



Farm Business Debt Mediation Act 2017

Farm Business Debt Mediation Regulation 2017

Current as at 1 July 2017

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Queensland

Farm Business Debt Mediation Regulation 2017

Contents

		Page
Part 1	Preliminary	
1	Short title	3
2	Commencement	3
3	Definitions	3
4	Purpose of regulation—Act, s 18	3
Part 2	Choosing mediator	
5	Farmer nominates 3 preferred mediators	3
6	Mortgagee responds to nominated mediators	4
7	Failure to agree on mediator	4
8	Mediator unavailable or change of mediator agreed	5

Farm Business Debt Mediation Regulation 2017

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.

[s 6]

- (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).

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- (2) The authority must choose a mediator to conduct the mediation and give both parties notice of the chosen mediator—
 - (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

[s 8]

- (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.