



Australian Government

Department of Education, Employment and Workplace Relations

FNSPRT404A Administer a complex trust

Revision Number: 1

FNSPRT404A Administer a complex trust

Modification History

Not applicable.

Unit Descriptor

Unit descriptor	<p>This unit describes the performance outcomes, skills and knowledge required to administer a complex trust, including determining the most prudent location and investment for the assets, managing and monitoring the assets, and reviewing performance.</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>
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Application of the Unit

Application of the unit	This unit applies to job roles in the personal trustee industry.
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Licensing/Regulatory Information

Not applicable.

Pre-Requisites

Prerequisite units		

Employability Skills Information

Employability skills	This unit contains employability skills.
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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.
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Elements and Performance Criteria

ELEMENT	PERFORMANCE CRITERIA
1. Establish trust file	1.1. Preliminary reading of the trust establishment document is conducted to identify <i>complex issues or needs</i> , parameters and instructions 1.2. Trust file is created according <i>legal, statutory and organisational requirements</i>
2. Administer the trust appropriately	2.1. Assets are held at appropriate locations meeting all statutory and legal requirements 2.2. <i>Appropriate tools</i> are established and prepared to manage the trust with needs of beneficiaries for both income and capital reviewed 2.3. Applications by beneficiaries for advance of capital or income are responded to in a manner most appropriate to all parties concerned 2.4. Trust assets are invested appropriately and investment obligations of the trustee are satisfied with assets and funds distributed appropriately 2.5. Customer service strategies that assess and respond to customers' needs are used to ensure maximum customer satisfaction and conflict resolution skills are used to recognise and defuse potential conflict
3. Evaluate and review trust performance	3.1. Trust performance is reviewed periodically to ensure its relevance and appropriateness to client needs 3.2. Trust performance is reported to appropriate persons and clients are advised if changes to the trust are appropriate 3.3. <i>Ongoing management of the trust</i> is provided and <i>additional considerations</i> dealt with in a timely and professional manner 3.4. If required, private companies are directed, managed or wound up and appropriate taxation effective strategies are put in place

Required Skills and Knowledge

REQUIRED SKILLS AND KNOWLEDGE

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

Required skills

- highly developed communication skills to:
 - determine and confirm work and client requirements, using questioning and active listening as required
 - provide customer service and deal sensitively with clients
 - resolve disputes and conflicts
 - liaise with others such as specialist advisers, share information, listen and understand
 - use language and concepts appropriate to cultural differences
- customer service skills
- research and analysis skills for accessing, interpreting and managing information and performing genealogical searches
- IT skills for accessing and using appropriate systems and databases and using internet information
- highly developed numeracy skills to prepare and interpret complex financial statements and perform complex financial calculations
- well-developed literacy skills to:
 - read and interpret documentation from a variety of sources
 - prepare documentation
 - record, consolidate and file information
- administrative and organisational skills, including the ability to plan and sequence work

Required knowledge

- relevant State and Territory legislation and regulation relating to:
 - wills
 - intestacies
 - attorneyships/guardianships
 - probate and administration
 - trusteeships
 - investment of trust assets
- Commonwealth legislation and regulations including:
 - Income Tax Assessment Act
- business law for financial institutions including:
 - guidelines and procedures to ensure that legal requirements are met when entering into a contract

REQUIRED SKILLS AND KNOWLEDGE

- correct legal terminology and phrases
- statutory charges, taxes and other fees applicable to financial institutions
- legal parameters of the customer/financial institution relationship
- organisational policies and procedures regarding:
 - products and services offered by the organisation and fees attached
 - roles, responsibilities and powers of the personal trust officer including:
 - organisational expectations
 - limitation of personal authority (e.g. not giving investment advice)
- professional code of conduct in the personal trustee industry including:
 - ethical practices
 - integrity
 - professionalism
 - confidentiality
- techniques for how and when to contact key organisational personnel with expertise in specialised areas relating to the personal trustee industry and external specialists and resources relevant to requirements in the personal trustee industry
- role of external specialists and resources relevant to requirements in the personal trustee industry
- basic legal and administrative requirements for managing a business, including WorkCover (or similar schemes), superannuation and group tax

Evidence Guide

EVIDENCE GUIDE	
<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>	
Overview of assessment	
Critical aspects for assessment and evidence required to demonstrate competency in this unit	<p>Evidence of the ability to:</p> <ul style="list-style-type: none"> • undertake relevant tasks associated with assisting clients in administering trusts using customer service strategies that allow for customers' needs to be assessed and responded to, in complex situations, to ensure maximum customer satisfaction • apply conflict resolution skills to recognise potential conflict in a variety of situations, including internal and using strategies to defuse the situation • prepare and interpret complex financial statements • use high level investigation skills such as genealogical research • manage status reports on complex matters with competing priorities.
Context of and specific resources for assessment	<p>Assessment must ensure:</p> <ul style="list-style-type: none"> • 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 • access to and the use of a range of common office equipment, technology, software and consumables • access to appropriate legislation and regulations relevant to preparing a trust, workplace manuals and reference material such as company policy, procedural manuals and checklists.
Method of assessment	<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"> • evaluating an integrated activity which combines the elements of competency for the unit or a cluster of related units of competency • verbal or written questioning on underpinning knowledge and skills • setting and reviewing simulations or scenarios • accessing and validating third party reports.
Guidance information for	

EVIDENCE GUIDE	
assessment	

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><i>Complex issues or needs</i> may include:</p>	<ul style="list-style-type: none"> • companies • family trusts • international and interstate assets • partnerships • pastoral properties • any other unusual circumstances.
<p><i>Legal, statutory and organisational requirements</i> may include:</p>	<ul style="list-style-type: none"> • State and Territory legislation and regulation relating to: <ul style="list-style-type: none"> • wills • intestacies • trusts • attorneyships/guardianships • partnerships • investment of trust assets • Commonwealth legislation and regulations including: <ul style="list-style-type: none"> • Income Tax Assessment Act • organisational requirements may include professional code of conduct in the personal trustee industry including: <ul style="list-style-type: none"> • ethical practices • integrity • professionalism • confidentiality.
<p><i>Appropriate tools</i> may include:</p>	<ul style="list-style-type: none"> • a diary system • account and taxation returns • beneficiary profiles and relevant records.
<p><i>Ongoing management of the trust</i> may include:</p>	<ul style="list-style-type: none"> • assessing special needs of clients • calculation of fees • conducting and investment review • monitoring of property • payment of rates and insurance • preparing statements of account • preparing tax returns

RANGE STATEMENT	
	<ul style="list-style-type: none"> • selling or purchase of assets.
<i>Additional considerations</i> may include:	<ul style="list-style-type: none"> • Capital Gains Tax (CGT) • insurance of assets • investment of assets • minor beneficiaries • payment of personal representative's fee for administration • trusts.

Unit Sector(s)

Unit sector	Personal trustee
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Competency field

Competency field	
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Co-requisite units

Co-requisite units		