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

Date	2002
Parties	
1.	The Commonwealth of Australia
2.	The State of New South Wales
3.	The State of Victoria
4.	The State of Queensland
5.	The State of South Australia
6.	The State of Western Australia
7.	The State of Tasmania
8.	The Northern Territory
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.

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|---|--|
| 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)



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