



ANNO DECIMO-SEPTIMO

VICTORIÆ REGINÆ,

No. 20.

*By His Excellency SIR WILLIAM THOMAS DENISON, Knight,
Lieutenant-Governor of the Island of Van Diemen's Land
and its Dependencies, with the Advice and Consent of the
Legislative Council.*

*AN ACT for the Prevention of Small-pox by rendering
Vaccination compulsory in certain Cases.*

[6th October, 1853]

WHEREAS there is Reason to apprehend the Introduction of Small-pox into this Colony, and it is expedient to adopt Means to avert the Ravages which would be caused amongst the Inhabitants by that fearful Disease, and for that Purpose to promote the Practice of Vaccination by rendering the same compulsory in certain Cases; Be it therefore enacted by His Excellency SIR WILLIAM THOMAS DENISON, Knight, Lieutenant-Governor of the Island of Van Diemen's Land and its Dependencies, with the Advice and Consent of the Legislative Council thereof, as follows:—

On and after the 1st April, 1854, the Parent of every Child above 6 Months and under 14 Years of Age not vaccinated liable to a Penalty of £5.

I. The Parent of any Child above the Age of Six Months and under the Age of Fourteen Years, who on and after the First Day of April next shall not have caused such Child to be vaccinated, shall, in respect of every such Child, be deemed guilty of an Offence against this Act, and shall for every such Offence forfeit and pay a Penalty not exceeding Five Pounds; unless such Parent shall show, to the Satisfaction of the Justices before whom the Complaint shall be heard, reasonable Cause or Excuse for not having caused such Child to be vaccinated.

On hearing of Information, not necessary to prove the Age of the Child, but *onus* of Proof on the Defendant.

II. On the hearing of any Information or Complaint under this Act, it shall not be necessary for the Complainant to prove that any Child therein mentioned is above the Age of Six Months and under the Age of Fourteen Years; but the burden of Proof that such Child is not above the Age of Six Months or is not under the Age of Fourteen Years, shall be upon the Parent against whom such Complaint shall be made.

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III. The Testimony of any duly qualified Medical Practitioner to the Effect that in his Opinion any Child, in respect of whom any Complaint shall be made under this Act, had not, at the Time when such Complaint shall have been made, been vaccinated, shall be sufficient *prima facie* Evidence that such Child had not been vaccinated at that Time; and such Evidence shall only be rebutted by Proof, to the Satisfaction of the Justices before whom such Complaint shall be heard, that such Child had in fact been vaccinated before that Time.

Opinion of Medical Practitioner that Child not vaccinated sufficient *prima facie* Evidence.

IV. All Offences against this Act shall be heard and determined, and all Penalties by this Act imposed shall be recovered and appropriated, in the Mode prescribed by the *Summary Proceedings Act*.

Offences heard and Penalties recovered and appropriated in mode prescribed by *Summary Proceedings Act*.

V. Where the Father of any Child shall be absent from the Colony, the Mother shall be deemed the Parent of such Child for the Purposes of this Act; and the Goods and Chattels, if any, in the Colony, belonging to the Father, whether in Possession of the Mother or not, shall be liable to be taken in Execution and disposed of in Satisfaction of such Penalty as may be awarded against the Mother.

Where Father absent the Mother answerable.

VI. Where both the Parents of any Child shall be dead, or absent from the Colony, or their Place of residence shall not be known, the Person with whom such Child shall usually reside, or who shall have the Care or Charge of such Child, shall, for the Purposes of this Act, be deemed to be the Parent of such Child.

Where both Parents dead, absent, &c., the Person with whom Child resides, or having charge of Child, answerable.

VII. In referring to this Act in Legal Proceedings and otherwise, it shall be sufficient to use the Expression "The Vaccination Act, 1853."

Short Title.

RICHARD DRY, *Speaker*.

Passed the Legislative Council this fifth day of October, one thousand eight hundred and fifty-three.

FR. HARTWELL HENSLOWE,
Clerk of the Council.

In the name and on the behalf of Her Majesty I assent to this Act.

W. DENISON,
Lieut.-Governor.

Government House, Hobart Town,
6th October, 1853.