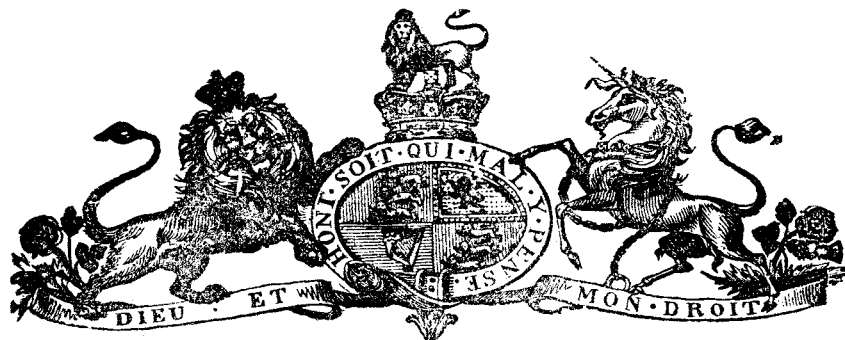
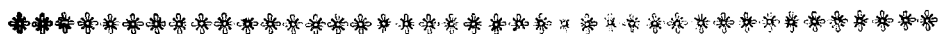


TASMANIA.



1882.

ANNO QUADRAGESIMO-SEXTO  
VICTORIÆ REGINÆ,  
No. 19.



AN ACT to amend the Law relating to A.D. 1882.  
Vaccination. [9 October, 1882.]

**W**HEREAS it is expedient to repeal "The Vaccination Act," and to make other provision in lieu thereof: PREAMBLE.  
45 Vict. No. 2.

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, 1882." Short title.
- 2** In this Act, unless the context otherwise determines— Interpretation.
  - "District" means a Registration District under the Act of Council of the 2nd *Victoria*, No. 8 :
  - "Medical Practitioner" means a legally qualified Medical Practitioner, and includes a Vaccinator :
  - "Parent" includes any person having the custody of a child :
  - "Prescribed" means prescribed by any Regulations made under this Act :
  - "Deputy Registrar" means the Deputy Registrar of Births, Deaths, and Marriages in every District.
  - "The said Act" means "The Vaccination Act." 45 Vict. No. 2.
- 3** "The Vaccination Act" is hereby repealed: Repeal of  
45 Vict. No. 2.  
Provided that such repeal shall not affect—
  - (1.) Anything duly done before this Act commences and takes effect :
  - (2.) Any liability accruing before this Act commences and takes effect :

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(3.) Any penalty, forfeiture, or other punishment incurred or to be incurred in respect of any offence committed before this Act commences and takes effect :

(4.) The institution of any legal proceeding, or any other remedy for enforcing or recovering any such liability, penalty, forfeiture, or punishment as aforesaid.

Appointment of Vaccinators.

**4** The Governor in Council shall appoint fit persons to be Vaccinators for such Districts as he sees fit, and any person may be appointed the Vaccinator for more Districts than one; and the Governor in Council may appoint 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.

All persons appointed Vaccinators under the said Act, and in office when this Act takes effect, shall continue in office notwithstanding its repeal, and shall be deemed to have been appointed under this Act.

Upon the first publication of any notice in the *Gazette* of the appointment of Vaccinators under this Act, all persons appointed Vaccinators under the said Act shall cease to hold such office.

Vaccinator to notify time and place for gratuitous Vaccination.

**5** Every Vaccinator shall notify in the *Gazette*, and in such other mode as may be prescribed, the times when, and the places where, he will be prepared to vaccinate gratuitously all children and others brought or applying to him for the purpose of being vaccinated; and also the times when such Vaccinator will attend at such places to inspect the progress of such vaccination in the persons so vaccinated.

Remuneration to Vaccinators.

**6** There shall be payable, out of such moneys as may be voted by Parliament for that purpose, to each Vaccinator such salary and allowances as the Governor in Council sees fit, or in lieu of salary, 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. No Vaccinator shall charge or receive from any person any fee or reward for or in respect of any act performed or any certificate given by him under this Act.

Vaccinators to perform duty gratuitously, and to keep Register.

**7** Every Vaccinator shall vaccinate gratuitously all children and others brought or applying to him for that purpose, and every Vaccinator shall keep a Register of Vaccinations and of the results thereof on the Eighth day thereafter in such form as shall be prescribed.

Persons not previously vaccinated to be vaccinated.

**8** Every person above the age of Fourteen years, not successfully vaccinated before the commencement of this Act, shall submit himself for vaccination within Six 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

**9** The parent of every child under the age of Fourteen years, not successfully vaccinated before the commencement of this Act, shall

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submit such child for vaccination within Six 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.

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vaccinated or  
cause same 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.

Parents to cause  
children to be  
vaccinated.

**11** No child or person shall be deemed to have been successfully vaccinated unless such child or person 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.

No child or  
person to be  
deemed  
vaccinated  
unless examined.

**12** Every 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 pre-  
venting Prac-  
titioner from  
taking lymph.

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

When vaccination  
successful Practi-  
tioner to certify.

**14** If any Medical Practitioner shall be of opinion that any person or child is not in a fit and proper state to be successfully vaccinated, he shall forthwith prepare a certificate in duplicate 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 such period as such Medical Practitioner shall deem necessary, and shall be renewable from time to time 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 period mentioned in any certificate of unfitness for vaccination, 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 prepare in duplicate 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 certi-  
ficates.

**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

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

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prepare in duplicate 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.

Vaccinator to give certificate to parent of child, and to transmit duplicate certificate to Registrar.

**17** In every case where any Medical Practitioner prepares a certificate of vaccination, or of postponement of vaccination, or of insusceptibility to vaccine disease, as hereinbefore provided, in respect of any child born in *Tasmania*, he shall immediately thereupon give one copy thereof to the parent of such child, and transmit the duplicate for registration to the Deputy Registrar of the District within which the child referred to in such certificate was born, under the penalty of Twenty Shillings for each omission.

Vaccinator to give certificate to person and retain duplicate.

**18** In every case where any Medical Practitioner prepares a certificate of vaccination, or of postponement of vaccination, or of insusceptibility to vaccine disease, as hereinbefore provided, in respect of any person above the age of Fourteen years, he shall immediately thereupon give one copy thereof to such person and shall retain the duplicate in his own possession.

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

**19** On the registration of the birth of any child born after the commencement of this Act, the Deputy Registrar shall deliver by post or otherwise to the person registering such birth a notice in the form in the Schedule (4), which notice shall set forth such other particulars in regard to the provisions of this Act as shall be prescribed.

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

**20** Every Deputy Registrar shall, upon the receipt of any such certificate as is hereinbefore mentioned, enter in the Register of Births kept by him, in the column headed "Name, if any," the word "Vaccinated" in the case of every child whose vaccination has been certified to him as herein provided, and the words "Insusceptible" or "had Small-pox" in the case 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 in the space set apart for the name, 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 (5), 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 book shall be open for search at all reasonable times, and the Deputy 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 additional for each certificate.

Deputy Registrar to supply Vaccinator with quarterly Returns of births and deaths.

**21** Every Deputy Registrar shall, within One week after the First day of the months of *January, April, July, and October* in each year, prepare and forward to the Vaccinator of the District a Return, in such form as may be prescribed, of all children whose births have been registered by such Deputy Registrar, and whose ages on the said First day of *January, April, July and October*, as the case may be, are not more than Nine months and not less than Six months respectively, and in respect of whom certificates relating to vaccination have not been

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received by such Deputy Registrar ; and also a Return, in such form as may be prescribed, of the deaths of all children whose ages are not less than Six months nor more than Nine months, during the same period. A.D. 1882.

**22** Every Vaccinator shall, upon receipt of any Return mentioned in the preceding section, investigate the same, and shall furnish to the Superintendent of Police resident in or nearest to the District of such Deputy Registrar, a list of the names and residences of the parents of the children in respect of whom certificates have not been forwarded to such Deputy Registrar as hereinbefore provided ; and such Superintendent shall forthwith proceed against such parents for non-compliance with the provisions of this Act. Vaccinators to report breaches of this Act to Superintendent of Police.

**23** Any person who produces or attempts 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 whatever produces the disease of Small-pox in *Tasmania*, shall forfeit the sum of Fifty pounds. Penalty on persons inoculating so as to produce disease.

**24** If any Medical Practitioner, Superintendent of Police, or Deputy 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, &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 Deputy 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.

All Regulations made under the said Act, and in force when this Act takes effect, shall be deemed to have been made under this Act.

**26** Every Deputy Registrar and Medical Practitioner 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 directed to or bear the signature of such Deputy Registrar or Medical Practitioner, 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** In all legal proceedings against any person, or the parent of any child, for non-compliance with any provision of this Act, any certificate given under this Act shall, without proof of the signature of the person appearing to have signed the same, be evidence of the matters contained in such certificate, and the *onus* of proof of compliance with the provisions of this Act shall be upon the Defendant, who shall upon such hearing be competent but not compellable to give evidence, anything contained in any law or practice to the contrary notwithstanding. Proofs in legal proceedings.

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Moiety of penalty  
to informant.

**29** One moiety of every penalty recovered under this Act shall be paid to the informant.

**SCHEDULE**

(1.)

I hereby certify that \_\_\_\_\_, the child of \_\_\_\_\_, and \_\_\_\_\_, aged \_\_\_\_\_, born in the Registration District of \_\_\_\_\_, has been successfully vaccinated by me.

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

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

(2.)

I hereby certify that I am of opinion that \_\_\_\_\_, the child of \_\_\_\_\_, and \_\_\_\_\_, born in the Registration 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 Medical Practitioner, as the case may be).*

(3.)

I hereby certify that I am of opinion that *A.B.* of \_\_\_\_\_ (description) [*or C.D.*, the child of \_\_\_\_\_], and \_\_\_\_\_, born in the Registration 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 Medical Practitioner, as the case may be).*

(4.)

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, 1882," within Six months from the date of his [*or her*] birth, under a penalty of £5.

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

(5.)

*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 Deputy Registrar.
		Year.	No. of Entry.			