

# Application for Exemption Certificate

## ***Farm Debt Mediation Act 2024 (Tas) – Form 3***

Creditor to complete and return to Department of State Growth.

The Creditor applies for a section 16 exemption certificate under the *Farm Debt Mediation Act 2024 (Tas)* ('*FDM Act*') for exemption from the *FDM Act* for the farm mortgage(s) under which the farmer is in default.

### **Part 1: Contact details for Creditor**

<b>Surname:</b>		<b>Given name(s):</b>	
<b>Company name (if applicable):</b>			
<b>ABN:</b>		<b>ACN:</b>	
<b>Postal address for notices:</b>			
		<b>Postcode:</b>	
<b>Phone number(s):</b>		<b>Email address:</b>	

Section 16(1) of the *FDM Act* provides that the Farm Debt Mediation Commissioner ('Commissioner') may, on application, grant or refuse an exemption certificate.

Section 16(2) of the *FDM Act* provides that the Commissioner **must issue** an exemption certificate when:

- the farmer is in default under that farm mortgage; and
- no prohibition certificate is in force in relation to the farm mortgage; and
- the Commissioner is satisfied of at least one additional ground listed below for granting an exemption certificate.

**The ground on which this application is made is (Check box(es) that apply):**

	s16(1)	Satisfactory mediation has taken place in respect of the farm debt involved initiated by the Creditor. <b><i>Please attach a copy of the Mediation Agreement entered into at the mediation if there is one, including the cooling-off period statement.</i></b>
	s16(3)(a)	Satisfactory mediation has taken place in respect of the farm debt involved initiated by the farmer. <b><i>Please attach a copy of the Mediation Agreement entered into at the mediation if there is one, including the cooling-off period statement.</i></b>
	s16(3)(b)	The Creditor gave the farmer a notice inviting mediation and attempted to mediate in good faith for at least 3 months.
	s16(3)(c)	The farmer failed to respond to a notice inviting mediation within 20 business days or such longer period as the Commissioner considered reasonable in the circumstances.

	s16(3)(d)	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.
	s16(3)(e)	The farmer has indicated in writing to the Commissioner or to the Creditor that the farmer does not wish to enter into or proceed with mediation in respect of the farm debt.

**Type of farm business for FDM purposes (Check box(es) that apply):**

<b>Agriculture and related industries. E.g. crop growing and livestock:</b>							
<b>Mixed farming</b>	<b>Beef</b>	<b>Dairy</b>	<b>Sheep</b>	<b>Poultry</b>	<b>Pigs</b>	<b>Intensive livestock</b>	<b>Bees</b>
<b>Aquaculture (onshore &amp; offshore within 3 nautical miles)</b>							
<b>Cultivation or harvesting of timber or native vegetation</b>							
<b>Other activities involving primary production carried out in connection with agriculture, aquaculture, cultivation or harvesting of timber or native vegetation</b>							

**Details of outstanding farm debts:**

<b>Facility</b>	<b>Balance outstanding</b> <i>(as at date of issue of this notice)</i>

**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 1999 (Tas).*

**Privacy**

Personal information provided on this form or obtained from any relevant person may be used by the Commissioner and its authorised representative to assess your review and in relation to the administration and management of the *FDM Act*.

Personal information will be managed in accordance with the *Personal Information Protection Act 2004*.

**Part 2: Farmer's Contact Details:**

<b>Surname:</b>		<b>Given name(s):</b>	
<b>Company name (if applicable):</b>			
<b>ABN:</b>		<b>ACN:</b>	
<b>Postal address for notices:</b>			
		<b>Postcode:</b>	
<b>Phone number(s):</b>		<b>Email address:</b>	
<b>Surname:</b>		<b>Given name(s):</b>	
<b>Name of farmers authorised representative:</b>			
<b>ABN:</b>		<b>ACN:</b>	
<b>Guarantor's Phone number(s):</b>			
<b>Guarantor's Email address:</b>			

**Person authorising for the Creditor**

<b>Name:</b>	
<b>Position Title:</b>	
<b>Signed:</b>	
<b>Date this form dispatched by the Creditor:</b>	
<b>Date this form approved by Creditor:</b>	

**NOTE: Satisfactory evidence about the ground relied on in the *FDM Act* must be provided to the Commissioner before a certificate can be issued. This must include:**

- a copy of the Form 1 – Section 24 & 26 Notice; and
- the mediator’s ‘section 39 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.

### **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:**

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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