

IN THE HIGH COURT OF AUSTRALIA
MELBOURNE REGISTRY

No. M45 of 2011

BETWEEN:

The National Competition Council
Applicant

and

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Hamersley Iron Pty Ltd
(ACN 004 558 276) and Others
Respondents

IN THE HIGH COURT OF AUSTRALIA
MELBOURNE REGISTRY

No. M46 of 2011

BETWEEN:

The National Competition Council
Applicant

and

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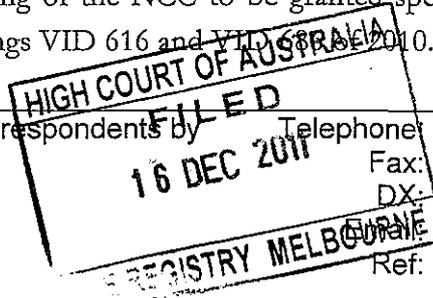
Robe River Mining Co Pty Ltd
(ACN 008 694 246) and Others
Respondents

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**SUBMISSIONS OF 12TH AND 13TH RESPONDENTS IN M45 OF 2011
AND 10TH AND 11TH RESPONDENTS IN M46 OF 2011 (FORTESCUE)**

1. The Applicant (the NCC) is seeking special leave to appeal from a judgment of the Full Court of the Federal Court in proceedings VID 616 and VID 686 of 2010 given on 4 May 2011.
2. The twelfth and thirteenth respondents in proceeding M45 of 2011 and tenth and eleventh respondents in proceeding M46 of 2011 (together, Fortescue) were granted special leave to appeal from the same judgment on 28 October 2011 and accordingly filed notices of appeal on 11 November 2011 in proceedings M155 and M156 of 2011.
- 40 3. Fortescue agrees with the statement of relevant facts in paragraphs 2 – 16 of the NCC's submissions.
4. Fortescue makes no submissions as to paragraph 17 of the NCC's submissions, concerning the standing of the NCC to be granted special leave to appeal from the judgment in proceedings VID 616 and VID 686 of 2010.

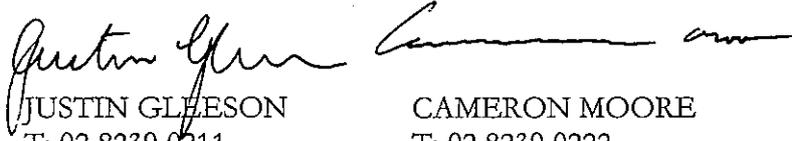
Filed on behalf of the 12th and 13th respondents by
DLA Piper
Solicitors
Level 17, 140 William Street
Melbourne VIC 3000



Telephone: 03 9274 5470
Fax: 03 9274 5111
DX: 147 Melbourne
simon.uthmeyer@dlapiper.com
Ref: Simon Uthmeyer

5. Paragraphs 18 – 57 of the NCC's submissions cover the matters dealt with in Fortescue's submissions in M155, 156 and 157 of 2011 and Fortescue refers to its submissions in those proceedings.

Dated: 14 December 2011



JUSTIN GLEESON

T: 02 8239 0211

F: 02 9210 0645

justin.gleeson@banco.net.au

CAMERON MOORE

T: 02 8239 0222

F: 02 9210 0648

cameron.moore@banco.net.au

MICHAEL BORSKY

T: 03 9225 8737

F: 03 9225 8395

mborsky@vicbar.com.au

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