

Farm Debt Mediation Act 1994 (NSW)

**TEXT OF COOLING OFF PERIOD STATEMENT TO BE INCLUDED IN MEDIATION AGREEMENT
refer sections 18J(2) and 18L FDM Act**

This is the Authority's approved form of words for the cooling off period statement to be included in the mediation agreement concluded at a farm debt mediation under the Act:

The farmer may rescind this mediation agreement:

- *at any time before 5 p.m. on the 10th business day after the day on which this agreement was entered into, or*
- *at such time on that or another day, as may be agreed by the farmer and the creditor.*

The farmer may, during the cooling off period, serve a written notice on the creditor or the creditor's Australian legal practitioner to the effect that the farmer rescinds this agreement subject to the cooling off period.

The notice of rescission must be signed by the farmer or the farmer's Australian legal practitioner.

On service of a notice of rescission in accordance with section 18M3 of the Farm Debt Mediation Act 1994 (NSW), this mediation agreement is taken to be rescinded.

If rescission occurs, the farmer or creditor is entitled to make a claim for such compensation, adjustment or accounting as is just and equitable between the farmer and the creditor where a party has received a benefit under this agreement.

**STATEMENT TO BE SERVED ON FARMER WHERE THE COOLING OFF PERIOD
STATEMENT HAS NOT BEEN INCLUDED IN THE MEDIATION AGREEMENT
refer section 18J(2) and 18L(2)(b) FDM Act**

The farmer may rescind this mediation agreement at any time before 5 p.m. on the 10th business day after the day on which this statement is given to the farmer.

The farmer may, during the cooling off period, serve a written notice on the creditor or the creditor's Australian legal practitioner to the effect that the farmer rescinds this agreement subject to the cooling off period.

The notice of rescission must be signed by the farmer or the farmer's Australian legal practitioner.

On service of a notice of rescission in accordance with section 23 of the Farm Debt Mediation Act, this agreement is taken to be rescinded ab initio.

If rescission occurs, the farmer or creditor is entitled to make a claim for such compensation, adjustment or accounting as is just and equitable between the farmer and the creditor where a party has received a benefit under this agreement.