



Farm Debt Mediation Notice

Owner: Director-General,
Ministry for Primary Industries

APPROVED MEDIATION ORGANISATIONS

Criteria

Pursuant to Section 49(1)(a) of the Farm Debt Mediation Act 2019 (the Act), the following are the criteria the Chief Executive of the Ministry for Primary Industries (MPI) must satisfy themselves when deciding whether to approve an organisation as an approved mediation organisation.

- i. The organisation has an established code of conduct.
- ii. The organisation has established complaints processes.
- iii. The organisation has established disciplinary processes.
- iv. The organisation has a proven track record in assessing people's competence in mediation.
- v. The organisation has systems and processes in place that enable it to assess a person's competency against the requirements set under section 49(1)(d) of the Act.
- vi. The organisation has systems and processes in place that enable it to ensure that its accredited farm debt mediators continue to be assessed against those requirements.
- vii. The organisation has systems and processes in place that enable it to ensure that the appointment of any of its accredited farm debt mediators who no longer meets those requirements (or turns out never to have met them) is cancelled and MPI is notified.
- viii. As necessary, providing information and reports to MPI and responding to requests for information from MPI.

Terms and conditions

Pursuant to Section 49(1)(b) of the Farm Debt Mediation Act 2019 the following are the terms and conditions for approval of an organisation as an approved mediation organisation:

- i. The approved mediation organisation reports, as necessary, to the Chief Executive of MPI, providing information and reports to MPI and responding to requests for information from MPI in a timely manner (see Appendix one for detailed list of reporting requirements).
- ii. The Chief Executive of MPI, with 30 days' notice, can undertake an audit of the approved mediation organisation with regard to its obligations under the Farm Debt Mediation Act 2019.
- iii. The organisation's ability to meet the Criteria and Terms and Conditions to be an approved farm debt mediation organisation will be re-assessed every five years.

- iv. The approved mediation organisation ensures that prospective farm debt mediators are competently assessed against the requirements set by the Chief Executive of MPI under section 49(1)(d) of the Act.
- v. The approved mediation organisation ensures that:
 - a. the performance of its accredited farm debt mediators is monitored to warrant the continued authorised status as a farm debt mediator
 - b. its accredited farm debt mediators continue to be assessed against the competency requirements prescribed by notice issued in the New Zealand Gazette and on the MPI website under section 49(1)(d) of the Act; and
 - c. the appointment of any of its accredited farm debt mediators who no longer meets those requirements (or turns out never to have met them) is cancelled.
- vi. The approved mediation organisation maintains a publicly available list of its accredited farm debt mediators, including any specialist areas, and makes reasonable efforts to ensure that it is up-to-date.
- vii. The approved mediation organisation promotes and facilitates continuing professional development of its accredited farm debt mediators.
- viii. Training provided by the approved mediation organisation in respect to the Act is assessed as adequate by the Chief Executive of MPI.
- ix. Any guidance provided by the approved mediation organisation related to the implementation and operation of the scheme is consistent with the Act (including any regulations or notices issued under the Act).
- x. The approved mediation organisation notifies MPI within 5 working days of any complaints received about an accredited farm debt mediator and provides MPI with a final report on the findings and any actions taken within 5 working days of the conclusion of its investigation into the complaint.

Monitoring and reporting

The Chief Executive of MPI can require an approved mediator organisation to provide such documents, records and information necessary to assess whether:

- oversight of accredited farm debt mediators meets the criteria set in this Notice
- training provided by the approved mediation organisation related to the Act continues to be appropriate
- the organisation continues to meet the terms and conditions set out in this Notice.

Suspension and revocation of approval

Pursuant to Section 49(1)(c) of the Act, the grounds on which the chief executive may suspend or cancel the approval of an organisation are if the approved mediation organisation:

- No longer meets any one of Criteria *i-viii* above and does not adequately respond to directions by the Chief Executive of MPI to remedy within the timeframes required; or
- Fails to meet any one of the Terms and Conditions *i-x* and does not adequately respond to directions by the Chief Executive of MPI to remedy within the timeframes required, or

- Failure to report to the MPI in accordance with any directions required by the Act (including any requirements set by Notice under the Act).

END

Appendix One Reporting requirements for approved farm debt mediation organisations

Reporting requirement	When
<p>The number of farm debt mediator authorisations made, declined, pending and cancelled for the reporting period.</p>	<p>Annually</p>
<p>An accurate and up-to-date list of farm debt mediators authorised by your organisation, including the following details:</p> <ul style="list-style-type: none"> • Name, date of birth, gender, ethnicity and contact details (address, phone number/s, email, website [where relevant]) • The area/s or region/s in which the authorised mediator is delivering services • Any specific skills the farm debt mediator has identified they have (e.g. sign language, services for specific groups, other language skills). • Suspended and cancelled authorisations, including reasons why <p>This information is required in order for the List of Mediators to be kept up to date. The farm debt mediator’s name and business contact details will be made available on the List. The approved mediation organisation must ensure authorised farm debt mediators are aware of this requirement and obtain their consent for MPI to publish this information.</p>	<p>Individual changes to list to be notified to MPI within five working days of an authorisation, suspension or cancellation.</p>
<p>The number and subject matter of all Farm Debt Mediation-specific training delivered, including</p> <ul style="list-style-type: none"> • Course content and duration • Trainers (including qualifications) • Assessment mechanism • Attendees • Completion rates (success/failure) 	<p>Annually</p>
<p>Farm debt mediator continuous professional development status</p> <ul style="list-style-type: none"> • Assessment mechanism • Numbers • Completion (success/failure) 	<p>Annual</p>
<p>Notification of complaint made</p> <p>Notification of outcome of investigation</p> <p>The number and nature of complaints/allegations of professional misconduct received in regards to farm debt mediations, which of</p>	<p>Within 5 days of initial complaint</p> <p>Within 5 days of conclusion</p> <p>Annually</p>

Reporting requirement	When
these were substantiated and action taken on those, and number and nature of complaints unresolved older than three months.	
Immediate notification to MPI of any complaints or issues that are or could be seen to compromise client or mediator safety, and prompt notification of any other significant matter (e.g. privacy breaches) to ensure there are 'no surprises'.	Within 24 hours