



Ms Joanna Abhayaratna
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Office of Impact Analysis
Department of the Prime Minister and Cabinet
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Dear Ms Abhayaratna

Certification of Sunset Instrument

I am writing to the Office of Impact Analysis (OIA) regarding the *Environment Protection and Biodiversity Conservation Regulations 2000* (EPBC Regulations), which, as per the *Legislation Act 2003*, had been scheduled to sunset on 1 April 2026. It has been decided that the EPBC Regulations are to be remade 'as is' without significant amendment, except for minor corrections to ensure the EPBC Regulations remain current. These minor corrections are being undertaken to ensure currency, which includes updating website addresses and ensuring cross-references to legislative instruments referred to therein are up to date.

The remake of the EPBC Regulations is critical to support regulatory certainty for industry and the environment and to support the ongoing operation and efficient administration of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

Separately, following the Final Report of the EPBC Act Review (Samuel Review) the EPBC Act is being reformed, which will require consequential amendments to relevant subordinate instruments. The EPBC Act reforms will be based on three pillars: stronger environmental protection and restoration, more efficient and robust project assessments and greater accountability and transparency in decision making. These pillars highlight that the reforms are about improving national productivity as well as environmental protection. Once the reforms to the EPBC Act pass Parliament, more substantive changes to the EPBC Regulations will be undertaken that will improve their efficiency and effectiveness.

The Samuel Review was certified by the Department of Climate Change, Energy, the Environment and Water (the Department) in November 2022 as meeting the requirements of an Impact Analysis. The Department's certification letter noted that regulatory impacts are expected when these reforms are implemented and estimates of the full range of impacts to the Australian community will be prepared by the Department as part of the detailed design of the reforms.

The Department therefore certifies that the EPBC Regulations will be remade without additional Impact Analysis (IA). This certification is made on the basis that improvements to the efficiency and effectiveness of those regulations will be managed under the broader reform process, the impacts of which will be published as addenda to the IA-equivalent documentation on the Samuel Review.

The Samuel Review was informed by extensive public consultation, including submissions from 30,000 people and organisations and consultation with over 100 stakeholders.

In addition, the remake of the EPBC Regulations will be supported by a proportionate public consultation process on the proposed minor corrections to the EPBC Regulations. Public consultation for the remake of the EPBC Regulations commenced on 10 September 2025 and will conclude on 1 October 2025.

I also note that the regulatory burden to people, business, or community organisations has been quantified using the Australian Government's Regulatory Burden Measurement framework. As set out below, there is no regulatory burden arising from this process as the EPBC Regulations are to be remade with only minor corrections.

Average annual regulatory costs (from business as usual)

Change in costs (\$ million)	Business	Community organisations	People	Total change in costs
Total, by sector	\$0	\$0	\$0	\$0

I acknowledge that the OIA will publish this letter for transparency purposes.

Yours sincerely,



Mr Dean Knudson
Deputy Secretary
Department of Climate Change, Energy, the Environment and Water
25 September 2025