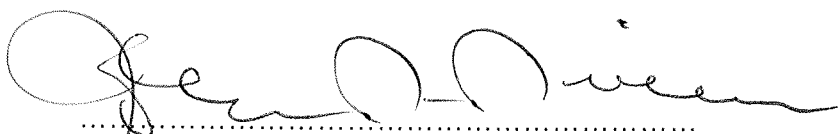


Other detention issues

10. In early 2007 Mr X purchased a laptop computer with a modem and web camera after being advised by GSL (Australia) Pty Ltd and DIAC that he would not be permitted to have the computer while in detention as the modem and web cam were considered contraband items. He complained to the Ombudsman's office as he considered that it was unreasonable and unlawful for DIAC to 'confiscate' the computer. While the Ombudsman concluded that the decision not to allow access to the computer was consistent with current guidelines, DIAC was asked to consider the possibility of allowing Mr X access to the computer in a controlled environment. DIAC are yet to respond to the proposal.

Ombudsman assessment/recommendation

- 11. In Report 372/08 the difficulty of obtaining travel documents for an involuntary removal to India was noted. This issue appears to be resolved. Otherwise, there have been no significant changes in Mr X's status since that report.
- 12. The Ombudsman recommended in Report 372/08 that Mr X's mental health be comprehensively assessed, and that if this assessment indicates that Mr X's mental health is impaired, that DIAC takes this into account in planning for his removal. The Ombudsman notes the MSE of February 2008 identified no significant mental health issues.
- 13. The Ombudsman notes Mr X's case is one of those about which the Minister announced he would consult the Ombudsman prior to making a decision. As Mr X's removal is imminent, the Ombudsman makes no recommendation in this report.



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Prof. John McMillan
Commonwealth and Immigration Ombudsman

28 April 2008
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Date