

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*

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

J2023-438

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

1 **1 Name of Act**

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

4 **2 Commencement**

5 This Act commences 12 months after its notification day.

6 *Note* The naming and commencement provisions automatically commence on
7 the notification day (see [Legislation Act](#), s 75 (1)).

8 **3 Legislation amended**

9 This Act amends the *Environment Protection Act 1997*.

10 **4 New part 9B**

11 *insert*

12 **Part 9B Fossil fuel company advertising**

13 **92AA Meaning of fossil fuel—pt 9B**

14 (1) In this part:

15 *fossil fuel* means any of the following substances:

16 (a) coal;

17 (b) petroleum;

18 (c) methane gas;

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

21 (2) In this section:

22 *methane gas*—see the *National Gas (ACT) Law*, section 2, definition
23 of *natural gas*.

1 **92AB Meaning of fossil fuel company—pt 9B**

2 (1) In this part:

3 *fossil fuel company*—

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

6 (b) includes a declared fossil fuel company.

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

10 (3) A declaration is a notifiable instrument.

11 **92AC Meaning of fossil fuel company advertisement—pt 9B**

12 In this part:

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

18 **92AD Fossil fuel company advertisements prohibited at certain
19 sports venues**

20 (1) A person commits an offence if—

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

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

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

4 Maximum penalty: 50 penalty units.

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

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

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

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

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

16 **Example—par (a)**

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

19 **Example—par (b)**

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

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

26 (4) In this section:

27 **road**—see the *Road Transport (General) Act 1999*, dictionary.

28 **road related area**—see the *Road Transport (General) Act 1999*,
29 dictionary.

1 *sports venue*—

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

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

5 **5 New schedule 1A**

6 *insert*

7 **Schedule 1A Sports venues where fossil fuel**
8 **company advertisements are**
9 **prohibited**

10 (see s 92AD)

column 1 item	column 2 venue	column 3 address
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

11 **6 Dictionary, note 2**

12 *insert*

- 13 • corporation

1 **7 Dictionary, new definitions**

2 *insert*

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

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

7 *fossil fuel company advertisement*, for part 9B (Fossil fuel company
8 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](#) on 2024.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.
