



ANNO QUADRAGESIMO QUINTO ET QUADRAGESIMO
SEXTO

VICTORIÆ REGINÆ.

A.D. 1882.

No. 248.

An Act to amend the Laws relating to Vaccination.

[Assented to, August 30th, 1882.]

WHEREAS it is expedient to amend the law relating to vaccination — Be it therefore Enacted by the Governor of the Province of South Australia, with the advice and consent of the Legislative Council and the House of Assembly of the said province, in this present Parliament assembled, as follows: Preamble.

1. Act No. 21 of 1872, intituled “The Vaccination Act, 1872,” is hereby repealed. Repeal.

2. This Act shall be called and may be cited as “The Vaccination Act, 1882.” Short title.

3. In this Act the term “parent” includes any person having the custody of a child; and the term “medical practitioner” means a legally qualified medical practitioner, within the intent of Ordinance No. 193 of 1880, or other statute or statutes in force for the time being in the said province in that behalf, and the words “Registrar of Births” shall mean and include the Registrar-General of Births, Deaths, and Marriages, and any deputy registrar, and any district registrar, or assistant registrar of births, deaths, and marriages. Definition of “parent,” “medical practitioner,” and “Registrar of Births.”

4. The Governor may, by Proclamation in the *Government Gazette*, divide the said province into districts for the purpose of affording facilities for vaccination, and may appoint a place or places in each such district for the performance of such vaccination, and may from time Colony to be divided into districts for the purposes of vaccination, and places appointed for the performance of vaccination.

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time to time vary or revoke such Proclamation and establish other districts and places for the purposes aforesaid; and the Governor shall cause effectual means to be taken for giving all persons resident within such district notice of the days and hours at which the medical officer or practitioner, hereinafter called the public vaccinator, duly appointed for such purpose as hereinafter mentioned, will attend at such place to vaccinate all persons not already successfully vaccinated who may then appear there, and also of the days and hours at which the public vaccinator will attend at such place to inspect the progress of such vaccination in the persons so vaccinated.

Regulations may be made and fees fixed.

5. The Governor may from time to time make, alter, vary, or revoke regulations for the purpose of carrying this Act into execution, and may by such regulations direct what fees shall be paid to any officers appointed under this Act, or to any deputy-registrar, for the registration of cases of successful vaccination; and such regulations shall, within one month of the making thereof, be published in the *Government Gazette*.

On breaking out of small-pox, Governor may proclaim province infected.

6. On the breaking out of small-pox in the province, the Governor may, by proclamation in the *Government Gazette*, declare the province infected by small-pox, and may thereupon make such additional regulations as may be necessary for the safety of the public.

Governor may appoint officers to carry out this Act.

7. The vaccination officer and public vaccinators appointed, and now acting under the Act hereby repealed, shall continue to be the vaccination officer and public vaccinators for this province under this Act, and the Governor may appoint such further public vaccinators for this province, and such other officers as may be necessary for carrying the provisions of this Act into execution, and may from time to time remove any such vaccination officer, public vaccinator, or other officer, and appoint another in his stead.

Vaccine matter to be kept.

8. The vaccination officer shall, as far as practicable, procure and preserve a sufficient supply of animal and humanised lymph, and shall furnish the same, without charge, to the public vaccinators and medical practitioners who shall apply for the same.

Parents and guardians shall cause their children to be vaccinated.

9. The parent of every child born in the said province shall, within six months after the birth of such child, take or cause to be taken the said child to the public vaccinator duly appointed in and for the district or any part thereof in which the said child is resident, for the purpose of being vaccinated, unless such child shall have been previously vaccinated by some medical practitioner or by some other public vaccinator in the said province; and the said public vaccinator so appointed shall, and he is hereby required thereupon, or as soon after as it may conveniently and properly be done, to vaccinate the said child.

Provision for inspection of vaccination.

10. Upon the same day in the following week when the operation shall

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shall have been performed by the public vaccinator, the parent shall again take the child, or cause it to be taken, to him, that he may inspect it and ascertain the result of the operation, and if he see fit, take from such child lymph for the performance of other vaccinations; and in the event of the vaccination being unsuccessful, such parent shall, if the vaccinator so direct, cause the child to be forthwith again vaccinated and inspected as on the previous occasion.

11. If any public vaccinator appointed as aforesaid or medical practitioner shall be of opinion that the child is not in a fit or proper state to be successfully vaccinated, he shall forthwith deliver to the parent a certificate under his hand, according to the form in the Second Schedule hereto, or to the like effect, that the child is then in a state unfit for successful vaccination, which certificate shall remain in force for two months, and shall be renewable for successive periods of two months, until a public vaccinator appointed as aforesaid or medical practitioner shall deem the child to be in a fit state for successful vaccination, when the child shall with all reasonable dispatch be vaccinated and the certificate of successful vaccination duly given if warranted by the result.

Provision for the
unfitness of the child
for vaccination.

Second Schedule.

12. At or before the end of each successive period the parent shall take or cause the child to be taken to the public vaccinator appointed as aforesaid or medical practitioner, who shall then examine the child and give the certificate, according to the said form in the Second Schedule, so long as he deems requisite under the circumstances of the case.

Provision for
successive certificates

13. If any public vaccinator or any medical practitioner shall find that a child whom he shall have three times unsuccessfully vaccinated is insusceptible of successful vaccination, or that a child brought to him for vaccination has already had the small-pox, he shall deliver to the parent a certificate under his hand, according to the form in the Third Schedule hereunto annexed or to the like effect, and the parent shall thenceforth not be required to cause such child to be vaccinated.

Provision where child
is not susceptible of
successful vaccination.

Third Schedule.

14. Within seven days after the successful vaccination of any child the public vaccinator appointed as aforesaid who shall have performed the operation, or ascertained the same to have been successfully performed, shall deliver to the parent of the said child a certificate under his hand according to the form set forth in the Fourth Schedule hereto, that the said child has been successfully vaccinated, and shall also transmit a duplicate of the said certificate to the Registrar-General, in Adelaide; and such certificate shall, without further proof, be admissible as evidence of the successful vaccination of such child on the hearing of any information or complaint which shall be brought against the parent of such child as aforesaid for non-compliance with the provisions of this Act.

Certificates of suc-
cessful vaccination
to be delivered.

Fourth Schedule.

15. No fee or remuneration shall be charged by any public vaccinator

Public vaccinator
not to charge parents.

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for vaccination or certificates.

vaccinator to the parent for any certificate or duplicate certificate given, nor for any vaccination done under this Act.

Legally qualified medical practitioners may give certificates.

16. Notwithstanding anything contained in this Act, any medical practitioner in the said province may give a certificate of the operation of vaccination having been successfully performed upon any child, or of the incapacity of any child to receive the vaccine disease, or of any child being in an unfit state for vaccination; and every such certificate shall be valid for the purposes of this Act, in the same manner as any certificate to be granted by a public vaccinator appointed under this Act.

Transmission of certificates where vaccination is performed by a medical practitioner not a public vaccinator.

Fourth Schedule.

17. Where vaccination shall be performed by a medical practitioner not being a public vaccinator, the parent causing the child to be vaccinated shall submit to such medical practitioner a certificate in duplicate, according to the form set forth in the Fourth Schedule hereto, to be filled up and signed by such medical practitioner, who shall, within seven days after the successful performance of the operation of vaccination, transmit one copy of such certificate so signed, by post or otherwise, to the Registrar-General.

Registrar to keep a register of cases of successful vaccination

18. The Registrar-General shall keep a register of the persons of whose successful vaccination a certificate shall have been transmitted to him as herein provided by the said public vaccinator or medical practitioner, and shall at all reasonable times allow searches to be made in any such register-book in his keeping, and shall give a copy certified under his hand of any entry in the same on payment of the fee of One Shilling.

Notice to be given of the requirement of vaccination and penalty on failure of parent or guardian to comply therewith.

First Schedule.

19. The registrar in every district shall, on the registration of the birth of any child not already vaccinated within the said district, cause notice in writing, according to the form set forth in the First Schedule hereto, to be given to the person registering the said child or sent by post or otherwise to the parent of such child, that it is the duty of such parent to take care that the said child shall be vaccinated and taken for inspection in the manner directed by this Act; and such notice shall contain the name and address of the public vaccinator who resides nearest to the child's place of abode, and shall have attached thereto, or sent therewith, forms according to those given in the Second, Third, and Fourth Schedules, respectively, of this Act, of which forms that given in the Third and Fourth Schedules shall be delivered in duplicate. And if, after such notice given, or sent, or placed in any post office addressed to the parent of the said child, he or she shall not accordingly cause such child to be vaccinated, or shall not upon the same day in the following week as the day when the vaccination shall have been performed, take, or cause to be taken, such child for inspection by the public vaccinator, or shall refuse to permit the public vaccinator to remove and retain the vaccine matter from the arm of the said child, or to again vaccinate such child if the previous vaccination shall have proved unsuccessful, then such parent so offending shall be liable to a penalty of not less than

Second, Third, and Fourth Schedules

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than Ten Shillings, and not exceeding Forty Shillings, upon conviction of the first offence, and shall, in the case of any subsequent conviction for a like offence in respect of the same child, forfeit a sum which shall be twice the amount of the penalty inflicted on such person for the offence immediately preceding such subsequent conviction: Provided that the total amount of the penalties imposed in any conviction in respect of the same child shall not exceed Five Pounds.

20. It shall be lawful for the superintendent or other officers of police, or other person appointed by the Government for that purpose, to make or cause inquiries to be made as to whether the provisions of this Act have, from time to time, been complied with: and for that purpose to call upon every householder to declare, in writing, the number, age, and sex of any children in his or her house, and when and where each of the said children were vaccinated; and in the event of any such householder refusing to make such declaration, or making such declaration falsely or incorrectly, such householder, for every such offence, shall be liable to a penalty not exceeding Twenty Pounds.

Power to make inquiries as to compliance with Act.

21. The Registrar-General shall, from time to time in each year, forward to the Commissioner of Police a list of all cases of children who shall then be living, in which certificates of vaccination shall not have been duly received by him during the last preceding six months, and the said Commissioner of Police shall forthwith make inquiry into the circumstances of the cases contained in such list, and if he shall find that the provisions of this Act have been neglected, he shall cause proceedings to be taken against the persons in default, if such person resides within fifty miles of a public vaccinator.

Registrar-General to report to police where vaccination is neglected.

22. Any public vaccinator who shall refuse or neglect to deliver any certificate required of him under this Act to the parent bringing a child for vaccination, or any public vaccinator who shall neglect to transmit to the Registrar-General the duplicate of any certificate required by the provisions of this Act to be by him so transmitted completely filled up and legibly written within the time hereinbefore specified, or any medical practitioner who shall refuse or neglect to fill up and sign in duplicate and deliver to the person submitting the same the certificate given in the Fourth Schedule of this Act, or who shall neglect or refuse to deliver to such person any other of the certificates mentioned in sections eleven, twelve, and thirteen of this Act when any of such certificates shall be required in consequence of a child's unfitness for or insusceptibility of vaccination, as the case may be, shall be liable to pay upon a summary conviction a penalty not exceeding Forty Shillings nor less than Ten Shillings.

Penalty for refusal to sign, deliver, or transmit certificates.

Fourth Schedule.

23. Any person who shall wilfully sign a false return or certificate, or duplicate thereof, under this Act, or under any regulations made

Persons signing false certificates guilty of misdemeanor.

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made under section five of this Act, shall be guilty of a misdemeanor, and shall on conviction thereof be imprisoned for a period not exceeding twelve nor less than three months.

Payment for re-vaccination in certain cases.

24. No public vaccinator shall be entitled to any fee or reward under this Act for successfully vaccinating any person who shall have been previously successfully vaccinated, unless such re-vaccination shall be performed in pursuance of or in compliance with any directions or instructions issued under the authority of the Governor, in which case such public vaccinator shall be entitled to receive for each case of such successful re-vaccination the fee appointed for successful vaccination by the regulations made under section five of this Act.

Cases of small-pox to be reported to Board of Health.

25. If at any time the disease of small-pox shall, by a notice in the *Government Gazette*, be declared to be present in the said province, any person who shall neglect to report to the Central Board of Health, or to the Local Board of Health, or to the officer of police for the district in which such person resides, any case of small-pox or disease resembling small-pox, immediately on the existence of any case of such disease coming to such person's knowledge, shall, on conviction of such neglect, forfeit a sum not exceeding Fifty Pounds nor less than Twenty Pounds.

Persons arriving in vessels in which small-pox exists or has existed during the voyage to be re-vaccinated.

26. Should any vessel arrive in the said province on board of which any case of small-pox shall exist at the time of the arrival of such vessel, or on board of which any case of small-pox shall have occurred within forty days previous to the arrival of such vessel in the said province, it shall be lawful for the health officer or acting health officer, or any public vaccinator, or duly qualified medical practitioner to vaccinate or re-vaccinate every person who shall be on board such vessel, or who may be landed from such vessel in the said province; and any person arriving in the said province in such vessel who shall refuse to submit to be vaccinated or re-vaccinated, or who shall refuse to permit any child in his custody to be vaccinated or re-vaccinated by such health officer or acting health officer, or public vaccinator, or duly qualified medical practitioner, shall be liable to a penalty of not more than Ten Shillings nor less than Five Shillings for every day after such refusal during which such person shall remain without being vaccinated or re-vaccinated as aforesaid, and for every day after such refusal during which any child in the custody of such person remains without being vaccinated or re-vaccinated as aforesaid.

Vaccination officer to provide books and forms for carrying out the provisions of this Act.

27. The vaccination officer shall, and he is hereby empowered to frame and provide such books and forms as he may deem requisite for carrying into full effect the provisions of this Act, and shall transmit the same to the registrars of each district, together with copies of such regulations as may be made under section five of this Act, and shall deliver to the public vaccinators appointed as aforesaid such of the said books, forms, and regulations as they may require for the performance of the duties imposed upon them by this Act.

28. The

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28. The vaccination officer, and every registrar and every public vaccinator appointed under this Act, may transmit and receive by the General Post Office to and from places in the said province all letters and packets relating exclusively to the execution of this Act free of postage: And such letters and packets shall be in covers open at the sides, and be directed to or bear the signature of the vaccination officer, registrar, or public vaccinator as aforesaid.

Correspondence of registrars and others relating to this Part to be free of postage,

29. Any person who shall after this Act comes into operation produce, or attempt to produce, in any person by inoculation with variolous matter, or by wilful exposure to variolous matter, or to any matter, article, or thing impregnated with variolous matter, or wilfully by any other means whatsoever produce the disease of small-pox in any person in the said province, shall, on conviction, be liable to a penalty not exceeding One Hundred Pounds, or to be imprisoned for any term not exceeding twelve months.

Punishment of persons inoculating or otherwise producing small-pox.

30. In any prosecution for neglect to comply with the provisions of this Act it shall not be necessary in support thereof to prove that the registrar or any other officer has given or sent, by post or otherwise, notice of the requirements of this Act; but if the defendant produce any such certificate as hereinbefore described, or the register of vaccinations kept by the registrar as hereinbefore provided, in which register the certificate of successful vaccination of such child shall be duly entered, the same shall be a sufficient defence for him, except in regard to the certificate set forth in the Second Schedule of this Act when the time specified therein for the postponement of the vaccination shall have expired before the time when the information shall have been laid.

Not necessary for prosecutor to prove service of notice.

Certificates to be sufficient defence.

Second Schedule.

31. Every proceeding under this Act for acts and offences to which penalties attach, shall be heard and determined by any Special Magistrate or two Justices of the Peace for the said province.

Proceedings to be before a Special Magistrate or two Justices of the Peace.

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

WM. F. DRUMMOND JERVOIS, Governor.

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SCHEDULES REFERRED TO.

FIRST SCHEDULE.

I, the undersigned, hereby give you notice that you are required to have the child [*insert name of child*], whose birth is now registered, vaccinated within six months from the date of its birth, pursuant to the provisions and directions of "The Compulsory Vaccination Act;" and that on the same day in the following week on which such child shall be vaccinated, you are to take such child to the public vaccinator or medical practitioner by whom the vaccination shall have been performed, in order that such vaccinator or practitioner may inspect the result of such vaccination, and remove the vaccine matter from such child; and that in default of your doing so, you will be liable to the penalties imposed in this Act for neglect of those provisions.

of _____ is the public vaccinator
residing nearest your place of abode.

You are required to produce to the public vaccinator or medical practitioner to whom you apply the forms herewith supplied to you, for him to fill up and sign.

Dated this _____ day of _____ 18 .
(Signed) _____ C.D.,
Registrar of Births and Deaths for the
district of _____

SECOND SCHEDULE.

I, the undersigned, hereby certify that I am of opinion that _____ aged
the child of _____ of the _____ of _____ is not
now in a fit and proper state to be successfully vaccinated, and I do hereby postpone the
vaccination of such child until the _____ day of _____ [This must not
exceed two calendar months from the date of this certificate.]

Dated this _____ day of _____ 18 .
(Signed) _____ A.B.,
Public Vaccinator for the district of _____
or A.B.
Medical Practitioner [*i.e.* M.D., or M.R.C.S., or otherwise,
as the case may be].

Memo.—This is to be kept by the parent or other person to whom it is given.

THIRD SCHEDULE.

I, the undersigned, hereby certify that I have _____ times unsuccessfully
vaccinated _____ aged _____ the child of _____
of _____ of _____ in the _____
[or that the child has already had smallpox, as the case
may _____]

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may be], and I am of opinion that such child is insusceptible of successful vaccination.

Dated this _____ day of _____ 18 .

(Signed) _____ A.B.,
Public Vaccinator for the District of _____
or A.B., _____ of
Medical Practitioner [*i.e.* M.D., or M.R.C.S., or *otherwise*
as the case may be].

MEMO.—This is to be kept by the parent or other person to whom it is given.

FOURTH SCHEDULE.

Name (in full) and Surname of Child.	Age.	Where Born.	Name and Surname of Father (or if child is illegitimate, of Mother).	Residence of Parents.
John Thomas Brown ..	3 months	Hindley-street, Adelaide	Thomas Brown	Hindley-street

I, the undersigned, hereby certify that the above-named child has been successfully vaccinated by me.

(Signed)

NOTE.—This certificate is to be given to the parent or other person procuring the vaccination and a duplicate thereof is to be transmitted within seven days from the successful performance of the operation by the public vaccinator or medical practitioner to the Registrar-General of Births.

In each case of default "The Vaccination Act" imposes a penalty of from Ten to Forty Shillings.