



Australian Government

FNSMCA303 Serve legal process

Release: 1

FNSMCA303 Serve legal process

Modification History

Release	Comments
Release 1	This version first released with FNS Financial Services Training Package Version 1.0.

Application

This unit describes the skills and knowledge required to investigate and analyse client requirements for preparing legal documentation and serving legal processes.

It applies to individuals who are required to serve legal process as part of their role as a mercantile agent within financial services organisations of any size or location.

Work functions in the occupational areas where this unit may be used are subject to regulatory requirements. Refer to the FNS Implementation Guide Companion Volume or the relevant regulator for specific guidance on 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 procedures	1.1 Interpret and confirm client's written instructions accurately and clearly 1.2 Identify relevant legal and procedural issues for consideration and action, in accordance with legislative requirements and organisational policy and procedures 1.3 Identify type of service according to nature of debt or legal process and prepare necessary documentation
2. Serve documents	2.1 Verify validity of documentation by checking contents and number of documents for service 2.2 Serve documents according to legal requirements and

ELEMENT	PERFORMANCE CRITERIA
	appropriate organisational policy and procedures
3. Prepare affidavit of service or non-service	3.1 Prepare Affidavit of Service, or Non-Service where applicable, with relevant factual details recorded in affidavit 3.2 Complete any other relevant court documents, ensuring they are signed and sworn, or affirmed, in accordance with court requirements and procedures 3.3 Prepare final report for client detailing outcome of serving legal process

Foundation Skills

This section describes language, literacy, numeracy and employment skills incorporated in the performance criteria that are required for competent performance.

Skill	Performance Criteria	Description
Reading	1.1, 1.2, 2.1, 2.2	- Interprets documentation from a variety of sources - Checks documentation to ensure accuracy and compliance with legal and ethical principles and obligations
Writing	3.1, 3.2, 3.3	- Records, gathers and consolidates client requirements - Drafts reports and letters, and completes legal documentation
Navigate the world of work	1.2, 2.2, 3.1, 3.2	Takes responsibility for adhering to organisational policy, procedures and specified legal requirements relevant to own work context
Get the work done	1.1-1.3, 2.1, 2.2, 3.1-3.3	- Clearly and thoroughly analyses information and tasks, and then plans strategies and actions to achieve optimal outcomes within given parameters - Adopts efficient and effective organisational and time management skills to sequence tasks, meet timelines and arrange meetings - Takes responsibility for the outcomes of routine decisions related directly to own role - Initiates standard procedures when responding to familiar problems within own work context - Uses digitally based technologies and software packages to complete work requirements

Unit Mapping Information

Code and title current version	Code and title previous version	Comments	Equivalence status
FNSMCA303 Serve legal process	FNSMCA303A Serve legal process	Updated to meet Standards for Training Packages. Rewritten and clarified performance criteria.	Equivalent unit

Links

Companion Volume implementation guides are found in VETNet -

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

Assessment Requirements for FNSMCA303 Serve legal process

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Performance Evidence

Evidence of the ability to:

- interpret and comply with legislative requirements, industry regulations and organisational policy and procedures when serving legal process
- identify the appropriate type of service when serving legal process
- complete relevant documentation in accordance with legal, industry and organisational requirements and guidelines.

Note: If a specific volume or frequency is not stated, then evidence must be provided at least once.

Knowledge Evidence

To complete the unit requirements safely and effectively, the individual must:

- identify key requirements of relevant state or territory and Commonwealth legislation relating to debt collection and mercantile agents
- outline the key role, procedures and relevant documentation of the various relevant court jurisdictions and appeals procedures
- explain organisational policy and procedures in relation to serving legal process
- describe techniques of search and locating debtors to serve
- explain the types of services that can be offered to clients when serving legal process
- outline relevant factual details that would be recorded in an affidavit.

Assessment Conditions

Assessment must be conducted in a safe environment where evidence gathered demonstrates consistent performance of typical activities experienced in the mercantile agents field of work and include access to:

- office equipment, technology, software and consumables
- relevant legal and industry documentation for process serving.

Assessors must satisfy NVR/AQTF assessor requirements.

Links

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