



MDAA SUBMISSION TO THE JOINT STANDING COMMITTEE ON THE NDIS ANNUAL REPORT INQUIRY

SYDNEY PUBLIC HEARING

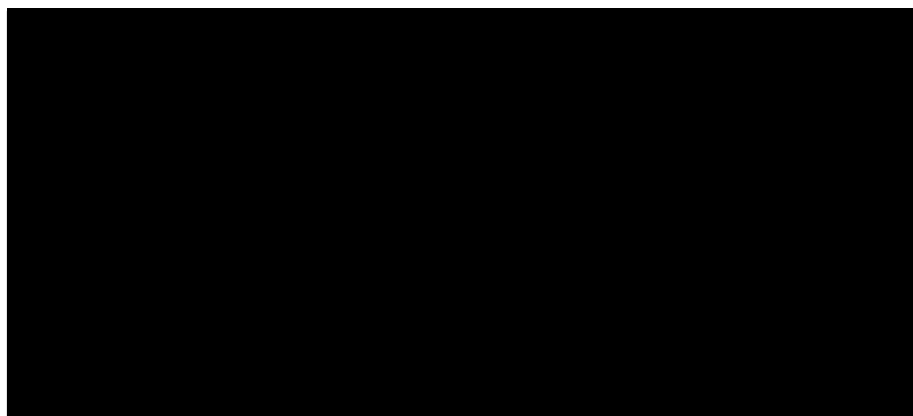
OCTOBER 2025

ACKNOWLEDGEMENT OF COUNTRY

We respectfully acknowledge the traditional custodians of the land on which we live, work, and meet. We pay our respects to Elders past, present, and emerging.

We recognise their enduring connection to their land, waters, and skies and honour their rich cultural heritage and knowledge systems.

We commit to listening, learning, and standing in solidarity with Aboriginal and Torres Strait Islander peoples, walking alongside them in the ongoing journey towards justice and reconciliation.



About this Submission

This submission is provided by MDAA in advance of our appearance at the public hearing of the Joint Standing Committee on the National Disability Insurance Scheme (NDIS) in Sydney on 23 October 2025. MDAA welcomes this opportunity to be able to participate.

This submission draws on our frontline experience supporting people with disability from multicultural backgrounds through the NDIS, with a particular focus on appeals, systemic barriers, and legal processes. The submission highlights concern about the disproportionate increase in the National Disability Insurance Agency (NDIA)'s legal expenditure, stagnant funding for advocacy, the adversarial nature of external review processes, and the urgent need for structural reform.

MDAA also wishes to raise concerns regarding the implementation of culturally safe practices across the NDIS. While we welcome the growing recognition of cultural safety in policy documents, this is not yet reflected in practice. Our work continues to show that participants from multicultural backgrounds face additional challenges in navigating the NDIS, especially in the appeals process. MDAA regularly participates in NDIA advisory groups and is well-positioned to assist the Agency in delivering culturally safe services, including through tailored training.

Disproportionate Legal Spending vs Advocacy Funding: A Growing Imbalance

One of the most pressing concerns emerging from our advocacy work is the growing imbalance between the resources allocated to the NDIA's legal defence and those available to advocacy organisations and legal aid supporting clients through NDIS appeals. While demand for external review continues to increase, especially following recent legislative change, advocacy services like MDAA are significantly underfunded and overstretched. This imbalance not only entrenches inequity but also undermines the intended safeguards of the review process. The contrast in funding trajectories is clear and raises serious questions about fairness, accountability, and access to justice for people with disability.

According to media reports, the NDIA spent \$60.7 million on external law firms in 2024–25, marking a 62% increase from the \$37 million spent the previous year (Lyons, 2025). This is a 62% increase year on year. These amounts do not include the costs of administrative staff, case managers, or the NDIA's internal legal team.

Between 2022 and 2024, approximately \$7 million per year was allocated to around 50 advocacy organisations and Legal Aid Commissions to assist people with disability with NDIS appeals through the Administrative Appeals Tribunal (AAT) (Department of Social Services, 2025).

In 2024–25, a further \$7.3 million was awarded for this program (Department of Social Services, 2025). Despite requests for increased support, this is the total confirmed funding until June 2026 (Department of Social Services, 2025). In contrast, the NDIA appears to have greater flexibility to increase its legal defence funding as demand grows.

The AAT reported 4,068 lodged NDIS applications in 2023–24, while the Administrative Review Tribunal (ART) reported 7,935 lodged applications in 2024–25 (Administrative Review Tribunal, 2025). This sharp increase likely explains part of the growth in NDIA legal spending and coincides with the implementation of legislative changes in October 2024. Advocacy organisations have reported closing their books to new clients or managing lengthy waitlists due to stagnant funding levels.

This raises serious concerns about whether recent legislative changes are being fairly applied and properly tested through external review – the intended purpose of these checks and balances.

Many people are unable to access advocacy and either withdraw their matters or never lodge them. The NDIA cannot reasonably be assumed to make correct decisions in every case, and this cohort is particularly vulnerable.

Case example 1 – NDIA internal restrictions

A review of a reviewable decision was returned by a planner stating a document had not been included, when in fact it had been. When this was raised with the planner, they advised they could not alter the decision and the applicant would need to proceed to an external appeal. This appears to indicate restrictive internal processes drive unnecessary and costly external reviews.

Case example 2 – Adversarial nature of proceedings

Our experience at the ART has been increasingly adversarial possibly due to the growing power imbalance between applicants and the NDIA, exacerbated by complex legislative changes and a flexible.

Examples include NDIA legal representatives arguing that GP written evidence will be given less weight unless the GP can attend the hearing, placing the cost of attendance on the applicant; agreements made and later reneged on by the NDIA; and submissions aimed at limiting evidence despite clear changes in support needs, with claims the NDIA would be “disadvantaged” by new information or requests, even when hearings are months away.

Our clients – added pressure for representation

Unlike the NDIA's representative's client (case manager), our clients have often never been involved in legal proceedings before. They are frequently stressed and exhausted. During the process and especially hearings, our team applies additional skills and support to help them understand the process and console them during this stressful period whilst still trying to combat the NDIA in the legal arena of the Tribunal.

Our cohort focus is people from multicultural backgrounds. This group often experiences higher levels of mistrust toward government, language barriers, and relies on evidence from practitioners who share similar backgrounds. These practitioners can face their own linguistic and systemic barriers when preparing evidence. As a result, it is often difficult to secure their participation as witnesses or obtain technical, linguistically proficient written evidence that fully captures the applicant's needs and treatment requirements.

This is why we urge for fair and proportionate increase to the very much outdated NDIS appeals funding - and not wait until June 2026 comes around as for a lot of people it will be far too late.

Cultural Safety in Practice

MDAA actively participates in multiple NDIA advisory committees and reference groups, where we provide ongoing feedback informed by our advocacy work with people from multicultural and linguistically diverse backgrounds. We acknowledge and welcome the Agency's recent emphasis, through policy documents and strategic frameworks, on the need to provide culturally safe services. This recognition marks a positive and necessary shift.

As an organisation with deep expertise in cultural safety, we continue to deliver targeted, practical training via 'MDAA Learning', which aims to bring cultural safety to the minds and forefront of workers by embedding the lived experiences of the communities we represent. We believe it is very important.

However, our frontline experience indicates this commitment remains largely aspirational. Despite policy intentions, we have yet to observe a consistent or meaningful application of culturally safe practices in the day-to-day implementation of participant plans or in external review processes such as appeals. This gap is especially concerning given the barriers faced by diverse people navigating the NDIS.

Case Study 1

A refugee participant faced repeated requests to prove their residency status despite already providing visa documentation, after hospital discharge reports repeatedly referred to them being “stressed and anxious” and the Agency sought to “find out why” rather than focusing on their support needs.

Case Study 2

During the planning stage, a planner called to approve their plan without using an interpreter, which led to confusion and distress as the participant believed the call related to their already finalised NDIS appeal. Instead of rescheduling with appropriate language support, the plan was approved without meaningful consultation. The planner then contacted us and requested that we explain what had occurred to the distressed participant.

Closing Remarks

MDAA thanks the Joint Standing Committee on the National Disability Insurance Scheme for the opportunity to contribute to this inquiry and appear at the upcoming public hearing.

This submission highlights several focus areas that need attention:

- The disproportionate growth in NDIA legal expenditure compared to the stagnant and inadequate funding for advocacy organisations;
- The increasingly adversarial nature of external review processes, which undermines fair outcomes for NDIS participants;
- The structural pressures on the ART and the impact on access to justice for people with disability; and
- The critical lack of cultural safety in practice, despite growing policy recognition of its importance.

The combined effect of these issues is a system that is placing undue burden on already marginalised participants, particularly people from multicultural backgrounds. The funding model for NDIS appeals advocacy is outdated and insufficient. It does not reflect the current and likely future demand for support with NDIS appeals. Without urgent, proportionate investment from the government in this area many participants will continue to fall through the cracks without ever having their matters heard and the laws and decisions will be going untested.

MDAA stands ready to support the NDIA and the government in creating a more equitable and culturally safe NDIS. Through our specialist training, policy expertise, and direct advocacy experience, we can assist in building a system that truly reflects the diverse needs of our community.

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