



Australian Government

Assessment Requirements for FNSMCA313

Serve legal process

Release: 1

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Modification History

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

Performance Evidence

The candidate must demonstrate the ability to complete the tasks outlined in the elements, performance criteria and foundation skills of this unit, including evidence of the ability to:

- serve legal process on at least three different occasions, using at least two different types of service.

Knowledge Evidence

The candidate must be able to demonstrate knowledge to complete the tasks outlined in the elements, performance criteria and foundation skills of this unit, including knowledge of:

- organisational policies and procedures, and legislative and regulatory requirements related to:
 - debt collection and mercantile agents
 - service of legal process
- techniques for searching and locating parties to serve
- distinction between types of service, including:
 - personal service
 - substituted service, including postal service, email and SMS service
 - service on corporations
- factors impacting type and timeframe of service
- procedures for preparing affidavit, including details of service, substituted service and attempts at service
- evidence requirements within affidavits, including:
 - record of factual details
 - details of attempted service
 - support of a request for substituted service
- key roles, procedures, timeframes and documentation for process serving of the various court jurisdictions within their state of jurisdiction
- procedures for writing reports detailing outcome of service of legal process
- specific requirements for originating process

- types of commercial services that can be offered to clients when serving legal process.

Assessment Conditions

Skills in this unit must be demonstrated in a workplace or simulated environment where the conditions are typical of those in a working environment in this industry.

This includes access to:

- organisational policies and procedures
- court civil procedures that specify process serving rules in that jurisdiction
- documentation for process serving, including affidavit forms
- organisational equipment, technology and software.

Assessors of this unit must satisfy the requirements for assessors in applicable vocational education and training legislation, frameworks and/or standards.

Links

Companion Volume Implementation Guide is found on VETNet -

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