



Queensland

# Farm Business Debt Mediation Regulation 2017

## Subordinate Legislation 2017 No. 112

made under the

*Farm Business Debt Mediation Act 2017*

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## Part 1 Preliminary

### 1 Short title

This regulation may be cited as the *Farm Business Debt Mediation Regulation 2017*.

### 2 Commencement

This regulation commences on 1 July 2017.

### 3 Definitions

In this regulation—

*change of mediator notice* see section 8(2).

*mediator nomination notice* see section 5(1).

*response to mediator nomination notice* see section 6(1).

### 4 Purpose of regulation—Act, s 18

This regulation prescribes, for section 18 of the Act, the way in which parties to a farm business debt must choose a mediator to conduct a mediation for the farm business debt.

## Part 2 Choosing mediator

### 5 Farmer nominates 3 preferred mediators

- (1) The farmer must give the mortgagee a notice (a *mediator nomination notice*) that states at least 3 mediators, in order of preference, from which the mortgagee may choose a mediator.
- (2) A mediator nomination notice may be included in, or given with, a request for mediation notice.

- (3) The mediator nomination notice must be given no later than 7 business days after the mortgagee gives the notice under section 16(3)(b) of the Act.
- (4) A copy of the mediator nomination notice must also be given to the authority no later than the time mentioned in subsection (3).

## **6 Mortgagee responds to nominated mediators**

- (1) The mortgagee must give a notice (a *response to mediator nomination notice*) to the farmer in response to the mediator nomination notice—
  - (a) choosing a mediator from those nominated in the mediator nomination notice; or
  - (b) rejecting the nominated mediators.
- (2) A response to mediator nomination notice may be included in, or given with, a notice given by the mortgagee under section 16(3)(b) of the Act.
- (3) The response to mediator nomination notice must be given no later than 7 business days after receiving the mediator nomination notice.
- (4) A copy of the response to mediator nomination notice must also be given to the authority no later than the time mentioned in subsection (3).

## **7 Failure to agree on mediator**

- (1) This section applies if the mortgagee—
  - (a) gives a response to mediator nomination notice rejecting the mediators nominated by the farmer; or
  - (b) does not give a response to mediator nomination notice to the farmer within the time mentioned in section 6(3).
- (2) The authority must choose a mediator to conduct the mediation and give both parties notice of the chosen mediator—

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- (a) if the mortgagee has rejected the nominated mediators—no later than 7 business days after receiving the response to mediator nomination notice; or
- (b) if the mortgagee has not given a response to mediator nomination notice within the required time—no later than 7 business days after the day the response to mediator nomination notice was due to be given.

## **8 Mediator unavailable or change of mediator agreed**

- (1) This section applies if—
  - (a) a mediator chosen under section 6 or 7 is not available to conduct the mediation; or
  - (b) the parties agree to change the mediator before mediation starts.
- (2) The farmer must give a notice (a *change of mediator notice*) to the mortgagee confirming the parties will choose a different mediator.
- (3) The change of mediator notice must be given—
  - (a) if the chosen mediator is not available—no later than 7 business days after the farmer first becomes aware the mediator is not available; or
  - (b) if the parties agree to change the mediator—no later than 7 business days after the parties agree to change.
- (4) A copy of the change of mediator notice must also be given to the authority no later than the time mentioned in subsection (3).
- (5) No later than 7 business days after the farmer gives the change of mediator notice, the farmer must give—
  - (a) a new mediator nomination notice under section 5(1) to the mortgagee; and
  - (b) a copy of the new mediator nomination notice to the authority.

- (6) Sections 6 and 7 apply for the purpose of the parties choosing another mediator.

ENDNOTES

- 1 Made by the Governor in Council on 29 June 2017.
- 2 Notified on the Queensland legislation website on 30 June 2017.
- 3 The administering agency is the Department of Agriculture and Fisheries.

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