

**2024**

**LEGISLATIVE ASSEMBLY FOR THE  
AUSTRALIAN CAPITAL TERRITORY**

**ENVIRONMENT PROTECTION (FOSSIL FUEL COMPANY  
ADVERTISING) AMENDMENT BILL 2024**

**EXPLANATORY STATEMENT**

**Presented by  
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## Environment Protection (Fossil Fuel Company Advertising) Amendment Bill 2024

This explanatory statement relates to the Environment Protection (Fossil Fuel Company Advertising) Amendment Bill 2024 (the Bill) as presented to the Legislative Assembly. It has been prepared in order to assist the reader of the Bill and to help inform debate. It does not form part of the Bill and has not been endorsed by the Assembly.

The Statement must be read in conjunction with the Bill. It is not, and is not meant to be, a comprehensive description of the Bill. What is said about a provision is not to be taken as an authoritative guide to the meaning of a provision, this being a task for the courts.

### **Overview of the Bill**

The purpose of the Bill is to regulate fossil fuel company advertising in key sporting venues.

Climate change has affected all of Australia's major events. Outdoor and sporting events have contingency plans for the extreme weather events associated with climate change, like fires, smoke, floods and heat. Cancellations are frequent. For instance, in 2019, the Big Bash League had to cancel a Canberra match mid-play due to bushfire smoke.

In 2019, we declared a state of climate emergency here in the ACT. We have taken many steps in law, policy and programs to reduce our climate emissions and to adapt to the effects of climate change that are already locked in. But the ACT continue to allow fossil fuel companies to sponsor our professional sports teams. This sponsorship is out of step with community values, undermines government policy, undermines climate action, and is unacceptable given the climate crisis we are in.

Stopping fossil fuels begins with stopping fossil fuel ads. We cannot meet our net zero goals while allowing rampant and unregulated promotions of the companies undermining the energy transition. Stopping fossil fuel advertising is also an action suggested under the [Fossil Fuel Non-Proliferation Treaty](#). The ACT signed up to this treaty in 2021 and was the highest level jurisdiction in the world to do so. We now have the chance to lead the way on implementation.

The ACT already regulates advertising. The *Tobacco and Other Smoking Products Act 1927* prohibits smoking advertisements. We have banned many types of advertising from buses and light rail including [tobacco and fossil fuels](#). The ACT has strict limits on public billboards and [9/10 Canberrans want to keep it that way](#). We're a community that places high standards on advertising, where we allow it at all.

### **National and international context**

This bill is part of a national movement. The Climate Council has launched a Fossil Fuel Free Sponsorship Code as part of a national campaign to get fossil fuel sponsorship out of our events. Fifteen Australian councils have signed up for a Fossil Fuel Ad Ban: Blue Mountains, Byron Bay, Charles Sturt, Darebin, Fremantle, Glen Eira, Inner West, Lane Cove, Maribyrnong, Merri-bek, Mitcham, Sydney, Waratah Wynyard, Wingecarribee, and Yarra. Sydney, Amsterdam, and Stockholm have also voted for a ban. France has legislated a ban on fossil fuel energy advertising.

Climate activists, athletes and fans are calling for change. Athletes in cricket, AFL and netball have made headlines protesting their team's fossil fuel sponsorship.

This bill is the first piece of government regulation in Australia aimed at removing fossil fuel sponsorship and advertising from professional sports.

## **Consultation**

I ran consultation on this bill and I welcome further input.

I consulted the Climate Council, Frontrunners, Comms Declare, the climate movement, ACT sports organisations and ACT venues.

I also consulted the Minister for Water, Energy and Emissions Reduction and the Minister for the Environment last year and this year. I consulted the Minister for State, Minister for City Services and Minister for Sport and Recreation on 27 November 2023 and provided further briefings in December 2023.

I spoke about this issue and tabled a public discussion paper in the Legislative Assembly on 29 November 2023. I ran media and socials stories and sought public input into the bill in November and December 2023.

Consultation found broad support to further regulate fossil fuel advertising in the ACT, particularly given the climate emergency. Venue managers noted the primary challenges facing sporting facilities and events were coming from climate change including extreme heat, drought, downpours and watering for greens. Questions were raised about which premises this should apply to, with some expressing a desire to cover all properties in the ACT or all ACT Government venues, and others calling for clarity or exemptions for some facilities. Questions were raised about when and how this should commence.

Commentators expressed a strong aversion to the original drafting term used based on existing legislation of 'natural gas' given the fossil fuel industry's use of this term to greenwash fossil fuel methane gas into a more appealing product. ACT Government has moved away from this term and a subsequent draft has addressed this issue.

The bill will be referred to a Legislative Assembly Committee for consideration. If the Committee decides to conduct an inquiry into the Bill, the public and interested organisations will have further opportunities to provide input.

## **Assistance for venues and sporting groups**

The Climate Council has prepared resources and a Code to assist sports groups and venues to phase out fossil fuel sponsorships. These are available on their website:

<https://www.climatecouncil.org.au/resources/game-set-match-sports-climate-change/>  
<https://www.climatecouncil.org.au/resources/call-time-fossil-fuel-sponsorship/>

## **Consistency with Human Rights**

The bill has limited engagement with the *Human Rights Act 2004*. The bill does not limit any human rights. The bill supports the right to freedom of expression (s16 of the HRA) by exempting personal use advertisements. Government has tabled a bill that will introduce a

new right to a healthy environment and, should that pass into law, this bill will support the new human right to a healthy environment.

## **Climate Impact Analysis**

The bill is expected to decrease Scope 3 indirect emissions, particularly emissions from purchased goods and services and from fossil fuel energy extraction and production. There is a direct relationship between advertising/sponsorship and sales. This is why companies run ads and why they sponsor and buy broadcasting rights to major sporting events. Banning fossil fuel company advertisements at major sporting venues will lead to a reduction in sales for those fossil fuel companies and a consequent reduction in fossil fuel emissions. It is impossible to quantify at this stage. It is likely to a small but important impact in the face of the climate crisis.

The bill has some impact on climate adaptation because any reduction in fossil fuel emissions will reduce the ACT's exposure to the risk of climate change impacts. Again, it is impossible to quantify the exact reduction in risk and impact at this stage, but there is likely to be a small decrease to all adaptation risks.

A Climate Impact Analysis was tabled with this bill.

Our sports and major venues are already well aware of these risks and impacts as they are already affecting operations. The Climate Council's paper "[Calling Time](#)" provides a good explanation. *"In recent years, extreme heat has regularly interrupted play at the Australian Open tennis tournament (Guardian, 2023b), and threatened the health of cyclists in the ironically-named Santos Tour Down Under (VeloNews 2018). In 2019, the Big Bash League was forced to cancel a match between the Sydney Thunder and Adelaide Strikers mid-play in Canberra due to bushfire smoke (ABC 2019), while in 2017, intense and persistent heat led to all Sydney grade cricket games being called off for the first time in history (Daily Telegraph 2017)... These impacts are being felt right down to the community level, with flooded local ovals regularly disrupting Saturday sports and iconic local events cancelled under the threat of bushfires or extreme heat. Even the most iconic of Australian sports, surfing, is not immune. Coastal erosion brought about by rising sea levels re-shapes breaks and exposes new hazards right along our coastlines (Lewis et al. 2017; Climate Council 2021a)."*

## **CLAUSE NOTES**

### **Clause 1**

This clause sets out the name of the bill.

### **Clause 2**

This clause provides that the bill will commence 12 months after the day it is notified. The delayed commencement is designed to allow venues and sports organisations to understand the new obligations and make arrangements.

### **Clause 3**

This clause provides that the bill amends the existing *Environment Protection Act 1997*.

### **Clause 4**

This clause inserts a new part 9B.

92AA defines “fossil fuel”.

92AB defines “fossil fuel company” as a corporation that carries out fossil fuel extraction or processing. There is also provision for the Minister to declare a corporation to be a fossil fuel company.

92AC defines “fossil fuel company advertisement”.

92AD prohibits displaying or broadcasting fossil fuel advertisements at sports venues listed in Schedule 1A. The offence applies to a person who is the owner, occupier or person in charge of the sports venue and it applies if they knew, or ought reasonably to have known, that the advertisement would be placed, displayed or broadcast. The maximum penalty is 50 penalty units, which at the time of drafting was a maximum penalty of \$8,000.

No offence is committed where an advertisement is included incidentally, such as where a song is played that has lyrics naming a fossil fuel company. No offence is committed where the advertisement is for personal use and the person displaying it received no direct or indirect financial benefit, for instance a person in the crowd at a venue wearing a T-shirt with a fossil fuel company name on it, provided that person receives no benefit from the promotion.

It is a defence where the defendant proves they took all reasonable precautions and exercised all appropriate diligence to prevent the placement, display or broadcast of the advertisement.

92AD also defines “road”, “road related area” and “sports venue”.

#### **Clause 5**

This clause inserts a new Schedule 1A which provides that the venues where fossil fuel company advertisements are prohibited are the AIS, Canberra Tennis Centre, GIO Stadium, Manuka Oval and MIT Narrabundah Ballpark.

#### **Clauses 6 and 7**

These clauses make consequential amendments to the Dictionary.