

BHP BILLITON LTD  
Form 6-K  
July 05, 2006

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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

May

23, 2006

**BHP Billiton**

**Limited**

..... (Translation of registrant's name into English) 180 Lonsdale Street Melbourne VIC 3000  
Australia.....

(Address of principal executive office)

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

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23 May 2006  
Number 1806

BHP BILLITON WELCOMES DECISION NOT TO DECLARE MT NEWMAN RAIL LINE

BHP Billiton today welcomed the decision by the Federal Treasurer, the Hon. Peter Costello MP, to effectively reject a recommendation by the National Competition Council to declare open access to the company's Mt Newman railway tracks.

BHP Billiton CEO, Chip Goodyear, said the decision reflected recommendations from the Hilmer Committee and the Prime Minister's Export Infrastructure Taskforce that access declarations be applied "sparingly" and in carefully limited circumstances (which is why Part IIIA of the Trade Practices Act is drafted in a way that requires that the decision maker must be satisfied that all of the criteria are met before infrastructure is declared - that is, any doubt must lead to a decision not to declare).

"BHP Billiton has invested more than \$2 billion (in today's dollars) developing our rail line in conjunction with our mine and port operations, as a technologically sophisticated and integrated production process. This investment has been supported by our more than 350,000 shareholders and the millions of people standing behind the superannuation funds. Their support is critical as we look for additional opportunities to expand our activities further. This decision should help in continuing to retain their support, while also helping to ensure the ongoing integrity and reliability of the system."

Mr Goodyear also pointed out that a State-based access regime for providing rail haulage services already existed.

"This is a very practical and efficient system that will be much less disruptive to the efficiency of the existing operations. We will continue to work with the Western Australian Government to improve this system further."

Mr Goodyear said that if any appeal was lodged, the company would continue to vigorously defend its position.

"In the case of an appeal, we are confident that the ultimate outcome will be determined in accordance with Australia's best interests. That is, the railway line will not be declared," he said.

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

**Australia**

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**BHP Billiton Limited ABN 49 004 028 077**

Registered in Australia  
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**BHP Billiton Plc Registration number 3196209**

Registered in England and Wales  
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**The BHP Billiton Group is headquartered in Australia**

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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

Date: 23 May 2006

By: Karen Wood

Name: Karen Wood

Title: Company Secretary