

BHP BILLITON LTD  
Form 6-K  
November 03, 2008

**UNITED STATES**  
**SECURITIES AND EXCHANGE COMMISSION**

Washington, D.C. 20549

**Form 6-K**

**REPORT OF FOREIGN PRIVATE ISSUER**

**PURSUANT TO RULE 13a-16 OR 15d-16**

**UNDER THE SECURITIES EXCHANGE ACT OF 1934**

November 3, 2008

**BHP BILLITON LIMITED**

(ABN 49 004 028 077)

(Exact name of Registrant as specified in its charter)

VICTORIA, AUSTRALIA

(Jurisdiction of incorporation or organisation)

180 LONSDALE STREET, MELBOURNE, VICTORIA

3000 AUSTRALIA

(Address of principal executive offices)

**BHP BILLITON PLC**

(REG. NO. 3196209)

(Exact name of Registrant as specified in its charter)

ENGLAND AND WALES

(Jurisdiction of incorporation or organisation)

NEATHOUSE PLACE, VICTORIA, LONDON,

UNITED KINGDOM

(Address of principal executive offices)

Indicate by check mark whether the registrant files or will file annual reports under cover of Form 20-F or Form 40-F:

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Form 20-F  Form 40-F

Indicate by check mark if the registrant is submitting the Form 6-K in paper as permitted by Regulation S-T Rule 101(b)(1):

Indicate by check mark if the registrant is submitting the Form 6-K in paper as permitted by Regulation S-T Rule 101(b)(7):

Indicate by check mark whether the registrant by furnishing the information contained in this Form is also thereby furnishing the information to the Commission pursuant to Rule 12g3-2(b) under the Securities Exchange Act of 1934:  Yes  No

If  Yes is marked, indicate below the file number assigned to the registrant in connection with Rule 12g3-2(b): n/a

# NEWS RELEASE

**Release Time** IMMEDIATE  
**Date** 27 October 2008  
**Number** 36/08

## TREASURER S DECISION ON THIRD PARTY RAIL ACCESS

BHP Billiton expressed its disappointment in the decision announced today by the Federal Treasurer to declare BHP Billiton s West Australian Goldsworthy rail line.

Ian Ashby, President of Iron Ore, said: Providing third party access to the company s rail operations would compromise the efficiency of BHP Billiton s integrated mine, port and rail operations. In the current fiscal year alone, these operations are expected to deliver more than 137 million tonnes of iron ore to customers all over the world and are already running at full capacity<sup>1</sup>.

Our view is unchanged. The efficient delivery of iron ore to our customers should not be compromised through allowing other companies to put their rail cars on our tracks, creating potential delays or disruption to our operations.

Mr Ashby said that BHP Billiton had been working with the West Australian Government to develop a rail haulage regime and that this would be a preferable mechanism. An access regime for providing rail haulage services is a more practical solution that would be less disruptive to the efficiency of the existing operations.

BHP Billiton is entitled to seek a reconsideration of the Treasurer s decision by the Australian Competition Tribunal. The Company is currently involved in a similar reconsideration by the Tribunal in relation to the decision not to declare the Mt Newman line.

<sup>1</sup> 100% terms. BHP Billiton s attributable share of iron ore production at WAIO is approximately 85%

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Registered in Australia  
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Neathouse Place  
London SW1V 1BH United Kingdom  
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A member of the BHP Billiton group which is headquartered in Australia

Further information on BHP Billiton can be found on our Internet site: [www.bhpbilliton.com](http://www.bhpbilliton.com)

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**SIGNATURES**

Pursuant to the requirements of the Securities Exchange Act of 1934, the registrant has duly caused this report to be signed on its behalf by the undersigned, thereunto duly authorized.

BHP Billiton Limited and BHP Billiton Plc

Date: 3 November 2008

By: Jane McAloon

Name: Jane McAloon

Title: Group Company Secretary