

Application for Prohibition Certificate

Farm Debt Mediation Act 2024 (Tas) – Form 7

1. Farmer to complete

Name of farmer:		of
Address of farmer:		
I apply pursuant to section 19 of the <i>Farm Debt Mediation Act 2024 (Tas)</i> (' <i>FDM Act</i> ') for a prohibition certificate to prevent enforcement action under my farm mortgage described as		
Description of farm mortgage:		

Facility:

Given to	Name of Creditor:	
of	Address of Creditor:	

This is a farm debt where the farmer is in default, the farmer has requested the Creditor to mediate in respect of the farm debt and no certificate under section 16 of the *FDM Act* is in force. The application is made upon the grounds set out below:

	The farmer is in default under the farm mortgage: and
	The farmer has asked the Creditor to mediate in respect of the farm debt concerned by issuing a <i>Form 5 Section 25 Notice</i> : and
	No exemption certificate is in force in relation to the farm mortgage; and
	At least one of the following additional grounds exists:

	3 months have elapsed since the farmer requested a mediation under section 25 and the farmer has throughout that period attempted to mediate in good faith but no satisfactory mediation has taken place between the farmer and the Creditor; or
	The Creditor has failed to respond to a mediation request within 20 business days or such longer period as the Commissioner considered reasonable; or
	The Creditor has indicated in writing to the Commissioner or the farmer, or indicated in any other manner that the Creditor does not wish to mediate under the <i>FDM Act</i> .

Type of farm business for FDM purposes:

Agriculture and related industries. E.g. crop growing and livestock:							
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, cultivation or harvesting of timber or native vegetation							

Note: The Commissioner may refuse to grant a prohibition certificate where the Creditor has failed to respond to a mediation request if the Commissioner is satisfied that the Creditor's failure to respond is justified in the circumstances, and the Creditor intends to mediate within a period that is reasonable in the circumstances: section 19(4)(a) & 19(4)(b) of the *FDM Act*.

Name of Creditor contact:			
Creditor's phone number:			
Creditor's postal address:			
	Postcode:		

Note: Satisfactory evidence as to the failure of the Creditor to enter into farmer-initiated mediation must be provided to the Commissioner. This may include:

- a copy of the *Form 5 section 25 Notice* sent to the Creditor
- a copy of correspondence between the parties
- a statutory declaration setting out the facts supporting the application
- a list of the dates on which the farmer contacted the Creditor by telephone regarding farmer-initiated application.

Farmer's declaration

The information I have provided on this form is true and correct.

If I am signing on behalf of a partnership, trust or corporation, I have the authority to do so on its behalf.

The business meets the definitions in the *FDM Act*.

I note that any statistics collected and analysed will be done in such a way as to protect parties' anonymity.

I authorise the Department of State Growth to discuss this application with any relevant private/public authority, financial lending institution or my nominated financial counsellor/accountant/solicitor/adviser. If required, I will provide a written authority confirming this.

Farmer's signature(s):	
Date:	

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

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Phone: 1800 440 026