National Third Party Access Code for Natural Gas Pipeline Systems: Fifth Amending Agreement

BETWEEN

THE COMMONWEALTH OF AUSTRALIA
THE STATE OF NEW SOUTH WALES
THE STATE OF VICTORIA
THE STATE OF QUEENSLAND
THE STATE OF SOUTH AUSTRALIA
THE STATE OF WESTERN AUSTRALIA
THE STATE OF TASMANIA
and
THE NORTHERN TERRITORY
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Recitals

A

On 7 November 1997, the Parties signed the Natural Gas Pipelines Access Agreement with the objective of establishing a uniform national framework for third party access to natural gas pipelines.

B

Under the Natural Gas Pipelines Access Agreement, the Parties agreed upon a uniform “Gas Pipelines Access Law”, which included a “National Third Party Access Code for Natural Gas Pipeline Systems”.

C

In accordance with the Natural Gas Pipelines Access Agreement, the State of South Australia passed the Gas Pipelines Access (South Australia) Act 1997, which applied the Gas Pipelines Access Law (comprising Schedule 1 (Third Party Access to Natural Gas Pipelines) and Schedule 2 (National Third Party Access Code for Natural Gas Pipeline Systems (the Code)) as a law of South Australia.

D

In accordance with the Natural Gas Pipelines Access Agreement, each other Party (except the State of Western Australia) has passed application legislation applying the Gas Pipelines Access Law as set out in Schedules 1 and 2 to the Gas Pipelines Access (South Australia) Act 1997, as laws of that Party. The State of Western Australia has enacted the Gas Pipelines Access (Western Australia) Act 1998, which has essentially identical effect to the Gas Pipelines Access (South Australia) Act 1997 and applies the Gas Pipelines Access Law as set out in Schedules to the Western Australian Act as law of the State of Western Australia.
E Section 6 of Schedule 1 of the Gas Pipelines Access Law and section 9 of the Code establish a procedure whereby the Code may be amended.

F On 15 March 2002, in accordance with section 9 of the Code and section 6(1) of Schedule 1 of the Gas Pipelines Access Law, the National Gas Pipelines Advisory Committee recommended to Relevant Ministers that an amendment be made to the Code.

G The Relevant Ministers executing this Agreement, being not less than two-thirds of all Relevant Ministers, have agreed, in accordance with section 6(3) of Schedule 1 of the Gas Pipelines Access Law, to amend the Code as set out in this Agreement.

Operative Provisions

1. Interpretation

1.1 This Agreement may be referred to as the National Third Party Access Code for Natural Gas Pipeline Systems: Fifth Amending Agreement.

1.2 In this Agreement, unless the contrary intention appears, capitalised terms not otherwise defined have the meaning given in the Code and:

   Code means the National Third Party Access Code for Natural Gas Pipeline Systems set out in Schedule 2 to the Gas Pipelines Access (South Australia) Act 1997 (as amended) and Schedule 2 to the Gas Pipelines Access (Western Australia) Act 1998 (as amended); and

   Parties means the parties to this Agreement.

2. Commencement

Clause 3 of this Agreement has effect on and from the day on which a copy of this Agreement is published in the South Australian Government Gazette.

3. Amendment of section 8

At the end of section 8.36 of the Code insert:

   Non Capital Costs may include, but are not limited to, costs incurred for generic market development activities aimed at increasing long-term demand for the delivery of the Reference Service.

4. Counterparts

This Agreement may consist of a number of counterparts and if so the counterparts taken together constitute one and the same instrument.
SIGNED by

The Honourable Ian Macfarlane  
Minister for Industry, Tourism and  
Resources of the Commonwealth of  
Australia

The Honourable Kim Yeadon MP  
Minister for Energy of the State of New  
South Wales

The Honourable Candy Broad MLC  
Minister for Energy and Resources and  
Ports of the State of Victoria

The Honourable Terry Mackenroth MP,  
Deputy Premier, Treasurer and Minister  
for Sport of the State of Queensland

The Honourable Patrick Conlon MP,  
Minister for Energy of  
the State of South Australia

The Honourable Eric Ripper MLA  
Deputy Premier, Treasurer and Minister  
for Energy of the State of Western Australia

The Honourable Paul Lennon MHA  
Minister for Infrastructure, Energy and  
Resources of the State of Tasmania

The Honourable Paul Henderson MLA,  
Minister for Business, Industry and Resource)  
Development of the Northern Territory of  
Australia