

# THE MARYBOROUGH SUGAR FACTORY LIMITED

ABN 11 009 658 708

## 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

In relation to the offer dated 28 October 2009 (“**Offer**”) under the takeover bid by The Maryborough Sugar Factory Limited (ABN 11 009 658 708) (“**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**”), MSF gives notice pursuant to section 630(3) of the Corporations Act 2001 (Cwlth) (“**Corporations Act**”) that:

- (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 given 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) had previously been fulfilled; 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.

As at the date of this notice, MSF’s voting power in Tully is 0.09%.

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

Dated: 22 April 2010

**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 22 April 2010.



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**James Jackson**  
Director



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**Sue Palmer**  
Director