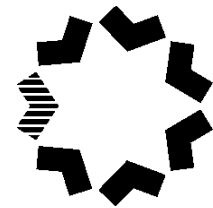


# National Competition Council

Level 9 128 Exhibition Street Melbourne Victoria 3000 Australia  
GPO Box 250B Melbourne Victoria 3001 Australia

Telephone 03 9285 7474. Facsimile 03 9285 7477.



---

**MEDIA RELEASE**

**23 May 2006**

## **National Competition Council Releases final recommendation on declaration of West Australia's Mt Newman Railway**

---

The National Competition Council today released its final recommendation on declaration of West Australia's Mt Newman Railway.

The 60 day decision period – in relation to the Council's final recommendation on Fortescue Metals Group's application for declaration of the service provided by the Mt Newman railway – elapsed at the end of 22 May 2006.

Pursuant to s44H(9) of the Trade Practices Act the decision-maker, in this case the Australian Government Treasurer, the Hon. Peter Costello MP, is therefore deemed to have decided not to declare the service and to have published a decision to that effect.

The Act provides that this deemed decision may be appealed to the Australian Competition Tribunal. Such appeals must be lodged within 21 days of the decision. The appeal to the Tribunal is a de novo rehearing of the application.

In accordance with usual practice the Council's final recommendation in relation to FMG's application has been confidential until the Treasurer made his decision.

The Council's final recommendation, and a short executive summary, is now available on the Council's website [www.ncc.gov.au](http://www.ncc.gov.au).

--- ends ---

**For further information:**

**Contact Royce Communications:**

Michael Horkings, Tel: 03 9639 2300 Mobile: 0407 049 648 or  
Richard Amos, Tel: 03 9639 2300 Mobile: 0418 344 978