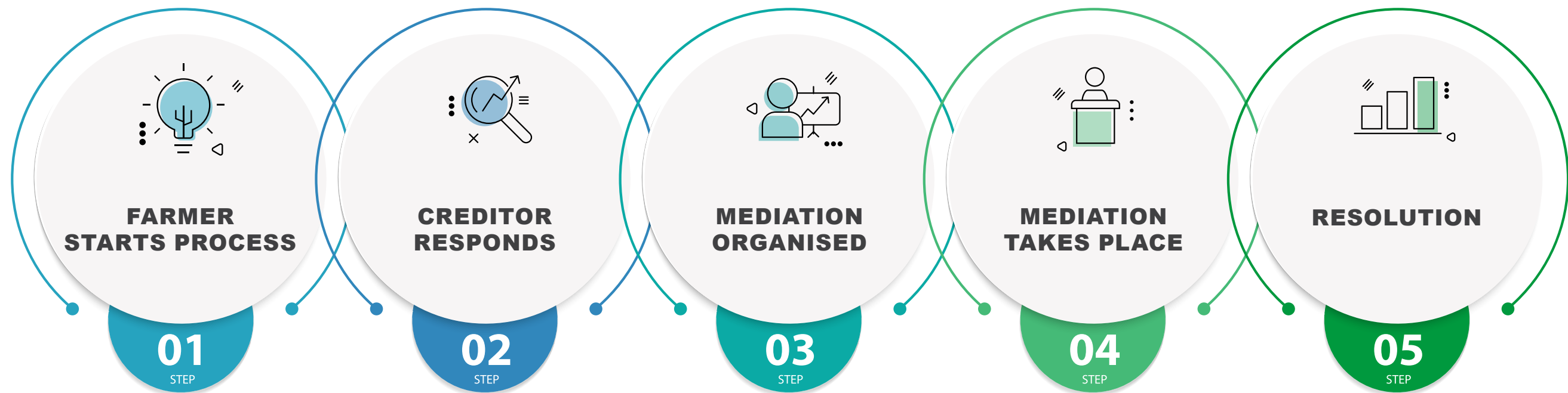


A Farmers Guide to navigating a FARMER Initiated FDM



- You start the process by filling in Form 5 advising a creditor that you are requesting mediation.
- You don't need to be in default to start this process, but you can only mediate a debt once under this framework. You will need to nominate an initial mediator to conduct the mediation from the accredited mediation list on the website

- A creditor has 20 business days to respond to the invitation to mediate, which they do by completing their section of Form 5 and returning it to you.
- If the creditor returns Form 5, agreeing to mediate with your nominated mediator, you must notify the FDM Commissioner by completing Form 6 and forwarding on both Form 5 and Form 6 to the FDM Commissioner.
- If they agree to mediate, but reject your nominated mediator, you will need to nominate three mediators from which the creditor will select one. Then you forward on both Form 5 and Form 6 to the FDM Commissioner.
- If Form 5 is not filled in and returned to the farmer within 20 business days and you are in default, then you can apply for a prohibition certificate using Form 7.

- 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.