



**Australian Government**

# **Assessment Requirements for FNSTPB504 Apply legal principles in corporations and trust law**

**Release: 1**

## Assessment Requirements for FNSTPB504 Apply legal principles in corporations and trust law

### Modification History

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

### Performance Evidence

Evidence of the ability to:

- research changes to, or new, legislative requirements in relation to corporations and trust law relevant to the client's circumstances and business structure requirements
- apply current statute, common law and equitable principles in relation to corporations and trust law relevant to the client's circumstances
- present a recommendation on suitable business structures or legal entities to the client after considering the client's circumstances.

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 operation of the Australian legal systems and processes relevant to corporations and trust law including:
  - basic principles, current statute, common law and equitable principles
  - roles and responsibilities of key organisations
  - constitutional considerations
  - separation of powers
  - basic principles of the law of torts, particularly relating to negligence and negligent misstatement
  - courts and regulatory bodies
- outline how laws are enacted and their underlying policy aims
- explain how those laws may be interpreted by existing common law and equitable rules and applied to corporations and trusts
- analyse legal concepts of business organisational structures, and underlying regulation including the application of these to:

- sole traders
- partnerships
- corporations
- trusts
- agencies
- joint ventures
- incorporated associations
- examine legal aspects of superannuation with reference to:
  - ways in which superannuation can be accumulated and taken
  - who can provide superannuation products and how those providers and their products are prudentially licensed and regulated
  - duties of superannuation trustees
  - how superannuation interests are protected and litigated
  - current and future developments in superannuation law and policy
- identify and reference the key features of Australian corporations law and requirements to analyse issues and risks relating to:
  - nature of a company
  - company registration
  - promoters and pre-registration contracts
  - company constitution and replaceable rules
  - contracting with others
  - fundraising
  - share capital
  - member meetings
  - corporate management
  - directors' duties
  - member remedies
  - bankruptcy and insolvency
- examine legal concepts and scope of law covering trusts with particular reference to:
  - structure of a trust
  - trust deed
  - common law duty
  - role and responsibilities of a trustee
  - types of trusts
  - member meetings
  - corporate management
  - member remediation
  - bankruptcy and insolvency.

## Assessment Conditions

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

- office equipment, technology, software and consumables
- relevant legislation, regulations and codes of practice.

Assessors must satisfy NVR/AQTF assessor requirements.

This unit is designed to meet the education requirements of the Tax Practitioner Board (TPB). Where registration with the TPB is sought, assessment must reflect the conditions described by the regulator which stipulate that a significant amount (at least 40%) must be completed under some form of independent supervision. Where recognition of prior learning (RPL) is used, it must also meet the requirements of the Board's policy on RPL.

Details of requirements can be accessed on the TPB website at <<http://www.tpb.gov.au>>.

## Links

Companion Volume implementation guides are found in VETNet -  
<https://vetnet.gov.au/Pages/TrainingDocs.aspx?q=c7200cc8-0566-4f04-b76f-e89fd6f102fe>