

17 November 2023

Department of Home Affairs

By email: health.requirement.review@homeaffairs.gov.au

To whom it may concern,

RE: REVIEW OF AUSTRALIA'S VISA SIGNIFICANT COST THRESHOLD (SCT)

The Australian Dental and Oral Health Therapists' Association (ADOHTA) is the peak professional association representing registered dental therapists and oral health therapists. Dental and oral health therapists are independent dental practitioners primarily responsible for the prevention and control of oral disease and are the leaders in oral health promotion within the community. Our members consist of clinicians, academics, researchers, educators, health economists and health policy experts. As dental and oral health therapists we are involved in the care of individuals who experience significant disadvantage including recent migrants, refugees and asylum seekers; subsequently we welcome the Commonwealth Government's review of the Significant Cost Threshold (SCT).

Before addressing the terms of reference, it is worth noting the recommendations relevant to this review including:

- the Joint Standing Committee of Migration report *Enabling Australia Inquiry into the Migration Treatment of Disability* recommendations and;
- The United Nations Committee on the Rights of Persons with Disabilities' recommendation that Australia "*Review and amend its migration laws and policies to ensure that persons with disabilities do not face discrimination in any of the formalities and procedures relating to migration and asylum and, especially, remove the exemption in the Disability Discrimination Act 1992 to certain provisions of the Migration Act 1958*",

ADOHTA also notes, and supports, the Welcoming Disability Open Letter which recommends the:

1. Removal of the exemption in the *Disability Discrimination Act 1992* to the *Migration Act 1958*;
2. A costing review of the migration health requirements, similar to the Canadian government's review of their Medical Inadmissibility requirement.
3. The granting of an automatic health waiver for all children with a disability or health condition born in Australia to temporary visa applicants if the family wants to apply for further visas.

We note this review addresses some of the above recommendations, we are disappointed to see the exemption in the *Disability Discrimination Act 1992* is not considered as part of this review. ADOHTA believes this is a key human rights consideration which requires rectification.



How the Australian visa Significant Cost Threshold is calculated

Australia should ensure consistency with other comparable OECD countries such as Canada and New Zealand in calculating the Significant Cost Threshold (SCT). In Canada (in 2022), the SCT was C\$120,285 (A\$138,692) over five years, or C\$24,057 (A\$27,738) per year. New Zealand's significant cost threshold is now NZ\$81,000 (A\$74,792) over five years.

Noting the need to review how the SCT is calculated it is recommended that the Commonwealth Government immediately raise the SCT in line with our New Zealand colleagues. This aligns with recent data from the Australian Institute for Health and Welfare (AIHW) which states the average cost of healthcare per year for Australians in 2019-20 was \$7,900. Noting the following from the Department of Home Affairs Website "*If you have a permanent or ongoing condition with a reasonably predictable course, the MOC will estimate what your condition will cost the community over your remaining life expectancy up to a maximum of 10 years*" it is unreasonable to cap this at \$51,000 noting the average Australian in this instance would cost \$79,000 over 10 years.

How 'Significant' is defined in the Australian visa Significant Cost Threshold

ADOHTA supports a review of the definition of "significant" to align with contemporary policy frameworks. As it stands \$51,000 cannot be deemed significant.

The implications of special education as a costing policy definition of 'community service'

ADOHTA believes special education should be immediately removed as a "cost" and seen as a community investment.

The impact of the migration health requirement on non-citizen children with a disability born in Australia to people on temporary visas.

ADOHTA believes this policy should be removed. Not only is it discriminatory against people with disability it does not account for the economic benefits of allowing these families to remain in Australia and the skills they bring.

And any other matters in relation to the Migration Health Framework.

ADOHTA greatly supports this review noting the significant costs associated with meeting the oral health needs of people living with a disability, and while this review continues, ADOHTA recommends:

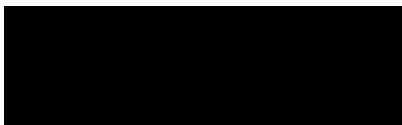
- The SCT is immediately increased to \$79,000 to align with the actual average cost of healthcare in Australia.
- Special education is immediately removed as a "cost."
- The urgent removal of the migration health requirement on non-citizen children with a disability born in Australia to people on temporary visas.
- Removal of the exemption in the *Disability Discrimination Act 1992* to the *Migration Act 1958*



ADOHTA commends the Department on its work in this crucial area of reform and supports the removal of structural discrimination in Australia's regulatory framework. This review provides a crucial opportunity to remove the exemptions of the Disability Discrimination Act on the Migration Act, particularly noting the significant human rights considerations highlighted by the United Nations.

We look forward to seeing positive change in this area and appreciate the opportunity to contribute to this important review.

Yours sincerely,



Tim Budden on behalf of the ADOHTA Board of Directors

BOARD DIRECTOR (ADVOCACY)

AUSTRALIAN DENTAL & ORAL HEALTH THERAPISTS' ASSOCIATION

ⁱ Concluding Observations on the combined second and third periodic reports of Australia

