

2 October 2012

The Companies Officer  
Australian Securities Exchange Ltd  
2 The Esplanade  
Perth WA 6000



Dear Sir

**Five High Court Judges Rule Unanimously in Favour of Fortescue and Andrew Forrest**

Fortescue Metals Group Limited (ASX: FMG, Fortescue) advises that judgment was handed down today by the High Court of Australia in the civil penalty proceedings brought by ASIC against Fortescue and its Chairman Andrew Forrest. Fortescue and Andrew Forrest have been successful in defeating all of the contraventions alleged by ASIC.

In handing down the decision, the High Court said of statements "that Fortescue and the Chinese state-owned entities had entered into agreements that each intended to be binding. This representation was neither false nor misleading."

The High Court noted that Fortescue's ASX statements "accurately recorded what the framework agreement provided."

Fortescue Deputy Chairman Herb Elliott said the High Court decision brought "an end to an eight-year long process that ASIC thought was appropriate but was ultimately determined to be wrong."

"ASIC's allegations have been an expensive distraction. We can now focus our full attention to ensuring the continued success of Fortescue Metals Group for many years to come."

Fortescue has been awarded full costs from each of the Federal Court, Full Federal Court and High Court proceedings. Details of the High Court judgment can be found on the website [www.hcourt.gov.au](http://www.hcourt.gov.au)

Yours sincerely  
**Fortescue Metals Group Ltd**

**Mark Thomas**  
Company Secretary

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