

11 February 2013

The Companies Officer  
Australian Stock Exchange  
Exchange Plaza  
2 The Esplanade  
Perth WA 6000



Dear Sir

**Australian Competition Tribunal Rail Access Decision**

Fortescue Metals Group (“Fortescue”; ASX:FMG) refers to its successful High Court decision in September 2012 directing its Rail Access Application to be remitted back to the Australian Competition Tribunal for fresh consideration.

The High Court ruling required the Australian Competition Tribunal to make a fresh decision in Rio Tinto’s appeal against the decision by the Federal Treasurer Wayne Swan in 2008 when he declared Rio Tinto’s Hamersley and Robe Railway Lines for a period of 20 years to 2028.

Fortescue is disappointed that following that successful decision of the High Court, the Australian Competition Tribunal has made orders to set aside the original decision of the Treasurer to declare Rio Tinto’s Hamersley and Robe Railway Lines.

The decision does not affect Fortescue’s current operations and expansion plans, which utilise the Company’s existing fully owned rail infrastructure.

Fortescue CEO Nev Power said that it is regrettable that the Competition Tribunal did not see the merits of providing third party access to this infrastructure to enhance competition and thereby deliver greater productivity and efficiency benefits for all of Australia.

“Fortescue will continue to provide third party access to our own rail system and will continue to advocate for third party access for all Pilbara rail infrastructure,” Mr Power said.

Yours sincerely  
**Fortescue Metals Group Ltd**

**Mark Thomas**  
Company Secretary

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