

THE MARYBOROUGH SUGAR FACTORY LIMITED
ABN 11 009 658 708
NEW DATE FOR GIVING NOTICE OF STATUS OF
CONDITIONS

TO: Tully Sugar Limited ABN 92 011 030 256 (“**Tully**”)

AND TO: Australian Securities and Investments Commission

AND TO: ASX Limited

The Maryborough Sugar Factory Limited (ABN 11 009 658 708) (“**MSF**”) gives notice under section 630(2) of the Corporations Act 2001 (Cwlth) (“**Corporations Act**”) in relation to the offer dated 28 October 2009 (“**Offer**”) under the takeover bid by MSF for all of the shares in Tully as set out in the Bidder’s Statement dated 21 October 2009, as supplemented (“**Bidder’s Statement**”).

The date for giving notice on the status of the conditions set out in Appendix 2 of the Bidder’s Statement pursuant to section 630(3) of the Corporations Act has been postponed by operation of section 630(2) of the Corporations Act. The new date for giving a notice on the status of those conditions is 18 February 2010, being a date not less than 7 days before the end of the Offer Period (as has been varied).

As at the date of this notice:

- (a) except as stated in paragraph (b), MSF has not freed the Offer from any of the conditions set out in Appendix 2 of the Bidder’s Statement;
- (b) as stated in the Notice of Fulfilment of Condition under section 630(4) of the Corporations Act dated 7 October 2009, the condition 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 is free of that condition; and
- (c) so far as MSF knows, none of the other conditions to the Offer set out in Appendix 2 of the Bidder’s Statement have been fulfilled or waived and, accordingly, the Offer remains subject to those conditions.

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

Dated: 10 December 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 8 December 2009.



James Jackson
Director



Sue Palmer
Director