FARM DEBT MEDIATION

crediTOR-INITIATED

FARM DEBT MEDIATION

**OFFICE USE ONLY**

**FILE #**

***Farm Debt Mediation Act 1994* (NSW) – Form 1**

**PART 1 FROM CREDITOR TO FARMER – INVITATION TO MEDIATE IN RESPECT OF FARM MORTGAGE**

You are invited to mediate in respect of farm debt secured by a farm mortgage pursuant to section 18A of the *Farm Debt Mediation Act 1994* (NSW). The object of the Act is to provide for the efficient & equitable resolution of matters involving farm debts.

This is an approved form issued by the Rural Assistance Authority (RAA) under sections 18A & 18C of the Act.

**A response is required within 20 business days.**

Mediation should take place **within three months** of the date the farmer was given this notice, at a time & place to be agreed between the creditor, farmer & the mediator, or within such longer time as is mutually agreed, or permitted by the Authority.

1. creditor to complete

|  |
| --- |
| **CREDITOR’S CONTACT DETAILS** |
| **Personal or company name of creditor:** |
| **ABN:** | **ACN:** |
| **Postal address:** |
|       |
|       | **Postcode:**       |
| **CONSENT**By providing an email address, the creditor consents to this email address being used to receive documents relating to this mediation. |
| **Name of creditor’s authorised representative for the mediation:** |
| **Phone:**       | **Email address:**       |

|  |
| --- |
| **FARMER’S CONTACT DETAILS** |
| **Farmer’s personal name:**       |
| **Farmer’s company name:** *(if any)*       |
| **ABN:**       | **ACN:** |
| **Farmer’s name:**       | **Farmer’s / Guarantor’s name:**       |
| **Farmer’s address for notices:** |
|       |
|       | **Postcode:**       |
| **Name of farmer’s authorised representative:**       |  |
| **ABN:**       | **ACN:**       |
| **Farmers phone number(s):**       |
| **Farmer’s email address for notices:**       |  |
| **Farmer’s postal address for notices:** |  |
|       |
|       | **Postcode:**       |
| **Guarantor’s phone number:**       | **Guarantor’s email address:**       |

|  |
| --- |
| **Type of farm business for FDM purposes:** |
| Agriculture and related industries: |
| [ ]  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 |

|  |
| --- |
| **Details of outstanding farm debts:** |
| **FACILITY** | **BALANCE OUTSTANDING***(as at date of issue of this notice)* |
|       |       |
|       |       |
|       |       |

|  |
| --- |
| **Details of security instruments:***For example: registered mortgage numbers with lot & plan numbers, chattel mortgage numbers*      |

|  |
| --- |
| **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)*      |
|  |
| **PRIVACY**The Authority & NSW Government agencies may use information provided on this notice in relation to the administration of 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. |

|  |
| --- |
| **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: |      /     /      |
|  |  |

|  |
| --- |
| **HOW TO RESPOND TO THIS NOTICE**The farmer should complete *Parts 2 & 3* and return this form to the creditor within **20 business days** of the date this form was signed by the creditor, or the date of receipt of this notice, whichever is later. The farmer should use the creditor’s contact details above.Farmers should also post or email a copy to the Rural Assistance Authority (contact details below). |

**FARMER TO COMPLETE PARTS 2 & 3 AND EMAIL FORM TO CREDITOR AND RAA**

You must return this notice to the issuing creditor within 20 business days of receiving it.

If a response is not provided within 20 business days you may lose your rights under the Act.

|  |
| --- |
| It is highly recommended that farmers contact the NSW Rural Assistance Authority – Farm Debt Mediation Unit on 1800 678 593 or (02) 6391 3013 or a Rural Financial Counsellor, accountant and/or solicitor for advice or further information before completing this form.Please visit [www.raa.nsw.gov.au/fdm/mediation-kit](http://www.raa.nsw.gov.au/fdm/mediation-kit) for more information about Farm Debt Mediation. |

**PART 2 – FARMERS RESPONSE TO INVITATION TO MEDIATE**

|  |
| --- |
| I confirm that I agree / do not agree, pursuant to Section 18A (3) & (4) of the Act, to participate in a farm debt mediation. *(Circle or strike out relevant text)* Date this form received from creditor:      /     /      |

|  |
| --- |
| **Preferred method of communication:** |
| Email:  | **Yes** [ ]  | **No** [ ]  |
| Hard copy post: | **Yes** [ ]  | **No** [ ]  |
| Both: | **Yes** [ ]  | **No** [ ]  |

|  |
| --- |
| Farmer’s signature(s): Date:      /     /      |

**PART 3 – FARMER’S NOMINATION OF MEDIATOR**

1. farmer tO COMPLETE

|  |
| --- |
| **NOMINATION OF MEDIATOR**I nominate the following RAA-accredited mediator (see mediator list on RAA website) to conduct the mediation, pursuant to section 18C of the Farm Debt Mediation Act: **First preference:**  If the creditor does not accept your first-preference nomination you must nominate three other RAA-accredited mediators. Please contact the creditor to settle who the mediator will be.Mediation should take place **within three months** of the date the farmer was given this notice, at a time & place to be agreed between the creditor, farmer & the mediator, or within such longer time as is mutually agreed, or permitted by the Authority. |

|  |
| --- |
| **PRIVACY**The Authority & NSW Government agencies may use information provided on this notice and by other relevant persons in relation to the administration of 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. |

|  |
| --- |
| **FARMERS DECLARATION (to be signed by each farmer on the title of the secured property)**I acknowledge that I have considered obtaining, or have obtained, independent professional advice before signing this form.The information I have provided on this form is true and correct.The business meets the definitions in the Farm Debt Mediation Act 1994 (NSW). Farmer’s signature(s): Date:      /     /     Guarantor’s signature(s): Date:      /     /      |

Information about farm debt mediation

An information paper entitled "*What is Mediation*?" is enclosed. Further information about farm debt mediation is accessible on the NSW Rural Assistance Authority’s website. It is highly recommended that farmers contact the NSW Rural Assistance Authority – Farm Debt Mediation Unit on 1800 678 593 or local Rural Financial Counsellor, accountant and/or solicitor for advice or further information concerning this matter.

Please visit [www.raa.nsw.gov.au/fdm/mediation-kit](http://www.raa.nsw.gov.au/fdm/mediation-kit) for more information about farm debt mediation.

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:

**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)

 A ‘farmer’ is an individual or corporation solely & principally engaged in a ‘farming operation’, including a share-farming operation, & the personal representatives of a deceased farmer. A ‘farming operation’ can involve agriculture, aquaculture, cultivation or harvesting of timber or native vegetation, & other primary production activities carried out in connection with those activities. A farming operation does not include a business undertaking that primarily involves wild harvest fishing or the hunting or trapping of animals, birds or reptiles in the wild. If this ‘farmer’ status is in doubt, the farmer has the onus of establishing that they are solely & principally engaged in primary production activities.

2 A ‘farm debt’ is a debt incurred for a ‘farming operation’ that is secured by a ‘farm mortgage’.

3 A ‘farm mortgage’ includes any interest in or power over secured farm property, including hire purchase agreements relating to farm machinery, but excludes a stock mortgage or crop or wool lien, & a lessor’s interests in leased farm machinery.