

# Summary of mediation

## Annexure B

*Farm Debt Mediation Act 2024 (Tas) – Section 39 Summary*

<b>In the matter of:</b>	
and	
<b>regarding:</b>	
<b>Date of mediation:</b>	

<b>MEDIATION OUTCOME</b>				
Did parties reach agreement at the mediation?	<b>Yes</b>		<b>No</b>	
Was this agreement reduced to writing and executed by the parties?	<b>Yes</b>		<b>No</b>	
<b>PRE-MEDIATION</b>				
Was a preliminary conference held either face to face or by teleconference?	<b>Yes</b>		<b>No</b>	
If not, why not?				
Did the principal negotiator for the Creditor participate?	<b>Yes</b>		<b>No</b>	
Did the farmer/s participate?	<b>Yes</b>		<b>No</b>	
Did a legal/financial representative for the farmer participate?	<b>Yes</b>		<b>No</b>	
What was discussed/clarified at the preliminary conference?				
Participants	<b>Yes</b>		<b>No</b>	
Authority to settle	<b>Yes</b>		<b>No</b>	
Mediator's role including drafting of any agreement reached	<b>Yes</b>		<b>No</b>	
Mediation principles, process and timings	<b>Yes</b>		<b>No</b>	
Document/information exchange	<b>Yes</b>		<b>No</b>	
Confidentiality of the mediation session	<b>Yes</b>		<b>No</b>	
Other including 'satisfactory mediation' and 'good faith'	<b>Yes</b>		<b>No</b>	
If a party gave you a request for information from another party, was that request for information reasonable?	<b>Yes</b>		<b>No</b>	
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?	<b>Yes</b>		<b>No</b>	

<b>MEDIATION SESSION</b>				
Did Party A make an adequate opening statement?	<b>Yes</b>		<b>No</b>	
Did Party B make an adequate opening statement?	<b>Yes</b>		<b>No</b>	
Were Party A's issues and concerns identified from the opening statement?	<b>Yes</b>		<b>No</b>	
Were Party B's issues and concerns identified from the opening statement?	<b>Yes</b>		<b>No</b>	
Were each party's issues/concerns discussed face to face sufficiently to enable the other party to appreciate the other's perspective?	<b>Yes</b>		<b>No</b>	
Were Party A's options for settlement canvassed?	<b>Yes</b>		<b>No</b>	
Were Party B's options for settlement canvassed?	<b>Yes</b>		<b>No</b>	
How many settlement options were proposed?	<b>Total</b>			
Who proposed these settlement options?	<b>Mutually</b>		<b>Party A</b>	<b>Party B</b>
Were both parties prepared to consider/discuss the others settlement options?	<b>Yes</b>		<b>No</b>	
Did Party A move off initial position?	<b>Yes</b>		<b>No</b>	
Did Party B move off initial position?	<b>Yes</b>		<b>No</b>	
Were both parties at all times competent to continue the mediation?	<b>Yes</b>		<b>No</b>	
For how long did the mediation process continue? ( <i>hours</i> )				
Did you, as mediator, adjourn the mediation to a later date?	<b>Yes</b>		<b>No</b>	
Did both parties attend mediation with authority to settle within any range that could reasonably be anticipated?	<b>Yes</b>		<b>No</b>	
If one party did not have the requisite authority, which party?	<b>Party A</b>		<b>Party B</b>	
Did any person representing a party to the mediation fail to have written authority from that party to enter into Mediation Agreement?	<b>Yes</b>		<b>No</b>	
If a party did not provide written authority, which party?	<b>Party A</b>		<b>Party B</b>	
<b>NON-SETTLEMENT</b>				
If no settlement was reached, what needed to happen in order for settlement to have occurred?				
Did all parties attend the mediation session?	<b>Yes</b>		<b>No</b>	
If any party was absent, which party?	<b>Party A</b>		<b>Party B</b>	
Did the absence of this party prevent the mediation from proceeding?	<b>Yes</b>		<b>No</b>	
Did the parties arrive within 30 minutes of the scheduled commencement?	<b>Yes</b>		<b>No</b>	
Were issues discussed by the parties?	<b>Yes</b>		<b>No</b>	
Were options canvassed by the parties?	<b>Yes</b>		<b>No</b>	

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	
<b>GENERAL</b>				
Do you, as mediator, wish to make any further comments?	Yes		No	

<b>Mediators name:</b>		<b>Co-mediators name (if applicable):</b>	
<b>Signature:</b>		<b>Signature:</b>	
<b>Date:</b>		<b>Date:</b>	

### Lodgement of forms

Completed forms, including required documentation can be lodged with the Department of State Growth by post, email or personal delivery.

#### By post:

PRIVATE AND CONFIDENTIAL

Farm Debt Mediation Commissioner  
 Department of State Growth  
 4 Salamanca Place Hobart  
 GPO Box 536  
 Hobart TAS 7001

**Email:** [FDMTasmania@stategrowth.tas.gov.au](mailto:FDMTasmania@stategrowth.tas.gov.au)

**Phone:** 1800 440 026