



Australian Government

Department of Health, Disability and Ageing

Deputy Secretary

Ms Joanna Abhayaratna
Executive Director
Office of Impact Analysis
Department of the Prime Minister and Cabinet
1 National Circuit
BARTON ACT 2600

Email: Helpdesk-OIA@pmc.gov.au

Dear Ms Abhayaratna

Certification of Sunsetting Instrument

I am writing to the Office of Impact Analysis (OIA) regarding the *Biosecurity (Ship Sanitation Certification Scheme—Ports) Declaration 2016* (Instrument) which, as per the *Legislation Act 2003*, is scheduled to sunset on 1 October 2026. It is intended the Instrument be remade with minor amendments to remove four of the ports declared for the purposes of Australia's Ship Sanitation Certification Scheme (SSCS). These amendments will ensure the continued effectiveness of the SSCS and uphold Australia's obligations under the *International Health Regulations 2005* (IHR).

The Department of Health, Disability and Ageing (department) certifies that the Instrument is operating effectively and efficiently, and that therefore Impact Analysis is not required for this legislation to be remade. Without remaking the Instrument, Australia will have no declared ports for vessel inspections, and the SSCS would not be operational within Australian territory. In addition to the practical challenges this would present to Australian shipping operators and those from abroad whose ships support Australian imports and exports, and through them Australian industry, this would also mean Australia was not fulfilling its commitments under the IHR.

The assessment that the legislation is operating effectively and efficiently has been informed by a consultation process which involved the Department of Agriculture, Fisheries and Forestry (DAFF) as the agency that operationalises the SSCS, and public health experts within the Australian Centre for Disease Control (CDC). This consultation was undertaken between August 2025 and January 2026 as part of the department's review of the Instrument. Both agencies support remaking the Instrument with the removal of four identified ports (Melville Bay, Milner Bay, Port Kennedy and the Port of Weipa). These ports historically have not been significantly utilized for ship sanitation inspections and there will remain 36 Australian ports where the inspections are available.

I also note that the regulatory burden to people, businesses, and community organisations has been quantified using the Australian Government's Regulatory Burden Measurement framework. These are provided below.

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

*It is not possible to certify that no shipping operator will incur any cost increase at all, but our assessment is that any potential cost increase is negligible, due to the multiple alternative options for accessing ship sanitation inspections at 36 other Australian ports and hundreds of ports internationally.

As the Instrument will be remade with amendments that do not impact regulatory burden, there is no change to the regulatory burden estimate.

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

If you have any queries about this advice, please contact the Border Health Section at Humanbiosecurity@health.gov.au.

Yours sincerely



Penny Shakespeare
Deputy Secretary
Health Resourcing Group

26 March 2026