

FORMAL WARNING

under section 205XA of the *Broadcasting Services Act 1992*

To: Tully Sugar Ltd (ACN 011 030 256)

Attention: [REDACTED] Company Secretary [REDACTED]

I, Rochelle Zurnamer, an authorised infringement notice officer of the Australian Communications and Media Authority (ACMA) under section 205ZE of the *Broadcasting Services Act 1992* (the BSA), having reasonable grounds to believe that Tully Sugar Ltd, ACN 011 030 256 (Tully Sugar), has contravened subsection 74H(1) of the BSA, being a designated infringement notice provision;

HEREBY gives Tully Sugar a formal warning under section 205XA of the BSA for a contravention of subsection 74H(1) of the BSA, and warns Tully Sugar that I, or another authorised infringement notice officer, may be entitled to give Tully Sugar an infringement notice relating to the contravention.

Obligations under subsection 74H(1) of the BSA

Subsection 74H(1) of the BSA states that:

If, at the end of a financial year, a person is a foreign stakeholder in an Australian media company, the person must, within 30 days after the end of the financial year, notify the ACMA in writing of:

- (a) the person's name; and
- (b) the circumstances that resulted in the person being a foreign stakeholder in the company at the end of the financial year; and
- (c) the person's company interests in the company at the end of the financial year; and
- (d) the method used to determine those company interests; and
- (e) the reason why the person was a foreign person at the end of the financial year; and
- (f) the designated information relating to the person; and
- (g) such other information (if any) relating to the person as is specified under subsection (2).

Subsection 74H(6) of the BSA provides that a person is not required to notify information under subsection 74H(1) of the BSA if the information might tend to incriminate the person or expose the person to a penalty.

Subsection 74H(3) of the BSA provides that subsection 74H(1) of the BSA is a designated infringement notice provision.

Section 205XA of the BSA provides that the ACMA may issue a formal warning if a person has contravened a designated infringement notice provision.

Details of the contravention

The ACMA is satisfied that Tully Sugar was a foreign stakeholder in Coastal Broadcasters Pty Ltd, an Australian media company, at the end of the 2021-22 financial year and did not notify the ACMA in writing of the matters specified in subsection 74H(1) of the BSA within 30 days after the end of that financial year.

Dated this 17th day of January 2023.



Rochelle Zurnamer

Authorised infringement notice officer under section 205ZE of the BSA