

Creditor-initiated Farm Debt Mediation

Farm Debt Mediation Act 2024 (Tas) – Form 1

You are invited to mediation in respect of farm debt secured by a farm mortgage pursuant to section 24 of the *Farm Debt Mediation Act 2024 (Tas)* ('*FDM Act*'). The object of the *FDM Act* is to provide for the efficient and equitable resolution of matters involving farm debts by requiring mediation before a Creditor can take possession of property or other enforcement action under a farm mortgage.

This is an approved form issued by the Farm Debt Mediation Commissioner ('Commissioner') under sections 24 & 25.

A response is required within 20 business days.

Mediation should take place **within three months** of the date the farmer was given this notice, at a time and place to be agreed between the Creditor, farmer & the mediator, or within such longer time is mutually agreed, or permitted by the Commissioner.

Part 1: Creditor to complete:

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

Consent:

By providing an email address, the creditor consents to the Department of State Growth using this email address for correspondence relating to this mediation.

Farmer's Contact Details:

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

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							

Details of outstanding farm debts:

Facility	Balance outstanding <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*.

Person authorising for the Creditor

Name:	
Position Title:	
Signed:	
Date this form dispatched by the Creditor:	
Date this form approved by Creditor:	

How to respond to this notice

The farmer should complete *parts 2 & 3* and return this form to the Creditor within **20 business days** of the date this form was signed by the Creditor, or the date of receipt of this notice, whichever is later. The farmer should use the Creditor's contact details above.

Farmers should also email or post a copy to the Commissioner (contact details below).

Farmer to complete parts 2 & 3 and email form to Creditor and the Commissioner

You must return this notice to the issuing Creditor **within 20 businesses days** of receiving it.

If a response is not provided within 20 business days, you may lose your rights under the *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.

Part 2: Farmer's response to invitation to mediate

I confirm that I agree / do not agree, pursuant to section 24(2)(a) & 24(3) of the Act, to participate in a farm debt mediation. <i>(Circle or strike out relevant text)</i>
Date this form received from Creditor:

Preferred method of communication (Check box):	Email		Hard copy/ post	
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Farmer's signature:	
Date:	

Part 3: Farmer's nomination of mediator

Farmer to complete

Nomination of mediator

I nominate the following State Growth-accredited mediator (see mediator list on State Growth website) to conduct the mediation pursuant to section 26 of the *FDM Act* to conduct the mediation:

Mediators name:	
Contact details:	

First preference:

If the Creditor does not accept your first-preference nomination you must nominate three other State Growth-accredited mediators. Please contact the Creditor to settle who the mediator will be.

Mediation should take place **within three months** of the date the farmer was given this notice at a time & place to be agreed between the Creditor, farmer & the mediator, or within such longer time as it mutually agreed, or permitted by the authority.

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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*.

Farmer's declaration (to be signed by each farmer on the title of the secured property)

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:	

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

Phone: 1800 440 026