

## FORMAL WARNING

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

**To:** COFCO Group (Corporation Number 91110000101100414N)

**Attention:** [REDACTED] Chief Finance Officer and Company Secretary, Tully Sugar Limited (ACN 011 030 256) [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 the COFCO Group, Corporation Number 91110000101100414N (COFCO Group), has contravened subsection 74H(1) of the BSA, being a designated infringement notice provision;

**HEREBY** give the COFCO Group a formal warning under section 205XA of the BSA for a contravention of subsection 74H(1) of the BSA, and warn the COFCO Group that I, or another authorised infringement notice officer, may be entitled to give the COFCO Group 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.

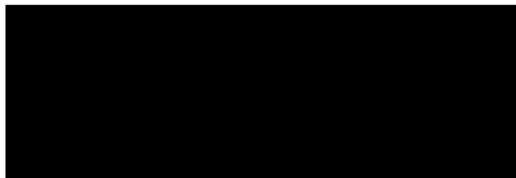
Section 205XA of the BSA provides that an authorised infringement notice officer may issue a formal warning if they have reasonable grounds to believe that a person has contravened a designated infringement notice provision.

#### **Details of the alleged contravention**

On 13 October 2023, information provided to the ACMA by a subsidiary of the COFCO Group advised that the COFCO Group had been a foreign stakeholder in Coastal Broadcasters Pty Ltd (ACN 009754456), an Australian media company, throughout the period from the 2018-19 financial year to the present. This was confirmed on 3 November 2023 when a series of notifications under subsection 74H(1) of the BSA were submitted on behalf of the COFCO Group for each financial year from 2018-19 to 2022-23, inclusive.

On the basis of this information, I have reasonable grounds to believe that the COFCO Group was a foreign stakeholder in an Australian media company at the end of the 2022-23 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 30th day of November 2023.



**Jenny Allen**

**Authorised infringement notice officer under section 205ZE of the BSA**