

Title	Demonstrate knowledge of the recovery of debt using legal proceedings		
Level	4	Credits	5

Purpose	<p>People credited with this unit standard are able to:</p> <ul style="list-style-type: none"> – demonstrate knowledge of the jurisdiction of the District Court and the High Court, and methods of commencing proceedings; – demonstrate knowledge of proceedings in the District Court for the recovery of debt; – demonstrate knowledge of bankruptcy procedures; and – describe the nature and proceedings for receiverships, liquidations, and voluntary administration.
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Classification	Financial Management > Credit Management
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Available grade	Achieved
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Guidance Information

- 1 Legislation applicable to this unit standard includes:
Companies Act 1993;
Companies Act 1993 Liquidation Regulations 1994;
Corporations (Investigation and Management) Act 1989;
District Court Act 2016;
District Court Rules 2014;
Insolvency Act 2006;
Personal Property Securities Act 1999;
Receiverships Act 1993;
Reciprocal Enforcement of Judgments Act 1934.
- 2 This unit standard may be assessed on-job in the workplace using naturally occurring evidence or in off-job simulated work situations designed to draw upon similar performance to that required in work in a credit administration and/or credit management context.

Outcomes and performance criteria

Outcome 1

Demonstrate knowledge of the jurisdiction of the District Court and the High Court, and methods of commencing proceedings.

Performance criteria

- 1.1 Explain jurisdiction of the District Court and the High Court in terms of legislation.
- 1.2 Describe commencement of proceedings in the District Court and the High Court in terms of legislation.
- Range may include but is not limited to – notice of proceedings, summary judgement.
- 1.3 Explain notice of proceedings requirements in accordance with legislation.
- Range may include but is not limited to – statement of claim, notice of proceeding, application for interest.
- 1.4 Describe types of summary judgements obtained in the High Court in accordance with legislation.
- Range may include but is not limited to – statement of claim, notice of proceeding, interlocutory application and affidavit in support.

Outcome 2

Demonstrate knowledge of proceedings in the District Court for the recovery of debt.

Performance criteria

- 2.1 Explain defence of proceedings for recovery of debt in terms of legislation.
- Range may include but is not limited to – statement of defence, notice of opposition or defence, affidavit in opposition, admission of claim.
- 2.2 Describe judgements on the default of debtor under legislation.
- Range judgement on admission, judgement by default, certificate of judgement, judgement after hearing.
- 2.3 Describe setting aside of judgements by default under legislation.
- Range may include but is not limited to – application to set aside judgements, affidavit in support of the application.
- 2.4 Explain examinations to determine means of payment in terms of legislation.
- Range order for examination.

- 2.5 Describe legal methods of obtaining payment in the District Court in accordance with legislation.

Range may include but is not limited to – distress warrant, summary instalment order, attachment order, charging order, periodic detention.

Outcome 3

Demonstrate knowledge of bankruptcy procedures.

Performance criteria

- 3.1 Describe administration of property by Official Assignee in accordance with legislation.

- 3.2 Explain bankruptcy proceedings in accordance with legislation.

Range may include but is not limited to – request for issue of bankruptcy notice, creditor's bankruptcy petition, debtor's bankruptcy petition, return of *nulla bona*.

Outcome 4

Describe the nature and procedures for receiverships, liquidations, and voluntary administration.

Performance criteria

- 4.1 Describe receiverships and the options for creditors in terms of legislation.

- 4.2 Describe liquidations in accordance with legislation.

- 4.3 Describe the procedures for voluntary administration in accordance with the legislation.

Planned review date	31 December 2029
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Status information and last date for assessment for superseded versions

Process	Version	Date	Last Date for Assessment
Registration	1	28 August 2000	31 December 2013
Review	2	28 June 2005	31 December 2021
Rollover and Revision	3	15 November 2012	31 December 2021
Rollover and Revision	4	22 May 2014	31 December 2021
Review	5	18 June 2015	31 December 2023
Review	6	24 September 2020	31 December 2027
Review	7	27 March 2025	N/A

Consent and Moderation Requirements (CMR) reference

0121

This CMR can be accessed at www.nzqa.govt.nz/framework/search/index.do.

Comments on this unit standard

Please contact Ringa Hora Services Workforce Development Council
qualifications@ringahora.nz if you wish to suggest changes to the content of this unit standard.