



**Australian Government**

**Department of Education, Employment and Workplace Relations**

# **FNSMCA303A Serve legal process**

**Revision Number: 1**

## FNSMCA303A Serve legal process

### Modification History

Not applicable.

### Unit Descriptor

<b>Unit descriptor</b>	<p>This unit describes the performance outcomes, skills and knowledge required to investigate and analyse client legal requirements for preparing documentation and serving legal processes.</p> <p>This unit may apply to job roles subject to licensing, legislative, regulatory or certification requirements so Commonwealth, State or Territory requirements should be confirmed with the relevant body.</p>
------------------------	---

### Application of the Unit

<b>Application of the unit</b>	This unit applies to mercantile agent job roles.
--------------------------------	--

### Licensing/Regulatory Information

Not applicable.

### Pre-Requisites

<b>Prerequisite units</b>	

## Employability Skills Information

<b>Employability skills</b>	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 required skills and knowledge section and the range statement. Assessment of performance is to be consistent with the evidence guide.
---	--

## Elements and Performance Criteria

ELEMENT	PERFORMANCE CRITERIA
1. Plan and prepare procedures	1.1. <i>Client's</i> written instructions are accurately and clearly interpreted 1.2. Relevant legal and procedural issues for consideration and action are identified in accordance with current legislation and <i>organisation policies and procedures</i> 1.3. <i>Type of service</i> is identified according to the nature of the debt or legal process
2. Serve documents	2.1. Documents are checked to ensure they are complete and intact 2.2. Valid document being served is verified by checking contents for type of document and numbers of document for service and <i>documents</i> are served according to legal requirements
3. Prepare affidavit of service or non-service	3.1. Affidavits are prepared in relation to court documents for process service worksheets with <i>relevant factual details</i> of service recorded in the affidavit 3.2. Court documents are correctly completed and signed and sworn or affirmed in accordance with court requirements and court procedural manual 3.3. A final report is prepared for client, detailing outcome of procedure

## Required Skills and Knowledge

### REQUIRED SKILLS AND KNOWLEDGE

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

#### Required skills

- communication skills to:
  - determine and confirm client legal process requirements, using questioning and active listening as required
  - negotiate and resolve disputes
  - liaise with others, share information, listen and understand
  - use language and concepts appropriate to cultural differences
- literacy skills to:
  - read and interpret documentation from a variety of sources and recording, gathering and consolidating debtor information
  - draft reports and letters and complete legal documentation
  - interpret and comply with legal and ethical principles and obligations,
- research and analysis skills to determine types of service and legal obligations
- IT skills for accessing and using appropriate software such as spreadsheets and databases and the internet in a collection agency or credit management context
- organisational skills, including the ability to plan and sequence work

#### Required knowledge

- all relevant State or Territory and Commonwealth Acts
- role, procedures and relevant documentation of the various relevant court jurisdictions and appeals procedures

## Evidence Guide

<b>EVIDENCE GUIDE</b>	
<p>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.</p>	
<b>Overview of assessment</b>	
<b>Critical aspects for assessment and evidence required to demonstrate competency in this unit</b>	<p>Evidence of the ability to:</p> <ul style="list-style-type: none"> <li>• take personal responsibility for fully complying with legal obligations and interpret and comply with legislative requirements and general developments in process serving</li> <li>• develop constructive responses when confronted with problems and difficulties</li> <li>• accurately complete legal documents</li> <li>• liaise and cooperate with a variety of persons in serving legal documents.</li> </ul>
<b>Context of and specific resources for assessment</b>	<p>Assessment must ensure:</p> <ul style="list-style-type: none"> <li>• competency is demonstrated in the context of the financial services work environment and conditions specified in the range statement either in a relevant workplace or a closely simulated work environment</li> <li>• access to and the use of a range of common office equipment, technology, software and consumables</li> <li>• access to relevant legal and industry documentation for process serving.</li> </ul>
<b>Method of assessment</b>	<p>A range of assessment methods should be used to assess practical skills and knowledge. The following examples, in combination, are appropriate for this unit:</p> <ul style="list-style-type: none"> <li>• evaluating an integrated activity which combines the elements of competency for the unit or a cluster of related units of competency</li> <li>• verbal or written questioning on underpinning knowledge and skills</li> <li>• setting and reviewing simulations or scenarios</li> <li>• evaluating samples of work</li> <li>• accessing and validating third party reports.</li> </ul>
<b>Guidance information for assessment</b>	

## Range Statement

### RANGE STATEMENT

The range statement relates to the unit of competency as a whole. It allows for different work environments and situations that may affect performance. Bold italicised 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><b><i>Clients</i></b> may include:</p>	<ul style="list-style-type: none"> <li>• banks</li> <li>• building societies</li> <li>• credit unions</li> <li>• employers</li> <li>• finance companies</li> <li>• financiers</li> <li>• government agencies</li> <li>• other commercial agents</li> <li>• private companies</li> <li>• solicitors.</li> </ul>
<p><b><i>Organisation policies and procedures</i></b> may include:</p>	<ul style="list-style-type: none"> <li>• assistance to customers on billing and collection problems</li> <li>• gathering information and its evaluation</li> <li>• legal obligations and framework</li> <li>• liaison and information dissemination to internal and external parties</li> <li>• maintenance of customer account files</li> <li>• making billing adjustments to customer accounts</li> <li>• minimising risk</li> <li>• overall organisation goals and objectives</li> <li>• reviewing and adjusting credit limits for established customers</li> <li>• safe storage of security documentation</li> <li>• trading terms and credit limits.</li> </ul>
<p><b><i>Types of service</i></b> may include:</p>	<ul style="list-style-type: none"> <li>• handed to a person, requiring a signature of that person</li> <li>• service on a nominated person or corporation in accordance with relevant legislation.</li> </ul>
<p><b><i>Documents</i></b> may include:</p>	<ul style="list-style-type: none"> <li>• legal notices</li> <li>• notice of demand</li> <li>• statement of claim</li> <li>• writs.</li> </ul>
<p><b><i>Relevant factual details</i></b></p>	<ul style="list-style-type: none"> <li>• conversation at time of service</li> <li>• full name of process server</li> </ul>

**RANGE STATEMENT**

may include:

- identification of person
- time, date and place of service.

**Unit Sector(s)****Unit sector**

Mercantile agents

**Competency field****Competency field****Co-requisite units****Co-requisite units**