

COMMONWEALTH OF AUSTRALIA

Trade Practices Act 1974

File No 5 of 2008

RE: APPLICATION FOR REVIEW OF THE DECISION BY THE COMMONWEALTH TREASURER DATED 27 OCTOBER 2008 TO DECLARE THE SERVICE PROVIDED BY THE GOLDSWORTHY RAILWAY

BY: BHP BILLITON IRON ORE PTY LTD; BHP BILLITON MINERALS PTY LTD

NOTICE PURSUANT TO SECTION 44ZZOA(2) AND (3) OF THE TRADE PRACTICES ACT 1974 (CTH)

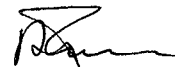
On 14 November 2008 application was made to the Australian Competition Tribunal (the Tribunal) to review the decision of the Treasurer of the Commonwealth of Australia under Part IIIA of the *Trade Practices Act 1974* (Cth) (the Act) to declare a service provided by the Goldsworthy railway line. Section 44ZZOA(1) requires the Tribunal to use its best endeavours to make its decision within the period (standard period) of four months beginning on the day it received the application.

On 12 March 2009 the Tribunal extended the standard period by 11 months. The extended standard period for this application ends on 14 February 2010.

The Tribunal is unable to make its decision on the review within the extended period. The reason is as follows. The application is being heard in conjunction with three similar applications under Part IIIA of the Act as the issues raised in all the applications are similar. The hearing of the three applications commenced on 28 September 2009 and will not conclude until approximately 26 February 2010. In the circumstances the Tribunal is unable to make its decision by 14 February 2010.

Pursuant to section 44ZZOA(2) of the Act the Tribunal hereby extends the standard period by 136 days to end on 30 June 2010.

Dated this 9th day of February 2010



Finkelstein J (President)