

BHP BILLITON PLC  
Form 6-K  
September 25, 2008

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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

September 24, 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)

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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 [x] 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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24 September 2008  
Number 31/08

STATEMENT RE: HIGH COURT DECISION

BHP Billiton is disappointed by today's High Court decision on the definition of 'production process' in relation to third party access to BHP Billiton's rail lines in the Pilbara, Western Australia. BHP Billiton notes that a separate proceeding is underway in the Australian Competition Tribunal that will determine whether the use of the Mt Newman rail line should be 'declared' open access under Part IIIA of the Trade Practices Act.

BHP Billiton President of Iron Ore, Ian Ashby, commented:

"We believe our West Australian integrated mine, rail and port operations are amongst the most efficient in the world. In the current fiscal year alone, these operations are expected to deliver 137 million tonnes of iron ore\* to customers all over the world and are running at full capacity."

"We continue to believe there are better, more efficient solutions available, including rail haulage and other commercial arrangements, such as mine gate sales."

\*100% terms. BHP Billiton's attributable share of iron ore production at WAIO is approximately 85%.

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

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

Registered in Australia  
Registered Office: Level 27, 180 Lonsdale Street  
Melbourne Victoria 3000  
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**BHP Billiton Plc Registration number 3196209**

Registered in England and Wales  
Registered Office: Neathouse Place London SW1V 1BH  
United Kingdom  
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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 and BHP Billiton Plc

Date: 24 September 2008

By: Jane McAloon

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Name: Jane McAloon  
Title: Group Company Secretary