

Legislative Council.

40° VICTORIÆ, 1877.

A BILL

To promote Vaccination throughout New South Wales as a
safeguard against Small-pox.

[SIR GEORGE INNES;—31 *January*, 1877.]

WHEREAS it is expedient to promote vaccination as a safeguard Preamble.
against Small-pox Be it therefore enacted by the Queen's
Most Excellent Majesty by and with the advice and consent of the
Legislative Council and the Legislative Assembly of New South Wales
5 in this present Parliament assembled and by the authority of the same
as follows (that is to say) :—

1. This Act shall come into operation on the first day of March Short title.
one thousand eight hundred and seventy-seven and shall be called and
may be cited as the "Vaccination Act of 1877."

10 2. In this Act the term "parent" includes any person having Definition of
the custody of a child and the term "medical practitioner" means "parent" and
only a legally qualified medical practitioner. "medical practi-
tioner."

3. The Governor in Council may by proclamation in the Colony to be divided
Gazette divide New South Wales into districts for the purpose of into districts for the
15 affording facilities for vaccination and may appoint a place or places in purposes of vaccina-
tion and places
each

appointed for the performance of vaccination.

each such district for the performance of such vaccination and may from time to time vary or revoke such proclamation and establish other districts and places for the purposes aforesaid and the Governor in Council shall cause effectual means to be taken for giving all persons resident within such district notice of the days and hours at which the medical officer or practitioner hereinafter called the public vaccinator 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 the public vaccinator will attend at such place to inspect the progress of such vaccination in the persons so vaccinated. 5 10

Regulations may be made and fees fixed.

4. The Governor in Council may from time to time make alter vary or revoke regulations for the purpose of carrying this Act into execution and may by such regulations direct what fees shall be paid to any officers appointed under this Act or to any district registrar for the registration of cases of successful vaccination and such regulations shall within one month of the making thereof be published in the *Gazette*. 15

Governor in Council may appoint officers to carry out this Act.

5. The Governor in Council may appoint a public vaccinator or vaccinators for any district or part thereof or place therein and such officers as may be necessary for carrying the provisions of this Act into execution and may from time to time remove any such public vaccinator or officer and appoint another in his stead but no person shall be appointed a public vaccinator who is not a duly qualified medical practitioner or unless he shall have obtained a certificate of competency as a vaccinator from the Medical Board of New South Wales. 20 25

Parents and guardians shall cause their children born after 1st day of March 1877 to be vaccinated.

6. The parent of every child born in New South Wales from and after the first day of March one thousand eight hundred and seventy-seven shall within six months after the birth of such child take or cause to be taken the said child to the public vaccinator duly appointed in and for the district or any part thereof in which the said child is resident for the purpose of being vaccinated unless such child shall have been previously vaccinated by some medical practitioner or by some other public vaccinator in New South Wales and the said public vaccinator 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. 30 35

Provision for districts in places of scanty population.

7. The Governor in Council may provide in districts where the population is scanty or much scattered or where some peculiar circumstances may render it expedient to do so for the attendance of a public vaccinator at the appointed places after intervals exceeding three months and if by reason of such intervals the vaccination of any child cannot be performed within the respective periods herein prescribed no parent or other person who would otherwise be liable shall be liable to any penalty in respect of a neglect to procure the vaccination during any such period but every such parent or other person shall be bound to procure such vaccination to be performed at the time and place so appointed before the commencement of the next interval unless it be otherwise performed by a medical practitioner as herein provided or unless the child shall be certified to be then in an unfit state for or insusceptible of vaccination. 40 45 50

Provision for inspection of vaccination 30 & 31 Vict. c. 84 s. 17.

8. Upon the same day in the following week when the operation shall have been performed by the public vaccinator the parent 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 sees fit take from such child lymph for the performance of other vaccinations and in the event of the vaccination being unsuccessful such parent shall if the vaccinator so direct cause the child to be forthwith again vaccinated and inspected as on the previous occasion. 55

9. If any public vaccinator appointed as aforesaid or medical practitioner shall be of opinion that the child is not in a fit or proper state to be successfully vaccinated he shall forthwith deliver to the parent a certificate under his hand according to the form in the second 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 appointed as aforesaid or medical practitioner shall deem the child to be in a fit state for successful vaccination when the child shall with all reasonable despatch be vaccinated and the certificate of successful vaccination duly given if warranted by the result.
10. At or before the end of each successive period the parent shall take or cause the child to be taken to the public vaccinator appointed as aforesaid or medical practitioner who shall then examine the child and give the certificate according to the said form in the Second Schedule so long as he deems requisite under the circumstances of the case.
11. If any public vaccinator or any medical practitioner shall find that a child whom he shall have three times unsuccessfully vaccinated is insusceptible of successful vaccination or that a child brought to him for vaccination has already had the small-pox he shall deliver to the parent a certificate under his hand according to the form in the Third Schedule hereunto annexed or to the like effect and the parent shall thenceforth not be required to cause such child to be vaccinated.
12. Immediately after the successful vaccination of any child the public vaccinator appointed as aforesaid who shall have performed the operation or ascertained the same to have been successfully performed shall deliver to the parent of the said child a certificate under his hand according to the form set forth in the Fourth Schedule hereto that the said child has been successfully vaccinated and shall also transmit a duplicate of the said certificate to the district registrar of births deaths and marriages for the district in which the said child shall have been born and such certificate shall without further proof be admissible as evidence of the successful vaccination of such child on the hearing of any information or complaint which shall be brought against the parent of such child as aforesaid for non-compliance with the provisions of this Act.
13. No fee or remuneration shall be charged by any public vaccinator to the parent for any certificate or duplicate certificate given nor for any vaccination done under this Act.
14. Notwithstanding anything contained in this Act any medical practitioner in New South Wales 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 public vaccinator appointed under this Act.
15. Where vaccination shall be performed by a medical practitioner not being a public vaccinator the parent causing the child to be vaccinated shall submit to such medical practitioner a certificate in duplicate according to the form set forth in the Fourth Schedule hereto to be filled up and signed by such medical practitioner and shall within twenty-one days after the performance of the operation of vaccination transmit one copy of such certificate so signed by post or otherwise to the district registrar of the district within which the said child shall have been born.

Provision for the unfitness of the child for vaccination.
30 & 31 Vict. c. 84 s. 18.
Second Schedule.

Provision for successive certificates.
30 and 31 Vict. c. 84 s. 19.

Provision where child is not susceptible of successful vaccination.

Third Schedule.

Certificate of successful vaccination to be delivered.

Fourth Schedule.

Public vaccinator not to charge parents for vaccination or certificates.

Legally qualified medical practitioners may give certificates.

Transmission of certificates where vaccination is performed by a medical practitioner not a public vaccinator.
Fourth Schedule.

Registrar or district registrar to keep a register of cases of successful vaccination.

16. The district registrar in every district shall keep a register of the persons of whose successful vaccination a certificate shall have been transmitted to him as herein provided by the said public vaccinator or medical practitioner and shall at all reasonable times allow searches to be made in any such register book in his keeping and shall 5 give a copy certified under his hand of any entry in the same on payment of the fee of one shilling.

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

17. The district registrar in every district shall on or within twenty-one days after the registration of the birth of any child not already vaccinated within the said district cause notice in writing 10 according to the form set forth in the First Schedule hereto to be given or sent by post or otherwise to the parent of such child that it is the duty of such parent to take care that the said child shall be vaccinated and taken for inspection in the manner directed by this Act and such notice shall name the days hours and places within such district at 15 which such public vaccinator as hereinbefore provided will attend for the purposes of vaccination and shall have attached thereto or sent therewith forms according to those given in the Second Third and Fourth Schedules respectively of this Act of which forms that given in the Fourth Schedule shall be delivered in duplicate And if after such 20 notice given or sent or placed in any post office addressed to the parent of the said child he or she shall not accordingly cause such child to be vaccinated or shall not upon the same day in the following week as the day when the vaccination shall have been performed take or cause to be taken such child for inspection by the public vaccinator or shall refuse 25 to permit the public vaccinator to remove and retain the vaccine matter from the arm of the said child or to again vaccinate such child if the previous vaccination shall have proved unsuccessful then such parent so offending shall be liable to a penalty of not less than *ten* and not exceeding *forty* shillings upon conviction of the first offence and shall 30 in the case of any subsequent conviction for a like offence in respect of the same child forfeit a sum which shall be twice the amount of the penalty inflicted on such person for the offence immediately preceding such subsequent conviction Provided that the total amount of the penalties imposed in any conviction in respect of the same child shall 35 not exceed *five* pounds.

Second Third and Fourth Schedules.
Fourth Schedule.

Registrar to report to police where vaccination is neglected.

18. The district registrar of each district shall within one week after the first day of January the first day of April the first day of July and the first day of October in each year forward to the officer or constable of police for the district wherein or for which such district 40 registrar acts a list of all cases in which certificates of vaccination shall not have been duly received by him during the last preceding six months and the said officer or constable of police shall forthwith make inquiry into the circumstances of the cases contained in such list and if such officer or constable shall find that the provisions of this Act have been 45 neglected such officer or constable shall cause proceedings to be taken against the persons in default.

Penalty for refusal to sign deliver or transmit certificates.

19. Any public vaccinator who shall refuse or neglect to deliver any certificate required of him under this Act to the parent bringing a child for vaccination or any public vaccinator or parent who shall 50 neglect to transmit to the district registrar the duplicate of any certificate required by the provisions of this Act to be by him or her so transmitted completely filled up and legibly written within the time hereinbefore specified or any medical practitioner who shall refuse or neglect to fill up and sign in duplicate and deliver to the person sub- 55 mitting the same the certificate given in the Fourth Schedule of this Act or who shall neglect or refuse to deliver to such person any other of the certificates mentioned in section seventeen of this Act when any of such certificates shall be required in consequence of a child's unfitness

Fourth Schedule.

ness

ness for or insusceptibility of vaccination as the case may be shall be liable to pay upon a summary conviction a penalty not exceeding *forty* nor less than *ten* shillings.

20. Any person who shall wilfully sign a false return or certificate or duplicate thereof under this Act or under any regulations made under section five of this Act shall be guilty of a misdemeanour and shall on conviction thereof be imprisoned for a period not exceeding *twelve* nor less than *three* months.

Persons signing false certificates guilty of misdemeanour.

21. No public vaccinator shall be entitled to any fee or reward for successfully vaccinating any person who shall have been previously successfully vaccinated unless such revaccination shall be performed in pursuance of or in compliance with any directions or instructions issued under the authority of the Governor in Council in which case such public vaccinator shall be entitled to receive for each case of such successful revaccination the fee appointed for successful vaccination by the regulations made under section four of this Act.

Payment for re-vaccination in certain cases.

22. Should any vessel arrive in New South Wales on board of which any case of small-pox shall exist at the time of the arrival of such vessel or on board of which any case of small-pox shall have occurred within forty days previous to the arrival of such vessel it shall be lawful for the health officer or acting health officer to vaccinate every person not previously vaccinated who shall be on board such vessel or who may be landed from such vessel and any person arriving in such vessel who shall refuse to submit to be vaccinated or who shall refuse to permit any child in his custody to be vaccinated by such health officer or acting health officer shall be liable to a penalty of not more than *ten* nor less than *five* shillings for every day after such refusal during which such person shall remain without being vaccinated as aforesaid and for every day after such refusal during which any child in the custody of such person remains without being vaccinated as aforesaid.

Persons arriving in vessels in which small-pox exists or has existed during the voyage to be revaccinated.

23. Should any case of small-pox occur in any house in New South Wales it shall be lawful for the public vaccinator to vaccinate every person not previously vaccinated who shall be an inmate of such house while such small-pox shall exist within the said house and every inmate of such house who shall refuse to submit to be vaccinated or who shall refuse to permit any child in his custody to be vaccinated by such public vaccinator or some legally qualified medical practitioner shall be liable to like penalties as are in the next preceding section prescribed in the case of a vessel arriving with small-pox on board or on board of which small-pox shall have occurred within forty days previous to arrival.

Provision for vaccination in the case of small-pox breaking out in a house.

24. The health officer shall and he is hereby empowered to frame and provide such books and forms as he may deem requisite for carrying into full effect the provisions of this Act and shall transmit the same to the district registrars of each district together with copies of such regulations as may be made under section four of this Act who shall deliver to the public vaccinators appointed as aforesaid such of the said books forms and regulations as they may require for the performance of the duties imposed upon them by this Act.

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

25. The health officer and every district registrar and every public vaccinator appointed under this Act may transmit and receive by the General Post Office to and from places in New South Wales 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 the health officer district registrar or public vaccinator as aforesaid.

Correspondence of registrars and others relating to this Part to be free of postage.

26. Any person who shall after this Act comes into operation produce or attempt to produce in any person by inoculation with variolous

Punishment of persons inoculating or otherwise producing small-pox.

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 New South Wales shall on conviction be liable to a penalty not exceeding *one hundred* pounds or to be imprisoned for any term not exceeding *twelve* months. 5

Not necessary for prosecutor to prove service of notice.

27. In any prosecution for neglect to comply with the provisions of this Act it shall only be necessary in support thereof to prove that the deputy-registrar or any other officer has given or sent by post or otherwise notice of the requirements of this Act but if the defendant produce any such certificate as hereinbefore described or the register of vaccinations kept by the registrar as hereinbefore provided in which register 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 set forth in the Second Schedule of this Act when the time specified therein for the postponement of the vaccination shall have expired before the time when the information shall have been laid. 10 15

Certificates to be sufficient defence.

Second Schedule.

Proceedings to be before two Justices.

28. All proceedings under this Act shall be had and taken in a summary way before any two Justices of the Peace.

Appropriation of fees and penalties.

29. All fees fines and penalties payable or to be imposed under this Act shall be paid into a fund to be called "The Vaccination Fund" and shall be applied in accordance with regulations to be made with respect thereto by the Governor in Council under section four of this Act. 20

SCHEDULES.

SCHEDULES.

FIRST SCHEDULE.

I THE undersigned hereby give you notice that you are required to have the child
 [insert name of child] whose birth is now registered vaccinated within six months
 5 from the date of its birth pursuant to the provisions and directions of the "Vaccination
 Act of 1877" and that on the same day in the following week on which such child
 shall be vaccinated you are to take such child to the public vaccinator or medical
 practitioner by whom the vaccination shall have been performed in order that such
 10 vaccinator or practitioner may inspect the result of such vaccination and remove the
 vaccine matter from such child and that in default of your doing so you will be liable to
 the penalties imposed by this Act for neglect of those provisions.

If you intend to apply to the public vaccinator of the district I have to inform
 you that he will attend at the _____ at the hour of _____ on _____

You are required to produce to the public vaccinator or medical practitioner to
 15 whom you apply the forms herewith supplied to you for him to fill up and sign and if
 the operation be performed by a medical practitioner who is not the public vaccinator you
 must transmit to me by post or otherwise the certificate of successful vaccination signed
 by him within twenty-one days after the performance of the operation or you will be
 liable to a penalty of from *ten* to *forty* shillings to be recovered on a summary
 20 conviction.

Dated this _____ day of _____ 18 _____ .

(Signed) C.D.
 District Registrar of Births and Deaths
 for the District of _____

25 SECOND SCHEDULE.

I THE undersigned hereby certify that I am of opinion that _____ aged
 the child of _____ of the _____ of _____ is not now in a fit and
 proper state to be successfully vaccinated and I do hereby postpone the vaccination of
 such child until the _____ day of _____ [This must not exceed two calendar months
 30 from the date of this certificate.]

Dated this _____ day of _____ 18 _____ .

(Signed) A.B.
 Public Vaccinator for the District of _____
 or A.B. _____ of _____

35 Medical Practitioner [i.e. M.D. or M.R.C.S. or otherwise
 as the case may be.]

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

THIRD SCHEDULE.

I THE undersigned hereby certify that I have _____ times unsuccessfully vaccinated
 40 aged _____ the child of _____ of _____ in the _____ of _____
 [or that the child has already had small-pox as the case may be] and I am of opinion that
 such child is insusceptible of successful vaccination.

Dated this _____ day of _____ 18 _____ .

45 (Signed) A.B.
 Public Vaccinator for the District of _____
 or A.B. _____ of _____
 Medical Practitioner [i.e. M.D. or M.R.C.S. or otherwise
 as the case may be.]

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

FOURTH

Vaccination.

FOURTH SCHEDULE.

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

Dated this _____ day of _____ 18 _____

(Signed) A.B. Public Vaccinator for the District of _____ or A.B.

Medical Practitioner [i.e. M.D. M.R.C.S. or otherwise as the case may be.]

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NOTE.—This certificate is to be given to the parent or other person procuring the vaccination and 10 a duplicate thereof is to be transmitted within twenty-one days from the performance of the operation by the public vaccinator to the registrar of the district in which the child was born.

When the vaccination is performed by a medical practitioner not a public vaccinator he is to fill up and sign such certificate and a duplicate thereof and deliver the same to the parent or other person bringing the child for vaccination and the parent or such other person is within twenty-one days to 15 transmit by post or otherwise the certificate to the registrar of the district in which the child was born. The duplicate of such certificate is to be retained by the parent or other person.

In each case of default the "Vaccination Act of 1877" imposes a penalty of from ten to forty shillings.

Sydney: Charles Potter, Acting Government Printer.—1877.

[6d.]