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Takeovers Panel rebuffs Andrew Forrest on Gina Rinehart bid for Atlas Iron



by [Brad Thompson](#)

Gina Rinehart has scored a significant victory over Andrew Forrest in the war over Atlas Iron with the [Takeovers Panel declining to conduct proceedings](#) in relation to her [\\$390 million off-market bid through Hancock Prospecting](#).

NCZ Investments, a wholly owned subsidiary of Mr Forrest's Fortescue Metals Group, made a series of allegations about the bid last week in an [escalation of the brawl between the two billionaires over the junior iron ore miner](#).

Takeovers Panel director Allan Bullman said after discussions with the panel and the Australian Securities and Investment Commission, Hancock subsidiary Redstone had agreed to incorporate disclosures from its supplementary bidder's statement in a replacement bidder's statement.

The disclosures included more information on Redstone's intentions and clarified the operation of the bid's conditions.

"Given these developments the panel concluded there was no reasonable prospect that it would make a declaration of unacceptable circumstances," Mr Bullman said.

"Accordingly, the panel declined to conduct proceedings."

NCZ had sought interim orders that restrained Redstone from dispatching its bidder's statement and releasing any other information regarding the bid while the panel considered the application and precluded Hancock and Redstone from acquiring, directly or indirectly, any

further shares until "further and corrective disclosure is released".

The Takeovers Panel revealed details of the NCZ allegations last Tuesday and by that afternoon Redstone had issued a supplementary bidder's statement, which appeared to deal with many of the issues raised.

Redstone followed up with a replacement bidder's statement on Friday in relation to its all-cash bid, which has the unanimous backing of the Atlas board.

Redstone and Fortescue, through NCZ, acquired matching 19.9 per cent stakes in Atlas after [Chris Ellison's Mineral Resources launched a now-defunct \\$290 million all-scrip takeover bid](#) in April.

Fortescue has yet to declare its intentions in relation to Atlas and the Redstone offer, but recent comments indicate Mr Forrest's interest is linked to berth and channel capacity at iron ore export epicentre Port Hedland.

West Australian Premier Mark McGowan has left the door open for negotiations with both Hancock and Fortescue on the future of government-owned infrastructure at Utah Point currently used by Atlas and on the development of berths in South West Creek earmarked for junior miners.

Speaking in Paraburdoo on Friday, Mr McGowan also backed Transport Minister Rita Saffioti and the Pilbara Ports Authority in saying Atlas-controlled North West Infrastructure had no priority entitlement to development of the berths at South West Creek.

Fortescue chief executive Elizabeth Gaines welcomed the move to consult with industry on the port assets.

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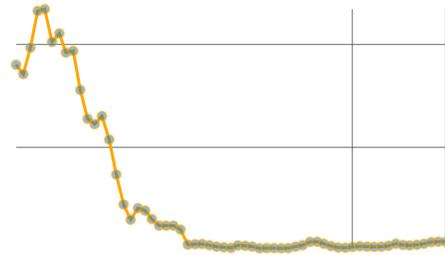
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Mr McGowan concedes it could be months before the government provided definitive advice on its junior miner reservation policy and how it would apply to Utah Point and South West Creek.

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