

AUSTRALIAN CAPITAL TERRITORY.

No. 1 of 1944.

AN ORDINANCE

To amend the Crimes Act, 1900, of the State of New South Wales, in its application to the Territory.

BE it ordained by the Governor-General in and over the Commonwealth of Australia, with the advice of the Federal Executive Council, in pursuance of the powers conferred by the *Seat of Government Acceptance Act 1909-1938* and the *Seat of Government (Administration) Act 1910-1940*, as follows:—

1. This Ordinance may be cited as the *Crimes Ordinance 1944*.* Citation.

2. In this Ordinance, unless the contrary intention appears— Definition.
“the Crimes Act” means the Crimes Act, 1900, of the State of New South Wales in its application to the Territory.

3. Section one hundred and twelve of the Crimes Act is repealed and the following section inserted in its stead:—

“112. Any person who—

(a) breaks and enters any dwelling-house or any building within the curtilage of any dwelling-house and occupied therewith but not being part thereof, or any school-house, shop, warehouse, counting-house, office, store, garage, pavilion, factory or workshop, or any building belonging to His Majesty or to any Government department or to any municipal or other public authority and commits any felony therein; or

(b) being in any dwelling-house or building specified in paragraph (a) of this section commits any felony therein and breaks thereout,

shall be guilty of an offence.

Penalty: Imprisonment for ten years.”

4. After section three hundred and fifty-three of the Crimes Act, the following section is inserted:—

“353A.—(1.) Where a person is in lawful custody upon a charge of committing any crime or offence, any constable may search his person and take from him anything found upon his person.

(2.) When a person is in lawful custody upon a charge of committing any crime or offence which is of such a nature and is alleged to have been committed under such circumstances that

Breaking, &c., into any dwelling-house, &c., and committing felony.

Power to search person, make medical examination, take photograph, fingerprints, &c.

* Notified in the *Commonwealth Gazette* on 20th January, 1944.

there are reasonable grounds for believing that an examination of his person will afford evidence as to the commission of the crime or offence, any legally qualified medical practitioner acting at the request of any officer of police of or above the rank of sergeant, and any person acting in good faith in his aid and under his direction, may make such an examination of the person so in custody as is reasonable in order to ascertain the facts which may afford such evidence.

(3.) When a person is in lawful custody for any offence punishable on indictment or summary conviction, the officer in charge of police at the station where he is so in custody may take or cause to be taken all such particulars as may be deemed necessary for the identification of such person, including his photograph and finger-prints.”.

Dated this twelfth day of January, 1944.

GOWRIE

Governor-General.

By His Excellency's Command,

H. V. EVATT

for Minister of State for the Interior.

By Authority: L. F. JOHNSTON, Commonwealth Government Printer, Canberra.