FARM DEBT MEDIATION

Application for

exemption certificate

**OFFICE USE ONLY**

**FILE #**

***Farm Debt Mediation Act 1994* (NSW) – Form 3**

This is an approved form under the Act.

**CREDITOR TO COMPLETE AND RETURN TO THE NSW RURAL ASSISTANCE AUTHORITY**

The creditor applies for a *Section 14 Exemption Certificate* under the *Farm Debt Mediation Act 1994* (NSW) for exemption from the Act for the farm mortgage(s) under which the farmer is in default.

1. CONTACT DETAILS for CREDITOR

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| --- | --- | --- |
| **Personal or company name of creditor:** | | |
| **ABN:** | **ACN:** | |
| **Postal address:** | | |
|  | | |
|  | | **Postcode:** |
| **Creditor’s phone number:** | **Creditor’s email address:** | |

Section 14 (1) of the *Farm Debt Mediation Act 1994* (NSW) provides that the Authority may, on application, grant or refuse an exemption certificate.

Section 14 of the *Farm Debt Mediation Act 1994* (NSW) provides that the Authority **must issue** an exemption certificate that the Act does not apply to a farm mortgage when the farmer is in default under that farm mortgage, no prohibition certificate is in force, and the Authority is satisfied of at least one additional ground listed below for granting an exemption certificate.

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| **The ground on which this application is made is:**  *(please indicate which ground is applicable)* | | |
|  | s.14(1) | Satisfactory mediation has taken place in respect of the farm debt involved initiated by the creditor.  ***Please attach a copy of the Mediation Agreement entered into at the mediation if there is one, including the cooling-off period statement****.* |
|  | s.14(3)(a) | Satisfactory mediation has taken place in respect of the farm debt involved initiated by the farmer.  ***Please attach a copy of the Mediation Agreement entered into at the mediation if there is one, including the cooling-off period statement****.* |
|  | s.14(3)(b) | Satisfactory mediation has taken place under a corresponding law of a State or Territory in respect of part of the farm debt that is secured by a farm mortgage over farm property in New South Wales |
|  | s.14(3)(c) | The creditor gave the farmer a notice inviting mediation and attempted to mediate in good faith for at least 3 months |
|  | s.14(3)(d) | The farmer failed to respond to a notice inviting mediation within 20 business days or such longer period as the Authority considered reasonable in the circumstances |
|  | s.14(3)(e) | The farmer failed to take part in mediation in good faith or unreasonably delayed entering into or proceeding with mediation in respect of the farm debt |
|  | s.14(3)(f) | The farmer has indicated in writing to the Authority or to the creditor that the farmer does not wish to enter into or proceed with mediation in respect of the farm debt, |
|  | s.14(3)(g) | The farmer has, in any other manner, declined to mediate (whether under this Act or under 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: | | | | | | | |
| 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 | | | | | | | |

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| **Details of outstanding farm debts:** | |
| **FACILITY** | **BALANCE OUTSTANDING**  *(as at date of issue of this notice)* |
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| **Details of security instruments:**  *For example: registered mortgage numbers with lot & plan numbers, chattel mortgage numbers* |

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| **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)* |

1. contact details for farmer

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| --- | --- | --- |
| **Personal or company name of farmer:** | | |
| **ABN:** | **ACN:** | |
| **Name of farmer’s authorised representative:** | | |
| **ABN:** | **ACN:** | |
| **Farmer’s address for notices:** | | |
|  | | |
|  | | **Postcode:** |
| **Farmer’s phone number:** | **Farmer’s email address:** | |

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| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Person authorising issue of this notice for the creditor:** | | | | | | | | |
| Name: |  | |  | | Position title: |  | |  |
| Signed: |  | |  | Date this form dispatched by creditor: | | | /     / |  |
| Date this form approved by creditor: | | /     / | | | | | | |

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| **NOTE: Satisfactory evidence about the ground relied on in the Farm Debt Mediation Act 1994 (NSW) must be provided to the Authority before a certificate can be issued.  This must include:**   * a copy of the Form 1 – Section 18A & 18C Notice, and * the mediator’s ‘section 18O summary of the mediation’ that demonstrates that ‘satisfactory mediation’ has taken place, or * a signed statement setting out the facts which constitute grounds for claiming under a particular provision and a copy of relevant correspondence between or amongst the parties, and/or * a list of the dates on which the creditor contacted the farmer regarding available mediation dates, and information about the response from the farmer, if any. |

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)