

WESTERN AUSTRALIA

ANNO QUADRAGESIMO SECUNDO

VICTORIÆ REGINÆ

No. 13

An Act to extend and make compulsory the practice of
Vaccination. *[Assented to 16th July, 1878.]*

WHEREAS it is expedient to extend and make compulsory the
practice of Vaccination: Be it therefore enacted by His
Excellency the Governor of Western Australia and its Dependencies,
by and with the advice and consent of the Legislative Council thereof,
as follows:—

Preamble

1. This Act may be cited for all purposes as 'The Vaccination Act,
1878.'

Short title

2. An Ordinance passed in the twenty-fourth year of the reign of
Her present Majesty, intituled 'An Ordinance to make compulsory
the practice of Vaccination,' shall be and the same is hereby
repealed.

Repeal of 21 Vic.,
No. 11

3. From and after the passing of this Act, the Governor shall
appoint a Superintendent of Vaccination and such public vaccinators
as may be required for performing the duties prescribed by this Act,
and make such rules and orders as he may see fit for the proper per-
formance of the duties of the several officers so appointed, and for the
payment of the several officers required to perform any duties under
this Act.

Governor to
appoint officers

Vaccination

Duty of Superintendent of Vaccination

4. It shall be the duty of the Superintendent of Vaccination to take measures for the regular supply of vaccine virus to the several public vaccinators and to superintend the distribution of the same, and generally to superintend the carrying into execution the provisions of this Act.

Governor to declare 'urban,' 'suburban,' and 'rural' districts

5. The Governor in Council shall from time to time declare such districts as he may see fit, being within a radius of five miles of the place of residence of a public vaccinator, to be 'urban districts,' for the purposes of this Act; and such districts, being within a radius of twenty miles of the place of residence of a public vaccinator, to be 'suburban districts'; all other parts of the Colony, not included in any urban or suburban district, shall be deemed to be a 'rural district,' for the purposes of this Act.

Interpretation 'the prescribed period'

6. The phrase 'the prescribed period' shall, in the case of any child within an urban district, signify the space of three calendar months; and in the case of any child within any suburban district, the space of six calendar months.

All children within urban or suburban districts to be brought within the prescribed period to a public vaccinator for vaccination

7. The parent of every child now in the Colony and living within any urban or suburban district, which at the time of the passing of this Act may be of the age of seven years or under, not being already vaccinated, shall, within the prescribed period after the passing of this Act—and the parent of every child which may hereafter be brought to live in any urban or suburban district of the Colony, being of the age of seven years or under, not having been already vaccinated, shall, within the prescribed period after its arrival in such district of the Colony—and the parent of every child that may be born in any urban or suburban district after the passing of this Act, shall, within the prescribed period after its birth—or when, by reason of the death, illness, absence, or inability of the parent, or other cause, any other person within any urban or suburban district shall have the custody of such child, such person shall, within the prescribed period after receiving the custody of such child—take it or cause it to be taken to any public vaccinator, who is hereby required, with all reasonable despatch, and without fee or reward, subject to the conditions hereafter mentioned, to vaccinate such child.

Power to Governor to appoint public vaccinators to travel through districts

8. It shall be lawful for the Governor from time to time to appoint some person to travel through any rural district of the Colony as a public vaccinator, and to assign him such travelling expenses and remuneration as he may see fit. It shall be lawful for any such person, after notice of his appointment as aforesaid shall have appeared in the 'Government Gazette,' to send to any parent or other person having the custody of any child that may be of the age of seven years or under, and which has not been vaccinated, notice that he will be at a place to be named in such notice, not being more than seven miles distant from the place of residence of such parent or other person as aforesaid, on a day and at an hour to be therein named, and requiring such parent or other person as aforesaid, to have such child at such place on the day and at the hour appointed. Any parent or other person as aforesaid, who, after receiving any notice as aforesaid, shall fail to have the said child at the said place on the day and at the hour named, shall, unless he shall render a reasonable excuse for his neglect, be guilty of an offence under this Act. The said public vaccinator shall, without fee

Such public vaccinators to give notice requiring parents to bring their children for vaccination

Vaccination

or reward, subject to the conditions hereafter mentioned, vaccinate the children brought to him in pursuance of the said notice.

9. Upon the same day in the following week when the operation shall have been performed as aforesaid by the public vaccinator, such parent or other person as aforesaid, as the case may be, shall again take the child, or cause it to be taken, to such place as may be directed by the public vaccinator, at such hour as may be appointed by him, there to be inspected by the said public vaccinator or by such person as he may appoint for the purpose, to ascertain the result of the operation; and such public vaccinator or other person may then, if he shall see fit, take from such child lymph for the performance of other vaccinations; and in the event of the vaccination proving to have been unsuccessful, the said child shall be forthwith again vaccinated and inspected as on the previous occasion. Such vaccination and inspection shall be repeated, until either the operation shall have proved successful, or the public vaccinator, having three times unsuccessfully vaccinated any child, shall find that such child is insusceptible of successful vaccination, and shall give the parent or other person as aforesaid a certificate to that effect, as hereinafter mentioned.

All children after such vaccination to be brought to public vaccinator for inspection

Who shall, if necessary, again vaccinate any child

10. If any public vaccinator shall be of opinion that any child is not in a fit and proper state to be successfully vaccinated, he shall forthwith deliver to the parent or other person having the custody of such child, a certificate under his hand according to the form of Schedule A, 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 shall deem the child to be in a fit state for successful vaccination, when the child shall with all reasonable despatch be vaccinated, and such proceedings shall thereupon be taken as provided for by the next preceding section.

If any child is in unfit state for vaccination, public vaccinator to give certificate to that effect

11. At or before the end of any such period of two months, as last aforesaid, the parent or such person as aforesaid shall apply to a public vaccinator for a renewal of the said certificate as aforesaid, and the said public vaccinator shall then, if satisfied that the said child is still in a state unfit for vaccination, renew the said certificate as aforesaid.

Such certificate may be renewed from time to time

12. If any such public vaccinator, or other person aforesaid, shall find that a child who has been 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 or other person as aforesaid a certificate under his hand according to the form in Schedule B, exempting such child from the provisions of this Act, and shall also transmit a copy of the same to the district registrar of births and deaths in the district within which the birth of such child was registered; but if such district be not known to him, or if the birth of the child shall not have been registered, to the registrar within whose district the operation shall have been performed, or within which such child shall be living; and the child shall thenceforth not be required to be vaccinated.

If any child has been three times unsuccessfully vaccinated or has had the small pox, public vaccinator to give certificate to that effect

13. Every public vaccinator, or other person as aforesaid, who shall have inspected the vaccination of any child, and shall have ascertained that the same has been successful, shall within twenty-one days after

Public vaccinator to send certificates of successful

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vaccinations to district registrar of births, &c.

such inspection transmit by post or otherwise to the district registrar of the district as aforesaid, a certificate according to Schedule C to this Act, certifying that the said child has been successfully vaccinated, and upon request shall deliver a duplicate thereof to the parent or other person as aforesaid.

District registrar of births, &c., to give notice to persons registering birth, requiring child to be vaccinated

14. The district registrar of births and deaths shall, on the registration with him of the birth of any child, give to the person registering the same a notice in the form of Schedule D, requiring such child to be duly vaccinated according to the provisions of this Act, and shall also send a notice of the birth of such child to the nearest public vaccinator; but the omission on the part of the district registrar to give the notice first above-named, shall not exempt any parent or other person from any prosecution under this Act.

District registrar of births, &c., to register certificates transmitted to him

15. Every such district registrar of births and deaths shall keep a book, in which he shall enter in such form and manner as may be directed by the Governor, minutes of the notices of vaccination given by him as herein required, and also register the certificates transmitted to him as herein provided, and shall at all reasonable times allow searches to be made therein, and upon demand give a copy under his hand of any entry in the same on payment of a fee of one shilling.

Registered medical practitioner may do all things herein required to be done by public vaccinator

16. It shall be lawful for any parent or other person to take any child to be vaccinated by a duly qualified medical practitioner instead of a public vaccinator; and if any such medical practitioner shall undertake such vaccination, he shall be liable to perform all the duties in connection with such vaccination which are required by this Act to be performed by the public vaccinator, and shall further be vested with the powers and authority conferred by this Act on such public vaccinator in respect to such vaccination performed by him; and the parent or person taking any child to any such medical practitioner for vaccination, shall be subject to the rules provided by this Act for vaccination by a public vaccinator as to the time and manner of such vaccination, subsequent inspection, and certificates. Provided always that no person, other than a public vaccinator, shall be entitled to receive any fee from public funds in respect of any vaccination.

Public Vaccinators to vaccinate persons above seven years of age,

17. It shall be lawful for the Governor to make rules and regulations as to the terms on which Public Vaccinators shall be bound to vaccinate persons above the age of seven years, and as to the conditions on which the Public Vaccinators shall be entitled to receive a fee from public funds in respect of any such vaccination, and as to the amount of such fee; and it shall be the duty of any Public Vaccinator, without fee or reward, subject to such rules and regulations, to vaccinate any person above the age of seven years, who may present himself for the purpose, and to subsequently examine and if necessary to re-vaccinate such person in the manner provided in the case of children under the age of seven years; and to send in to the Superintendent of Vaccination, periodically, returns showing the names and ages of the persons so vaccinated, together with such other particulars as may be required by the rules and regulations aforesaid.

and make Returns thereof

Penalty for inoculating any person with small pox or virus

18. Any person who shall inoculate any person with the small pox matter or virus, shall forfeit and pay any sum not exceeding Fifty pounds, or at the discretion of the Justices be imprisoned with or without hard labour for any term not exceeding six calendar months.

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19. Every parent or person having the custody of a child, who shall neglect to take such child, or cause it to be taken, to be vaccinated, or, after vaccination, to be inspected according to the provisions of this Act, and shall not render a reasonable excuse for his neglect, shall be liable, upon conviction before any two Justices, to a penalty not exceeding Five pounds; and the said Justices may, on any such conviction; make an order under their hands and seals directed to the parent or other person having the custody of such child, ordering the said child to be vaccinated within a certain time to be named in such order; and if at the expiration of such time the child shall not have been so vaccinated, the person to whom such order shall have been directed as aforesaid shall be proceeded against summarily for neglecting such order as aforesaid, and unless he can show some reasonable ground for his omission to carry the order into effect, shall be liable, on conviction before any two Justices, to a penalty not exceeding Twenty pounds; and on any such conviction from time to time, it shall be lawful for the convicting Justices to renew the said order, and any fresh breach of any such order, after a previous conviction for any such breach, shall be punishable in the like manner.

Parent of child neglecting to comply with provisions of the Act to be guilty of an offence

Penalty

20. It shall be lawful for any public vaccinator to inquire of the parent or other person having the custody of any child, whose age apparently does not exceed seven years, the age of such child, and any such parent or other person as aforesaid who shall refuse to answer or shall not make true answer to such question, shall be guilty of an offence under this Act.

Public vaccinator may demand age of any child

21. If it appear from the answer to the question put as aforesaid, or if it otherwise appear, that any child is of an age not exceeding seven years, it shall be lawful for such public vaccinator to examine such child to see whether it has been vaccinated or not; and unless such public vaccinator is satisfied on such examination that such child has been successfully vaccinated, he shall forthwith vaccinate such child, and shall subsequently inspect, and, if necessary, re-vaccinate and do all things in accordance with the provisions of this Act applicable to the case of a child brought for vaccination to any public vaccinator. Any person who shall prevent or endeavour to prevent any public vaccinator from examining or vaccinating, or from subsequently inspecting, and, if necessary, re-vaccinating any such child, shall be guilty of an offence under this Act.

Public vaccinator may examine any child under seven, and if not vaccinated shall vaccinate it

22. Any person guilty of an offence under this Act for which no penalty has been elsewhere provided shall, on a summary conviction thereof before any two Justices, forfeit and pay any sum not exceeding Ten pounds; but no such person shall be deemed to have been guilty of any second or subsequent offence, except in respect of his or her conduct subsequently to a previous conviction.

Penalty for offences under this Act

23. No information shall be received in respect of any offence punishable under this Act, unless the informant satisfies the Justice or Justices that the same is laid with the approval and consent of the Superintendent of Vaccination, or of such other person as the Governor by notice in the 'Government Gazette' shall appoint for this purpose.

No information to be received unless authorised by Superintendent of Vaccination

Vaccination

Shortening Or-
dinance

24. Sections A, D, F, and H of 'The Shortening Ordinance, 1853,' are incorporated with this Act.

H. ST. GEORGE ORD,
GOVERNOR.

SCHEDULE A

I hereby certify that the child hereunder described is not at present in a fit and proper state to be successfully vaccinated.

Sex of child	Date of birth	Names of parents	Address of parents

Dated this _____ day of _____ 187

(Signed) A.B., District Registrar.

NOTE.—This certificate is to remain in force for two months from the date hereof.

SCHEDULE B

I hereby certify that the child hereunder described (having been three times unsuccessfully vaccinated, is insusceptible of successful vaccination) or, (having already had the small pox, need not be vaccinated)

Sex of child	Date of birth	Names of parents	Address of parents

Dated this _____ day of _____ 187

(Signed) A.B., District Registrar.

SCHEDULE C

I hereby certify that I have successfully vaccinated the child hereunder described.

Sex of child	Date of birth	Names of parents	Address of parents

(Signed) A.B., Public Vaccinator or
duly qualified Medical Practitioner

To the District Registrar of