

# NDIS Legal Instruments Explained

## NDIS Act

The [NDIS Act 2013](#) set out the law on how the NDIS works.

## NDIS legislative instruments

NDIS legislative instruments are laws made under the NDIS Act, that add extra details about how the NDIS works. They are usually made by the Minister after consultation (and agreement when needed) with stakeholders.

Examples of different types of legislative instruments made under the NDIS Act include:

- NDIS rules
- Transitional rules
- Determinations.

All rules and determinations are legislative instruments but not all legislative instruments are rules or determinations.

## NDIS Rules

There are four categories of NDIS Rules requiring differing levels of consultation or agreement with states and territories before a rule can be changed or made. These are described in [Section 209 of the NDIS Act](#).

- **Category A rules** have the most significant policy or financial impact for the Commonwealth, and state and territory governments, or interact closely with other state and territory laws. The agreement of all states and territory governments is required to make or change these rules.
- **Category B rules** only affect a particular state or territory. They require the agreement of that state or territory government only.
- **Category C rules** relate to policy issues but are not expected to have a financial impact. They require the agreement of the Commonwealth and a majority of state and territory governments.
- **Category D rules** are more administrative rather than policy in nature. The Minister must consult with state and territory governments before making these rules, but their agreement is not required.

Most of the rules developed during the current NDIS reforms will be Category A Rules.

## Transitional rules

A transitional rule is a type of rule that the Minister can make within the first 12 months of legislation being passed in Parliament, ahead of final rules (likely category A) being agreed with states and territories.

Examples of transitional rules under the NDIS Act are:

- [NDIS Supports Transitional Rules](#)
- [Miscellaneous Provisions Transitional Rules](#).

## Determinations

Determinations are another type of legislative instrument where the Minister is determining (or deciding) matters.

An example of a determination under the NDIS Act is the [Section 33 Determination](#).