



**LEGISLATIVE ASSEMBLY**  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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STANDING COMMITTEE ON ENVIRONMENT, CLIMATE CHANGE AND BIODIVERSITY  
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## Submission Cover Sheet

Inquiry into Environment Protection (Fossil Fuel Company Advertising)  
Amendment Bill 2024

**Submission Number: 2**

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Standing Committee on Environment, Climate Change & Biodiversity  
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## **Inquiry into Environment Protection (Fossil Fuel Company Advertising) Amendment Bill 2024**

This submission responds to the Committee's invitation to comment on the *Environment Protection (Fossil Fuel Company Advertising) Amendment Bill 2024*.

### **Basis**

The submission reflects research and teaching on law relevant to corporate regulation and consumer protection, including misleading advertising, social media, 'sportswashing' and 'greenwashing'.

The submission does not represent what would be reasonably construed as a conflict of interest.

### **The Bill**

The Bill is essentially aspirational (see below).

It provokes thought about whether the proposed restriction on advertising should be extended to other enterprises, for example overseas-based state-owned enterprises and state-affiliated enterprises based in regimes where human rights abuses are normative. Without denying the significance of global heating, it is appropriate to recognise the prevalence of abuses in for example the Peoples Republic of China, in Gulf states and Saudi Arabia – all of which are increasingly engaging in sportswashing.

The Explanatory Statement accompanying the Bill asserts that

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.

This submission characterises the Bill as aspirational because the prohibition on advertising is unlikely to result in 'shaming' of carbon corporations that results in consumers choosing not to buy their products.

Given the shape of Australian markets it is unlikely that the prohibition will result in consumers switching from fossil fuel products to non-carbon (or genuinely 'green carbon') alternatives. That reflects the availability of alternatives. It also reflects the disjunct between a ban and consumer decisions about for example vehicle purchases.

The ACT Government has scope for a range of substantive responses to climate change, particularly responses that offer tangible benefits, are not an expression of what is sometimes characterised as 'virtue signalling', and are communicated to the ACT community in ways that signal meaningful action is achievable.

A starting point might be a whole of government carbon footprint report, mapping the administration's fossil fuel use and prioritising achievable reduction in the government's reliance on fossil fuels, consistent with the accountability expected in a liberal democratic jurisdiction. Reporting on an ongoing and transparent basis is necessary and involves a 'truth in government' approach reinforced through greater resourcing of the ACT Audit Office and a positive stance regarding the Freedom of Information regime.

Carbon corporations supplying consumers in the ACT (including the Territory public service) power vehicles, buildings and other infrastructure. The Territory has not mandated solar panels on all new major buildings and retrofitting on existing buildings. (At least one university has deferred retrofitting into the indefinite future.) More could be done to foster public access to charging stations across the Territory. ACT Legislative Assembly MPs, Ministers and government executives might set an example by not using fossil fuel vehicles. That does not require the Chief Minister and Opposition Leader to arrive at events by pushbike or restrict university executives to hybrid vehicles.

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