



Australian Government

FNSMCA412 Undertake legal action for recovery of debts

Release: 1

FNSMCA412 Undertake legal action for recovery of debts

Modification History

Release	Comments
Release 1	This version first released with FNS Financial Services Training Package Version 6.0.

Application

This unit describes the skills and knowledge required to plan, initiate and finalise legal actions to recover debts from debtors.

The unit applies to individuals who use specialised knowledge of legal requirements and follow legal organisational procedures to complete tasks associated with legal recovery of debts.

Note

The term “debtor” in this unit relates to any customer who may have a debt to an organisation.

Work functions in the occupational areas where this unit may be used are subject to regulatory requirements. Users are advised to check with the relevant state and territory regulatory authorities to confirm those requirements.

Unit Sector

Mercantile agents

Elements and Performance Criteria

ELEMENT	PERFORMANCE CRITERIA
<i>Elements describe the essential outcomes.</i>	<i>Performance criteria describe the performance needed to demonstrate achievement of the element.</i>
1. Plan and prepare for legal action	1.1 Identify and confirm client instructions and court requirements 1.2 Gather and review debt collection case information 1.3 Identify legal avenues and procedural issues 1.4 Estimate costs and times of potential legal actions 1.5 Obtain approval from relevant stakeholders before proceeding with legal actions
2. Prepare originating legal documents and review	2.1 Identify and complete originating legal documents 2.2 File or serve originating legal documents to required

ELEMENT	PERFORMANCE CRITERIA
debtor responses	stakeholders according to legislative and regulatory requirements 2.3 Obtain and review debtor responses and seek specialist advice as required
3. Finalise legal action	3.1 Complete required documents according to court requirements 3.2 File or serve relevant documents as required 3.3 Obtain legal outcome on the recovery of debts and advise client 3.4 Update records and finalise documents according to organisational policies and procedures

Foundation Skills

This section describes those language, literacy, numeracy and employment skills that are essential to performance but not explicit in the performance criteria.

SKILL	DESCRIPTION
Oral communication	- Uses language and concepts appropriate to the audience and purpose to convey and clarify information - Use questioning and active listening in verbal exchanges to determine and confirm client requirements
Reading	- Interprets, analyses and consolidates information from a variety of sources to determine and confirm relevance - Reviews and interprets legal responses and refers for advice
Planning and organising	Seeks information or advice before implementing a solution, where appropriate
Problem solving	Clearly and thoroughly researches and analyses information and tasks, and then plans strategies and actions to achieve optimal outcomes within given parameters
Self-management	- Adopts efficient and effective organisational and time management skills to sequence tasks and meet timelines - Complies with legal obligations, industry and organisational codes of practice, and ethical principles
Teamwork	Selects the appropriate form, channel and mode of communication to build rapport, liaise with others and share information
Technology	Uses digitally based technologies and software packages to complete work requirements

Unit Mapping Information

No equivalent unit. Supersedes and is not equivalent to FNSMCA402 Initiate legal recovery of debts.

Links

Companion Volume Implementation Guide is found on VETNet -

<https://vetnet.gov.au/Pages/TrainingDocs.aspx?q=c7200cc8-0566-4f04-b76f-e89fd6f102fe>