

# THE TECHNOLOGY GROUP PTY LIMITED ACN 062 110 454

In Association with Toner Cartridge Recharge Pty Ltd ACN 063 063 189

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24th. July 1999

**For the Attention of Jill Irvine.  
Re Impact of Competition Policy  
Reforms on Rural & Regional Australia.**

By facsimile 02 6240 3311

13 pages

Dear Ms. Irvine,

Thank you for the time extension to allow myself and my husband Denham to submit our submissions. We were not aware of the public hearings or the draft report until the day after the hearing in Tamworth NSW. which was I think 29th. June 1999.

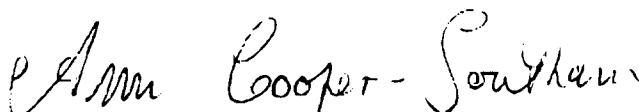
I enclose a three page submission on 'Health of the Aged & Disabled', plus an extra page which contains the song composed by myself in December 1997, and performed at the public protest meeting called when the proposed closure of Tingha Hospital was announced. (You can publish if you wish).

Also enclosed a two page submission on Telecommunications in the bush.

and

a six page submission by my husband Denham Cooper-Southam on the question of water availability in the 'unregulated areas', which is halting commercial development in the New England area, thus his suggestion of a 'Water Bank'

Sincerely,



**Ann Cooper-Southam.**  
Director.

**COMMENTS ON HEALTH AND TELECOMMUNICATION PROBLEMS IN THE BUSH.** Submitted by Ann Cooper-Southam. P.O. Box 33, Tingha NSW 2369. Ph/fax 02 67 233055

**1. HEALTH OF THE AGED AND DISABLED.**

We are a small business situated in the town of Tingha in the New England area of New South Wales, population approximately 850. Our nearest service town is Inverell, 26 kilometres away.

We have no bank, no chemist, and no resident doctor, we do have a police station, Licenced Post Office, a supermarket, pub, petrol station, butcher and a sports and recreation club, and a very industrious close knit community. We also have, however, our hospital, built in the late eighteen hundreds and early nineteen hundreds, which over the years has been supported both by monetary subscriptions totalling many thousands of dollars, plus volunteer work also to the tune of thousands of dollars donated by the residents of Tingha and surrounds. Residents in need could always go to the hospital for preliminary treatment, and then be transported to a larger hospital if necessary. Many babies were born in Tingha Hospital, and the elderly folk of Tingha and other places could be admitted there for treatment, or would be admitted for long stay residential care if their condition became such that they could no longer manage to live at home. The hospital accommodated 29 patients, plus one respite room and bed. The citizens of Tingha contributed \$11,000 towards this respite facility. The hospital is also a first aid post, and is still accredited today. The standard of care and compassion practised at Tingha Hospital is renowned throughout New England, and allows old people to retain their dignity and sense of worth.

The New England Area Health Service in November 1997, in an almost comic public relations exercise as far as the general public of the area were concerned, when they read newspaper reports, that Tingha Hospital was to be downgraded to a 10 bed hostel facility, (later hurriedly denied by New England Health), not a hostel they said, but because the hospital was 'not funded by the commonwealth' and, 'any hospital with less than thirty residents was not viable', the hospital would be, by natural attrition, reduced to ten patients, and that only Tingha people would be admitted. The patients in this hospital now number fifteen or sixteen. I am in the process of asking the NSW Minister for Health Mr. Craig Knowles, for an unequivocal promise that when the magical 'ten' is reached, Tingha Hospital will not be closed. (Two patients were with no relatives were transferred to distant parts. They had no understanding of why or where they were going, the good people who visited them regularly can not visit them now because of the distances involved. There was an outcry from the general public about this, so the process was reverted to 'by natural attrition...'). The New England Health Service carries a cap of some eighteen million dollars, and rationalism is the name of the game. Essential maintenance is not being properly carried out. Hospitals are not being properly cleaned. The list goes on.

What has happened since 1997 in regard to aged people in this area, and probably in many other areas is simply horrifying. They have become the pawns in a political game ruled by whether 'someone' dictates that the accommodation is funded by the commonwealth or the state. They are moved far away from their husbands or wives or children, who can only afford to visit them but rarely.

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**Example 1:** A pensioner daughter is forced to place her father in hospital because she herself has a daughter who is sick. The hospital will not accommodate elderly people long term, so the old man is shipped away. The daughter, because of the cost involved, can only visit intermittently. It costs her between thirty and seventy dollars per trip. She will deny herself, to visit her father, who is in a town where he knows no one and is fading away. He is not sick, he is just old. She will probably get sick because she will go short on food or heating.

**Example 2:** Elderly lady has to pay \$7 for a taxi from her home, so that she can catch a bus for a journey of many miles to see her husband. After her day away, she has to pay another \$7 for a taxi after a tiring bus journey and the emotional upheaval which occurs each time she has to leave her husband in that far away place.

**Example 3:** Respite for disabled young adults. Non-existent in Inverell, Tingha, etc. Community staff had worked for two months organising a room at the Inverell Hospital so that a farmer and his wife could have a little respite for their severely handicapped daughter. They cannot get home respite because of their remoteness. Carers are not willing to provide 24 hour care in a remote area. (There aren't enough anyway). The daughter would provide her own carers, food (she is fed through a stoma), clothing, in fact everything. All the hospital were asked to do was to provide the room, and medical attention *if necessary*. All was arranged. At the last moment, the Chief Executive Officer of New England Health cancelled the arrangement. She said "it would create a precedent". This couple now have to travel to Brisbane, where the husband has to have tests for an obstruction in his windpipe. They have to take their bedridden daughter with them, a round trip of approximately 1,000 kilometres.

**Example 4:** Three people in this area have to travel to Tamworth by bus, three days a week, a nine to twelve hour day, for dialysis just to stay alive.

The burden of these "efficiencies and challenges" blithely referred to by bureaucrats and administrators, (who are about as useful as chocolate kettles, to quote a country councillor) is falling upon the people who can not fight the system. The old and the poor. Last Christmas, elderly patients were shipped out of Inverell Hospital and were not returned. In the case of separated pensioner couples. Who does the washing? Who gets a deaf aid fixed? How can a daily visit be arranged - all these things present monumental difficulties, but are essential for the physical, emotional and spiritual well being of someone who is taken out of their home environment? The fabric of the family is being torn apart. This nightmare is un-Australian, and something has to be done about it. I get cries for help almost every day on the telephone. People in tears begging for assistance to get their loved ones nearer to home base. They know that there are unused beds in Tingha Hospital. They know that there are unused beds in Inverell Hospital, and yet, because of the funding question between commonwealth and state, no one cares. No hospital will accept long term aged patients. Relatives are told "the hospital is for acute care only". In discussions with people involved in the nursing home care of the aged, a disturbing element, born of, I believe, desparation, is emerging. because of this policy. It is, "Old people are not the responsibility of this hospital, we don't want them, get them out of here". This attitude can generate almost a hatred towards elderly people, and they are afraid.

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Aged patients, who do happen to be in the Inverell Hospital, (because wards are closed at weekends to save money, e.g. staff) are placed in the maternity ward. An elderly friend of mine was admitted some months ago, and upon enquiring as to his condition, I was told that he was in maternity - for one horrifying moment, I thought that the informant had said 'eternity'! When speaking to my friend, he was very upset at being in the maternity ward. Also admitted to this ward are children with infectious conditions. New mothers are discharging themselves early because they fear that their new babies will contract a disease. (Which has happened. Doctors are aware of this but they are told that money is not available to maintain wards).

The New England Health Service is carrying a debt of probably more than \$18 million now. They had, and still do have difficulty in paying their creditors. Country businesses suffer because they have to wait for payment. We know, because our business was one of them. We refused to accept any work from them (after we finally got paid), however, recently we were asked by a section of New England Health if we could obtain a cartridge for a fax machine as they had been informed by their supplier that there were non available in Australia. They had been without a fax machine for months. The cartridges were actually available, and we said that we could supply but that we would have to be paid in cash due to previous problems with payment, and that unfortunately the freight charge was \$12 in addition to the cost of the item. They scratched around to pay for the item, which was in total a mere \$79, but the point here is, they were forced to pay a \$12 freight charge, when if *their* regular supplier had been regularly paid, they would have bought it on their account. This is only a small example of a frightening situation in our hospitals.

# **TINGHA TOWN** (or any bush town today).

Ann CooperSoutham/Salisbury Copyright (c) 1997Ph/Fax 02 67 233055  
Composed for the Public Meeting at Tingha in December 1997 Protesting Against The Closure/Downgrading of Country Hospitals.

**Tingha Town, Tingha Town,  
Families are welcome at Tingha Town,  
Fun for the children there's plenty to do,  
Fun for your grandpa and grandmother too,  
Go to the hills, fall in love with the view,  
You'll be happy at Tingha Town.**

**Facts: Male ward, female ward & lounge  
renovated - completed in 88/89 cost  
\$120,000. Respite Room created 91/92  
contributions from residents \$11,000  
plus. Day care centre re-located from  
Inverell High School 1982 cost \$41,000**

**Tingha Town, Tingha Town,  
Take a deep breath as you look around,  
Let your mind wander back over the years  
Think of the laughter, the heartbreak and tears,  
Think of the life of those great pioneers,  
There's a lesson in Tingha Town!**

**Staff now at minimal levels.  
Community support (donations etc) at  
low levels. People have lost faith in the  
system. Hospitals aren't closing,  
they are shrinking away.**

**Tingha Town, Tingha Town,  
Hammer on anvil, a wonderful sound,  
Sawmill is humming, the timber has come,  
Miners are nearing the end of a run,  
Kids from the schoolhouse come out in the sun,  
Life was good in old Tingha Town.**

**Tingha Town, Tingha Town,  
People worked hard in old Tingha Town,  
Hospital built out of blood sweat and tears,  
Caring for families all through the years,  
One stroke of a pen, and it all disappears,  
"This can't happen" says Tingha Town.**

**Tingha Town, Tingha Town,  
Shadows grow long over Tingha Town,  
Moon is arising a beautiful sight,  
Cattle and horses bed down for the night,  
Until tomorrow, we'll turn out the light,  
But you'll always remember,,  
Always remember,  
Coming to Tingha Town.....**

## **2. TELECOMMUNICATIONS IN THE BUSH AND DEREGULATION.**

Submitted by Ann Cooper-Southam, P.O. Box 33. Tingha NSW 2369. Ph/fax 02 67 233055

First of all, some background as to my ability to comment on telecommunications in the bush.

In the early nineties, when we and our company, were situated at Walcha NSW, our company had a dispute with Telstra (Telecom as it was then) which was not satisfactorily resolved. This was before Mr. W. Frank Blount took up the appointment of Chief Executive Officer. After his appointment, and a number of spirited conversations between myself and Mr. Blount, our matter was mutually resolved.

After this, I was invited by Mr. Blount to address Telecom's top executives in Melbourne, on my personal experiences, and the experiences of others discovered when I conducted an independent year long study on the problems experienced by subscribers. Mr. Blount then offered me the position of Intermediary for Telecom, Australia. This meant that I looked after subscribers who had problems Australia wide with problems which could not be solved by the system, a position I held for some time prior to our return to Inverell, NSW, when I resigned in order to assist in the completion patenting and manufacture of our unique Re-Inking Machine.

However, people came to me for assistance in my private capacity as a telecommunications consultant, and still do if they believe that they have a substantial case.

I had been urgently requesting better service for a long time for the New England area, in submissions to Mr. Alston, Minister for Telecommunications, and Mr. Frank Blount. These efforts finally resulted in the first of the Telstra meetings at the Inverell Shire Offices in January 1998, when Telstra agreed with me that the service was the worst in Australia and said that they would spend \$20 million to repair the neglect of the last 20 years.

Since then, many, many people have called upon me for assistance in the New England area, and I have been very happy to help them, and will continue to do so at no cost to them. However, they really should not have the need to come to me, but they do because there are no shop fronts now for Telstra, and they hate talking to a recording which may not properly address their problem anyway.

I am disturbed by the lack of maintenance in the bush. Old cable are lying above the ground in many rural areas, and have been for years. Telstra is not in many cases, aware of *where* they are. I have been able to inform them in many cases of the location of these cables.

I am disturbed at the time taken to install new lines, and the delays in repairing faults. Since co-operating with Telstra in their foray into the area to spend the \$20 million dollars, I have received hundreds of complaints to this end, and am still receiving them.

I will quote a few cases which are typical:-

The purchaser of a block of land situated in a growing sub division area, advised Telstra in October/November 1998, that a telephone would be required in the new house which was to be completed in January 1999. Telstra was aware that there was no main cable i.e.

**infrastructure, in the road. The would be subscriber said that Telstra could install the cable along the side of the road leading to her battle axe block, which she and her husband owned. An order number was issued, and the completed house was duly pre-wired in January 1999. Unfortunately, there was still no cable to link up the telephone. Now, this couple were running a trucking business, and they have three children. They were finally issued with a 'fixed mobile' with very ordinary results, and no fax facility, (they had to go to the saleyards to get their faxes). I was approached in desperation by this couple on 19th May, 1999. Despite my intervention, Telstra still did not complete that infrastructure installation until 2 p.m. on 23rd. July, 1999.**

There are other similar cases involving other housing sub divisions, the Northern Area of Councils when they moved to new premises and gave Telstra six weeks notice, a \$1 million olive crushing factory, and a freight company running 15 trucks. Now these people are being told that there is a question under the Customer Service Obligation that 'if there is no infrastructure, Telstra may not be liable to pay the customer compensation'. The Australian Communications Authority Fact Sheet states "A community of more than 2,500 people, not close to cabling or other infrastructure (how close is close?) connection time should be within one month of customer's application'. People are very confused about the interpretation of guidelines, and are very unhappy when their business suffers.

I am disturbed about inaccuracies of the map location facility, which due to 'staff shortages' does not send staff out to identify underground cables which can result in the severing of essential cables such as fibre optics, when the very often innocent perpetrator of the severance is sued by Telstra for many thousands of dollars. 15,000 cables, various, were severed in Australia in 1996. I do not have any figures more recent than those at present. I have had three maps from the map location facility myself which showed no cable leading to the boundary of our property. A map received recently showed a cable, but it was **wrongly located**. During a discussion with senior Telstra staff that more accurate identification was absolutely necessary, a comment was made, that 'it would cost more money, and the shareholders wouldn't like it'. On reflection, could it be possible that Telstra employees, many being shareholders, could take the view that any extra spending would disadvantage returns on *their* shares.

I am disturbed that business for example farmers in the bush, are being urged to 'get on the net to keep abreast of world prices etc', who have the greatest difficulty getting a reasonable speed of access. Most rural enterprises are more than 5 kilometres from an exchange which dramatically reduces access to a decent service, and also slows down the transmission of faxes, which costs the subscriber more, but puts more revenue into Telstra's pockets, because we in the bush only have access to Telstra's lines, although we can use other providers such as Optus for calls. I have written to the Minister for Telecommunications in early July requesting information regarding faster internet services for the bush. As yet I have received no reply.

**BASIC PROPOSED METHOD OF WATER ALLOCATION COMPILED BY DENHAM-COOPER-SOUTHAM FOR UNREGULATED AREA IRRIGATORS.**

**Ph/fax 0267 233055, Ph. 0267 233031**

This basic proposal is for the formation of a 'Water Bank' by the D. of L. & W. C. (Does not include stock or domestic water use which is fairly minimal per property, e.g. 100 head of cattle would require 2 megs per annum).

The 'Bank' would operate in the following manner if **volumetric allocation** is initiated.

1. Evaluate the total rainfall or underground water available in megalitres for individual areas e.g., 700mm, 1,000mm, 2,000mm etc. This will give an average quantity of water availability.
2. Allow a percentage of this rainfall to be allocated to the 'Water Bank' for irrigation use after security water allocations, river flow requirements have been accounted for.
3. Firstly, cancel all existing licences, and then allocate to all existing users a megalitre allocation of water based on the crop type and the area already in production. (These requirements are already well documented). This will not reduce a users present licence, unless there has been an over allocation, and water quantities cannot be sustained. A pro rata reduction will then apply.
4. Provide additional allocations of water, if water is available, when a landholder wishes to increase production provided:-
  - a) That the landholder is a genuine applicant.
  - b) That commencement of additional work is within 12 months unless extenuating circumstances arise.
  - c) If no development occurs within 2 years, allocation cancelled.
  - d) Extenuating circumstances given proper and appropriate consideration.
5. New operations requiring water. Applicant to receive from the 'Water Bank' a water allocation based on crop/area evaluation on the following terms:-
  - a) Applicant must show a definite proposal for development.
  - b) If additional property(ies) to be purchased for further development by applicant, then a guarantee of water for 6 months must be given to the applicant, to facilitate purchase of property.
  - c) Development commencement within 12 months.
  - d) If no development in 2 years, allocation cancelled.
  - e) Extenuating circumstance given proper and appropriate consideration.
6. A Committee of Review at no charge to the applicant be implemented in the event of a dispute, or if approval for a licence not approved in 40 working days.



## 2 Alternative Water Allocation.

7.

Licences granted and not being used temporarily by the applicant, may be leased at a nominal charge of \$1 to another landholder. **The water however must be used or returned to the 'Water Bank'.**

8.

Brief annual report submitted by licence holders to D. of L. & W. C. on progress of operations to justify their water allocation continuing.

9.

A charge per megalitre towards costs of operation of the 'Water Bank' to D. of L. & W. C. (Bearing in mind that landholders in the unregulated areas already bear the cost of dams/bores etc.) which will also allow grants to be given for efficient water users.

10.

This system will apply to all water available since it is based on area and crop type, feed lot, commercial development etc.

11.

River flows only to be used to the extent of present allocation, except in declared flood times, when all surplus water may be conserved. (Filling dams etc).

12.

The objects of the 'Water Bank' are as follows:-

a) To maximise the use of water.

b) To maximise the production of crops at the lowest economic cost by removing the high costs being paid to purchase water licences ( i.e. a piece of paper).

c) To implement a system to encourage landholders to conserve water (Drip irrigation, piped water - not open water channels with high evaporation rates.

d) Use water allocations in the most effective manner or lose the entitlement.

e) To reduce the cost of employing unnecessary bureaucrats.

13.

The above 'Water Bank' proposal could only be used if the State Governments own all water and in this respect, the attached document "**Water - a Right or a Privilege**" prepared by Barrister Mr. Michael Tubbs, should be carefully considered as to its legality.

fin.

## WATER - A RIGHT OR A PRIVILEGE?

Michael Tubbs

March 28

A right to any water that falls or exists upon, flows through, or is under the surface, is a right that all land owners have had at common law since Magna Carta.

Water attaches to and becomes part of the land upon which it falls or accumulates upon or under.

Water, including ground water is, at law, part of the fee simple of land (1). Scientifically, water falling on land is part of the hydrologic circle, which is regarded as a unity. As law professor Frank Trelease comments in his treatise on water law, practically all courts have held that at common law "the landowner" owns "surface water diffused over his land and may capture it and use it on his land" (2).

It would certainly be extraordinary if any court were to hold otherwise.

A conveyance of land has always included its physical aspects as an entity (3). It has been said and held that title in land includes everything on the surface, above the surface and beneath the surface, unless the contract for conveyance expressly states otherwise (4). Thus, when property is sold and purchased, the contract of conveyance and sale of land will not expressly refer to any water or water rights which form part of the land.

Title in land also includes all things naturally existing on the land, so that it is not necessary to expressly specify them in a contract for the sale of land (5). Water naturally exists on or under a parcel of land. As Street J. pointed out, "land" may be defined by horizontal as well as vertical boundaries (6 & 7).

Also, Osborne's concise "Law Dictionary" defines land to include "water".

As was quoted with approval by Wilson J., "a fee simple is the most extensive in quantum, and the most absolute in respect to the rights which it confers, of all estates known to the law. It confers, and since the beginning of legal history it always has conferred, the lawful right to exercise over, upon, and in respect to the land, every act of ownership which can enter into imagination, ..... and for all practical purposes of ownership, it differs from the absolute dominion of chattel, in nothing except the physical destructibility of its subject." (8)

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LJ SL RHODES

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P.02

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I submit it is not surprising that legislation dealing with the purchase, conveyance and acquisition of land has picked up and codified the common law definition of land so that:

- 1) Section 3 of the Real Property Act 1900 (under which all title to land is indefeasibly registered) defines land as "land, messuages, tenements, and hereditaments corporeal and incorporeal of every kind and description or any estate therein, together with all paths, passages, ways, water-courses, liberties, privileges, easements, plantations, gardens, mines, minerals, quarries and all timber thereon or thereunder lying or being unless any such are specially excepted."

It was noted by Starke J. that land that abuts a river gives an inherent right of access as a riparian tenement (9). Thus every registration of land under the Real Property Act gives indefeasible title, subject only to such qualifications as that Act itself declares (10).

- 2) The Conveyancing Act, defines "land" so as to include land under the Real Property Act 1900 and inter alia "every estate and interest therein whether vested or contingent, freehold or leasehold and whether at law or in equity."

Stuckey and Needham in their published annotations of the Conveyancing Acts and Regulations, state the definition of "land" in its ordinary meaning is a generic term comprehending every species of ground soil, or earth, even when covered with water, as, e.g. a reservoir".

- 3) In view of the above legislation definition of land, it is not surprising therefore to find that the Land Acquisition (Just Terms Compensation) Act 1991 defines "land" as "includes any interest in land", and defines "interest in land" to mean:
  - a) a legal or equitable estate or interest in land; or
  - b) an entitlement right, charge, power or privilege over, or in connection with the land".

I submit the law is abundantly clear in respect of a property owner's (landowner's) right in title to the water falling upon, accumulating on, flowing through, or existing under the surface of their land. It being part of the landowner's fee simple in land.

- 4) Further, Section 8 of the Land Acquisitions (Just Terms) Compensation Act 1991, provides that that Act prevails over any other Act or any other authority of the State.

02/6/86 1983

P.03

Reform Policy

The NSW Government's alleged water reform policy of maintaining a cap on the building by landowners of earthen paddock tanks to catch and use water is a nullity, because:

- a) Common law rights to water falling on or laying on or existing under land still exist for landowners, forming part of the fee simple of land;
- b) Neither the Water Act 1912 nor the Water Administration Act 1986 ("W.A. Act") express an intention by Parliament to compulsorily resume or acquire any part of an owner's fee simple in land;
- c) Neither the Water Act 1912 nor the W.A. Act express an intention to change the common law of land, the doctrine of fee simple land title, or real property law;
- d) Even if it were to be found that there was an intention of Parliament when passing the Water Act and W.A. Act to change the common law or real property law or to compulsorily resume or acquire any part of an owner's fee simple in land, there has not been to date a valid resumption or acquisition of the owner's fee simple in land or interest in the land, or any just compensation paid as required by the Land Acquisition (Just Terms) Compensation Act 1991. Thus the water reform policy can have no application on landowners' water rights;
- e) Notwithstanding the landowner's common law rights to water, the Department of Land & Water Conservation's ban on building earthen paddock tanks in the Central Tablelands is:
  - (i) Absurd;
  - (ii) Capricious;
  - (iii) Irrational;
  - (iv) Unjust (inequitable);
  - (v) Manifestly unreasonable;
  - (vi) Against the public interest;
  - (vii) Disproportionate to the objectives of the Acts.
- f) The capping policy is an abrogation of the Department's delegated authority and/or has been made negligently and/or in bad faith;
- g) The decision to treat land surface water caught in earthen paddock tanks as the extraction of water from rivers, is capricious, wasteful and inequitable;

h) It does not facilitate farm water conservation and farm self-sufficiency in water storage and is therefore anti-agrarian, uneconomical and absurd;

i) A capping policy which prevents farm water storage cannot be justified upon meteorological, hydrological, ecological or economic grounds and therefore should be terminated forthwith.

j) A water reform policy which does not focus on water pollution, land degradation and soil erosion is absurd.

Finally, any regulation of private water resources must, to be lawful, comply with the requirements of the Lands Acquisition (Just Terms Compensation) Act 1991, and be done with equity and good conscience towards the fee simple titleholder of land.

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1. see *Acton v. Blundell* (1842) 152 E.R. 1223.
  2. see Section 27, p.30 of Handbook of Applied Hydrology (ed) Ven Te Chow, McGraw Hills Inc.
  3. see *Travinto Nominees P/L v. Vlaties* (1973) 129 CLR 1; and *Pierce Bell Sales P/L v. Frazer* (1972-73) 130 CLR at p.583.
  4. see *Grigsby v. Melville* (1974) 1 WLR 80).
  5. see *Marshall v. Green* (1875) 1 C.P.D. 35.
  6. in *Rochester Investments P/L v. Councman* (1969) 90 WN (Pt. 1) (NSW) 371,
  7. see also Windeyer J. in *Commissioner for Main Roads v. North Shore Gas Co Lid* (1967) 120 CLR 118 at 132; and *Resumed Properties Department v. Sydney Municipal Council* (1937) 13 LGR (NSW) 170).
  8. see *Commonwealth of Australia v. Maddalozzo* (1980) 29 ALR 161 at 173)
  9. see *Dabbs v. Seaman* (1925) 36 ALR 538).
  10. *Ibid.*