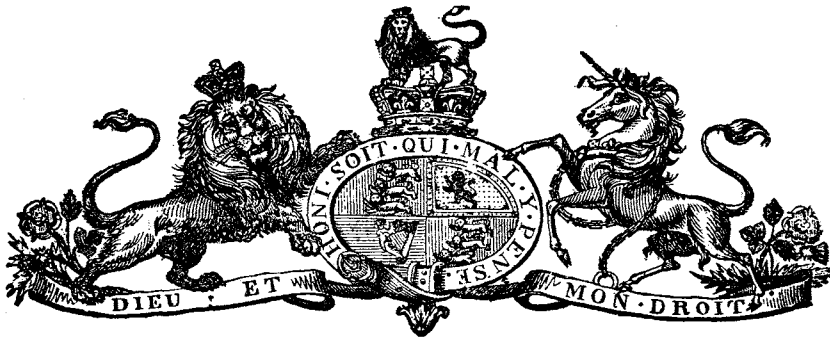


TASMANIA.



1881.

ANNO QUADRAGESIMO-QUINTO

VICTORIÆ REGINÆ,

No. 2.

*Repealed by  
46 Vic No 49*



AN ACT to amend the Law relating to A.D. 1881.  
Vaccination. [19 September, 1881.]

**W**HEREAS it is expedient to make better provision than now exists PREAMBLE.  
for Compulsory Vaccination in this Colony :

Be it therefore enacted by His Excellency the Governor of *Tasmania*,  
by and with the advice and consent of the Legislative Council and  
House of Assembly, in Parliament assembled, as follows :—

**1** This Act may be cited as “The Vaccination Act.” Short title.

**2** The Act of Council of the 17th *Victoria*, No. 20, is hereby Repeal of 17  
repealed, but such repeal shall not affect any liability, penalty, or Vict. No. 20.  
punishment incurred or proceedings taken under the said Act in respect  
of any offence committed before the commencement of this Act.

**3** In the construction of this Act— Interpretation.

“District” means every Registration District under the Act of  
Council of the 2nd *Victoria*, No 8, as the same now exists,  
or as may be hereafter proclaimed from time to time :

“Medical Practitioner” means a legally qualified Medical Prac-  
titioner, and includes a Vaccinator :

“Parent” includes any person having the custody of a child :

“Prescribed” means prescribed by any Regulations made under  
this Act :

“Registrar” means the Deputy Registrar of Births, Deaths, and  
Marriages in each District.

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Appointment of  
Vaccinators.

**4** Within Two months after the commencement of this Act the Governor in Council shall appoint Vaccinators for each District or any part thereof, and such other officers as may be necessary for carrying out the provisions of this Act; and any of such Vaccinators or officers may be removed at any time, and others appointed in the place of those removed.

Remuneration to  
Vaccinators.

**5** There shall be payable out of such moneys as may be voted by Parliament for that purpose, to each Vaccinator for each person not previously vaccinated and who is successfully vaccinated by such Vaccinator, such sum of money not exceeding Five Shillings as the Governor in Council by Regulation directs to be paid for that purpose.

Vaccinators to  
perform duty  
gratuitously, and  
to keep Register.

**6** The Vaccinators for *Hobart* and *Launceston* shall, on one day at the least in each week, and the Vaccinators for every other District shall twice at the least in each month, vaccinate gratuitously all children and others brought or applying to them for that purpose, and every Vaccinator shall keep a Register of such Vaccinations and of the results thereof on the Eighth day thereafter in such form as shall be prescribed. No fee or remuneration shall be charged by any Vaccinator for any certificate given under this Act.

Vaccinator to  
notify time and  
place for gratui-  
tous Vaccination.

**7** Every Vaccinator shall notify in the *Gazette*, and in some newspaper circulating in the District in which he resides, the time when, and place where, he will be prepared to vaccinate gratuitously all children and others brought or applying to him for the purpose of being vaccinated.

Persons not  
previously vac-  
cinated to be vac-  
cinated.

**8** Every person not successfully vaccinated before the commencement of this Act shall submit himself for vaccination within Two months after the commencement hereof, unless such person shall satisfy the Vaccinator of the District in which such person resides that such person is insusceptible of the vaccine disease, or that such person has had the Small-pox; and if such person shall refuse or neglect to comply with the provisions herein contained, he shall for such offence forfeit and pay a penalty not exceeding Five Pounds.

Parent of child  
not previously  
vaccinated to  
cause same to be  
vaccinated.

**9** The parent of every child under the age of Fourteen years, not successfully vaccinated before the commencement of this Act, shall submit such child for vaccination within Two months after the commencement hereof, unless such parent shall satisfy the Vaccinator of the District in which such parent resides that such child is insusceptible of the vaccine disease, or has had the Small-pox; and if such parent shall refuse or neglect to comply with the provisions herein contained, he shall for such offence forfeit and pay a penalty not exceeding Five Pounds.

Parents to cause  
children to be  
vaccinated.

**10** The parent of every child born in *Tasmania* after the commencement of this Act, shall, within Six months after the birth of such child, cause such child to be vaccinated by a Medical Practitioner; and any parent who neglects or refuses to have such child vaccinated, or neglects or refuses to submit such child to such Medical Practitioner for inspection on the Eighth day after the operation shall have been performed, and shall not render a reasonable excuse for such neglect or refusal, shall be liable to a penalty not exceeding Five Pounds.

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**11** No child or person shall be deemed to have been successfully vaccinated unless such person or child shall be afterwards examined by the Medical Practitioner performing the operation, and unless a certificate shall have been given by such Medical Practitioner that such child or person has been successfully vaccinated.

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No child or person to be deemed vaccinated unless examined.

**12** Any person who prevents any Medical Practitioner from taking lymph once from any child whom he has vaccinated shall be liable to a penalty not exceeding Twenty Shillings.

Penalty for preventing Practitioner from taking lymph.

**13** Upon and immediately after the successful vaccination of any child or person, the Medical Practitioner who performs the operation shall deliver to such person or to the parent of such child a certificate under his hand, in the form in the Schedule (1), that such child or person has been successfully vaccinated.

When Vaccination successful Practitioner to certify.

**14** If any Medical Practitioner shall be of opinion that such person or child is not in a fit and proper state to be successfully vaccinated, he shall forthwith deliver to such person or to the parent of such child a certificate under his hand in the form in the Schedule (2) that such person or 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 some Medical Practitioner deems such person or child to be in a fit state for successful vaccination, when such person or child shall, with all reasonable despatch, be vaccinated, and the certificate of successful vaccination duly given if warranted by the result.

Provision for the unfitness of such person or child for vaccination.

**15** At or before the end of each successive period of Two months such person shall submit himself or the parent of such child shall take or cause the child to be taken to some Medical Practitioner, and such Medical Practitioner shall then examine such person or child and give the certificate under his hand in the form in the Schedule (2) so long as he deems requisite under the circumstances of the case.

Provision for successive certificates.

**16** In the event of any Medical Practitioner being of opinion, after Three successive vaccinations that any such person or child is insusceptible of the vaccine disease, or that any such person or child coming or brought to him for vaccination has already had the Small-pox, he shall deliver to such person or to the parent of such child a certificate under his hand, according to the form in the Schedule (3); and such person or child shall thenceforth not be required to be vaccinated.

If child or person insusceptible of vaccine disease Practitioner to certify the same.

**17** In every case where any Medical Practitioner grants a certificate of vaccination, or of postponement of vaccination, or of insusceptibility to vaccine disease, in respect of any child born in *Tasmania* after the commencement of this Act, he shall within One month from the date of such certificate transmit to the Registrar of the District within which the child referred to in such certificate was born, if the same can be ascertained by him, the particulars contained in the form in the Schedule (4), under the penalty of Twenty Shillings for each omission.

Vaccinator to transmit to Registrar the particulars of certificate.

**18** The parent of every child last mentioned to whom any certificate is given by any Practitioner under this Act shall, within Ten days after the

Certificates to be lodged with

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Registrar by  
parent.

date thereof, transmit or lodge the same to or with the Registrar of the District within which such child was born, in order that the same may be registered as hereinafter provided; and such certificate shall when registered without further proof be admissible as evidence of the matters contained in such certificate upon the hearing of any information laid against such parent for non-compliance with the provisions of this Act.

Penalty on parent  
for not transmit-  
ting certificate of  
Vaccination, &c.  
to Registrar.

**19** In every case where a certificate of the vaccination, or of the postponement thereof, or of the insusceptibility to vaccine disease of any child last mentioned born within his District, is not transmitted to the Registrar as hereinbefore provided, the parent of such child shall forfeit a sum not exceeding Twenty Shillings.

If certificates not  
lodged with  
Registrar after  
notice, parent  
liable to penalty.

**20** If in any case any such certificate is not received by any Registrar within the period hereinbefore provided for the same being transmitted to and lodged with him, then the Registrar shall give notice, in such form and manner as may be prescribed, to the parent of the child named in such certificate that he has not received the said certificate; and if the same is not transmitted to and lodged with such Registrar within Twenty days after the date of such notice, such parent shall be liable to a penalty not exceeding Forty Shillings.

Registrar to  
deliver notice to  
person registering  
the birth of any  
child.

**21** On the registration of the birth of any child born after the commencement of this Act, the Registrar shall deliver to the person registering such birth a notice in the form in the Schedule (5), which notice shall set forth such other particulars in regard to the provisions of this Act as shall be prescribed, and there shall be attached thereto in duplicate the several certificates in the forms in the Schedule (1), (2), and (3).

Registrar of  
Births, &c. to  
keep Vaccination  
register.

**22** Every Registrar shall enter in the Register of Births kept by him, in the column in which the name of each child is written, the word "Vaccinated" under the name of every such child whose vaccination has been certified to him as herein provided, and the words "Insusceptible" or "had Small-pox" under the name of every child who has been certified, as aforesaid, to be insusceptible of the vaccine disease or to have had Small-pox; and if the name of any child mentioned in any such certificate shall not be written in the said column, such of the said words, as the case may require, shall be written in the said column opposite the entry of the birth of such child in the said Register; and shall initial each such entry, and shall add thereto the date of the certificate of Vaccination, Insusceptibility or otherwise, as the case may be; and he shall also keep a Book in the form in the Schedule (6), in which he shall from time to time enter the name of every child whose vaccination has been duly certified to him as necessarily postponed, and the date of the certificate, and the period for which the vaccination is postponed, and each entry in such Book shall refer to the corresponding entry in the Register of Births of the birth of each such child; and such books shall be open for search at all reasonable times, and the Registrar shall give a copy, certified under his hand, of each entry therein, on payment of a fee of One Shilling for each search, and Sixpence for each certificate.

Penalty on per-  
sons inoculating

**23** Any person who produces or attempts to produce in any person, by inoculation with variolous matter, or by wilful exposure to variolous

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*Vaccination.*


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matter, or to any matter, article, or thing impregnated with variolous matter, or wilfully by any other means whatever produces the disease of Small-pox in *Tasmania*, shall forfeit the sum of Fifty Pounds.

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so as to produce disease.

**24** If any Medical Practitioner, Vaccinator, or Registrar wilfully neglects or refuses to perform any duty, matter, or thing which he is by this Act or the Regulations made hereunder required or enjoined to perform, or in any manner infringes or disobeys any provision of this Act or the Regulations, he shall for every such offence be liable to a penalty not exceeding Five Pounds.

Penalty on Medical Practitioners, &amp;c. neglecting duty.

**25** The Governor in Council shall make and publish in the *Gazette* such Regulations as he sees fit for the guidance of Vaccinators and Registrars, and generally for carrying out the objects and intentions of this Act; and may from time to time repeal, alter, or amend such Regulations.

Regulations.

**26** Every Registrar and Vaccinator may transmit and receive through the Post Office, to and from places in *Tasmania*, 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 such Registrar or Vaccinator, and be endorsed with the words "Vaccination Act."

Letters and packets free of postage.

**27** All penalties imposed by this Act may be recovered before any Two Justices of the Peace, in the mode prescribed by *The Magistrates Summary Procedure Act*; and any person aggrieved by any conviction, may appeal therefrom in the mode provided by *The Appeals Regulation Act*.

Recovery of penalties.

19 Vict. No. 8.

Appeal.

19 Vict. No. 10.

**28** Upon the hearing of any Information in respect of any breach of this Act, or of any Regulation made hereunder, the *onus* of proof of compliance with the provisions of this Act or such Regulation shall be upon the Defendant.

*Onus* of proof on hearing Informations for breach of Act.

**29** All penalties, fees, and sums of money imposed or made payable by or under this Act shall, when recovered, be paid into the Colonial Treasury and form part of the Consolidated Revenue Fund.

Appropriation of penalties.

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## S C H E D U L E .

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(1.)

I hereby certify that  
aged  
vaccinated by me.

, of the District of , the child of , has been successfully

Dated this day of , 18 .

(Signed) *A.B.*,  
*Vaccinator for the District*, (or other Medical  
Practitioner, as the case may be).

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*Vaccination.*

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(2.)

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

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 18 \_\_\_\_.

(Signed) *A.B.*,  
*Vaccinator for the District*, (or other Medical Practitioner, as the case may be.)

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(3.)

I hereby certify that I am of opinion that *A.B.* of \_\_\_\_\_ (description) [*or C.D.*, the child of \_\_\_\_\_, of the District of \_\_\_\_\_], has already had Small-pox [*or is insusceptible of the Vaccine Disease.*]

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 18 \_\_\_\_.

(Signed) *A.B.*,  
*Vaccinator for the District*, (or other Medical Practitioner, as the case may be.)

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(4.)

*SCHEDULE* of Particulars to be transmitted by Vaccinator to Registrar.

Full Name of Child.	Sex.	Parent's Name.	Place of Birth of Child.	Nature of Certificate granted in each case.	Date to which postponed.	Date of Certificate.

I hereby certify that I have granted Certificates under "The Vaccination Act," containing the particulars herein specified, and of the dates respectively herein.

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(5.)

To the Parent of (*insert name of child whose birth is registered.*)

**TAKE** Notice that this child must be vaccinated, under the provisions of "The Vaccination Act," within \_\_\_\_\_ months from the date of his [*or her*] birth, under a penalty of £ \_\_\_\_.

(Signed) *A.B., Registrar.*

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(6.)

*REGISTER* of postponed Vaccinations for the District of \_\_\_\_\_

No.	Name of Person.	Birth Register in which recorded.		Period to which Vaccination postponed.	Date of Certificate.	Signature of Registrar.
		Year.	No. of Entry.			