

FORMAL WARNING

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

To: COFCO Sugar (Hong Kong) Limited (Corporation Number 5380000#65245545W)

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 COFCO Sugar (Hong Kong) Limited, Corporation Number 5380000#65245545W (COFCO Hong Kong), has contravened subsection 74H(1) of the BSA, being a designated infringement notice provision;

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

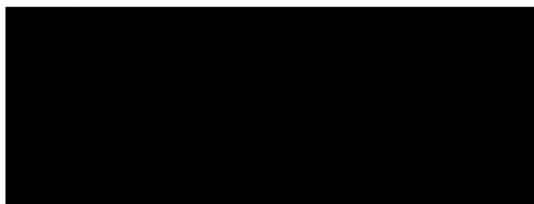
Section 205XA of the BSA provides that an authorised infringement notice officer may issue a formal warning if they have reasonable grounds to believe that a person has contravened a designated infringement notice provision.

Details of the alleged contravention

On 13 October 2023, information provided to the ACMA by a subsidiary of COFCO Hong Kong advised that COFCO Hong Kong 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 COFCO Hong Kong for each financial year from 2018-19 to 2022-23, inclusive.

On the basis of this information, I have reasonable grounds to believe that COFCO Hong Kong 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