

**ASX RELEASE**

**RESPONSE TO FULL FEDERAL COURT DECISION ON APPEAL AGAINST  
AUSTRALIAN COMPETITION TRIBUNAL DECISION ON HAMERSLEY AND ROBE  
RAILWAYS**

**PERTH, May 4th 2011:** Fortescue Metals Group Limited (Fortescue) advises that the company's expansion plans to grow production from 55 million tonnes per annum to 155mtpa will not be affected by the decision of the Full Bench of the Federal Court today to deny third party access to Rio Tinto's railways under Part IIIA of the Trade Practices Act.

The Federal Court upheld an appeal lodged by Rio Tinto Limited (Rio) against the Australian Competition Tribunal's (ACT) July 2010 decision to declare the Robe River railway open to third party access and in parallel dismissed an appeal lodged by Fortescue and the National Competition Council against the ACT decision not to declare the Hamersley rail line.

Fortescue Chief Operating Officer Nev Power said while today's ruling was disappointing, Fortescue had been attempting to gain third party access to Pilbara rail since 2004, so the company's expansion plans were not reliant on this access.

"Fortescue's growth to 155 million tonnes per annum (mtpa) and beyond to 355mtpa is built on the construction of our own rail infrastructure, and funding and approvals have been secured on that basis," Mr Power said.

"The Federal Court decision is disappointing in that it returns the Pilbara to a situation where rail lines will be duplicated at great economic and environmental expense and many miners will be denied the more efficient opportunity to access existing infrastructure.

"Fortescue will continue to provide its own third party rail and port access to junior Pilbara iron ore miners so they can generate export revenue for the local, Western Australian and Federal economies."

Fortescue is reviewing the full detail of the Federal Court decision and will consider available legal options based on that review.

**Media contact:**

Elizabeth Gosch  
Fortescue  
Phone: 08 6218 8412  
Mobile: 0414 319 775