



ANNO TRICESIMO QUINTO ET TRICESIMO SEXTO

# VICTORIÆ REGINÆ.

A.D. 1872.

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## No. 21.

*An Act to consolidate and amend the Laws relating to Vaccination.*

[Assented to, 6th November, 1872.]

**B**E it 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. Act No. 16 of 1853, intituled "An Act to extend and make compulsory the practice of Vaccination," and Act No. 15 of 1854, intituled "An Act to amend 'An Act to extend and make compulsory the practice of Vaccination,'" are hereby repealed; but this repeal shall not affect anything done or suffered, or any right or liability accrued before the passing of this Act, or any remedy or proceeding in respect of any such thing, right, or liability. Repeal.

2. In this Act the word "Parent" shall include the father and mother of a legitimate child, and the mother of an illegitimate child; the words "Medical Practitioner" shall mean a legally qualified medical practitioner within the intent of Ordinance No. 17 of 1844, and No. 1 of 1846; and the words "Registrar of Births" shall mean and include the Registrar-General of Births, Deaths, and Marriages, and any Deputy Registrar, District Registrar of Births, Deaths, and Marriages, or any Assistant Registrar of Births and Deaths. Interpretation of terms.

3. From and after the passing of this Act, the Central Vaccine Board, established under the provisions of the said Act No. 16 of 1853 shall be abolished, and its powers and authorities shall absolutely determine. Central Vaccine Board abolished.

4. In

*The Vaccination Act.—1872.*

Vaccination Officer to be appointed.

4. In place of the said Board, there shall be a Vaccination Officer, who shall be appointed and removable by the Governor, with the advice of the Executive Council, and such officer shall perform the duties imposed upon him by this Act.

Appointment of Public Vaccinators.

5. The Governor, with the advice aforesaid, may appoint and at pleasure remove any medical practitioners, or other suitable persons, as Public Vaccinators, and such Public Vaccinators shall perform the duties imposed upon them by this Act.

Fee for successful vaccination.

6. Every Public Vaccinator shall be entitled to receive out of the Public Revenue of the said Province the sum of Two Shillings and Sixpence for every successful case of vaccination performed and certified by him, as hereinafter mentioned.

Vaccine matter to be kept.

7. The Vaccination Officer shall from time to time, and at all times as far as practicable, procure and preserve a due and sufficient supply of lymph or vaccine matter, and shall furnish the same, without charge, to the Public Vaccinators, and, as far as practicable, to all medical practitioners who shall apply for the same.

Public Vaccinator to supply forms.

8. The Vaccination Officer shall, from time to time as occasion shall require, after the passing of this Act, frame and provide appropriate books, forms, and regulations for the use and guidance of the Registrars of Births in the exercise of such of their duties as are herein prescribed, and also such forms as shall be required for the use of the Public Vaccinators and medical practitioners under the provisions of this Act, and shall transmit the same to all Registrars of Births, Public Vaccinators, and medical practitioners within the said Province without any fee or reward.

See Vaccination Act, 1867, sec. 14.

Registrar of Births to deliver notice to parent or other person registering birth requiring child to be vaccinated.

Sec 15.

9. The Registrar of Births shall, on or before the seventh day after the registration with him of the birth of any child not already vaccinated, give a notice according to the form marked A in the Schedule hereto, or to the like effect, to the parent (or, in the event of the death, illness, absence, or inability of the parent, to the person having the custody, or registering the birth of such child, if known to him), requiring such child to be duly vaccinated according to the provisions of this Act, and specifying the names and addresses of the Public Vaccinators supposed by him to be nearest to the place wherein such parent or person resides, to which notice forms according to those marked B, C, and D, in the Schedule hereto, and also the address of the registrar giving the notice shall be attached, in such form as the Vaccination Officer shall deem most convenient.

Parent or other person to procure the vaccination of child within six months.

Sec. 16.

10. The parent of every child born in the said Province shall, within six months after the birth of such child, or where, by reason of the death, illness, absence, or inability of the parent, or other cause, any other person shall have the custody of such child, such person shall, within six months after receiving the custody of such child, take it, or cause it to be taken, to a Public Vaccinator to be vaccinated,

or

*The Vaccination Act.—1872.*

or shall, within such period as aforesaid, cause it to be vaccinated by some medical practitioner, and the Public Vaccinator, to whom such child shall be so brought, is hereby required, with all reasonable dispatch, subject to the conditions hereinafter mentioned, to vaccinate such child.

11. Upon the same day in the following week, when the operation shall have been performed by the Public Vaccinator, such parent or other person, as the case may be, 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 or other person shall, if the vaccinator so direct, cause the child to be forthwith again vaccinated and inspected as on the previous occasion.

Provision for inspection of vaccination.

Sec. 17.

12. If any Public Vaccinator or medical practitioner shall be of opinion that the child is not in a fit and proper state to be successfully vaccinated, he shall forthwith deliver to the parent, or other person having the custody of such child, a certificate under his hand, according to the form marked B in the 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 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.

Sec. 18.

13. At or before the end of each successive period the parent, or such person as aforesaid, shall take, or cause the child to be taken, to some Public Vaccinator or medical practitioner, who shall then examine the child, and give the certificate according to the said form B so long as he deems requisite under the circumstances of the case.

Provision for successive certificates.

Sec. 19.

14. If any such Public Vaccinator or medical practitioner shall find that a child whom he has three times unsuccessfully vaccinated is not susceptible of successful vaccination, or that a child brought to him for vaccination has already had the small pox, he shall deliver to the parent, or other person as aforesaid, a certificate under his hand according to the form marked C in the Schedule hereto, or to the like effect, and the parent, or such person as aforesaid, shall henceforth not be required to cause the child to be vaccinated.

Provision for unsusceptibility of successful vaccination.

Sec. 20.

15. Every Public Vaccinator, or medical practitioner who shall have performed the operation of vaccination upon any child, and have ascertained that the same has been successful, shall, within one calendar month after the performance of the operation, transmit, by post or otherwise, to the Vaccination Officer, a certificate according to form marked D in the said Schedule, or to the like effect, certifying

Certificate of successful vaccination to be transmitted to the Vaccination Officer, and a duplicate given to the parent.

Sec. 21.

ifying

*The Vaccination Act.—1872.*

fyng that the said child has been successfully vaccinated, and, upon request, shall deliver a duplicate thereof to the parent or other person as aforesaid.

No fee to be charged for certificate.

Sec. 22.

16. No fee or remuneration shall be charged by any Public Vaccinator to the parent or other person for any such certificate or duplicate certificate as aforesaid, nor for any vaccination done under this Act, nor shall he be entitled to any payment under this Act for any vaccination or certificate in respect of which he shall have been paid by the parent or other person for whom or on whom it is performed.

Registrar to forward returns of births and deaths to Vaccination Officer.

Act of 1871, sec. 8.

17. The Registrar of Births shall once, at least, in every calendar month transmit by post, or otherwise, to the Vaccination Officer, a return certified under the hand of the Registrar to be a true return of all births and of all deaths of infants under twelve months of age, which have, since the date of the last return (or in the case of the first return since the passing of this Act), been registered by such Registrar.

Vaccination Officer to keep register.

18. The Vaccination Officer shall, from such returns, and from the certificates so to be forwarded to him by the Public Vaccinators, and medical practitioners, as aforesaid, make out and keep an alphabetical register of all cases of successful and unsuccessful vaccination; and all persons shall be at liberty to peruse the same and make extracts therefrom, upon payment of the fee of One Shilling.

Penalty for preventing vaccinator from taking lymph.

Act of 1871, sec. 10.

19. Any person who prevents any Public Vaccinator or qualified medical practitioner from taking lymph once from any child whom he has vaccinated, as provided by section 11 of this Act, shall be liable, on conviction, to pay a penalty not exceeding Twenty Shillings.

Penalty on persons inoculating with small-pox.

Act of 1867, sec. 32.

20. Any person who shall, after the passing of this Act, produce, or attempt to produce, by inoculation, with variolous matter, or by wilful exposure to variolous matter, or to any article, matter, or thing impregnated with variolous matter, or wilfully, by any other means whatsoever, produce the disease of small-pox in any person shall be liable, on conviction, to be imprisoned for any term not exceeding six calendar months.

Penalty on parent neglecting to procure vaccination of child.

*Ibid*, 29.

21. Every parent or person having the custody of a child, who shall neglect to take such child, or cause it to be taken, to be vaccinated, or, after vaccination, to be inspected, according to the provisions of this Act, and shall not render a reasonable excuse for his neglect, shall be liable, on conviction, to pay a penalty not exceeding Two Pounds.

Penalty on vaccinator neglecting to give

22. Every Public Vaccinator or medical practitioner who shall neglect to transmit any certificate required of him by the provisions of

*The Vaccination Act.—1872.*

of this Act, completely filled up and legibly written to the Vaccination Officer, or who shall refuse to deliver the duplicate to the parent or other person on request, or who shall refuse to fill up and sign the certificate of successful vaccination when submitted to him as aforesaid, shall be liable, on conviction, to a penalty not exceeding Five Pounds; and every person who shall wilfully sign a false certificate or duplicate under this Act shall be guilty of a misdemeanour, and be liable, on conviction, to a fine or to imprisonment, with or without hard labor, for a period not exceeding two years.

certificates, and giving false certificates.  
*Ib.* 30.

23. Every medical practitioner, not being a Public Vaccinator, who shall transmit to the Vaccination Office the certificate required by section 15 of this Act shall be entitled to receive out of the General Revenue of the said Province a fee of One Shilling for each case of successful vaccination certified by him.

Fee for forwarding certificate.

24. If the Vaccination Officer, or any Registrar of Births, or Public Vaccinator, or medical practitioner shall give information in writing to a Justice of the Peace for the said Province that he has reason to believe that any child under the age of fourteen years has not been successfully vaccinated, and that he has given notice to the parent or person having the custody of such child to procure its being vaccinated, and that this notice has been disregarded, the Justice may summon such parent or person to appear with the child before him at a certain time and place, and upon the appearance, if the Justice shall find, after such examination as he shall deem necessary, that the child has not been vaccinated, nor has already had the small-pox, he may, if he see fit, make an order under his hand and seal directing such child to be vaccinated within a certain time; and if, at the expiration of such time, the child shall not have been so vaccinated, or shall not be shown to be then unfit to be vaccinated, or to be not susceptible of vaccination, the person upon whom such order shall have been made shall be proceeded against summarily, and unless he can show some reasonable ground for his omission to carry the order into effect, shall be liable to a penalty not exceeding Twenty Shillings for every such omission; and notwithstanding any conviction under this section the person offending may again be proceeded against, and no conviction shall be a bar to any future proceedings if the child shall not have been vaccinated: Provided that if the Justice shall be of opinion that the person is improperly brought before him, and shall refuse to make any order for the vaccination of the child, he may order the informant to pay to such person such sum of money as he shall consider to be a fair compensation for his expenses and loss of time in attending before the Justice.

Justice of Peace may make order for vaccination of children under fourteen.

Sec. 31.

Proviso for costs to person improperly summoned.

25. In any prosecution for neglect to procure the vaccination of a child, or in any proceeding before a Justice under the preceding clause, it shall not be necessary in support thereof to prove that the

Notice not to be proved by prosecutors.

*The Vaccination Act.—1872.*

Certificates to be defence.

Sec. 34.

the defendant had received notice from the Vaccination Officer Registrar, or any other officer, of the requirements of the law in this respect, or to prove that the child has not been vaccinated; but if the defendant produce any such certificate as hereinbefore described, or the register of vaccinations kept by the Vaccination Officer, as hereinbefore provided, or a certified extract therefrom, in which 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 marked B in the Schedule hereto, when the time specified therein for the postponement of the vaccination shall have expired before the time when the information shall have been laid.

Regulations may be made.

26. The Governor in Council may make and publish such regulations as to him shall seem meet, for carrying out the objects, purposes, and provisions of this Act, and may from time to time rescind, alter, and amend the same, and make other regulations in lieu thereof, and every regulation, when published in the *South Australian Government Gazette*, shall, if not inconsistent with this Act, have the force of law.

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

27. 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.

Short title.

28. This Act may be cited for all purposes as "The Vaccination Act, 1872."

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

JAMES FERGUSSON, Governor.

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*The Vaccination Act.—1872.*

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SCHEDULES.

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A.

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I, the undersigned, hereby give you notice to have the child [*insert name*], whose birth is now registered, Number , Book , vaccinated within six months from the date of its birth, pursuant to the provisions and directions of "The Vaccination Act, 1872," and that in default of your so doing you will be liable to the penalties thereby imposed for neglect of those provisions.

You are required to produce to the Public Vaccinator or Medical Practitioner who may be applied to, the forms herewith supplied, for him to fill up and sign.

Dated this            day of            18 .

C. D., Registrar [*or Deputy, or District, or Assistant Registrar as the case may be*] of Births and Deaths.

Name and residence of supposed nearest Public Vaccinators :—

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B.

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I, the undersigned, hereby certify that I am of opinion that            the child of  
of            aged            is not now in a fit and proper state to be  
successfully vaccinated. I do hereby postpone the vaccination until the  
day of            18 . a

Dated this            day of            18 .

A. B., Public Vaccinator, *or*

Legally Qualified Medical Practitioner (*as the case may be*).

[*a* This must not exceed two calendar months from the date of the certificate.]

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

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C.

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I, the undersigned, hereby certify that I have            times unsuccessfully  
vaccinated            the child of            aged            of  
[*or that the child has already had the smallpox, as the case may be*], and I am of  
opinion that such child is not susceptible of successful vaccination.

Dated this            day of            18 .

A. B., Public Vaccinator, *or*

Legally Qualified Medical Practitioner (*as the case may be*).

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

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D.

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I, the undersigned, hereby certify that            the child of            aged  
of            has been successfully vaccinated by me.

Dated this            day of            18 .

A. B., Public Vaccinator, *or*

Legally Qualified Medical Practitioner (*as the case may be*).

NOTICE.—This certificate is to be transmitted by post or otherwise within one calendar month from the performance of the operation by the Public Vaccinator or Medical Practitioner to the Vaccination Officer. A duplicate is to be given to the parent or other person procuring the vaccination, if requested.