

# Farmer-Initiated Farm Debt Mediation

## Farm Debt Mediation Act 2024 (Tas) – Form 5

### Part 1: Mediation Request

A farmer may ask their Creditor to mediate whether or not their farm debt and farm mortgage are in default. A Creditor may not commence enforcement action in relation to a farm debt until the Farm Debt Mediation Commissioner ('Commissioner') has issued an exemption certificate under the *Farm Debt Mediation Act 2024 (Tas)* ('FDM Act').

### Information about farm debt mediation

It is highly recommended that farmers contact a Rural Financial Counsellor, accountant and/or solicitor for advice. Please visit <https://www.stategrowth.tas.gov.au/farm-debt-mediation> for more information about farm debt mediation. If you have any further questions, you can contact the Department of State Growth on 1800 440 026.

### 1. Farmer to complete

This is a notice under section 25 of the <i>FDM Act</i> requesting you			
<b>Name of Creditor:</b>			
to enter into farmer-initiated mediation with			
<b>Name of farmer:</b>			
regarding my farm mortgage(s) and farm debt(s).			
<b>Signature of farmer authorising issue of this notice:</b>			
<b>Date of signature:</b>			<b>Date of dispatch:</b>

### Farmer / Guarantor 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>			

Preferred method of communication (Check box):	Email		Hard copy/ post
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### Creditor's Contact Details

Personal or company name of Creditor:			
ABN:		ACN:	
Creditor's phone number:			
Email address:			

### Part 2: Farmer's nomination of Mediator

Pursuant to section 26 of the <i>FDM Act</i> I nominate the following State Growth-accredited mediator (see mediator list on State Growth website) to conduct the mediation.	
First preference:	
If you do not accept my first-preference nomination, I will nominate three other State Growth-accredited mediators.	

### Farmer's Declaration

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 *FDM Act*.

Farmer's signature(s):	
Date:	
Guarantor's signature(s):	
Date:	

### Part 3: Creditor's response to invitation to mediate

#### 1. Creditor to complete

This section is to be completed by the Creditor and the whole form should be emailed (or posted if email is not used) to the farmer and the Commissioner.

If a Creditor declines to mediate and the farmer is in default, the Commissioner may issue a prohibition certificate in prescribed circumstances. If you (as the Creditor) have already issued a notice to a farmer inviting mediation in respect of this same debt, then this form should be returned to the farmer referencing that invitation. A refusal by a Creditor to mediate does not, of itself, give rise to any claim or other consequence under this Act, if the farmer is not in default.

Please visit <https://www.stategrowth.tas.gov.au/farm-debt-mediation> for more information about the *FDM Act*. If you have any further questions, you can contact the Department of State Growth on 1800 440 026.

**Creditor's information:**

<b>Personal or company name of Creditor:</b>			
<b>ABN:</b>		<b>ACN:</b>	
On behalf of the Creditor, I can confirm that I agree/do not agree, pursuant to Section 25(2)(a) & 25(3) of the <i>FDM Act</i> , to participate in farm debt mediation. <i>(Circle or strike out relevant text)</i>			
<b>Creditor(s) signature(s):</b>			
<b>Date:</b>			

<b>Name of Creditor's authorised representative:</b>			
<b>ABN:</b>		<b>ACN:</b>	
<b>Creditor's postal address for notices:</b>			
		<b>Postcode:</b>	
<b>Creditor's phone number(s):</b>			
<b>Creditor's email address:</b>			

<b>Preferred method of communication (Check box):</b>	Email:		Hard copy/ post:	
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Mediation should take place **within three months** of the date the Creditor 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 Commissioner.

**Date invitation received from farmer:**

**1. Creditor's information about the farmer's farm debt and farm mortgage**

**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.*

**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*.

## 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