ANNEXURE B

SUMMARY OF MEDIATION

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| 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 enablethe other party to appreciate the other’s perspective? | **Yes** [ ]  | **No** [ ]  |

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| 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** [ ]  |
|       |

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| 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

**Fax:** (02) 6391 3098

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