Form 1: Victorian *Farm Debt Mediation Act 2011*

# Section 8 notice from the creditor to the farmer

## Notice of availability of mediation

***Instructions for completing this form on your PC:***

*Press the tab key to move from one field to the next and press shift and tab together to move backwards*

This form is approved by the [**Victorian Small Business Commission**](https://www.vsbc.vic.gov.au/) (VSBC) under section 8(2)(b) of the Victorian *Farm Debt Mediation Act 2011* (the Act).

This is a notice under Section 8 of the *Farm Debt Mediation Act 2011* to inform you

      [*insert farmer’s name*]

that       [*insert creditor’s name*]

of       [*insert creditor’s* *address*]

intends to take enforcement action against property over which it holds a farm mortgage because you are in default under this mortgage.

**Details and dates of act/s of default:**

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| --- |
|       |

**Details of the security instrument (farm mortgage):**

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| --- |
|       |

**Details of the property over which security is held:**

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| --- |
|       |

|  |  |
| --- | --- |
| **FACILITY** | **Balance outstanding as at the date this section 8 notice was issued** |
|       |       |
|       |       |
|       |       |

**Other relevant information:**

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|       |

### Farmer rights under the *Farm Debt Mediation Act 2011* and available supports

Under the *Farm Debt Mediation Act 2011*, you are entitled to insist that mediation between you and the creditor takes place within the next three months at a time and location that you both agree on. Mediation between creditors and farmers is arranged by the Victorian Small Business Commission, and is low-cost, impartial and confidential.

The VSBC recommends that you speak with them (by calling 1800 878 964) for guidance on mediation and information about your options and how they can help. The VSBC also recommends that you **consider getting independent professional advice about this matter from a suitably qualified and experienced person (e.g. your local Rural Financial Counselling Service, accountant or solicitor)**. Doing so might be helpful and important before making decisions about mediation and during mediation.

**The Rural Financial Counselling Service (RFCS) is a free service** that can provide a rural financial counsellor to help you prepare for mediation, assist you on the day and help you with any actions that need to be undertaken after mediation. Help includes providing emotional support, financial analysis and scenarios, and guidance on options for resolving the matter. **You can locate and speak with your local RFCS by calling 1300 771 741 or visiting the** [**Agriculture Victoria website**](https://agriculture.vic.gov.au/farm-management/business-management/farm-debt-mediation/rural-financial-counselling-service) **(www.agriculture.vic.gov.au).**

For more information, see the attached VSBC *Farm debt mediation* fact sheet and *Guide to mediation*.

### Important action required by the farmer

You have 21 days from the date this notice is given to give notice in writing to this creditor of your intention to take part in mediation with the creditor. **If you do not respond within 21 days the creditor may request an exemption certificate from the VSBC, which would allow the creditor to take enforcement action under the Act.**

### How to respond to this section 8 notice

If you would like to mediate, your response to this notice must be in the form of a notice under section 9 of the Act (**form 2 – section 9 notice, attached**).

If you decide **not** to mediate, your response to this notice must be in the form of a notice under section 19 of the Act (**form 6 – section 19(1)(b) notice, attached**).

**Signature of the person authorising the issue of this notice**

**Name:**

**Signed:** 

**Date issued:**       **Date sent:**