ANNEXURE B

SUMMARY OF MEDIATION

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| In the matter of: | | |  | | | | | | | |
|  | | | *(creditor)* | | | | | | | |
| and |  | | | | | | | | | |
|  | *(farmer/s)* | | | | | | | | | |
| Re: |  | | | | | | | | | |
|  | *(insert details of debts and mortgages subject to mediation)* | | | | | | | | | |
| **Date of mediation:** | |  | |  |  |  | 20 | | | |
|  | | *(day)* | |  | *(month)* |  | *(year)* | | | |
| **MEDIATION OUTCOME** | | | | | | | | | |
| Did parties reach agreement at the mediation? | | | | | | | | **Yes** | **No** |
| Was this agreement reduced to writing and executed by the parties? | | | | | | | | **Yes** | **No** |
| Does the agreement include the statutory cooling off period statement? | | | | | | | | **Yes** | **No** |
| **PRE-MEDIATION** | | | | | | | | | |
| Was a preliminary conference held either face to face or by teleconference? | | | | | | | | **Yes** | **No** |
| If not, why not? | | | | | | | | | |
| Did the principal negotiator for the creditor participate? | | | | | | | | **Yes** | **No** |
| Did the farmer/s participate? | | | | | | | | **Yes** | **No** |
| Did a legal/financial representative for the farmer participate? | | | | | | | | **Yes** | **No** |
| What was discussed/clarified at the preliminary conference? | | | | | | | | | |
| * Participants | | | | | | | | **Yes** | **No** |
| * Authority to settle | | | | | | | | **Yes** | **No** |
| * Mediator’s role including drafting of any agreement reached | | | | | | | | **Yes** | **No** |
| * Mediation principles, process and timings | | | | | | | | **Yes** | **No** |
| * Document/information exchange | | | | | | | | **Yes** | **No** |
| * Confidentiality of the mediation session | | | | | | | | **Yes** | **No** |
| * Other including ‘satisfactory mediation’ and ‘good faith’ | | | | | | | | **Yes** | **No** |
| If a party gave you a request for information from another party, was that request for information reasonable? | | | | | | | | **Yes** | **No** |
| Was the information requested provided within a reasonable period by the other party and sufficiently prior to mediation to enable relevant settlement options to be considered? | | | | | | | | **Yes** | **No** |
| **MEDIATION SESSION** | | | | | | | | | |
| Did Party A make an adequate opening statement? | | | | | | | | **Yes** | **No** |
| Did Party B make an adequate opening statement? | | | | | | | | **Yes** | **No** |
| Were Party A’s issues and concerns identified from the opening statement? | | | | | | | | **Yes** | **No** |
| Were Party B’s issues and concerns identified from the opening statement? | | | | | | | | **Yes** | **No** |
| Were each party’s issues/concerns discussed face to face sufficiently to enable  the other party to appreciate the other’s perspective? | | | | | | | | **Yes** | **No** |

|  |  |  |  |
| --- | --- | --- | --- |
| Were Party A’s options for settlement canvassed? | | **Yes** | **No** |
| Were Party B’s options for settlement canvassed? | | **Yes** | **No** |
| How many settlement options were proposed? | | | |
| By whom? | **Mutually** | **Party A** | **Party B** |
| Were both parties prepared to consider/discuss the others settlement options? | | **Yes** | **No** |
| Did Party A move off initial position? | | **Yes** | **No** |
| Did Party B move off initial position? | | **Yes** | **No** |
| Were both parties at all times competent to continue the mediation? | | **Yes** | **No** |
| For how long did the mediation process continue? *(hours)* | | | |
| Did you, as mediator, adjourn the mediation to a later date? | | **Yes** | **No** |
| Did both parties attend mediation with authority to settle within any range that could reasonably be anticipated? | | **Yes** | **No** |
| If one party did not have the requisite authority, which party? | | **Party A** | **Party B** |
| Did any person representing a party to the mediation fail to have written authority from that party to enter into Mediation Agreement? | | **Yes** | **No** |
| If a party did not provide written authority, which party? | | **Party A** | **Party B** |
| **NON-SETTLEMENT** | | | |
| If no settlement was reached, what needed to happen in order for settlement to have occurred? | | | |
| Did all parties attend the mediation session? | | **Yes** | **No** |
| If any party was absent, which party? | | **Party A** | **Party B** |
| Did the absence of this party prevent the mediation from proceeding? | | **Yes** | **No** |
| Did the parties arrive within 30 minutes of the scheduled commencement? | | **Yes** | **No** |
| Were issues discussed by the parties? | | **Yes** | **No** |
| Were options canvassed by the parties? | | **Yes** | **No** |
| Did the parties agree that nothing further could be gained by continuing mediation? | | **Yes** | **No** |
| Did one party discontinue mediation, at a time when the other party wanted to continue? | | **Yes** | **No** |
| If so, which party discontinued mediation? | | **Party A** | **Party B** |
| **GENERAL** | | | |
| Do you, as mediator, wish to make any further comments? | | **Yes** | **No** |
|  | | | |

|  |
| --- |
| Mediators name:  Signature: Date: \_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_\_\_\_ |

lodgement of FORMS

Completed forms 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)