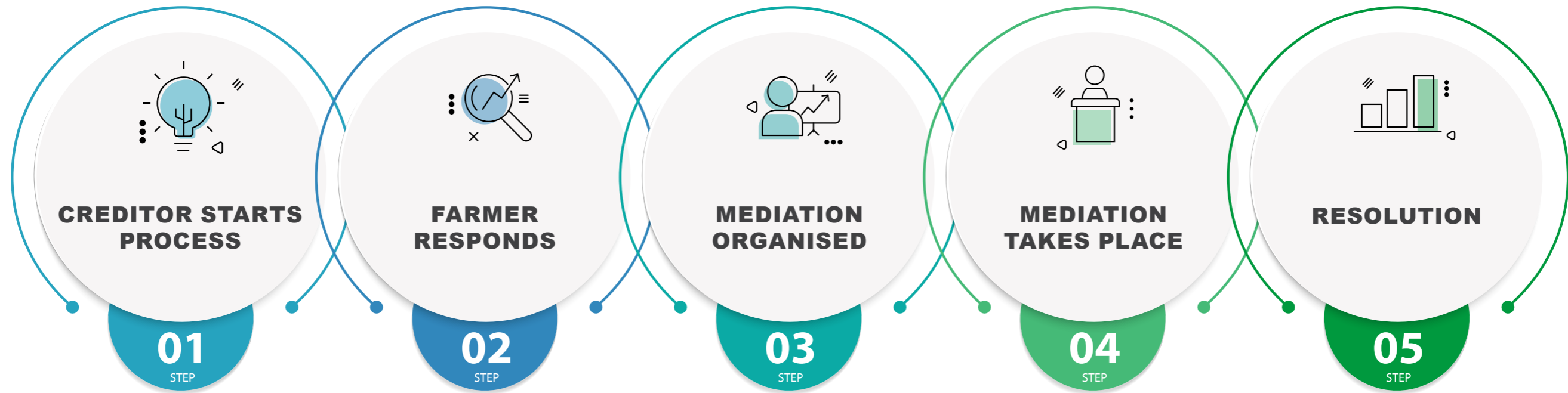


A Farmers Guide to navigating a Creditor Initiated FDM



- You will receive an invitation from a creditor inviting you to mediate.
- This should be on Form 1 which advises a farmer that the creditor would like to mediate in relation to a farm debt

- You have 20 business days to respond to the offer to mediate, which is done by filling in your section of Form 1 and returning it to the creditor.
- As part of filling out Form 1 you will need to nominate your preferred mediator from the accredited mediator list.
- Assuming you wish to mediate and return the form, the creditor will then notify the FDM Commissioner by completing Form 2 and forwarding on both Form 1 and Form 2 to the FDM Commissioner.
- If you do not respond in the required time, or do not wish to mediate, and you are in default in relation to the farm debt, the creditor may apply for an exemption certificate using Form 3 which then allows them to take enforcement action.

- You and the Creditor, with the support of the Mediator, now need to organise the details of the mediation (there is a guide to help you do this).
- The mediator may suggest a pre-mediation conference (usually held over the phone or online) to discuss fees, location, date and time.
- There may also be an agreed exchange of information, through the mediator, prior to the mediation. Information can be exchanged using Form 4.
- Once the details are agreed, Form 8 is signed by both parties and the mediator before the mediation takes place.

- Mediation takes place.

- The mediator will provide a mediation summary (using Form 8) to the FDM Commissioner outlining the conduct and results of the mediation.
- If the mediation is successful, a mediation agreement is prepared by the mediator and needs to be signed by both parties. Once this is done, and subject to a cooling off period, this then becomes the legally binding outcome of the mediation.
- If the mediation is unsuccessful, the creditor may then apply to the FDM Commissioner for an exemption certificate using Form 3 which then allows them to take enforcement action, but the FDM Commissioner will need to be satisfied that a satisfactory mediation has taken place. This will be informed by the mediation summary provided by mediator.