FARM DEBT MEDIATION

FARMER INITIATED FARM DEBT MEDIATION

**OFFICE USE ONLY**

**FILE #**

***Farm Debt Mediation Act 1994* (NSW) – Form 5**

**Farmer Request to Creditor for Mediation and Creditor’s Response**

**PART 1 – MEDIATION REQUEST**

A farmer may ask their creditor to mediate whether or not their farm debt and farm mortgage are in default. A creditor may not commence enforcement action in relation to a farm debt until the NSW Rural Assistance Authority has issued an exemption certificate under the Act.

It is highly recommended that the farmer contact the NSW Rural Assistance Authority – Farm Debt Mediation Unit on 1800 678 593 or your local Rural Financial Counsellor, accountant and/or solicitor for advice or further information concerning this matter.

**1. FARMER TO COMPLETE**

|  |
| --- |
| This is a notice under section 18B of the *Farm Debt Mediation Act 1994* (NSW) requesting you |
| to enter into farmer-initiated mediation with |
| *(creditor)* |
| regarding my farm mortgage(s) and farm debt(s). |
| *(farmer)* |
| Signature of farmer authorising issue of this notice:  Date of signature: / / Date of dispatch: / / |

|  |  |
| --- | --- |
| **FARMER / GUARANTOR CONTACT DETAILS** | |
| **Farmer’s personal or company name:** |  |
| **ABN:** | **ACN:** |
| **Name of farmer’s authorised representative:** | |
| **ABN:** | **ACN:** |
| **Farmer’s postal address for notices:** | |
|  | |
| **Postcode:** | |
| **Farmer’s phone number(s):** | **Farmer’s email address:** |
| **Name of guarantor:** | |
| **Guarantor’s phone number:** | **Guarantor’s email address:** |

**PRIVACY**

The Authority and NSW Government agencies may use information provided on this form, or by any relevant person, in relation to the administration of the *Farm Debt Mediation Act 1994* (NSW). This may include disclosure of information to parties related to the relevant farm debt and/or proposed mediation. Any statistics collected and analysed will be done in such a way as to protect parties’ anonymity.

For more information on your privacy please visit: <https://www.nsw.gov.au/departments-and-agencies/department-of-regional-nsw/access-information/privacy-statement>

**Preferred method of communication** *(Circle or strike out relevant text)*

|  |  |  |
| --- | --- | --- |
| Email: | **Yes** | **No** |
| Hard copy post: | **Yes** | **No** |
| Both: | **Yes** | **No** |

|  |  |
| --- | --- |
| **CREDITOR’S CONTACT DETAILS** |  |
| **Personal or company name of creditor:** | |
| **ABN:** | **ACN:** |
| **Creditor’s phone number:** | **Email address:** |

**PART 2 – FARMER’S NOMINATION OF MEDIATOR**

1. **FARMER TO COMPLETE**

Pursuant to section 18C of the Farm Debt Mediation Act, I nominate the following RAA-accredited mediator (see mediator list on RAA website) to conduct the mediation:

**First preference:**

If you do not accept my first-preference nomination, I will nominate three other RAA-accredited mediators.

|  |
| --- |
| **FARMER’S DECLARATION**  I acknowledge that I have considered obtaining, or have obtained, independent professional advice before signing this form.  The information I have provided on this form is true and correct.  The business meets the definitions in the *Farm Debt Mediation Act 1994* (NSW).  Farmer’s signature(s): Date: / /  Guarantor’s signature(s):  Date: / / |

**PART 3 – CREDITOR’S RESPONSE TO INVITATION TO MEDIATE**

1. **CREDITOR TO COMPLETE**

This section is to be completed by the creditor and the whole form should be emailed (or posted if email is not used) to the farmer and RAA.

If a creditor declines to mediate and the farmer is in default, the Authority may issue a prohibition certificate in prescribed circumstances. No response is required if the creditor has already given the farmer a notice inviting mediation in respect of the same debt. A refusal by a creditor to mediate does not, of itself, give rise to any claim or other consequence under this Act, if the farmer is not in default.

Please visit [www.raa.nsw.gov.au/farm-debt-mediation](http://www.raa.nsw.gov.au/farm-debt-mediation) for more information about the Act.

Creditors are encouraged to contact the NSW Rural Assistance Authority – Farm Debt Mediation Unit on 1800 678 593 and/or a solicitor for further information or advice before completing this form.

|  |  |
| --- | --- |
| **Personal or company name of creditor:** | |
| **ABN:** | **ACN:** |
| On behalf of the creditor, I can confirm that I agree / do not agree, pursuant to Section 18A (3) & (4) of the Act, to participate in a farm debt mediation. *(Circle or strike out relevant text)*  I do / do not accept the farmer’s nomination of mediator. *(Circle or strike out relevant text)*  Creditor’s signature(s): Date: / / | |

|  |  |
| --- | --- |
| **Name of creditor’s authorised representative:** | |
| **ABN:** | **ACN:** |
| **Creditor’s postal address for notices:** | |
|  | |
| **Postcode:** | |
| **Creditor’s phone number(s):** | **Creditor’s email address:** |

**Preferred method of communication:**

|  |  |  |
| --- | --- | --- |
| Email: | **Yes** | **No** |
| Hard copy post: | **Yes** | **No** |
| Both: | **Yes** | **No** |

Mediation should take place **within three months** of the date the creditor was given this notice, at a time and place to be agreed between the creditor, farmer and the mediator or within such longer time as is mutually agreed or permitted by the Authority.

Date invitation received from farmer: / /

1. **CREDITOR’S INFORMATION ABOUT THE FARMER’S FARM DEBT AND FARM MORTGAGE**

|  |  |
| --- | --- |
| **Details of outstanding farm debts:** | |
| **FACILITY** | **BALANCE OUTSTANDING**  *(as at date of issue of this notice)* |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
| **TOTAL** |  |

**Details of farm property over which security is held including address(es):**

*Farm property means a farm or part of a farm, farm machinery means vehicles or other implements commonly used in farming & water access licences under the Water Management Act 2000 (NSW)*

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1. **LODGEMENT OF FORMS**

Completed forms can be lodged with the NSW Rural Assistance Authority by post or email at:

**Post:** PRIVATE AND CONFIDENTIAL

Farm Debt Mediation Unit

NSW Rural Assistance Authority Locked Bag 23

Orange NSW 2800

**Email:** [farmdebt.mediation@raa.nsw.gov.au](mailto:farmdebt.mediation@raa.nsw.gov.au)

**Phone:** 1800 678 593 (Toll Free)