



ANNO TRICESIMO QUINTO ET TRICESIMO SEXTO

# VICTORIÆ REGINÆ.

A.D. 1872.

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No. 10.

*An Act to secure, in certain cases, the Right of Property in Telegraphic Messages.*

[Assented to, 26th June, 1872.]

**W**HEREAS it is expedient to secure, in certain cases, the right of property in telegraphic messages—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. When any person, in the manner hereinafter mentioned, publishes in any newspaper or other printed paper published in the said Province, any message by electric telegraph from any place outside the Australian Colonies, lawfully received by such person, no other person shall, without the consent in writing of such first-mentioned person, or his agent thereto lawfully authorized, print or publish, or cause to be printed or published such telegram, or the substance thereof, or any extract therefrom until after a period of twenty-four hours from the time of such first-mentioned publication: Provided that such period shall not extend beyond thirty-six hours from the time of the receipt of such message (Sundays excepted), and the publication of the whole or any part of such telegram, or of the substance thereof, or (excepting the publication of any similar message in like manner sent) of the intelligence therein contained, or any comment upon, or any reference to such intelligence, shall be deemed to be a publication of the same.

Messages by electric telegraph not to be published during twenty-four hours after receipt without consent of the receiver.

2. If any person wilfully print and publish, or cause to be printed and published, any matter contrary to the provisions of this Act, he shall be guilty of a misdemeanor, and, on conviction thereof, shall

Unlawful publishing, a misdemeanor.

*The Telegram Copyright Act.—1872.*

be liable to a penalty of not less than Ten Pounds and not exceeding One Hundred Pounds; and every person who is convicted a second time of any offence against this Act, shall be deemed to be guilty of a misdemeanor, and, on conviction thereof, shall be liable to a penalty of not less than Fifty Pounds and not exceeding Two Hundred Pounds.

How telegraphic message protected by this Act to be headed.

3. Every telegraphic message published under the protection of this Act shall be printed with the heading, "By Submarine Telegraph," and shall state the day and hour of its receipt; and such statement shall be *prima facie* evidence of the time of the receipt of such message.

During twenty-four hours protected intelligence not to be transmitted to any person outside South Australia.

4. During the period of twenty-four hours hereinbefore mentioned, no intelligence protected by this Act shall be transmitted by electric telegraph to any person outside South Australia by or on behalf of any person other than the person who, under the provisions of this Act, is entitled to the exclusive use of such intelligence.

What to be deemed *prima facie* evidence of publication of message.

5. In any prosecution under this Act, the production of any document which purports to be a telegraphic message from some place outside the Australian Colonies, and which contains the intelligence published in the newspapers as aforesaid, and which has been delivered to some person entitled to receive the same by the proper officer of the Electric Telegraph Department, shall be *prima facie* evidence that the message published as hereinbefore described in such newspaper, is a message within the meaning of this Act; and proof that any person is, or is acting, or appears to be acting as editor, sub-editor, or manager of any newspaper in which there has been any publication contrary to the provisions of this Act shall be *prima facie* evidence that such person has wilfully caused such unlawful publication.

Proceedings for offences to be heard and determined under Ordinance No. 6 of 1850.

6. Every proceeding under this Act for acts and offences to which penalties attach, shall be heard and determined in a summary way by any Special Magistrate or two Justices of the Peace for the said Province, under the provisions of an Ordinance of the Governor and Legislative Council of the said Province, No. 6 of 1850, "To facilitate the performance of the duties of Justices of the Peace out of Sessions with respect to Summary Convictions and Orders," or of any Act hereafter to be in force in the said Province relating to the duties of Justices of the Peace with respect to summary convictions and orders, and all convictions and orders may be enforced as in the said Ordinance or Act is mentioned.

Act not to extend to documents published by Government Printer, or in Parliament.

7. Nothing in this Act shall extend to any document published by the Government Printer, or to the report of any proceedings in either House of Parliament.

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

JAMES FERGUSSON, Governor.