

FARM DEBT MEDIATION ACT

PRELIMINARY CONFERENCE

AGENDA

Both parties to the mediation must have at least one person participate in the preliminary conference who will participate in the actual mediation

1. Mediation features and process, neutrality, impartiality and functions of a mediator (Sections 13 & 14(1A)(b) of Act).
2. Agreement to mediate, including mediator's fees and mediator's reporting obligations (Section 18A of Act).
3. Time frames for the mediation session including start and finish times (Section 14(1A)(b) of Act).
4. Heads of Agreement - drafting by the mediator (Section 11AA(1) of Act). Written authority to enter into Heads of Agreement (Sections 11AA, 17(3A) & 17(3B) of Act). **NB** If a Deed subsequently issues, the Deed must reflect the Heads of Agreement (Section 11C of Act).
5. Pre-mediation exchange between parties (if needed) of information and/or documents.
6. Preparation by each party prior to mediation.
7. Who will attend the mediation, and what will be the role of any adviser (Section 17 of Act).
8. Confidentiality of mediation sessions (Section 15 of Act). Disclosure of information (Section 16 of Act).
9. Authority to settle the matter on the day (Agreement to Mediate Clause 11). Written authority to enter into Heads of Agreement (Sections 11AA, 17(3A) & 17(3B) of Act).
10. "Satisfactory Mediation" (Section 4(1A) of Act) and "Good Faith" (Refer to paper).
11. Cooling off period after Heads of Agreement entered into (Section 11A of Act) and Rights during Cooling off period (Section 11B of Act).
12. Arrangements for signing agreement to mediate and provision of copy of any "shell agreement".