



ANNO QUADRAGESIMO QUARTO ET QUADRAGESIMO QUINTO

# VICTORIÆ REGINÆ.

A.D. 1881.

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No. 207.

An Act to provide for the establishment of Lines of Telephonic and Telegraphic Communication, and for other purposes.

*[Assented to, November 18th, 1881.]*

**W**HEREAS it is desirable to provide for the construction, maintenance, and regulation of lines of telephonic and telegraphic communication—Be it therefore Enacted by the Governor of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said province, in this present Parliament assembled, as follows :

Preamble.

1. This Act shall be called and may be cited as “The Telephone Act, 1881,” and shall be read with and construed as part of “Act No. 6 of 1857.”

Short title and construction.

2. The Superintendent of Telegraphs, or any person from time to time authorised in that behalf by the Governor, may construct, maintain, or enter into any contract for the construction and maintenance of lines of telephonic or telegraphic communication, and the Governor or the Superintendent of Telegraphs, and his officers, clerks, and servants shall, so far as is consistent with this Act, have the like powers respectively so far as relates to the superintendence, construction, establishment, maintenance, and protection of such lines of telephonic communication as they may have under any laws for the time being in force in reference to lines of communication by electric telegraph.

Construction of lines of telephonic or telegraphic communication by the Government.

3. The Superintendent of Telegraphs may from time to time enter into an agreement with any person, upon such terms and conditions

Agreement may be made for construction or maintenance and

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use of telephonic or telegraphic lines.

as he may think fit, to construct or maintain lines of telephonic or telegraphic communication for such person in any district or places named in such agreement. Every line of telephonic or telegraphic communication shall be used exclusively for the business or private affairs of such person or of any other person approved by the Superintendent of Telegraphs.

Rents and charges to be set out in agreement.

4. Every person entering into such agreement shall pay to the Superintendent of Telegraphs, in advance, such periodical rents or charges as shall be named in such agreement: Provided, however, that such rents and charges shall be in accordance with a scale to be fixed from time to time by the Governor.

Power to prohibit and prevent use of telephonic or telegraphic lines.

5. The Superintendent of Telegraphs may, in such manner as may be convenient, and without being subject to pay compensation to any person, prohibit and prevent the use of any line of telephonic or telegraphic communication by any person who makes use or permits the use of such line for other purposes than his own business or private affairs, or the rents or charges in respect of which line have not been paid to the Superintendent of Telegraphs.

Application of provisions of Act No. 6 of 1857 to telephonic lines.

6. The provisions of Act No. 6 of 1857, to regulate the construction and management of electric telegraph, shall apply to all lines of telephonic communication to be constructed under the provisions of this Act as fully and effectually for all purposes whatsoever (including the dealing with and punishment of offenders) as if such lines were lines of communication by electric telegraph within the meaning of the said Act, either by express reference therein or by implication.

Penalty for erection and maintenance of lines of telegraphic or telephonic communication by private persons.

7. Any person who shall set up, maintain, or use in or on any lands of the Crown, except on lands leased by the person desiring to set up, maintain, or use the same, or in or on any public road, street, or highway any line of private telegraphic or telephonic communication, or who shall wilfully use any such line heretofore set up and neglect to comply with any notice from the Superintendent of Telegraphs to pay such charges in respect of any such line heretofore set up as may from time to time be fixed by the Governor, shall on conviction of any such offence forfeit and pay a sum not exceeding Five Pounds for every day during which any such line shall be or continue to be so set up, maintained, or used contrary to the provisions of this Act; and the Superintendent of Telegraphs may at any time authorise any person to take absolute possession of, cut down, or destroy the whole or any part of any such line.

Power to remove private lines.

Regulations.

8. The Governor may from time to time make regulations prescribing the terms and conditions on which lines of telephonic or telegraphic communication will be constructed and maintained, or on which the exclusive use of any line of telegraphic or telephonic communication may be granted or let to any person for his own business or private affairs only, and generally for the purpose of carrying

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carrying out the objects of this Act. Copies of all such regulations shall be published in the *Government Gazette*, and laid before both Houses of Parliament within fourteen days from the date thereof, if Parliament shall be then sitting, and if not sitting, then within fourteen days after the next meeting of Parliament.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

WM. F. DRUMMOND JERVOIS, Governor.