

[Act 2004 No 19]



New South Wales

Snowy Mountains Cloud Seeding Trial Bill 2004

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to facilitate a trial cloud seeding research project by Snowy Hydro Limited to increase winter snowfall in a targeted area of the Snowy Mountains.

Outline of provisions

Part 1 Preliminary

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

Clause 3 defines certain words and expressions used in the proposed Act.

Part 2 Authorisation of cloud seeding trial

Clause 4 authorises the carrying out of cloud seeding operations described in the clause by Snowy Hydro Limited. The operations are directed at increasing snowfall in a specified target area by the discharge into the passing clouds of a seeding agent (silver iodide) by means of ground based aerosol generators.

Clause 5 provides that the authorisation of cloud seeding operations by the proposed Act has effect for 6 years, unless sooner terminated.

Clause 6 provides that the authorisation of cloud seeding operations by the proposed Act may be suspended or terminated by an order jointly made by the Minister for Infrastructure and Planning and the Minister for the Environment (*the relevant Ministers*). The authorisation may be suspended or terminated if the relevant Ministers are satisfied that:

- (a) the cloud seeding operations are having or will have a significant adverse environmental impact, or
- (b) Snowy Hydro Limited has not complied with any requirements with respect to the cloud seeding operations that have been imposed by the relevant Ministers on Snowy Hydro Limited to minimise any such environmental impact, or
- (c) Snowy Hydro Limited has failed to provide information concerning the environmental impact of the cloud seeding operations requested by the relevant Ministers.

Part 3 Miscellaneous

Clause 7 provides that cloud seeding operations authorised by the proposed Act may be carried out despite any other Act or law. The clause specifically provides that the *Environmental Planning and Assessment Act 1979* and certain other Acts and statutory orders or notices do not apply to the extent (if any) that they would prohibit or interfere with authorised cloud seeding operations.

Clause 8 provides that the Natural Resources Commission is to supervise authorised cloud seeding operations and report on the environmental impact of those operations to the relevant Ministers. Each report of the Natural Resources Commission is to be made public within a reasonable time after it is provided to the relevant Ministers.

Clause 9 provides for the exclusion of Crown liability in relation to authorised cloud seeding operations.

Snowy Hydro Limited does not constitute the Crown for the purposes of the clause.

Clause 10 provides that the proposed Act binds the Crown in right of New South Wales and, in so far as the legislative power of the Parliament of New South Wales permits, the Crown in all its other capacities.

Clause 11 provides that the Governor may make regulations under the proposed Act.

Schedule 1 Target area

Schedule 1 contains a map that describes the target area of the cloud seeding trial.