

IN THE AUSTRALIAN COMPETITION TRIBUNAL

File No 3 of 2008

RE: APPLICATION FOR REVIEW OF THE DECISION BY THE COMMONWEALTH TREASURER OF 27 OCTOBER 2008 UNDER SECTION 44H(1) OF THE TRADE PRACTICES ACT 1974 (CTH) IN RELATION TO THE APPLICATION FOR DECLARATION OF A SERVICE PROVIDED BY THE ROBE RAILWAY

**BY: ROBE RIVER MINING CO PTY LTD
NORTH MINING LTD
PILBARA IRON PTY LTD
RIO TINTO LIMITED
MITSUI IRON ORE DEVELOPMENT PTY LTD
NIPPON STEEL AUSTRALIA PTY LTD and
SUMITOMO METAL AUSTRALIA PTY LTD
Applicants**

**MEMBERS: FINKELSTEIN J (PRESIDENT),
MR GRANT LATTA AND
PROFESSOR DAVID ROUND**

DATE OF DETERMINATION: 30 JUNE 2010

WHERE MADE: MELBOURNE



THE TRIBUNAL DETERMINES THAT:

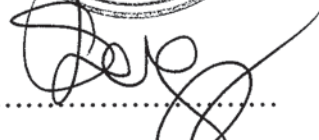
1. The decision of the Treasurer of the Commonwealth of Australia, made on 27 October 2008 to declare the following service under s 44H of the *Trade Practices Act 1974* (Cth) commencing on 19 November 2008 and expiring on 19 November 2028, namely:
 - (a) the use of the facility comprising the Robe Railway from a location near Mesa J to Cape Lambert and all points in between; and
 - (b) the use of all associated infrastructure necessary to allow third party trains and rolling stock to move along the Robe Railway between points of interconnection, including, but not limited to:
 - (i) railway track, associated track structures, over and under track structures, support (including supports for equipment or items associated with the use of the railway);

- (ii) bridges;
- (iii) passing loops;
- (iv) train control systems, signalling systems and communication systems;
- (v) sidings and refuges to park rolling stock;
- (vi) maintenance and protection systems; and
- (vii) roads and other facilities which provide access to the railway line route.

be varied so that the period of the declaration commence on 19 November 2008 and expire on 19 November 2018.

Dated: 30 June 2010




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Registrar