

Submission to the Joint Standing Committee on the National Disability Insurance Scheme (NDIS)

Inquiry into the Implementation, Performance, Governance, Administration and Expenditure of the NDIS

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Date: October 2025

1. Introduction

I submit this on my own behalf as an NDIS participant, diagnosed with Complex Post-Traumatic Stress Disorder (C-PTSD), Major Depressive Disorder, and ADHD (though ADHD is not formally recognised in my current NDIA record). These conditions interact and increase my vulnerability to procedural failures.

This submission outlines how the NDIA, and persons acting under its authority, appear to have breached statutory obligations, mishandled records, failed to respond to correspondence over more than seven months, and engaged in conduct that caused moral injury. I respectfully ask the Committee to examine these matters and consider reforms to prevent similar harm to other participants.

2. Facts, Chronology, and Attempts at Communication

2.1 Participant Information Access Request

In early 2025, I lodged a Participant Information Access Request with the NDIA. When documents were released, key materials were missing, including records of a review of a previous NDIA decision, internal planning notes, and any explanation for why my listed disabilities had been altered in the Agency's system.

2.2 Original Evidence

- At acceptance to the Scheme, the NDIA held six psychiatrist reports confirming my diagnoses and functional limitations.
- An independent medical report commissioned by the NSW Workers Compensation Commission corroborated those findings.

Those circumstances have not changed. The current NDIA record diverges from the evidence that established my eligibility.

2.3 Notice of Errors and Improper Demand for a Change of Circumstances

After receiving the documents, I notified the NDIA in writing that my file contained inaccuracies and missing documents. The Agency replied that I should submit a Change of Circumstances form. That instruction was improper because there had been no change in my health, functional impairment, or living situation. The problem was an internal record-keeping failure, not a change attributable to me.

2.4 Unanswered Correspondence within the Access Team

After the access disclosure, I sent multiple detailed emails to Team Leader [REDACTED] and other staff within the NDIA Access Team seeking clarification on the location of the missing information and supporting evidence, the reasons my disabilities were removed or altered, and explanations for other administrative inconsistencies. Despite repeated follow-ups, no response was received from any member of the Access Team.

2.5 Unfulfilled Promises and Phone Contacts

In June 2025, I was advised that Senior Planner [REDACTED] would contact me to resolve the issues. As of October 2025, no contact has occurred. On two occasions, I telephoned the NDIA for updates and was assured the matter would be escalated. No follow-up occurred. A simple administrative inquiry remains unresolved more than seven months after first contact.

2.6 Executive-Level Non-Response

I also contacted the former Chief Executive Officer of the NDIA several times by email, setting out ongoing concerns about missing records, administrative inaction, and the distress caused by the Agency's failure to respond. No acknowledgement or reply was received from the CEO's office. This demonstrates a breakdown in escalation and accountability extending to the executive level.

3. Traumatic Planning Meeting with Planner [REDACTED]

In a three-hour planning meeting, witnessed by my Support Coordinator, the planner asserted seniority, made demeaning remarks, stated she had only received my file the afternoon before, alleged that I had displaced another person's review slot, and said I would end up living in a group home (amongst other inappropriate commentary). This meeting triggered nightmares, flashbacks, and a worsening of my C-PTSD. A formal complaint was lodged immediately after the meeting by my support coordinator and me. No response was received.

4. Legal Framework and Statutory Obligations

4.1 National Disability Insurance Scheme Act 2013 (Cth)

Section 3(1)(b) gives effect to Australia's obligations under the CRPD by promoting dignity, autonomy, and participation. Section 4(13) recognises that participants are entitled to reasonable, transparent, and timely decisions. Sections 9 and 47 require actions and decisions affecting participants to be in accordance with the law and consistent with procedural fairness. Loss of records and prolonged non-response are inconsistent with these statutory requirements.

4.2 Archives Act 1983 (Cth)

Section 24 prohibits the destruction, disposal, alteration, or damage of Commonwealth records except as authorised. The inability to locate planning, review, and decision materials suggests non-compliance unless authorised disposal can be demonstrated.

4.3 Participant Information Access Request – Privacy Act 1988 (Cth) and OAIC Oversight

This matter arose through a Participant Information Access Request under the NDIA's internal information-access process. Under the Privacy Act 1988 (Cth), Australian Privacy Principle 10 requires accuracy, completeness, and currency of personal information; APP 13 requires prompt correction once notified of inaccuracies. Despite multiple emails highlighting missing records and inaccuracies, no corrections were made. This falls within OAIC oversight.

4.4 Public Governance, Performance and Accountability Act 2013 (Cth)

Section 15 requires Commonwealth entities to promote proper use and management of public resources and ensure accountability. Persistent failure to respond, locate records, or honour internal commitments is inconsistent with prudent governance.

4.5 Administrative Law and Procedural Fairness

At common law, agencies must act fairly in decisions affecting individuals. By losing essential records and ignoring legitimate queries, participants are deprived of the ability to understand or challenge decisions, which constitutes a denial of procedural fairness.

4.6 Disability Discrimination Act 1992 (Cth)

The Disability Discrimination Act 1992 prohibits direct and indirect discrimination in the provision of services, including those administered by Commonwealth agencies. Section 24(1)(a) makes it unlawful to discriminate by refusing services or in the terms or manner of service provision. Section 5(1) defines direct discrimination, and Section 6 defines indirect discrimination. The NDIA's conduct demonstrates both direct discrimination through repeated disregard of correspondence and failure to respond to valid complaints, and indirect discrimination by imposing an unreasonable procedural

requirement, namely a Change of Circumstances form to correct Agency errors, which disproportionately disadvantages participants with psychosocial disabilities. Further, under Section 29, Commonwealth programs and services must be administered without unlawful discrimination.

5. Analysis and Legal Arguments

5.1 Improper Demand for a Change of Circumstances

Requiring a Change of Circumstances form to correct internal record errors is legally unsound where no change has occurred. It shifts the burden to the participant, which conflicts with their duties to maintain accurate records and act lawfully.

5.2 Unreasonable Delay and Non-Response

A delay exceeding seven months in addressing record accuracy and missing documents constitutes denial of procedural fairness and maladministration.

5.3 Loss or Alteration of Records

The disappearance or alteration of planning notes and decision documents indicates failure to comply with the Archives Act unless authorised disposal can be demonstrated.

5.4 Privacy Act Breaches

Failure to correct documented inaccuracies after notice is inconsistent with APP 10 and APP 13, undermining data integrity that is central to lawful support decisions.

5.5 Planner Misconduct and Moral Injury

Planner conduct that humiliates or intimidates a participant with psychosocial disabilities causes moral injury and aggravates harm. The absence of any institutional response to a complaint reflects a broader failure of accountability.

6. Systemic Harm and Participant Distress Observed in the Community

In addition to my personal experience, I am a member of several online peer-support communities for NDIS participants, including large Facebook groups. On an almost daily basis, participants and family members describe poor treatment by the NDIA, including distressing planning meetings, lack of communication, withdrawn supports, and inconsistent decision-making. Many report severe psychological distress. There are regular accounts from families and peers of suicide and self-harm linked to experiences with the NDIA, especially after traumatic planning reviews or withdrawal of supports. This points to institutional harm and moral injury across the disability community and should be examined as a matter of urgency.

7. Recommendations

- Independent audit of NDIA participant recordkeeping for planning, review, and decision documents.
- An explicit pathway to correct Agency record errors without requiring a Change of Circumstances form where no change has occurred.
- Mandated timeframes for written responses and clear escalation protocols when commitments are not met.
- Planner conduct framework with trauma-informed training, oversight, and responsive complaint mechanisms.
- Strengthened OAIC-aligned accuracy and correction enforcement under APP 10 and APP 13.
- Complaint handling standards that prohibit closure without substantive resolution and written reasons.
- Recognition of moral injury and dedicated supports for participants during disputes.

8. Availability to Assist the Committee

I am willing to provide further documentation, supporting correspondence, or clarification regarding any matter raised in this submission. If the Committee considers it relevant, I would be prepared to appear before the Joint Standing Committee on the National Disability Insurance Scheme to answer questions or elaborate on my experience.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]