

FORMAL WARNING

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

To: Yarra Capital Management Limited (ACN 003 376 252)

Attention: [REDACTED]
[REDACTED]

I, Jenny Allen, an authorised infringement notice officer of the Australian Communications and Media Authority (ACMA) appointed under section 205ZE of the *Broadcasting Services Act 1992* (the BSA), having reasonable grounds to believe that Yarra Capital Management Limited, ACN 003 376 252, has contravened subsection 74F(1) of the BSA, being a designated infringement notice provision;

HEREBY gives Yarra Capital Management Limited a formal warning under section 205XA of the BSA for contraventions of subsection 74F(1) of the BSA, and warns Yarra Capital Management Limited that I, or another authorised infringement notice officer, may be entitled to give Yarra Capital Management Limited an infringement notice relating to the contraventions, or similar contraventions.

Obligations under subsection 74F(1) of the BSA

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

If a person who was not a foreign stakeholder in a particular Australian media company becomes a foreign stakeholder in the company at a particular time, the person must, within 30 days after that time, notify the ACMA in writing of:

- (a) the person's name; and
- (b) the circumstances that resulted in the person becoming a foreign stakeholder in the company; and
- (c) the person's company interests in the company; and
- (d) the method used to determine those company interests; and
- (e) the reason why the person is a foreign person; 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 74F(6) of the BSA provides that a person is not required to notify information under subsection 74F(1) of the BSA if the information might tend to incriminate the person or expose the person to a penalty.

Subsection 74F(4) of the BSA provides that a person commits a separate contravention in respect of each day during which the contravention continues.

Subsection 74F(5) of the BSA provides that subsection 74F(1) of the BSA is a designated infringement notice provision.

Section 205XA of the BSA provides that an authorised infringement notice officer may issue a formal warning if the officer has reasonable grounds to believe that a person has contravened a designated infringement notice provision.

Details of the contravention

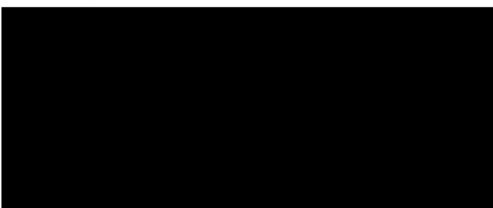
I have satisfied myself, as an authorised infringement notice officer of the ACMA, that Yarra Capital Management Limited became a foreign stakeholder in the following Australian media companies on 8 May 2023:

- 2KY Broadcasters Pty Ltd
- UBet Qld Limited
- UBet Radio Pty Ltd

and did not notify the ACMA in writing of the matters specified in subsection 74F(1) of the BSA within 30 days after that time. Therefore, as Yarra Capital Management Limited did not notify the ACMA until 20 June 2023, I have a reasonable grounds to believe that it contravened subsection 74F(1) of the BSA from 8 June 2023 to 19 June 2023.

Yarra Capital Management Limited has claimed that the failure to notify the ACMA in accordance with subsection 74F(1) of the BSA was due to an inadvertent oversight, and that upon becoming aware of its non-compliance it made the necessary notification.

Dated this 22nd day of September 2023.



Jenny Allen

Authorised infringement notice officer under section 205ZE of the BSA