

NOTICE OF FULFILMENT OF CONDITION

TO: Tully Sugar Limited ABN 92 011 030 256
AND TO: Australian Securities & Investments Commission
AND TO: ASX Limited

In relation to the Bidder's Statement dated 7 October 2009 ("**Bidder's Statement**") by The Maryborough Sugary Factory Limited, The Maryborough Sugar Factory Limited gives notice under section 630(4) of the Corporations Act that the condition set out in paragraph (b) of Appendix 2 of the Bidder's Statement (relating to approval under the Foreign Acquisitions and Takeovers Act 1975) has been fulfilled and, accordingly, the Offer made by The Maryborough Sugar Factory Limited under the Bidder's Statement and any takeover contract arising from acceptance of the Offer are now free of that condition.

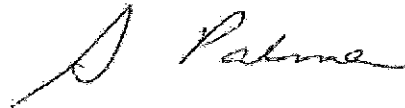
Unless the context requires otherwise, defined terms in the Bidder's Statement have the same meaning in this notice.

Dated: 7 October 2009

Signed by James Jackson and Sue Palmer on behalf of The Maryborough Sugar Factory Limited, who are authorised to sign this notice pursuant to a resolution passed by the directors of The Maryborough Sugar Factory Limited on 6 October 2009.



James Jackson
Director



Sue Palmer
Director