

**Australian Securities and Investments Commission  
Corporations Act 2001 - Subsection 340(1) - Order**

**Enabling legislation**

1. The Australian Securities and Investments Commission (*ASIC*) makes this instrument under subsection 340(1) of the *Corporations Act 2001* (the *Act*).

**Title**

2. This Order is ASIC Instrument [18-385].

**Commencement**

3. This instrument commences on the day it is signed.

**Order**

4. Mossman Sugar Company Limited (Subject to Deed of Company Arrangement) ACN 009 657 103 (the *Company*) does not have to comply with any of the following obligations under Part 2M.3 of the Act:
  - (a) report to members of the Company under section 314 within the time required by section 315;
  - (b) send reports to a member of the Company in accordance with a request under subsection 316(1) within the time required by subsection 316(2);
  - (d) lodge reports with ASIC under subsection 319(1) within the time required by subsection 319(3);

in relation to:

- (f) the financial year of the Company ended 30 June 2016 and 30 June 2017;  
and
- (h) any other financial year of the Company ending during the deferral period.

This paragraph applies until the last day of the deferral period.

5. The Company does not have to comply with an obligation under Part 2M.3 of the Act of a kind specified in paragraph 4 in relation to the financial years ended 30 June 2014 and 30 June 2015 of the Company but only to the extent that the Part would have imposed, but for this paragraph 5, a continuing obligation on the Company from the date of this instrument. This paragraph applies until the last day of the deferral period.

**Where this order applies**

6. This order applies where:
  - (a) the Company complies with any obligation to which paragraphs 4 or 5 applies by no later than the last day of the deferral period;
  - (b) the Company arranges for a notice explaining the relief granted by this instrument to be published: both:
    - (i) in a prominent place on the Company's website (if any); and
    - (ii) in a place that is readily accessible on a website maintained by the External Administrator or any external administrator appointed after the External Administrator;
  - (c) the Company has adequate arrangements in place to answer, within a reasonable period of time and without charge, any reasonable questions asked by a member of the Company about the external administration; and
  - (d) the External Administrators of the Deed of Company Arrangement have the powers of the Directors under the Deed of Company Arrangement.
7. The Company need not comply with the condition specified in subparagraph 6(a) (other than an obligation under subsection 319(1)) if, by no later than the last day of the deferral period, the Company arranges for a prescribed notice to be published: both:
  - (a) in a prominent place on the Company's website; and
  - (b) in a place that is readily accessible on a website maintained by the External Administrator or any external administrator appointed after the External Administrator;
8. This order will cease to apply in relation to a financial year of the Company from the date of any failure to comply with a condition in paragraph 6 (subject to paragraph 7) in relation to the financial year.
9. To avoid doubt, subject to paragraph 7, if an obligation to which paragraph 4 applies has not been complied with by the day after the end of the deferral period or the day after this order ceases to apply under paragraph 8, whichever occurs first, this order has no application from that date to any continuing obligation.

**Interpretation:**

In this instrument:

***Deed of Company Arrangement*** means the deed under which the Deed Administrator and the Company are parties, dated 23 July 2015.

***deferral period*** means the period starting on the date of this instrument and ending on whichever is the earlier of:

- (a) the day that is 24 months after the date of this instrument;
- (b) the date on which a disclosure document is lodged with ASIC in relation to any offer for issue or sale of securities that needs disclosure to investors under Chapter 6D of the Act; or

Note: Where a company is undertaking public fundraising for a recapitalisation, up-to-date financial reports are information that is reasonably required by investors in a disclosure document lodged under s710.

- (c) the date that the Company ceases to be under a Deed of Company Arrangement.

Note: A company that has been granted an individual deferral, must comply with any deferred financial reporting obligations in accordance with the Corporations Act or obtain further deferral relief before the deferral expires, except where a liquidator is appointed or the company ceases.

***external administration*** means where an external administrator has been appointed to the Company.

***external administrator*** means:

- (a) an administrator of the Company appointed under s436A, 436B or 436C of the Act;
- (b) where the Company has executed a deed of company arrangement that has not yet terminated, the administrator of the deed appointed under Part 5.3A of the Act;
- (c) a provisional liquidator of the Company; or
- (d) a managing controller appointed in relation to property of the Company.

***External Administrator*** means Tony Jonsson and Gerry Mier, joint and several administrators, appointed as Deed Administrators to the Company under subsection 436A of the Act on 23 July 2015.

***prescribed notice*** means a notice that contains statements to the following effect:

- (a) the reports for the relevant financial years of the Company have been lodged with ASIC; and
- (b) the Company will send copies of the reports to a member of the Company free of charge if the member asks for the reports in writing; and

- (c) the reports are available for download on the relevant website together with a hypertext link to the reports.

Dated: 14th day of May 2018

A handwritten signature in black ink, appearing to be 'L Mizzi', written in a cursive style.

Signed by Lorraine Mizzi  
as a delegate of the Australian Securities and Investments Commission