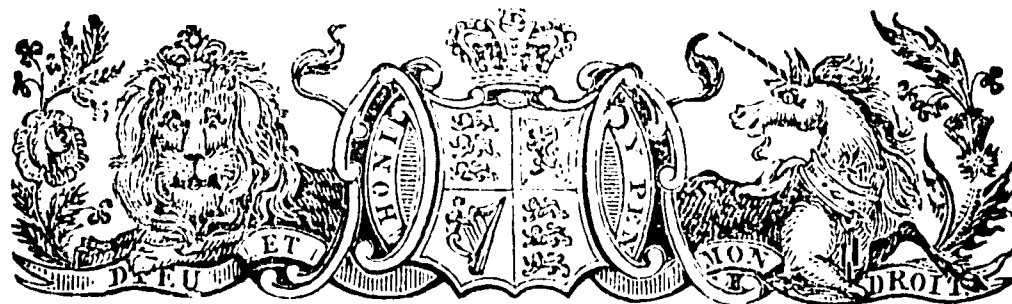


VICTORIA.



ANNO DECIMO OCTAVO

VICTORIÆ REGINÆ.

By His Excellency SIR CHARLES HOTHAM, Knight Commander of the Most Honorable Military Order of the Bath, Lieutenant Governor of the Colony of Victoria, &c., &c., &c.

No. IV.

An Act to make compulsory the Practice of Vaccination. [Assented to 20th November, 1854.]

WHEREAS it is expedient to make compulsory the practice of vaccination Be it therefore enacted by His Excellency the Lieutenant Governor of Victoria by and with the advice and consent of the Legislative Council thereof as follows :

I. It shall be lawful for His Excellency the Lieutenant Governor by proclamation in the *Government Gazette* to divide the Colony of Victoria into convenient districts for the purpose of affording facilities for vaccination and to appoint a convenient place in each such district which shall in all practicable cases be not more than three miles from the furthest limit thereof for the performance of such vaccination and such proclamation from time to time to vary or revoke and establish other districts and places for the purposes aforesaid and the Lieutenant Governor shall cause the most effectual means to be taken for giving from time to time to all persons resident within such district notice of the days and hours at which the medical officer or practitioner 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 such medical officer or practitioner will attend at such place to inspect the progress of such vaccination in the persons so vaccinated.

II. It shall be lawful for the Lieutenant Governor to appoint such medical officers and practitioners and such other officers as may be necessary for carrying the provisions of this Act into execution and any such officer and practitioner from time to time to remove and if necessary appoint another or others in his or their stead.

III. The father or mother of every child in Victoria born after the first day of January in the year of Our Lord one thousand eight hundred and forty or in the event of the death illness absence or inability of the father and mother then the person who shall have the care nurture or custody of such child shall if such child shall have been born before the commencement of this Act then within four months thereafter and if such child shall be born after the commencement of this Act then within three months after the birth of such child take or cause to be taken the said child to the medical officer or practitioner duly appointed in and for any part of the district in which the said child is resident for the purpose of being vaccinated unless such

Preamble.

Colony to be divided into districts for the purpose of vaccination and places appointed for the performance of vaccination.

Power for Lieutenant Governor to appoint officers.

Parents and guardians shall cause their children born after first day of January, 1840, to be vaccinated.

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such child shall have been previously vaccinated by some duly qualified medical practitioner in Victoria and the said medical officer or practitioner 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 without fee or reward.

Children to be taken for inspection on eighth day after operation.

IV. Upon the eighth day following the day on which any child has been vaccinated as aforesaid the father or mother or other person having the care nurture or custody of the said child shall again take or cause to be taken the said child to the medical officer or practitioner appointed in or for any part of the district in which such operation has been performed in order that such medical officer or practitioner may ascertain by inspection the result of such operation.

Certificate of successful vaccination to be delivered.

V. Immediately after the successful vaccination of any child the medical officer or practitioner appointed as aforesaid who shall have performed the operation or ascertained the same to have been successfully performed shall deliver to the father or mother or to the person who shall have the care nurture or custody of the said child a certificate under his hand according to the form set forth in the schedule hereinafter inserted marked A that the said child has been successfully vaccinated and shall also transmit a duplicate of the said certificate to the registrar or deputy registrar of births deaths and marriages of the district in which the operation was performed and such certificate shall without further proof be admissible as evidence of the successful vaccination of such child in any information or complaint which shall be brought against the father or mother or against the person who shall have had the care nurture or custody of such child as aforesaid for non-compliance with the provisions of this Act.

If the child be not in a fit state for vaccination the medical officer to deliver a certificate to that effect to be in force for six months.

VI. If any medical officer or practitioner so appointed as aforesaid shall be of opinion that any child is not in a fit and proper state to be successfully vaccinated he shall thereupon deliver without fee or reward to the father or mother or the person having the care nurture or custody of the said child a certificate under his hand according to the form set forth in the schedule hereinafter inserted marked B that the child is in an unfit state for successful vaccination and such certificate shall remain in force for six months from its delivery as aforesaid and the father or mother or the person having the care nurture or custody of the said child shall unless they shall within each succeeding period of six months have obtained from a medical officer or practitioner appointed as aforesaid a renewal of such certificate within six months next after the delivery of the said certificate as aforesaid and if the said child be not vaccinated at or by the termination of such period of six months then during each succeeding period of six months until such child has been successfully vaccinated take or cause to be taken to the said medical officer or practitioner such child to be vaccinated by him and if the said medical officer or practitioner deem the said child to be then in a fit and proper state for successful vaccination he shall forthwith without fee or reward vaccinate it accordingly and shall deliver to the father or mother or person having the care nurture or custody of such child a certificate under his hand according to the form aforesaid that such child has been successfully vaccinated but if the said medical officer or practitioner be of opinion that the child is still in an unfit state for successful vaccination then he shall again deliver to the father or mother or person having the care nurture or custody of the said child a certificate under his hand according to the said form that the child is still in an unfit state for successful vaccination and the said medical officer or practitioner so long as such child remains in an unfit state for vaccination and unvaccinated shall at the expiration of every

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every succeeding period of six months if required deliver without fee or reward to the said father or mother or person having the care nurture or custody of such child a fresh certificate under his hand according to the said form and the production of such certificate shall be a sufficient defence against any complaint which shall be brought against the said father or mother or person having the care nurture or custody of such child for non-compliance with the provisions of this Act.

VII. No medical officer or practitioner appointed as aforesaid shall be entitled to any fee or remuneration for the duties imposed upon him by this Act.

No fee to medical practitioner for duties under this Act.

VIII. In the event of any medical officer or practitioner acting under the provisions of this Act being of opinion that any child that has been taken to him for the purpose of being vaccinated as hereinbefore provided is insusceptible of the vaccine disease he shall deliver to the father or mother or person having the care nurture or custody of such child a certificate under his hand according to the form set forth in the schedule hereinafter inserted marked D and the production of such certificate shall be a sufficient defence against any complaint which may be brought against the said father mother or person having the care nurture or custody of such child for non-compliance with the provisions of this Act.

Child's incapacity to receive the vaccine disease to be certified.

IX. Any legally qualified medical practitioner in Victoria 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 medical officer or practitioner appointed under this Act. Provided that every such legally qualified medical practitioner shall give and transmit certificates of successful vaccination to the proper officer for receiving such certificates according to the provisions of this Act in the same manner as medical officers and practitioners appointed as aforesaid are hereby required to do.

Legally qualified medical practitioners may give certificates.

X. The registrar or deputy registrar of births deaths and marriages in every district in which the operation has been performed shall keep a register of the persons of whose successful vaccination a certificate shall have been transmitted to him as above provided by the said medical officer or practitioner and shall at all reasonable times allow searches to be made of any such register book in his keeping and shall give a copy certified under his hand of any entry or entries in the same on payment of the fee of one shilling.

Registrar or deputy registrar to keep a register of cases of successful vaccination of which searches and extracts may be made.

XI. The registrar or deputy registrar of births deaths and marriages in every district shall within twenty days after 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 schedule hereinafter inserted marked C to be sent by post or otherwise to the father or mother or in the event of the death illness absence or inability from sickness or otherwise of the father and mother then to the person upon whom the care nurture or custody of such child shall have devolved that it is the duty of such father or mother or person as aforesaid to take care that the said child shall be vaccinated in the manner directed by this Act and also a notice of the days hours and places within the district of such registrar or deputy registrar at which the medical officer or practitioner as hereinbefore provided will attend for the purpose of vaccination and if after such notice sent or placed in any post office addressed to the father or mother or the person so having as aforesaid the care nurture or custody of the said child he or she shall

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

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shall not accordingly cause such child to be vaccinated or shall not on the eighth day after the vaccination has been performed take or cause to be taken such child for inspection according to the provisions of this Act then such father or mother or person as aforesaid so offending and the father and mother and any person having the care nurture or custody of any child born after the said first day of January One thousand eight hundred and forty offending against or omitting to comply with any of the provisions of this Act shall forfeit a sum not exceeding forty shillings upon the first complaint to be afterwards increased at the discretion of the Justices imposing the penalty as hereinafter provided in case of repeated complaints for non-compliance with the provisions of this Act in respect of the said child provided that the whole amount of such penalty shall not exceed five pounds.

Chief Registrar to provide books and forms for carrying out the provisions of this Act.

XII. The Chief Registrar shall and he is hereby empowered to frame and provide such books forms and regulations as he may deem requisite for carrying into full effect the provisions of this Act and shall transmit the same to the Registrars and Deputy Registrars of each district who shall deliver to the medical officers and other medical practitioners so appointed as aforesaid in and for the said district such of the said books forms and regulations as they may require for the performance of the duties imposed upon them by this Act.

Correspondence of registrar relating to this Act to be free of postage

XIII. The chief registrar and every deputy registrar of births deaths and marriages may transmit and receive by the General Post Office to and from places in Victoria all letters and packets relating exclusively to the execution of this Act free of postage Provided that such letters and packets shall be in covers open at the sides and be directed to or bear the signatures of such chief registrar or deputy registrar.

Punishment of persons inoculating or otherwise producing Small Pox.

XIV. Any person who shall from and after the commencement of this Act 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 Victoria shall on conviction be liable to a penalty not exceeding one hundred pounds or to be imprisoned in any jail or House of Correction for any term not exceeding twelve months.

No *Certiorari*,

XV. All proceedings under this Act shall be had and taken in a summary way before any two Justices and no such proceeding shall be removed by *certiorari* into the Supreme Court.

Appropriation of monies.

XVI. All monies and penalties received or recovered under this Act shall be paid to Her Majesty Her Heirs and Successors and be applied to the public uses of the said Colony in support of the Government thereof.

Commencement of Act.

XVII. This Act shall commence and take effect from and after the first day of January which will be in the year of Our Lord One thousand eight hundred and fifty-five.

SCHEDULES

Compulsory Vaccination Act.

SCHEDULES REFERRED TO BY THIS ACT.

A.

I,
the child of
Colony of Victoria, aged
by me.

Dated this

, hereby certify, that
of in the
has been successfully vaccinated

day of

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

B.

I,
the child
in the Colony of Victoria, aged
successfully vaccinated, and I do hereby postpone the vaccination until the
day of

Dated this

day of

185

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

C.

I,
to have C. D. vaccinated within
Provisions and Directions of the Act of Council.
As witness my Hand this

, hereby give you notice and require you
Month after the birth, pursuant to the

day of

185

J.B., Registrar or Deputy Registrar of Births,
Deaths, and Marriages, for the
District (as the case may be).

D.

I,
the Child of
Victoria, is insusceptible of the Vaccine Disease.
Dated this

, hereby certify, that I am of opinion that
of in the Colony of

day of

185

(Signed) A.B.
Medical Officer of
(or other Medical Practitioner,
as the case may be).