



Australian Government

FNSPRT402 Prepare a will

Release: 2

FNSPRT402 Prepare a will

Modification History

Release	Comments
Release 2	This version first released with FNS Financial Services Training Package Version 2.0.
Release 1	This unit first released with FNS Financial Services Training Package Version 1.0.

Application

This unit describes the skills and knowledge required to prepare valid wills, including assessing the testamentary capacity of a client.

It applies to individuals who are proficient administrators in the personal trustee sector and are required to record a client's testamentary instructions.

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

Personal trustee

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. Advise client on legal requirements of preparing a will	1.1 Identify client's circumstances, estate objectives and an appropriate location for meeting with client 1.2 Present and clarify for the client the legislative requirements in regards to the preparation of their will and other information on products and services relevant to the client's circumstances and their estate, including fees and charges 1.3 Ensure client's questions in regards to the preparation of their will and distribution of their estate are answered in appropriate language

ELEMENT	PERFORMANCE CRITERIA
	1.4 Provide accurate information, ethical advice and recommendations about suitable options to client in regards to the preparation their will and the distribution of their estate 1.5 Identify and explain to the client the potential conflicts or factors which may affect the implementation of their will and recommend appropriate action including seeking the advice of specialists when necessary
2. Take testamentary instructions from client	2.1 Meet with client at the appropriate location selected for taking instructions from client 2.2 Accurately and appropriately assess client's testamentary capacity in accordance with legislative and organisational requirements and confirm with legal or medical opinion when necessary 2.3 Collate and confirm relevant client details and client's testamentary instructions 2.4 Accurately record client's testamentary instructions in accordance with organisational policies
3. Prepare and execute documents	3.1 Prepare a draft of the will in accordance with legislative requirements and consistent with client's testamentary instructions 3.2 Check will for legal implications and complications and address these referring to specialists where necessary 3.3 Arrange and confirm correct execution of will in accordance with legislative and organisational requirements 3.4 Organise and advise client of record-keeping, safe storage and review of will according to organisational requirements

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	1.2, 2.2, 3.2	Analyses and consolidates information and data from a range of sources against defined criteria and requirements and checks for accuracy and completeness

Writing	2.3, 2.4, 3.1	- Accurately records and completes organisational documents and correspondence using clear language and correct spelling, grammar and terminology - Documents outcomes of communications and changes documentation to revised circumstance
Oral Communication	1.1–1.5 2.3, 3.2, 3.4	- Articulates clearly using vocabulary suitable to the audience to convey or request information - Uses listening and questioning techniques to confirm understanding
Navigate the world of work	1.1, 1.2, 2.1–2.4, 3.1–3.4	Takes personal responsibility for following explicit and implicit policies, procedures and legislative requirements
Interact with others	1.1–1.5, 2.1–2.3, 3.2, 3.4	- Uses a range of strategies to establish a sense of connection and build rapport with clients and co-workers - Cooperates with others and contributes to work activities where joint outcomes are expected and deadlines are to be met - Seeks advice and clarification for new activities
Get the work done	1.1, 1.5, 2.2, 2.4, 3.1–3.4	- Takes responsibility for planning, sequencing and prioritising tasks and own workload for efficiency and effective outcomes - Addresses less predictable problems and initiates standard procedures in response applying problem-solving processes in determining a solution - Uses digital systems and technologies to access, store and share information

Unit Mapping Information

Code and title current version	Code and title previous version	Comments	Equivalence Status
FNSPRT402 Prepare a will	FNSPRT402 Prepare a will	Minor edits to clarify intent of 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 FNSPRT402 Prepare a will

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Performance Evidence

Evidence of the ability to:

- draft, execute and store a will in accordance with legislative and organisational requirements and client's testamentary instructions
- identify the need, and conduct the process, to prove a client's testamentary capacity
- identify and manage factors that may affect the implementation of the will.

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:

- describe the key legislative requirements of relevant federal, state and territory legislation and regulations relating to:
 - wills
 - intestate succession
 - probate and administration
 - trusteeships including investment and obligations of the trustees
 - taxation and tax obligations as they relate to the administration of estates and trusts
- describe organisational policies and procedures required when preparing a will
- outline products and services offered by personal trustee organisations and fees and charges that apply
- outline role, responsibilities and powers of the personal trust officer including:
 - organisational expectations
 - limitation of personal authority in giving investment advice
- outline the professional code of conduct, where applicable, in the personal trustee sector

- explain the types of tests applied to establish a client's testamentary capacity to make a valid will
- explain the tests applied to establish the validity of a will
- describe the different types of potential conflicts and factors that may affect the validity of a will including:
 - adequate family provision claims
 - ownership of nominated assets
- explain the factors that make a location appropriate including:
 - free from influencing factors
 - familiar to client
 - comfortable and private
- identify the role of, and how and when to contact, internal or external specialists relating to the personal trustee sector.

Assessment Conditions

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

- common office equipment, technology, software and consumables
- appropriate legislation and regulations relevant to preparing a will
- organisational reference materials such as policies, procedures, manuals and checklists.

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