



## Farm Debt Mediation Notice

Owner: Director-General,  
Ministry for Primary Industries

### Farm Debt Mediators – Authorisation requirements

Pursuant to Section 49(1)(d) of the Farm Debt Mediation Act 2019 (the Act), the following are the qualifications and competencies a farm debt mediator must demonstrate to be an authorised Farm Debt Mediator in accordance with the Act.

#### Qualifications and competencies

1. Current membership accreditation of one of the following:
  - recognised New Zealand mediator professional body such as Arbitrators' and Mediators' Institute of New Zealand (AMINZ), Resolution Institute (RI), New Zealand Law Society (NZLS);
  - Australian Mediator Standards Board (in accordance with the National Mediator Accreditation Standards); or
  - An International equivalent mediator professional body as approved by the Chief Executive.
2. Documentary evidence of qualifications and competence in:

Competency	Evidence
A. Core mediator competencies <sup>1</sup>	Current membership of professional mediator organisation
i. NZ legal system and relevant legislation	
ii. Consent-based dispute resolution processes	
iii. Communication Skills	
iv. Mediation	
a. Conduct and management of the mediation process	
b. Negotiation skills and techniques	
c. Agreement development/facilitation	
d. Mental wellbeing	
v. Ethics	
a. Professional conduct	
b. Informed consent	
c. Safety, procedural fairness and equity in mediation	

<sup>1</sup> Core mediator competency requirements (A) are satisfied by a current membership of recognised mediator professional body identified in (1.)

**Competency****Evidence**

- d. Impartiality including the avoidance of conflicts of interest
- e. Confidentiality privacy and reporting obligations

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B. The New Zealand Farm debt mediation scheme policies and procedures	Short course FDM training approved by CE of MPI
i. Farm Debt Mediation Act 2019	And/or
ii. Scheme operation	Assessment by AMO
iii. Multiple party mediations	
iv. Mediation agreement requirements	
v. Options for tikanga based mediation	
vi. Application of good faith	
vii. Reporting requirements	

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C. Primary sector knowledge, including relevant/applicable regulatory framework (e.g. RMA, Biosecurity, Animal Welfare, Animal Products, NAIT, etc.), with application to one or more of the following areas	5 years working in primary sector related businesses/activities (e.g. rural advisors/consultants, stock and station, farm accountants, farmers, lawyers)
i. Agriculture	and/or
ii. Horticulture	CE approved equivalent (e.g. AMINZ Rural List, AMINZ Environment List)
iii. Aquaculture	

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D. Primary sector economics and financial arrangements	Short course training approved by CE of MPI
i. Implications of trading in global commodity markets	and / or
ii. Role of primary and secondary creditors in farm operations	Assessment by AMO
iii. Land holding and business arrangements, e.g. family trust, corporate farmers, Māori land, lairage, sharemilking and cross loans.	
iv. Farm financial and business planning tools	
v. Role of cooperative structures and arrangements	
vi. Tax arrangements and obligations	
vii. Knowledge of insolvency processes including receiverships, and succession planning	

Competency	Evidence
E. Experience in resolving disputes and mediation in the rural sector including dealing with intra-family conflict and allegations of family violence, etc  Knowledge of rural and mental health issues and support options	Short course FDM training/examination approved by CE of MPI and/or  Assessment by AMO
F. Mediation in accordance with Farm Debt Mediation tikanga framework published on the MPI website (required if wish to offer tikanga based mediation).	Letter of endorsement from Kaumatua

### Obligation to remain current

A Farm Debt Mediator must maintain knowledge and understanding of farm debt mediation requirements as set by the Chief Executive, and can only carry out a mediation if he/she has maintained the Continuous Professional Development requirements set by the approved mediation organisation.

### Conduct of farm debt mediations

Authorised Farm Debt Mediators must follow the Guidelines for Conducting Mediation published on MPI's Farm Debt Mediation website. This includes (but is not limited to) ensuring that the mediation procedure agreement is in place, the process is understood by participants, and follow up documentation is completed in a timely manner.

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