

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 27 - 28 May 2009

IMMIGRATION AND CITIZENSHIP PORTFOLIO

(3) Program: MRT-RRT

Senator Barnett (L&CA 50) asked:

How long does the MRT hold its files?

Answer:

The MRT is presently holding all files pending the development of a new Records Disposal Authority with Australian Archives.

The Immigration Review Tribunal (now defunct) and the Migration Review Tribunal have managed files and decision records in accordance with Records Disposal Authority no. 795, which was established on 1 April 1992. That Authority provided for the retention of files in the following categories:

- case files, where the case was finalised without a decision, including those withdrawn, to be retained for 2 years;
- case files, where the case resulted in a decision to be retained for 7 years;
- case files to be retained for 7 years, where a case had been subject to judicial review which was resolved without a court hearing;
- case files to be retained permanently, where a case had been subject to judicial review which involved a court hearing;
- decision records to be retained permanently.