2024

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Jo Clay)

Environment Protection (Fossil Fuel Company Advertising) Amendment Bill 2024

A Bill for

An Act to amend the [Environment Protection Act 1997](http://www.legislation.act.gov.au/a/1997-92%22%20%5Co%20%22A1997-92)

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 Name of Act

This Act is the *Environment Protection (Fossil Fuel Company Advertising) Amendment Act 2024*.

2 Commencement

This Act commences 12 months after its notification day.

Note The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](http://www.legislation.act.gov.au/a/2001-14), s 75 (1)).

3 Legislation amended

This Act amends the [Environment Protection Act 1997](http://www.legislation.act.gov.au/a/1997-92).

4 New part 9B

insert

Part 9B Fossil fuel company advertising

92AA Meaning of fossil fuel—pt 9B

 (1) In this part:

fossil fuel means any of the following substances:

 (a) coal;

 (b) petroleum;

 (c) methane gas;

 (d) any other hydrocarbon-based fuel derived from material formed in the geological past from the remains of living organisms.

 (2) In this section:

methane gas—see the [National Gas (ACT) Law](http://www.legislation.act.gov.au/a/2008-15/default.asp), section 2, definition of natural gas.

92AB Meaning of fossil fuel company—pt 9B

 (1) In this part:

fossil fuel company—

 (a) means a corporation that carries out fossil fuel extraction or processing; and

 (b) includes a declared fossil fuel company.

 (2) The Minister may declare a corporation to be a fossil fuel company (a declared fossil fuel company) if satisfied that the corporation carries out fossil fuel extraction or processing.

 (3) A declaration is a notifiable instrument.

92AC Meaning of fossil fuel company advertisement—pt 9B

In this part:

fossil fuel company advertisement means writing, sound or a picture, symbol, light or other visible device, object or sign (or a combination of 2 or more of these) that publicises, or otherwise promotes, all or part of a trademark, trading name or brand name of a fossil fuel company.

92AD Fossil fuel company advertisements prohibited at certain sports venues

 (1) A person commits an offence if—

 (a) the person is the owner, occupier or person in charge of a sports venue; and

 (b) a fossil fuel company advertisement is placed, displayed or broadcast at the venue; and

 (c) the person knew, or ought reasonably to have known, that the advertisement would be placed, displayed or broadcast at the venue.

Maximum penalty: 50 penalty units.

 (2) This section does not apply to the placement, display or broadcast of a fossil fuel company advertisement at a sports venue if—

 (a) the advertisement is incidentally included in a visual, audio‑visual or audio recording placed, displayed or broadcast at the venue; or

 (b) the person placing, displaying or broadcasting the advertisement—

 (i) is personally using the advertisement, or an object displaying the advertisement, at the venue; and

 (ii) does not receive a direct or indirect financial benefit for the placement, display or broadcast.

Example—par (a)

a song with lyrics that include the name of a fossil fuel company is broadcast at the venue

Example—par (b)

a person at the venue wears a t-shirt displaying a fossil fuel company logo, but receives no financial benefit for displaying the logo

 (3) It is a defence to a prosecution for an offence against subsection (1) if the defendant proves that they took all reasonable precautions and exercised all appropriate diligence to prevent the commission of the offence.

 (4) In this section:

road—see the [Road Transport (General) Act 1999](http://www.legislation.act.gov.au/a/1999-77), dictionary.

road related area—see the [Road Transport (General) Act 1999](http://www.legislation.act.gov.au/a/1999-77), dictionary.

sports venue—

 (a) means a venue mentioned in an item in schedule 1A, column 2 located at the address mentioned in the item, column 3; but

 (b) does not include a road or road related area at the address.

5 New schedule 1A

insert

Schedule 1A Sports venues where fossil fuel company advertisements are prohibited

(see s 92AD)

| column 1item | column 2venue | column 3address |
| --- | --- | --- |
| 1  | Australian Institute of Sport Arena | Leverrier Street, Bruce ACT 2617 |
| 2  | Canberra Tennis Centre | 3 Riggall Place, Lyneham ACT 2602 |
| 3  | GIO Stadium | Battye Street, Bruce ACT 2617 |
| 4  | Manuka Oval | Manuka Circle, Griffith ACT 2603 |
| 5  | MIT Narrabundah Ballpark | Kyeema Street, Narrabundah ACT 2604 |

6 Dictionary, note 2

insert

 corporation

7 Dictionary, new definitions

insert

fossil fuel, for part 9B (Fossil fuel company advertising)—see section 92AA.

fossil fuel company, for part 9B (Fossil fuel company advertising)—see section 92AB (1).

fossil fuel company advertisement, for part 9B (Fossil fuel company advertising)—see section 92AC.

Endnotes

1 Presentation speech

 Presentation speech made in the Legislative Assembly on 6 February 2024.

2 Notification

 Notified under the [Legislation Act](http://www.legislation.act.gov.au/a/2001-14) on 2024.

3 Republications of amended laws

 For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au/).

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