

National Third Party Access Code for Natural Gas Pipeline Systems: Sixth 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

THE AUSTRALIAN CAPITAL TERRITORY and

THE NORTHERN TERRITORY

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Date	9 April 2003
Parties	<ol style="list-style-type: none"> 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 Australian Capital Territory 9. The Northern Territory
Recitals	<p>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.</p> <p>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”.</p> <p>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.</p> <p>D In accordance with the Natural Gas Pipelines Access Agreement, each other Party (except the State of Western Australia) 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 a law of the State of Western Australia.</p>

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 4 December 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 certain amendments be made to the Code.
G	The Relevant Ministers have unanimously agreed, in accordance with section 6 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: Sixth 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

Clauses 3 and 4 of this Agreement have effect on and from the day on which a copy of this Agreement is published in the South Australian Government Gazette.

3. New section 2.4A

After section 2.4 of the Code **insert**:

2.4A The Service Provider may (if the Relevant Regulator agrees and subject to any conditions that the Relevant Regulator may require, having regard to the matters set out in section 2.24) submit a single Access Arrangement for two or more Covered Pipelines that have the same Relevant Regulator and Service Provider. If a single Access Arrangement is submitted in accordance with this section 2.4A:

- (a) the Covered Pipelines that are the subject of that Access Arrangement will be treated as a single Covered Pipeline for all purposes under the Code; and
- (b) the Relevant Regulator may not (unless the Service Provider agrees) require the Service Provider to submit separate Access Arrangements for those Covered Pipelines (or parts of them) under section 2.4.

4. Amendment of section 2.28 and new sections 2.28A and 2.28B

At the end of section 2.28 of the Code **insert:**

2.28 Proposed revisions may include:

- (a) a proposal that the Access Arrangement be terminated if the Covered Pipeline to which the Access Arrangement relates is the subject of proposed revisions to an Access Arrangement under section 2.28A; or
- (b) separate Access Arrangements for different parts of a Covered Pipeline that is the subject of proposed revisions to an Access Arrangement under section 2.28B, so that the separate Access Arrangements in total apply to the whole of the Covered Pipeline.

2.28A If the Relevant Regulator agrees and subject to any conditions that the Relevant Regulator may require, having regard to the matters set out in section 2.46, proposed revisions and Access Arrangement Information submitted by a Service Provider under section 2.28 may have the effect of applying the revised Access Arrangement to one or more other Covered Pipelines that have the same Relevant Regulator and Service Provider as the Covered Pipeline to which the proposed revisions and Access Arrangement Information relate. If this section 2.28A applies:

- (a) the Reference Tariff Principles described in Section 8 apply in the aggregate to all of the Covered Pipelines that are the subject of the proposed revisions and Access Arrangement Information; and
- (b) the Covered Pipelines that are the subject of that Access Arrangement will be treated as a single Covered Pipeline for all purposes under the Code.

2.28B If the Relevant Regulator agrees and subject to any conditions that the Relevant Regulator may require, having regard to the matters set out in section 2.46, proposed revisions and Access Arrangement Information submitted by a Service Provider under section 2.28 may have the effect of applying separate Access Arrangements (together with Access Arrangement Information) to different parts of the Covered Pipeline, so that the separate Access Arrangements in total apply to the whole of the Covered Pipeline. If this section 2.28B applies:

- (a) the Reference Tariff Principles described in Section 8 apply separately to each part of a Pipeline to which it is proposed that a separate Access Arrangement would apply; and
- (b) each part of a Pipeline that is the subject of an Access Arrangement will be treated as a separate Covered Pipeline for all purposes under the Code.

5. 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)

Mr Ted Quinlan MLA, Treasurer)
of the Australian Capital)
Territory)

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