FARM DEBT MEDIATION

application for

prohibition certificate

**OFFICE USE ONLY**

**FILE #**

***Farm Debt Mediation Act 1994* (NSW) – Form 7**

1. farmer to complete

|  |
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|  |
| *(name of farmer)* |
|  |
| *(address of farmer)* |
| I apply pursuant to section 10 of the *Farm Debt Mediation Act 1994* (NSW) for a prohibition certificate to prevent enforcement action under my farm mortgage in default described as |
| *(description of farm mortgage)* |

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| **FACILITY** |
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| --- | --- | --- | --- |
| Given to | |  | |
|  | | *(name of creditor)* | |
|  | | | |
| *(address of creditor)* | | | |
| This is a farm debt where the farmer is in default, the farmer has requested the creditor to mediate in respect of the farm debt and no certificate under section 14 of the Farm Debt Mediation Act 1994 (NSW) is in force. The application is made upon the grounds set out below: | | | |
|  | The farmer is in default under the farm mortgage, and | | |
|  | The farmer has asked the creditor to mediate in respect of the farm debt concerned by issuing a *Form 5* *Section 18(B) Notice*, and | | |
|  | No exemption certificate is in force in relation to the farm mortgage, and | | |
|  | At least one of the following additional ground exists: | | |
|  | | | 3 months have elapsed since the farmer requested a mediation under section 18B and the farmer has throughout that period attempted to mediate in good faith but no satisfactory mediation has taken place between the farmer and the creditor, |
|  | | | The creditor has failed to respond to a mediation request within 20 business days or such longer period as the Authority considered reasonable |
|  | | | The creditor has indicated in writing to the Authority or the farmer, or indicated in any other manner that the creditor does not wish to mediate under the Farm Debt Mediation Act or a corresponding law of another State or Territory. |

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| **Type of farm business for FDM purposes:** | | | | | | | | | |
| Agriculture and related industries. e.g. crop growing, and livestock (separate boxes for beef, dairy, sheep, poultry, pigs, intensive livestock, bee farming  and mixed farming) | | | | | | | | | |
| Mixed farming | Beef | | Dairy | Sheep | Poultry | Pigs | | Intensive livestock | Bees |
| Aquaculture (onshore & offshore within 3 nautical miles) | | | | | | | | | |
| Cultivation or harvesting of timber or native vegetation | | | | | | | | | |
| Other activities involving  primary production carried out in connection with agriculture, aquaculture or cultivation or harvesting of timber or native vegetation | | | | | | | | | |
|  | | | | | | | | | |
| **Note:** The Authority may refuse to grant a prohibition certificate where the creditor has failed to respond to a mediation request if the Authority is satisfied that the creditor’s failure to respond is justified in the circumstances, and the creditor intends to mediate within a period that is reasonable in the circumstances: s 10(4) of the *Farm Debt Mediation Act 1994* (NSW). | | | | | | | | | |
|  | | | | | | | | | |
| **Name of creditor contact:** | |  | | | | | | | |
| **Creditor’s phone number:** | |  | | | | | | | |
| **Creditor’s postal address:** | |  | | | | | | | |
|  | | | | | **Postcode:** | | |
|  | | | | | | | | | |
| **NOTE: Satisfactory evidence as to the failure of the creditor to enter into farmer-initiated mediation must be provided to the Authority. This may include:**   * A copy of the *Form 5 Section 18(B) Notice* sent to the creditor * A copy of correspondence between the parties * A statutory declaration setting out the facts supporting the application. * A list of the dates on which the farmer contacted the creditor by telephone regarding farmer-initiated mediation. | | | | | | | | | |
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| **FARMER’S DECLARATION**  The information I have provided on this form is true and correct.  If I am signing on behalf of a partnership, trust or corporation, I have the authority to do so on its behalf.  The business meets the definitions in the Farm Debt Mediation Act 1994 (NSW).  I note that any statistics collected and analysed will be done in such a way as to protect parties’ anonymity.  I authorise RAA to discuss this application with any relevant private/public authority, financial lending institution, or my nominated financial counsellor/accountant/solicitor/adviser. If required, I will provide a written authority confirming this.  Farmer’s signature(s):  Date: \_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_\_\_\_ | | | | | | | | | |

1. Lodgement of FORMS

Completed forms including required documentation can be lodged with the NSW Rural Assistance Authority by post, email, facsimile or personal delivery 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)

**Fax:** (02) 6391 3098

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