



Office of Hon Maurice Williamson

MP for Pakuranga

Minister for Building and Construction

Minister of Customs

Minister for Land Information

Minister of Statistics

Minister for Small Business

22 MAR 2011

Mr Thomas Beagle
PO Box 5641
Lambton Quay
WELLINGTON 6145

Dear Mr Beagle

Thank you for your letter dated 22 February 2011, regarding the plans by Customs to trial a body image scanner.

In regard to your concern that the use of these devices seems to contravene the Aviation Crimes Act 1972, this trial actually has nothing to do with this Act. While the Aviation Crimes Act 1972 does state that Customs officers and others *"may not use any aid or device that produces an unclothed image of the person"*, this is for the purpose of searches for substances which pose a threat to aircraft.

This trial is undertaken under the Customs and Excise Act 1996, specifically section 172(1) of the Customs and Excise Act 1996 which states that *"In exercising any power of boarding, entry, or search conferred by this Act, a Customs officer or any constable may have with him or her, and use for the purposes of searching, a dog, a chemical substance, x-ray or imaging equipment, or some other mechanical, electrical, or electronic device"*.

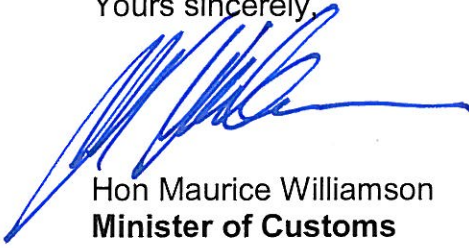
I am therefore comfortable that Customs is not breaking the law. I am not aware of any plans to amend the Aviation Crimes Act 1972.

With respect to your question as to whether I agree with Customs refusal to discuss its plans on the grounds that "lives may be at stake", please note this is slightly out of context in the NZ Stuff article. The comment referred to the "digital technology, such as encrypted communications" that was mentioned in the same article, and not to this trial.

While I can appreciate your concerns in relation to the body scanners given the controversy over the use of this type of technology overseas, this has largely related to the use of the technology for aviation security screening purposes and not the purpose for which Customs is undertaking this trial.

Thank you for taking the time to write, and I hope my response has clarified matters for you.

Yours sincerely,

A handwritten signature in blue ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

Hon Maurice Williamson
Minister of Customs