary of the Colong Committee, moved that the minutes of the previous meeting be not adopted as a true and accurate record. Speaking on his motion, Mr. Dunphy objected to the substantial discussion being recorded as merely "some general discussion". Mr. Dunphy then used his motion to detail the points that were discussed at the previous meeting. This motion was not accepted by the chairman Sir Grant Ferrier, who said Mr. Dunphy's remarks would be "noted".

Time and again during the meeting the chairman commented "Your point has been noted". Despite the same paternal remark last year, shareholders remain without evidence of their remarks in the minutes.

In response to the chairman's reply, Mr. Dunphy moved the first of three motions of no confidence in the Chair. The shareholders responded overwhelmingly in favour of Mr. Dunphy and the Colong Committee. The unanimous response from the floor against the chairman and against the way he was running the meeting was ignored by Sir Grant Ferrier. The three motions of no confidence were not ignored by shareholders or the press.

The discussion on a motion to receive and adopt the Company's reports was lengthy. Milo Dunphy requested the chairman to disclose what level of management authorised the illegal roads to be built in a Public Reserve at Marulan. He also accused the Company of drilling an illegal bore in the same reserve. The chairman was only able to reply that he didn't know about it (despite the fact that the matter had been raised in New South Wales Parliament). David Eden produced a large photograph of the Company's quarry at Marulan showing dumping of overburden into Bungonia Creek through the same reserve. Pat. Thompson (of the Colong Committee) said that this illegal operation is still going on. Despite other shareholders testifying that they had seen the recent dumping, Mr. Taylor, Managing Director of A.P.C.M.(A), demanded verification of the photo.

At this point, a Company stooge applied the gag. He moved "that the motion be put". Terry Stern, a recent valuable member of the Colong Committee, objected with one of many points of order. The chairman conceded and more debate was allowed on the Reports. David Miscamble questioned the valuation of the Company's assets. He argued that the conservation valuation on assets led to an overstatement of the Company's returns on funds employed. He moved that A.P.C.M. (A) be wound up and shareholders be given the proceeds so that they might invest it for a greater return than A.P.C.M. (A) could provide. Despite a seconder for the motion, Sir Grant did not put it to the meeting.

Terry Stern then criticised the reports for the absolute minimum of information they revealed. He said that this was against the best modern practice and could only discourage people from investing in A.P.C.M.(A) shares.

The Company stooge again rose to his feet and insisted that the motion be put. It was.

The question of auditors caused a little confusion. The chairman moved that Wilson, Bishop, Bowes and Craig be appointed company auditors. During discussion, a shareholder objected to the fact that the auditors audited the company's share registry which they themselves kept and moved that "the motion be not put". Sir Grant called for a seconder, received one, put the motion and declared it passed on a show of hands. The company therefore was left without auditors for 1971. The chairman, who was by this time understandably confused, denied that the resolution "that the motion be not put" had been carried, even though a moment before he had declared it carried, and moved that Wilson, Bishop, etc. be appointed auditors. This motion was lost on a show of hands and was carried on a poll (where one share equals one vote and the chairman held over eighteen million votes by proxy).

Finally Terry Stern challenged the special resolution's validity for want of adequate notice. After a long conference with his legal adviser sitting behind him, Sir Grant said that they had given 21 days notice, put the motion and it was carried on a poll. However, in reply to the Colong Committee's challenge, the Company stated two days later that it had made an error and conceded the invalidity of their "special resolutions". THIS MEANS THAT YOU CAN CONTINUE TO BUY ONE SHARE IN A.P.C.M. (A) until they try to pass their resolution next year.

#### THE RESULTS - COLONG COMMITTEE TAKES HOME THE ASHES

1. The chairman made his usual pious remarks about the Company's good intentions and voiced his sentiments that everything would turn out all right in the long run. Sir Grant does NOT WANT to mine Colong but the Board WILL if it is cheapest for the Company.

The Colong Committee rejects this foolish hope and is determined that the Company will NEVER reduce its costs at the expense of the unspoilt beauty of the Colong Caves. The point was made repeatedly that A.P.C.M. has vast reserves of limestone at Marulan and that it could mine these without damaging public reserves at either Marulan or Colong.

2. Sir Grant said that the Marulan study by his company's geologists "will be completed soon" after two years work. When pressed, he defined "soon" as "in three to four months". What A.P.C.M. wants is to negotiate for enlarged leases at Marulan in exchange for their lease at Colong. The Colong Committee is not, however, willing to agree that there should be any enlargement of leases at Marulan until their necessity is adequately demonstrated.

3. Sir Grant offered to meet the Colong Committee but said that we had not asked for a meeting. Milo Dunphy then asked to meet the Board after A.P.C.M.'s Marulan study is completed but before any action is taken by A.P.C.M. Sir Grant said that he could not bind the Company in the future by such an undertaking.

4. The Colong campaign now has a large and enthusiastic band of supporters in Melbourne. The Committee again wishes to thank all those people who managed to organise support or come to the meeting. Perhaps our main battle is with the Government of New South Wales but the cement company's meetings have proved a very effective way of getting people concerned and active. Whether A.P.C.M. gives up its lease or the New South Wales Government takes it, the result is still victory.

5. The Colong issue is now recognised as being of national importance. The Melbourne press was enthusiastic and the resulting coverage was wide-ranging and in depth. The Melbourne Age announced after the meeting that the Colong Caves "have become Australia's biggest conservation issue". The publicity in New South Wales and Victoria alone has moved the issue so much closer to a conservation victory.

PUBLICITY BONANZA FROM A.P.C.M. (A) MEETING

By holding its annual general meeting in Melbourne A.P.C.M. (A) gave the Colong Committee its best ever opportunity for publicity. In addition to extensive T.V. and radio coverage the total space devoted to reporting the meeting by leading dailies in the five mainland State capitals and the National capital was 585 column-inches, equal to some 16 column-years, or several full pages of newsprint.

The score was :

<u>Journal</u>	<u>Column-inches devoted to Colong</u>
The Melbourne Age	112
The Sydney Morning Herald	105
Sun News Pictorial (Melbourne)	55
Financial Review	50
Canberra Times	48
Sydney Sun	47
Melbourne Herald	46
Newcastle Morning Herald	29
The Australian	24
Daily Telegraph (Sydney)	23
The West Australian	23
Jobson's Digest	12
South Australian Advertiser	7
Brisbane Telegraph	4

Some typical comment was :-

John Larkin in the Melbourne "Age"

"The whole game is played according to the rules of the system. But by behaving as heavily as one of its bulldozers, and as relentlessly, the company has shown the

weakness of the system. When a system is so tight, so hardened, that it cannot consider, cannot accept, cannot cope with other people's points of view, when it pretends they do not exist, it begins to become unreal. It is out of step with the times and the more force it uses to push its way, the more resistance will come back to it. It becomes self-destructive. That was the essence of yesterday's confrontation. It was the past trying to cope with the present. It never made it."

John Messer in the Melbourne "Age"

"Three hundred 'tooth and claw' conservationists with single share proxies yesterday laid seige to the annual meeting of the Associated Portland Cement Manufacturers (Australia) Limited meeting in Melbourne...The Colong Caves - in the southern Blue Mountains of New South Wales - have become Australia's biggest conservation issue."

Dr. Harvey Cohen, quoted in the Sydney Morning Herald

"We may be outvoted but we wont be out-talked."

Ted Ryan in the "Financial Review"

"Conservation conscious shareholders in Associated Portland Cement Manufacturers (Australia) Limited yesterday demonstrated the extent to which minority interests can affect the smooth running of a big company. They transformed the A.P.C.M. group's annual meeting in Melbourne into an uproar. They moved motions of no confidence in the Company's Chairman, Sir Grant Ferrier, almost succeeded in leaving the company without auditors for the next 12 months, and forced three lengthy vote counts on different issues."

Chris Twyman in the Sydney "Sun"

"The Associated Portland Cement Manufacturers annual meeting has gained the dubious honour of being the most theatrical gathering of its kind in Australia."

COLONG COMMITTEE AND WARWICK COUNSEL v. SOUTHERN PORTLAND CEMENT COMPANY - EXTRACTS FROM EVIDENCE

(On Feb. 16-18 the Colong Committee made history by objecting, in the public interest, to the granting of an application to lease an area on Barber's Creek, a tributary of the Shoalhaven, for the purpose of dumping quarry waste. It was feared that Colong might be saved at the expense of Barber's Creek and Bungonia Creek, areas of great and almost unique scenic beauty. Doubts as to whether "public interest" was an admissible ground of objection in a Mining Warden's Court were dismissed early in the hearing, which was held at Goulburn and will be continued in Sydney at 10 a.m. on 18th May 1971 on the 14th floor of the State Office Block. The public are entitled to attend. Because of its unique character, the case should be of great interest to the legal profession. Conservationists will give a practical demonstration of "public interest" by attending.)

Mr. Meagher (for the Colong Committee) : "On your current programme, you would be dumping on this land, if the lease were granted to you, very close on half a million tons of mullock of one sort or another each year?".

Mr. Howard (witness from Southern Portland Cement) : "Not exactly. That's our present rate without the lease. With the lease it would increase".

.....

Professor Munro (Hon. Director of Research, Water Research Foundation of Australia) : "...in the bad old days, so to speak, the only thing that mattered in costs or benefits were dollars, whereas now, to give an example, the destruction of an environment is a cost and the preservation or the correction to a better environment is a benefit. This is what they call "multi-objective" approach, whereas in the old days we only had the economic efficiency objective, the regional development objective and the well-being objective, and all are of equal status....I firmly believe that this is a very wise and forward movement but it is not entirely my opinion. They have had eight public hearings in eight capital cities of America. I think it would be fair to say that it is the majority opinion or almost unanimous opinion in America and I think you could say in other countries".

"....The Shoalhaven River and its tributaries I think are as beautiful as any rivers and gorges I have seen in the world and other than perhaps Tasmania there are very few places in Australia where we have such beautiful mountain and gorge river scenery. Usually we have got nothing but stagnant, meandering rivers in flat and uninspiring terrain but here in the Shoalhaven I think is one of the most beautiful river sceneries I have seen anywhere and it is rare in Australia, that kind of scenery".

"....There are many other sources of limestone in New South Wales. More importantly, there are available reasonably level areas of ground west of the quarry where overburden could be stockpiled in an orderly and reasonably inoffensive manner. This would be more expensive than dumping down Barber's Creek gorges but this price must be accepted in order to achieve the 'environmental' and well-being objective of national development".

.....

Mr. Meagher : "And to your knowledge, no permission had ever been obtained to abandon material over the boundary of your lease there at M.L. 29, has it?".

Mr. Stott (Senior Supervising Surveyor of the B.E.P.) :  
"No".

Mr. Meagher : "And in M.L. 30, the dumping towards the eastern boundary of the lease goes right down to the very edge of Barber's Creek, doesn't it?".

Mr. Stott : "That is correct".

Mr. Meagher : "And there is no permission from the Minister to dump beyond the eastern boundary, is there?".

Mr. Stott : "There has been no permission from the Minister but we have attempted to lodge several applications to rectify the situation".

Mr. Meagher : "But nevertheless the dumping continues and goes right down to Barber's Creek?".

Mr. Stott : "To my knowledge there has been no dumping there for a considerable time".

Mr. Meagher : "But the dumping that did take place extends as far as Barber's Creek?".

Mr. Stott : "Yes".

.....

Mr. Meagher : "In your opinion would this land be suitable to be added to the Morton National Park?".

Dr. Mosly (Asst. Director, Australian Conservation Foundation) "It would be highly suitable and perhaps I could explain that. The Barber's Creek area itself is an outstanding part but Barber's Creek must be considered as part of an area which is very much more outstanding. Barber's Creek is a tributary of the Shoalhaven, which at this point makes a bend. Instead of flowing south to north, it used to flow in a south-easterly direction. The whole valley is in the form of a gorge, set in a flat. At Barber's Creek, just to the east, is Long Point, from which a person can stand and look over this magnificent scene, which includes Barber's Creek and the Shoalhaven and the standstone plateau to the south. The importance of Barber's Creek must be understood as part of this overall scene, so this area is exceptionally suited to become part of this national park".

Quote from Water .....

Quote from Water Board regulations :

"Quarry Pit or Mine Refuse : A person shall not deposit or discharge, or permit to be deposited or discharged to any part of the catchment area, any spoil or other matter gotten from a quarry pit or mine which may contaminate or be likely to contaminate the water supply".

Which person do they mean?

MORE KINDLING ..  
HOW YOU CAN HELP TO "SAVE COLONG"

The Colong Committee needs money to continue its work. In its work, costs for legal advice, stationery, specialist reports, photographs, mailing costs, telephone calls etc. have to be met. You can help to contribute by sending a donation, becoming a shareholder and/or becoming a registered subscriber of the Save Colong Bulletin.

By becoming a shareholder in A.P.C.M. (A) you will register your protest with the Company that holds the iniquitous mining lease and enjoy the benefits of being a one-share shareholder. At the last A.G.M. (28.4.71) A.P.C.M.(A) attempted to pass a resolution that restricted the transfer of less than 20 shares. The Colong Committee warned that it would take legal action on the technical point that 21 days' notice of a Special Resolution had not been given and other aspects of the matter. However, A.P.C.M.(A) passed the motion at the meeting. After the A.G.M., A.P.C.M.(A) conceded invalidity of the motion as a "special resolution" necessary to alter the company's articles of association). Now this motion will not be put until the next A.G.M. in 1972, unless the Company calls an Extraordinary General Meeting.

By becoming a registered subscriber of the "Save Colong Bulletin" you will be in touch with the latest developments in the Colong battle and help reduce our mailing costs. The Save Colong Bulletin is published bi-monthly.

The Colong Committee needs workers for typing, duplicating, collating etc. Please contact the Hon. Secretary Milo Dunphy if you wish to help or if you have any special skills to offer the Committee.

Please detach and send to - The Treasuere, The Colong Committee,  
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