



AUSTRALIAN
PREMIUM COALS PTY LTD
ACN 077 890 932
ABN 65 077 890 932

21 April 2005

Mr Scott Gregson
General Manager, Adjudication
Australian Competition and Consumer Commission
470 North Borne Avenue
DIXON ACT 2602

Dear Mr Gregson

APPLICATION FOR AUTHORISATION BY DALRYMPLE BAY COAL TERMINAL PTY LTD

We refer to our letter dated 14 April 2005.

On 19 April 2005, Australian Premium Coals Pty Ltd ('APC') received a copy of the proposed 'Queue Management System Amendments to Terminal Regulations' ('the Amendments'). APC believes that the terms of the Amendments support its submission that the operation of the Queue Management System ('QMS') should only commence from at least the date on which the interim authorisation is granted, with consideration being given to a transitional period to reflect current scheduling arrangements and to allow users to adapt to the new operational procedures.

Under clause 4.2(c)(ii) and clause 4.3(c) of the Amendments, the setting or resetting of the 'Queue Reduction System Capacity' or the resetting of 'System Capacity' can only take effect 6 weeks after notice of the changes is given to users of Dalrymple Bay Coal Terminal ('DBCT') (except for the initial setting of 'Queue Reduction System Capacity' which can take effect from 1 April 2005). APC considers that clauses 4.2(c)(ii) and 4.3(c) have been included in the Amendments to ensure that users of DBCT and other stakeholders, such as coal buyers, have a transitional period to adjust to any changes in the designated 'System Capacity' or 'Queue Reduction System Capacity'.

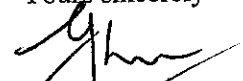
APC believes the ACCC should consider a similar period of adjustment for users to adapt to the changed operational procedures following the grant, if any, of an interim authorisation for the QMS.

APC intends to make further representation on the proposed QMS. Such will be submitted prior to the 13th of May deadline.

If you have any queries in relation to this submission, please do not hesitate to contact:

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Yours sincerely



Mr Gary Lee
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