



Australian Government

FNSMCA313 Serve legal process

Release: 1

FNSMCA313 Serve legal process

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 prepare and serve legal process per creditor (client) requirements and submit relevant court documents to confirm completion of the service.

The unit applies to individuals who are required to serve legal process as part of their role as a mercantile agent in 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. 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 service	1.1 Interpret and confirm client requirements and instructions 1.2 Identify legal and court service jurisdiction and process serving rules according to legislative and regulatory requirements and organisational policies and procedures 1.3 Identify type and timeframe of service according to nature of debt and legal process, recipient, client requirements and organisational policies and procedures
2. Serve documents	2.1 Confirm document contents and number of documents for service according to client instructions, organisational policies and procedures, and legislative and regulatory requirements 2.2 Identify and confirm recipient matches process documentation

ELEMENT	PERFORMANCE CRITERIA
	2.3 Serve documents according to organisational policies and procedures, and legislative and regulatory requirements
3. Complete and submit court documents	3.1 Complete required court documents according to organisational policies and procedures, and legislative and regulatory requirements 3.2 File required court documents and confirm witness according to organisational policies and procedures, and legislative and regulatory requirements 3.3 Submit required court documents supporting the completion of service of legal process

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
Reading	• Interprets documentation from a variety of sources • Confirms documentation is accurate and compliant with legal obligations
Writing	• Completes legal forms without alterations
Oral communication	• Uses language and concepts appropriate to the audience and purpose to convey and clarify information • Uses questioning and active listening to determine and confirm process recipients' identity
Planning and organising	• Adheres to organisational policies, procedures and specified legal requirements relevant to own work context • Analyses information and task requirements, and then plans actions to achieve best results within given parameters
Self-management	• Adopts time management skills to sequence tasks, meet timelines and arrange meetings • Initiates standard procedures when responding to familiar problems within own work context
Technology	• Uses digitally based technologies and software packages to complete work requirements

Unit Mapping Information

Supersedes and is equivalent to FNSMCA303 Serve legal process.

Links

Companion Volume Implementation Guide is found on VETNet -

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

Assessment Requirements for FNSMCA313 Serve legal process

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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

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