



Australian Government

Department of Education, Employment and Workplace Relations

PSPCRT503C Execute process

Revision Number: 3

PSPCRT503C Execute process

Modification History

Release	TP Version	Comments
3	PSP12V1	Elements and performance criteria pre-content edited.
2	PSP04V4.2	Layout adjusted. No changes to content.
1	PSP04V4.1	Primary release.

Unit Descriptor

This unit covers the ability to execute or attempt to execute warrants, orders or writs as directed by the court, and may include: civil and criminal execution. It includes completing preliminary requirements, executing or attempting to execute process, and completing administrative requirements.

In practice, executing process may overlap with other generalist or specialist public sector work activities, such as acting ethically, complying with legislation, working safely, working with diversity and carrying out evictions.

No licensing, legislative, regulatory or certification requirements apply to this unit at the time of endorsement.

Application of the Unit

The task of executing process may be performed in a range of locations and will be undertaken by authorised court officials under strictly specified procedures.

Licensing/Regulatory Information

Not applicable.

Pre-Requisites

Not applicable.

Employability Skills Information

This unit contains employability skills.

Elements and Performance Criteria Pre-Content

Elements describe the essential outcomes of a unit of competency.

Performance criteria describe the performance needed to demonstrate achievement of the element. Where ***bold italicised*** text is used, further information is detailed in the range statement. Assessment of performance is to be consistent with the evidence guide.

Elements and Performance Criteria

ELEMENT	PERFORMANCE CRITERIA
<p>1. Complete preliminary requirements prior to execution of process.</p>	<p>1.1. On receipt, warrants are endorsed with the time and date, and where multiple warrants are issued against the same judgement debtor/defendant, priorities for execution are determined in accordance with legislative requirements of the issuing jurisdictions.</p> <p>1.2. Details of <i>process</i> to be executed are entered into data system according to organisational policy and procedures.</p> <p>1.3. <i>Warrants</i> are checked prior to execution to confirm requirements, details of judgement debtor/defendant, <i>accompanying documents</i> and time and date of issue.</p> <p>1.4. Where possible, risk assessment and any assistance required to execute process, are determined in advance.</p> <p>1.5. <i>Stays of action</i> are dealt with in accordance with legislative requirements.</p>
<p>2. Execute or attempt to execute process.</p>	<p>2.1. Attempts are made to find <i>location</i> of judgement debtor/defendant in order to make a demand for payment according to organisational policy and procedures and legislative requirements.</p> <p>2.2. Location is attended as instructed by the court, and identification of the judgement debtor/defendant is made according to organisational policy and procedures.</p> <p>2.3. Statements are formatted to meet legal and organisational requirements.</p> <p>2.4. If the debt is not satisfied and property belonging to the judgement debtor/defendant is identified, it is <i>seized</i> according to organisational policy and procedures and legislative requirements.</p> <p>2.5. Safety of self and others is maintained and the need for <i>assistance</i> is determined and arranged according to organisational procedures.</p> <p>2.6. If claims of ownership of the seized property are made by persons other than the judgement debtor/defendant, this <i>information</i> is recorded and claimants are advised of the process to progress their claim.</p> <p>2.7. <i>Value</i> and types of <i>seized property</i> are assessed to comply with organisational policy and procedures and legislative requirements.</p> <p>2.8. Custodian and/or removal and storage, maintenance, and sale of seized property are arranged according to organisational policy and procedures and legislative requirements.</p>
<p>3. Use notes to give</p>	<p>3.1. If process is unable to be executed, relevant</p>

evidence.

documentation is completed and follow-up action is determined according to organisational policy and procedures and legislative requirements.

- 3.2. If seizures are effected, inventories and/or other required documents are completed, signed and provided according to organisational policy and procedures and legislative requirements.
- 3.3. Monies seized or received in satisfaction of a writ are dealt with according to organisational policies and procedures and legislative requirements.
- 3.4. Data system is updated and organisational records are completed according to organisational requirements and timeframes.

Required Skills and Knowledge

This section describes the skills and knowledge required for this unit.

Required skills

- initiative and enterprise skills to apply:
 - legislation, rules, practice and procedures relating to executing process
 - risk assessment relating to persons occupying property
 - procedures relating to public sector legislation, such as OHS procedures relating to maintaining operational safety while executing process
- communication skills to:
 - deal effectively with judgement debtors, defendants and creditors
 - make effective demand for payment
- interpersonal skills to respond to diversity, including gender and disability
- literacy and numeracy skills to:
 - interpret warrants
 - maintain accurate records
 - estimate value of goods to be seized
- technology skills to operate technology
- problem-solving skills in response to contingencies

Required knowledge

- legislation and regulations relating to execution of process
- organisational policy and procedures relating to execution of process
- operational safety procedures
- equal employment opportunity principles
- equity and diversity principles
- working ethically

Evidence Guide

The Evidence Guide provides advice on assessment and must be read in conjunction with the performance criteria, required skills and knowledge, range statement and the Assessment Guidelines for the Training Package.

Critical aspects for assessment and evidence required to demonstrate competency in this unit

Assessment must confirm the ability to:

- use information to determine priorities for execution
- record data appropriate to legislative and organisational requirements
- confirm requirements of warrants
- apply appropriate risk management procedures to ensure safety in the workplace
- identify and locate judgement debtor/defendant
- identify and seize appropriate property
- process monies in compliance with legislative and organisational requirements
- complete relevant documentation and records
- comply with legislative and organisational policies and procedures.

Consistency in performance

Competency should be demonstrated by executing process on a range of occasions, over time.

Context of and specific resources for assessment

Assessment must comply with:

- applicable regulations and codes
- workplace procedures and protocols.

Access may be required to:

- a workplace environment or one that closely resembles normal work practices and replicates the range of conditions likely to be encountered when executing process, including coping with difficulties, irregularities and breakdowns in routine
- legislation, policy, procedures and protocols relating to execution of process
- case studies and workplace scenarios to capture the range of situations likely to be encountered when executing process.

Guidance information for assessment

The following assessment methods are suggested:

- oral questioning about relevant legislation, acting ethically, and applying processes
- observation of the candidate responding to a range of contexts to ensure achievement of the unit outcomes
- feedback from peers and/or supervisor that the candidate consistently applies relevant workplace procedures

- review of records completed by candidate or reports of performance.

In all cases, practical assessment should be supported by questions to assess underpinning knowledge and those aspects of competency that are difficult to assess directly. Questioning techniques should suit the language and literacy levels of the candidate.

Range Statement

<p>The range statement relates to the unit of competency as a whole. It allows for different work environments and situations that may affect performance. <i>Bold italicised</i> wording, if used in the performance criteria, is detailed below. Essential operating conditions that may be present with training and assessment (depending on the work situation, needs of the candidate, accessibility of the item, and local industry and regional contexts) may also be included.</p>	
<i>Process</i> may include:	<ul style="list-style-type: none"> • warrants • orders • writs, such as writs for levy of property and writs of execution
<i>Warrants</i> may include:	<ul style="list-style-type: none"> • writs and orders • warrant to seize property • warrant of seizure and sale • warrant of distress
<i>Accompanying documents</i> may include:	<ul style="list-style-type: none"> • application of debt • verifying affidavit • notice to judgement debtor/defendant of writ of execution
<i>Stays of action</i> may include:	<ul style="list-style-type: none"> • loss of priority • withdrawal from possession and return of writ • expiry of writ and return of property • expiry of writ and disposal of property • notice of disposal • record of disposal
<i>Location</i> information may include:	<ul style="list-style-type: none"> • new address • name of rental agent of premises • how long judgement debtor/defendant has resided at address
<i>Assistance</i> may include:	<ul style="list-style-type: none"> • police and other agencies • locksmith • legal adviser • harbour master • removalist • towing contractor
<i>Information</i> may include:	<ul style="list-style-type: none"> • full details of alleged owner • nature of ownership • documentary evidence of ownership • need to forward claim in writing
<i>Value</i> may include:	<ul style="list-style-type: none"> • amount of writs plus costs, fees and charges sufficient to satisfy writs

<i>Seized property</i> type may include:	<ul style="list-style-type: none">• goods and chattels• land or real estate in which the judgement debtor's right title and interest may be sold• monies, bank notes, cheques, bills of exchange, promissory notes, bonds or other securities
<i>Property</i> exempt from seizure <i>may include:</i>	<ul style="list-style-type: none">• wearing apparel• bedding• bedroom or kitchen furniture• tools of trade• plant and equipment• professional instruments• reference books in use by debtors or their family, depending on the rules of the court jurisdiction and legislative requirements

Unit Sector(s)

Not applicable.

Competency field

Courts.