



Australian Government

FNSPRT412 Prepare wills

Release: 1

FNSPRT412 Prepare wills

Modification History

Release	Comments
Release 1	This version first released with the FNS Financial Services Training Package Version 8.0. Supersedes and is equivalent to FNSPRT402 Prepare a will.

Application

This unit describes the skills and knowledge required to advise and prepare valid wills on the testamentary instructions from clients.

The unit applies to individuals who work as administrators in the personal trustee sector and prepare wills according to legislative and client requirements.

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 regulatory authorities to confirm those requirements.

Unit Sector

Personal trustees

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 requirements of preparing a will	1.1 Identify client circumstances, estate objectives and location for meeting with client 1.2 Present and explain to client the legislative requirements in regards to preparation of their will, and confirm client understanding 1.3 Present and clarify information on products and services relevant to client circumstances and their estate, and associated fees and charges 1.4 Respond to client questions regarding preparation of their will and distribution of their estate

ELEMENT	PERFORMANCE CRITERIA
	1.5 Provide accurate information, ethical advice and recommendations about suitable options to client regarding preparation of their will and distribution of their estate 1.6 Identify and explain potential conflicts or factors that may affect implementation of client's will 1.7 Recommend appropriate action and seek the advice of specialists as required
2. Take testamentary instructions from client	2.1 Meet with client at determined location 2.2 Assess client's testamentary capacity according to legislative and organisational requirements, and confirm with legal or medical specialists as required 2.3 Collate and confirm client details and testamentary instructions 2.4 Record client testamentary instructions according to organisational policies and procedures
3. Prepare and execute documents	3.1 Prepare a draft of the will according to legislative requirements and client testamentary instructions 3.2 Identify and address any legal implications or complications in the will, referring to specialists as required 3.3 Arrange and confirm correct execution of will according to legislative and organisational policies and procedures 3.4 Organise and advise client of record-keeping, safe storage and review of will according to organisational policies and procedures

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
Oral communication	• Uses active listening and questioning to convey information and confirm understanding • Follows accepted communication practices and protocols and adjusts communication methods when presented with individuals with common cultural and other differences
Reading	• Analyses and consolidates information and data from different sources against defined criteria and requirements and checks for accuracy and completeness

SKILL	DESCRIPTION
Writing	• 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
Planning and organising	• Cooperates with others and contributes to work activities where joint outcomes are expected and deadlines are to be met
Technology	• Completes work tasks and provides information using the main features and functions of organisation-supported digital tools

Unit Mapping Information

Supersedes and is equivalent to FNSPRT402 Prepare a will.

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 FNSPRT412 Prepare wills

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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:

- prepare a will for at least two different clients.

In the course of the above, the candidate must:

- advise and confirm client's understanding of the will preparation process
- identify and manage factors that may affect the implementation of the will
- assess testamentary capacity of the client and make accurate records of client's instructions.

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:

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

- types of tests applied to establish a client's testamentary capacity to make a valid will
- tests applied to establish the validity of a will
- different types of potential conflicts and factors that may affect the validity of a will, including:
 - adequate family provision claims
 - ownership of nominated assets
- beneficial location considerations for meeting with client, including:
 - free from influencing factors
 - familiar to client
 - comfortable and private
 - in person and virtual options
- role played by, and procedures for, contacting internal or external specialists in the personal trustee sector.

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:

- office equipment, technology, software and consumables
- organisational policies and procedures, and legislation and regulations relevant to preparing a will.

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>