

Authorised Version No. 016
Rain-making Control Act 1967

No. 7637 of 1967

Authorised Version incorporating amendments as at
1 December 2013

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An Act to regulate certain Rain-making and other Cloud-modification Processes, to make Provision with respect to Claims for Damages against Persons lawfully engaged therein and for other purposes.

BE IT ENACTED by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say):

1 Short title and commencement

- (1) This Act may be cited as the **Rain-making Control Act 1967**.
- (2) This Act shall come into operation on a day to be fixed by proclamation of the Governor in Council published in the Government Gazette.

2 Definitions

In this Act unless inconsistent with the context or subject-matter—

prescribed means prescribed by regulations made under this Act;

rain-making operation means the seeding or nucleating of clouds by artificial means from a manned aircraft.

3 Authority to carry out rain-making operations

Whenever it appears to the Minister to be desirable in the public interest to promote rainfall or otherwise modify natural cloud processes in any part of Victoria—

- (a) for improving primary production either generally or locally and whether with respect to one or more than one primary product;
- (b) for improving water storages either generally or locally;
- (c) for reducing fire-danger in a forest area; or
- (d) for any other sufficient purpose—

the Minister may authorise the carrying out of rain-making operations in respect of the area or areas concerned.

4 Authority to make arrangements

Where the Minister authorises rain-making operations under the foregoing provisions of this Act he shall issue his authority to some person or body under his control to make arrangements for carrying out those operations.

5 Form and content of authority

- (1) Every authority under this Act to carry out rain-making operations—
 - (a) shall be in writing signed by the Minister and addressed to the authorised officer or body;
 - (b) shall be subject to such conditions limitations and restrictions as are prescribed or the Minister thinks fit to impose with respect to carrying out the rain-making operations; and

S. 4
amended by
No. 46/1998
s. 7(Sch. 1).

- (c) may at any time by the Minister be revoked or varied by notice in writing to the authorised officer or body.
- (2) An authority given by the Minister under this Act may authorize rain-making operations to be carried out on any specified day or days or may authorise a programme of rain-making operations to be carried out whenever atmospheric conditions are favourable during any period and in any area specified in the authority.
- (3) The Minister shall cause a copy of every authority issued under this Act to be forwarded to the Minister administering the **Water Act 1989**, the Minister administering the **Conservation, Forests and Lands Act 1987** and the Minister administering Part 9 of the **Local Government Act 1989**.

S. 5(3)
amended by
Nos 41/1987
s. 103(Sch. 4
item 55.1),
46/1998
s. 7(Sch. 1),
70/2013
s. 3(Sch. 1
item 45).

6 Consultation of Ministers

The Minister shall not revoke or vary any authority issued at the request of any other Minister without first consulting with the other Minister upon the matter.

7 Duration of authority

Unless sooner revoked an authority under this section shall remain in force until the rain-making operations authorised by the authority have been carried out or, if any time is specified in the authority for completing the rain-making operations, until the expiration of that time.

8 Cloud-seeding in Victoria to induce rainfall in another State

At the request of the Minister of an adjoining State administering any Act corresponding with this Act the Minister may authorise rain-making operations to be carried out in Victoria to promote rainfall in the adjoining State.

9 Offence to carry out unauthorised rain-making operations

Any person who carries out any rain-making operations in Victoria which are not authorized under this Act shall be guilty of an offence.

Penalty: \$1000 or imprisonment for twelve months.

10 Certificate to be evidence

A certificate in writing purporting to be signed by the Minister that any specified rain-making operations were or were not authorized under this Act to be carried out shall be conclusive evidence that the operations were or were not so authorized.

11 Minister may order discontinuance of unauthorised operations

- (1) Where it appears to the Minister that any person or body is carrying out or is about to carry out rain-making operations not authorized under this Act the Minister may by order require the person or body to discontinue or refrain from commencing the rain-making operations.
- (2) An order made under subsection (1) shall be in writing signed by the Minister and may be served personally or by post.
- (3) Any person or body to whom an order under this section is addressed who fails to comply with the terms of the order shall in addition to any penalty to which he is liable under section 9 be liable to a penalty of not more than \$1000 for every day upon which he continues to carry out rain-making operations in contravention of the order.

12 No liability in respect of authorized operations

- (1) Neither the Minister, any person or body authorized by the Minister to make arrangements for carrying out a rain-making operation, nor any person carrying out rain-making operations authorized by the Minister under this Act shall in any way be liable in respect of any loss or damage caused by or arising out of the precipitation of rain hail sleet snow ice fog or mist in consequence of the rain-making operations so carried out.
- (2) A person carrying out rain-making operations outside Victoria under and in accordance with the law (if any) corresponding with this Act and in force in the State or Territory where the operations are carried out shall not in any way be liable for any loss or damage caused by or arising out of the precipitation in Victoria of rain hail sleet snow ice fog or mist in consequence of the rain-making operations so carried out.

13 Reports on rain-making operations

- (1) The person or body authorised to make arrangements for carrying out rain-making operations under this Act shall furnish a report in writing concerning those operations to the Minister in accordance with the provisions of subsection (2) or upon request in writing made by the Minister.
- (2) Every report in writing made for the purposes of this section shall be in the prescribed form signed by or on behalf of the person or body concerned and shall be lodged with the Minister—
 - (a) where the operations will be completed within fourteen days from the commencement thereof—within forty-eight hours after the completion of operations;

S. 13(1)
amended by
Nos 46/1998
s. 7(Sch. 1) (as
amended by
No. 12/1999
s. 3(Sch. 1
item 24)),
12/1999
s. 4(Sch. 2
item 10).

S. 13(2)
amended by
Nos 46/1998
s. 7(Sch. 1) (as
amended by
No. 12/1999
s. 3(Sch. 1
item 24)),
12/1999
s. 4(Sch. 2
item 10).

- (b) where the operations extend more than fourteen days from the commencement thereof—not later than Wednesday in each week with respect to operations conducted during the week ending at midnight on the previous Saturday; and
- (c) where the report is requested by the Minister—within the time stipulated by the Minister in the request.

14 Construction of references to rain etc.

- (1) In any Act other than this Act and in any other law contract agreement or instrument (whether passed made or entered into before or after the commencement of this Act), but subject to any express provision to the contrary in any Act, a reference to rain hail sleet snow ice fog or mist includes a reference to rain hail sleet snow ice fog or mist (as the case requires) which resulted or may have resulted from a rain-making operation and every such Act law contract agreement or instrument shall be read and construed and have effect accordingly.
- (2) Nothing in this Act shall be construed as depriving a person of any right of action that he might have apart from this Act in respect of or arising out of a rain-making operation that is not authorised under this Act.

15 Regulations

The Governor in Council may make regulations for regulating and controlling rain-making operations and activities and in particular, without in any way limiting the generality of the foregoing, for or with respect to—

- (a) prescribing forms for the purposes of this Act;

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- (b) prescribing conditions limitations or restrictions to which authorities given under this Act are to be subject and prescribing penalties of not more than \$100 for contravention of or failure to comply with any condition limitation or restriction to which an authority is subject;
 - (c) prescribing the information to be furnished by persons or bodies carrying out or assisting in rain-making operations under this Act;
 - (d) regulating the letting of contracts for carrying out rain-making operations;
 - (e) prescribing the equipment to be used in carrying out rain-making operations and the mode of carrying out such operations;
 - (f) prescribing the qualifications of persons employed in carrying out rain-making operations and prohibiting the employment of unqualified persons;
 - (g) prescribing penalties not exceeding \$100 for breach of regulations made under this section; and
 - (h) generally any matter or thing required or authorised to be prescribed for carrying this Act into effect.
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ENDNOTES

1. General Information

The **Rain-making Control Act 1967** was assented to on 19 December 1967 and came into operation 1 May 1968: Government Gazette 1 May 1968 page 1708.

2. Table of Amendments

This Version incorporates amendments made to the **Rain-making Control Act 1967** by Acts and subordinate instruments.

Conservation, Forests and Lands Act 1987, No. 41/1987

Assent Date: 19.5.87
Commencement Date: S.103(Sch. 4 item 55.1) on 1.7.87: Government Gazette 24.6.87 p.1694.
Current State: This information relates only to the provision/s amending the **Rain-making Control Act 1967**

Public Sector Reform (Miscellaneous Amendments) Act 1998, No. 46/1998 (as amended by No. 12/1999)

Assent Date: 26.5.98
Commencement Date: S. 7(Sch. 1) on 1.7.98: s. 2(2)
Current State: This information relates only to the provision/s amending the **Rain-making Control Act 1967**

Public Sector Reform (Further Amendments) Act 1999, No. 12/1999

Assent Date: 11.5.99
Commencement Date: S. 4(Sch. 2 item 10) on 11.5.99: s. 2(1)
Current State: This information relates only to the provision/s amending the **Rain-making Control Act 1967**

Statute Law Revision Act 2013, No. 70/2013

Assent Date: 19.11.13
Commencement Date: S. 3(Sch. 1 item 45) on 1.12.13: s. 2(1)
Current State: This information relates only to the provision/s amending the **Rain-making Control Act 1967**

3. Explanatory Details

No entries at date of publication.