

CPCCBC6018

MANAGE PROCESSES FOR COMPLYING WITH LEGAL OBLIGATIONS OF A BUILDING AND CONSTRUCTION CONTRACTOR

ASSESSMENT SUMMARY

The assessment activities for *CPCCBC6018 Manage processes for complying with legal obligations of a building and construction contractor* cover all aspects of the unit of competency. For Apprentices/Trainees, this includes supervisor completion of the Apprentice/Trainee Record (ATR).

Participants must read all the information given before starting any assessment task. The assessment tasks are intended to be fair, flexible, valid and reliable. If a Participant has any questions or requires alternative arrangements to be made such requests should be directed to their Trainer/Assessor, who should note such arrangements in the 'Assessor Comments' on the affected assessment. If a Participant feels they are not yet ready to be assessed, they should discuss their options with their Trainer/Assessor.

To satisfactorily complete the assessment, the Participant is required to answer all questions correctly and demonstrate their skills to industry standards. If a Participant does not answer all questions or perform all tasks, they will be deemed 'Not Satisfactory' for the task and 'Not Yet Competent' for the unit of competency.

The Trainer/Assessor can provide the Participant with additional information on interpreting the assessment outcomes and guide the Participant's options. If a Participant is still deemed 'Not Satisfactory' they will have the opportunity to undertake a supplementary assessment or appeal the result as per the process in the Student Handbook.

By signing below, the Participant acknowledges:

- They understand the assessment instructions and requirements, and consent to being assessed.
- The work submitted is to be their own work – with the work of/with others needing to be clearly acknowledged and documented.
- They consent to any photo/video recording of their work that occurs during assessment.

Participant name	Ryan Hay
Participant signature	

Pre-requisite unit(s) to be achieved and authenticated prior to undertaking assessment

☒ Not applicable

Task	Date completed	Assessment Results	
Theory Exam	Select Date.	☐ Satisfactory	☐ Not Satisfactory
Workbook	Select Date.	☐ Satisfactory	☐ Not Satisfactory
Practical Assessment	Select Date.	☐ Satisfactory	☐ Not Satisfactory
Outcome for CPCCBC6018	Select Date.	☐ Competent	☐ Not Yet Competent

Evidence requirements checklist (ticked by assessor and evidence supplied to RTO)

- | | |
|---|--|
| ☐ Theory Exam
☐ Workbook
☐ Practical Assessment
☐ Copy of contract reviewed
☐ Screenshot/ doc. of management system introduced and managed | ☐ 1 x ea. Policy & procedure - record & legal documents storage
☐ Screenshot/ doc. system managed re: insurance and taxation
☐ 1 x ea. Policy & procedure re: payments
☐ Code of conduct developed
☐ Screenshot / copy of EMP compliance actions. |
|---|--|

Assessor name	
Assessor signature	

CPCCBC6018

MANAGE PROCESSES FOR COMPLYING WITH LEGAL OBLIGATIONS OF A BUILDING AND CONSTRUCTION CONTRACTOR

THEORY EXAM

Participant name	Ryan Hay
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FOR THE PARTICIPANT
Instructions
- You will complete written questions as outlined on the following pages. You must attempt all questions and provide enough detail in your responses to demonstrate your knowledge. - It is anticipated that you should complete this assessment within two (2) hours, but additional time may be allowed upon negotiation with the Assessor. - You must complete all questions unassisted by the Assessor or other personnel but may refer to reference material as needed. All questions must be answered correctly for a 'Satisfactory' assessment outcome to be awarded. - An oral examination may be allowed under certain circumstances, whereby your answers will be documented by another party. - Any written questions that are incomplete, or not answered satisfactorily will need to be completed again after further training support. - If you answer a question incorrectly but modify your response, put your initials next to the written change (or the Assessor must initial a verbal change).
Resources required
Pen

FOR THE ASSESSOR
Instructions
- Where oral examination has occurred, ensure that this is acknowledged in writing (e.g. FT001 and Assessor Comments) - All questions must be satisfactorily demonstrated by the Participant for a Satisfactory determination (indicated by an Assessor tick to the right of the question). - Assessors are to complete marking in pen of a different colour to the Participant. - If the Participant verbally modifies their response, write in the modified response verbatim and put your initials next to the written change.

ASSESSOR COMMENTS

As necessary, outline:

- Details on reattempts, alternative arrangements or reasonable adjustments made.
- Where a Participant is deemed 'Not Satisfactory', provide recommendations for future training.

Q1. Discuss the following types of building contract and identify provisions relating to these in the State/Territory you are working.

State/Territory:

Answer

Contracts	Purpose/requirement
Commercial contract	These are all construction of building that are not for residential use.
Residential contract	For all all buildings that are solely for residential use
Lump Sum contract	A contract where a total dollar value has been agreed. In this type of arrangement the risk of under quoting is on the builder or subcontractor.
Sub-contract agreement	Is between a subcontractor(a trade or expert) and a main contractor (builder or company paying for the services of a subcontractor to complete the works on the Main contractors behalf).
Cost-plus contract	An agreement where the client pays for all expenses as well as a set fee for completing the works. A lot of the time its construction cost plus a percentage of the construction cost.



Q2. Discuss contract terms, conditions, and inclusions you are likely to encounter.

Answer

The contract will

- detail payment terms which would state when invoices need to be processed, time frames of which you are paid after invoice etc.
- Detail specific inclusions in the works to be carried out
- Detail specific project requirements
- Detail all scope of works
- Detail that all works are to be completed to standards and state code and legislation etc.
- Detail clauses in how dispute resolution is dealt with
- Detail cancellation of contract terms and what both parties need to do in the event of wanting to get out of a contract
- Warranties and guarantees for works and materials for the project
- Liquidated damages that could be charged if delays are caused
- Details the drawings and specs that have been agreed to at the time of signing the contract
- Details the contract sum and any allowances that have been either allowed for or not allowed for.



Q3. Discuss the importance of adding variation clause to the contract and what you may need to include in the contract documents.

Answer

Sub-Contractor to Main contractor-

Variation clauses usually state that the main subcontractor must give notice of any variations and that the variation needs to be approved in writing by the main contractor prior to works beginning. If there is nothing in writing the Main contractor is not obliged to pay the variation.

It will also have agreed an hourly or day rate of labour that can be referenced when submitting a variation.

Main contractor to client-

Pretty much the same as above with a clause saying notice must be given to ensure that the client can control cost.

In both cases it would also state that variations must be submitted in time to not cause delay and will give a notice period stating the time it would take from submission to approval/response.



Q4. Discuss why builders should keep and maintain records of subcontractors, site supervisors and managers qualifications, competencies, and licences.

Answer To ensure that the builder is working in accordance with all codes and legislation.
It is an offence for anyone to not have their qualifications on them when doing high risk work.
By having copies of these it proves that the builder has done their due diligence in ensuring that all people have their appropriate licences

If something was to go wrong and it was found that the involved persons were not qualified then the builder could be found guilty of not supplying a safe work site.



Q5. Why would you access the Australian Business Licence and Information Service (ABLIS)?

Answer It can help you find any licenses, permits, approvals, rules and codes of practice that you may need to stay on top of compliance duties.
This is a easy to use platform that will give specific information according to the area you are in and the line of works the user does.



Q6. How can you ensure you respond to changes to licensing arrangements in a timely manner?

Answer The license holder must notify the relevant Licensor of any changes in the individuals circumstance ASAP.
This could also mean if anything changes with the way the company is trading



Q7. Discuss areas of a building contract that may require you to organise professional legal advice.

Answer

- If parts of the contract are sophisticated and you do not fully understand how something is worded.
- Some contracts have heavy financial implications that need to be worded correctly so a professional looking over these could help to ensure that the contract is legal.
- If a dispute arises then a 3rd party can be brought in to referee the issue.
- If a contract is going to be terminated then legal teams could be brought in to ensure that everything is done correctly.
- If something changes with one of the companies in the contract but the contract is to continue then legal aid could be brought in to make sure that the contract is changed correctly.
- If a contract is terminated and there is money owing to either party someone could be brought in to administer this.



Q8. What processes can you introduce and manage to enable the organisation to obtain effective legal advice relating to contract law?

Answer

If a contract can not be understood by any of the parties then legal advice should be organised.
Ideally, any company should have a legal team that will review each contract to make sure that the terms and conditions of the contract are what is required.
The way contracts are written can have different meanings.
Terms and phrases have been analysed and given legally recognised meaning so whoever is reviewing the contract must have a complete understanding of what these legally binding terms and phrases are.



Q9. Discuss the benefits of having a contract management system in place.

Answer

This would ensure all staff are aware of what is required in each contract and that there is a review process in place that will be completed prior to a contract being sent out.
Normally, depending on the size of the project someone would be employed as contract administration and this person would administer the contract through out the life cycle of the project or until the contract is complete.
This person would ensure that all items on the contract have been achieved and payments that are being made are fair and correct.



Q10. What mechanisms can you put in place to improve communication and dialogue with the client?

Answer

Above all an open door policy should be implemented so that both client and main contractor can discuss openly anything about the project. Weekly meetings should be in place to discuss matters and this should be recorded with meeting minutes so that any issues or items are being closed out in a timely matter. This also is a legal record of any discussions or instructions that have been given from the both parties.

A platform of which all correspondence should be channeled through should be created which again, will ensure that all information is getting to the client and vice versa.

In times of dispute, it is best to keep a professional approach and to ensure that emotions are not a driving factor of a dispute.

3rd parties could be introduced to help mediate in a professional manner. i



Q11. Describe what happens in conciliation.

Answer

This is when a 3rd party is introduced to mediate between 2 parties. The Conciliator will ensure that both parties point of view is heard and then try and help both parties come to an agreement.

The Conciliator will make recommendations but cannot make decisions for either party that are legally binding.

The intent is that both parties agree with the outcome.

Meetings can either be with both parties together (and any people involved with each party) or can be done separately.



Q12. Why would the builder change/adapt workplace procedures and workplace safety requirements at a new site?

Answer	All decisions should be based off the specific requirements for a site. Potentially there are risks involved in a particular site that does not occur on another so the requirement to change or introduce a procedure needs to be introduced. Potentially if a company has had issues with the current procedure and it needs to be changed, they introduce it to all new jobs so that it is a smooth transition. Potentially new legislation may have been brought in so new project procedures are changed to suit. In all systems, it is a legislative requirement that procedures, SWMS's and project safety requirements are site specific and updated regularly in consultation with the workforce.	☐
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Q13. Discuss strategies you can apply that ensure all workers are inducted, informed, and regularly updated of their on-site safety responsibilities.

Answer	All sites should have an induction process where all site rules and requirements are shown to any workers coming onto the project. Site entry and exits, first aiders and evacuation procedures etc will be discussed during the induction. This should be recorded along with checks of specific licenses for there works. During the construction process things can change on site so workers need to be advised of the changes. This can be done with weekly site toolbox talks or a toolbox talk or meeting can be organised if it is an urgent matter. Subcontractor meetings can be held weekly to go through works completed and new works coming up along with any site issues or safety issues. Outcomes of this can be filtered down to the workers through there line managers prestart. As a back up a on line platform can be used for notifications to go out to the workforce and the hierarchy of each company so that all levels of each company remain informed.	☐
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Q14. A worker you have employed on the site has been injured and has lodged a request for workers compensation to reimburse their medical expenses. Explain the process you must follow in your State or Territory for claiming on behalf of the worker.

Answer You must pay the worker for the day of the injury.
This is separate to compensation paid from your insurance and must not come out of the worker's sick leave, holiday leave, or any other entitlements.
You will also need to [pay an excess](#) to WorkCover Queensland. This represents the first payment of weekly compensation.



Q15. What is inherent risk in construction? Discuss the factors to be considered in assessing risks inherent in building and construction projects.

Answer Inherent means that there is an element of risk even before a failure of a control.
So really construction works in general have a risk involved.
WHS legislation states High risk work is any work that:

- involves a risk of a person falling more than 2 m
- is carried out on a telecommunication tower
- involves demolition of an element of a structure that is load-bearing
- involves demolition of an element of a structure that is related to the physical integrity of the structure
- involves, or is likely to involve, disturbing asbestos
- involves structural alteration or repair that requires temporary support to prevent collapse
- is carried out in or near a confined space
- is carried out in or near a shaft or trench deeper than 1.5 m or a tunnel
- involves the use of explosives



- is carried out on or near pressurised gas mains or piping
- is carried out on or near chemical, fuel or refrigerant lines
- is carried out on or near energised electrical installations or services
- is carried out in an area that may have a contaminated or flammable atmosphere
- involves tilt-up or precast concrete
- is carried out on, in or adjacent to a road, railway, shipping lane or other traffic corridor in use by traffic other than pedestrians
- is carried out in an area of a workplace where there is any movement of powered mobile plant
- is carried out in areas with artificial extremes of temperature
- is carried out in or near water or other liquid that involves a risk of drowning
- involves diving work.

When completing risk assessments the above points need to be addressed to ensure that all highrisk work has been assessed and that controls have been put in place to try and mitigate the risk.

Read the scenario below to respond to Q16. and Q17.

The subcontractor (first-tier subcontractor) you hired for this project is carrying on a business that is primarily in the building and construction industry. He has engaged another subcontractor (second-tier subcontractor) to assist with their current workload.

Q16. What subcontractor payments are you required to report to the Australian Taxation Office (ATO)?

Answer As the contract is with the First-Tier subcontractor then only the payment to the first tier need to be sent to the RTO



Q17. Will the first-tier subcontractor also be required to report to the Australian Taxation Office (ATO)? Explain your answer.

Answer Yes, any payment made to another subcontractor needs to be reported to the ATO

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Q18. As the principal contractor, you will be withholding tax from the payments you make to your workers and contractors through PAYG withholding. Provide the four (4) activities that you must complete in compliance with the Australian Taxation Office's (ATO) requirements for those who make payments subject to withholding.

- Answer**
1.
 - payments to employees, company directors and office holders
 2.
 - payments made to workers under labour hire arrangements
 3.
 - payments under voluntary agreements
 4.
 - payments where an Australian business number (ABN) has not been quoted in relation to a supply.

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Q19. Discuss the following types of insurance and the purpose that builders or building companies need to organise them.

Answer	Insurance	Purpose/requirement
	Workers compensation	An insurance scheme that covers all works for there income at the time of an injury or sickness. This is a compulsory item to have for all direct employees.

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Contract/Construction Works insurance	This umbrella all insurances required to run a construction company or site
Public liability	This covers companies for any injury or property damage caused by the companies actions towards a 3 rd party. So not necessarily directly related to the works. For example neighbouring properties, pedestrians external to the site etc.
Professional indemnity	Protects companies that get paid a fee to give professional advice from claims of negligence or breach of duty. In short it covers both the advice giver and the receiver from any errors in the advice given
Commercial Motor Vehicle	Covers companies for all their company owned vehicles

Q20. Discuss how you can improve the organisational industrial relations climate while enforcing the company codes of conduct for employees and subcontractors.

Answer Industrial relations issues are normally raised by workers not believing the company is abiding by Codes and legislation. (pay disputes aside).
If the companies code of conduct is based around these particular items and the company is doing the correct thing IR issues should be minimal.



Q21. What do the basic rights known as 'consumers' guarantees' cover?

Answer This states the consumer has a right to repair, get a replacement or a refund along with compensation for any loss caused by a product not doing what it should be and/or was as advertised.

Any product that is bought in Australia comes with an automatic guarantee that they operate and do what they should.



Read the scenario below to respond to Q22.

A Brisbane consumer hires a builder to undertake repairs on an outdoor patio. The consumer and the builder agree on a cost of \$4,200 but don't discuss the completion date. The builder starts the repairs but doesn't return for a month. The consumer claims that the service hasn't been supplied within a reasonable time even though heavy rain occurred during one (1) week of the month.

Q22. Discuss the compliance issues related to this activity and how this can be rectified.

Answer

This sounds like a verbal agreement so no contract and/or quote was in writing
Nothing was agreed on for a finish date so again a written contract of some sort should have been created.

In short, everything should have been in writing along with the contractor recording the 1 week of rain.



Q23. Discuss how waste avoidance actions can be encouraged and monitored on-site.

Answer

Companies now are trying to get subcontractors to ensure that materials are cut in a way to avoid a lot of wastage as well as pressuring subcontractors to take packaging away from site to be recycled instead of just placing it in site bins.

Where possible more and more items are being fabricated off site.

Waste companies generally have to recycle as much material as possible and give information back to clients on % of waste landfill and recycled materials.



CPCCBC6018

MANAGE PROCESSES FOR COMPLYING WITH LEGAL OBLIGATIONS OF A BUILDING AND CONSTRUCTION CONTRACTOR

WORKBOOK

Participant name	Ryan Hay
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FOR THE PARTICIPANT

Instructions

- You will complete written activities as outlined on the following pages. You must attempt all questions and provide enough detail in your responses to demonstrate your knowledge.
- The timeframe for these tasks will be established by your Assessor or Training Plan, but additional time may be allowed upon negotiation with the Assessor.
- You must complete all questions unassisted by the Assessor or other personnel but may refer to reference material as needed. All questions must be answered correctly for a 'Satisfactory' assessment outcome to be awarded.
 - An oral examination may be allowed under certain circumstances, whereby your answers will be documented by another party.
 - Any written questions that are incomplete, or not answered satisfactorily will need to be completed again after further training support.
 - If you answer a question incorrectly but modify your response, put your initials next to the written change (or the Assessor must initial a verbal change).

Resources required

Pen

FOR THE ASSESSOR

Instructions

- Where oral examination has occurred, ensure that this is acknowledged in writing (e.g. FT001 and Assessor Comments)
- All questions must be satisfactorily demonstrated by the Participant for a Satisfactory determination (indicated by an Assessor tick to the right of the question).
- Assessors are to complete marking in pen of a different colour to the Participant.
- If the Participant verbally modifies their response, write in the modified response verbatim and put your initials next to the written change.

ASSESSOR COMMENTS

As necessary, outline:

- Details on reattempts, alternative arrangements or reasonable adjustments made.
- Where a Participant is deemed 'Not Satisfactory', provide recommendations for future training.

NOTE

At times, you will be provided with a specific business context to which you must respond, otherwise it is anticipated that you will use a workplace of your choosing (your own, or hypothetical) to provide the context to the task.

At all times, the responses in your assessment must reference **Australian** (Queensland or Federal) documentation, including legislation, regulations, codes of practice, standards and guidance publications.

ACTIVITY 1

Access the Queensland Building and Construction Commission to respond to the following questions.

- What is required to gain a Builder - medium rise licence?
- What is required to gain a Builder - low rise licence?
- Describe the scope of work for a Builder restricted to special structures (shade sails).

a) What is required to gain a Builder - medium rise licence?

As well as the eligibility requirements for each licence-type, you need to be [fit and proper](#) to operate and:

- have permission to work in Queensland (citizen, visa, Immicard)
- provide photographic proof of your identity
- provide [evidence of your business structure](#)—if operating under a trading name, company, partnership or trust.

To hold a licence, you need to demonstrate that you have the technical skills to perform the scope of work relevant your licence class.

Show proof of your qualifications

Proof of your qualifications can be in the form of:

- formal qualifications issued by a Registered Training Organisation (RTO)
- documentation showing you successfully completed an appropriate course for this licence class
- certificate from an RTO as recognition of prior learning (RPL)
- qualification statement by an approved authority for the licence class

4 years experience in either:

- the licence class scope of work
- other work QBCC is satisfied is at least equivalent to experience in the scope of work for the class.

OR

2 years experience in the scope of work (or equivalent), if you are qualified in one of the following:

- bricklaying and blocklaying
- carpentry.

You must demonstrate work where you carried out:

- **supervisory services**—the parts of the project and trades you personally supervised; examples where you applied your knowledge of building and other relevant legislation, interpreting plans and specifications
- **administration services**—examples of your experience on the job in tendering, contracts, on-site meetings and inspections, payment of subcontractors, issuing certificates and project management
- **management services**—examples of where you coordinated and scheduled work, resolved problems on the project, communicated with clients and other services and financial management.

Do include:

- sufficient detailed to demonstrate the work that you have performed or supervised
- the commencement and completion date for the work.

To verify your documented experience, the QBCC generally requires at least **3 referee reports** which include confirmation of your competency in the scope of works and supervisory experience claimed. It is recommended that the written references are completed on the form below.

Referee reports must be signed and confirmed as correct by both the applicant and the referee.

A person **suitably qualified to verify** the experience is a person who both:

- holds a licence or qualification at the same or greater level than the licence that you are applying for
- can confirm your onsite experience by completing the referee report on the licence application.

Ideally, referees verifying your work examples should hold a licence or qualification at the same or greater level than the licence that you are applying for. Alternatively the QBCC may give consideration if your referee is employed in a supervisory or managerial role with the company.

Where an applicant cannot provide 3 written references to confirm their experience, the onus will be on the applicant to suitably demonstrate to the QBCC the experience documented is true and correct.

You must demonstrate you meet the relevant [minimum financial requirements](#) by providing an MFR report or declaration with your application.

You must demonstrate that you have a safety management system to ensure work carried out under the contractor's licence will be performed safely and is compliant with your obligations under the *Work Health and Safety Act 2011*.

Any one of the following—

- (a) successful completion of Diploma of Building and Construction (Building) CPC50220;
- (b) successful completion of a course the commission considers is at least equivalent to the course mentioned in paragraph (a);
- (c) a recognition certificate as a builder qualified to carry out the scope of work for the class;
- (d) a qualification or statement of attainment of required competency for the class of licence.

b) What is required to gain a Builder - low rise licence?

As well as the eligibility requirements for each licence-type, you need to be [fit and proper](#) to operate and:

- have permission to work in Queensland (citizen, visa, Immicard)
- provide photographic proof of your identity
- provide [evidence of your business structure](#)—if operating under a trading name, company, partnership or trust.

Technical qualifications

To hold a licence, you need to demonstrate that you have the technical skills to perform the scope of work relevant your licence class.

Any one of the following—

- (a) successful completion of Certificate IV in Building and Construction CPC40120;
- (b) successful completion of a course the commission considers is at least equivalent to the course mentioned in paragraph (a);
- (c) a recognition certificate as a builder qualified to carry out the scope of work for the licence class;
- (d) a qualification or statement of attainment of required competency for the class of licence.

c) Describe the scope of work for a Builder restricted to special structures (shade sails).

Scope

- Install, refurbish, restore and repair a kitchen, bathroom or laundry on-site in:
 - class 1 or class 10 building
 - classes 2 to 9 buildings if the gross floor area of the kitchen, bathroom or laundry is not more than 50m².
- Prepare plans and specifications that are:
 - for the licensee's personal use, or
 - for use in building work to be performed by the licensee personally.

Does not include

- building work that may affect the structural performance of the building, or
- personally carrying out any building work for which:
 - a fire protection licence is required, or
 - an occupational licence is required, unless the licensee holds the occupational licence.

Any one of the following—

(a) successful completion of the following units of competency from Certificate IV in Building and Construction CPC40120—

- (i) Manage work health and safety in the building and construction workplace CPCCBC4002;
- (ii) Select, prepare and administer a construction contract CPCCBC4003;
- (iii) Identify and produce estimated costs for building and construction projects CPCCBC4004;
- (iv) Select, procure and store construction materials for building and construction projects CPCCBC4006;
- (v) Supervise site communication and administration processes for building and construction projects CPCCBC4008;
- (vi) Apply legal requirements to building and construction projects CPCCBC4009;
- (vii) Manage finances for new business ventures BSBESB407.

(b) successful completion of a course or units of competency of a course the commission considers is at least equivalent to the units of competency mentioned in paragraph (a);

(c) a recognition certificate as a builder qualified to carry out the scope of work for the licence class;

(d) a qualification or statement of attainment of required competency for the class of licence

**Satisfactory
Outcome**



ACTIVITY 2

Access the Fair Work Ombudsman website at <https://www.fairwork.gov.au/about-us/legislation#fair-work-legislation> and respond to the following questions.

- What is the purpose for the Fair Work Act 2009 and the Fair Work Regulations 2009?
- What actions are taken by the Fair Work Ombudsman in relation to compliance and enforcement?
- Describe the type of issues workers may contact the Fair Work Ombudsman about.

a) What is the purpose of the Fair Work Act 2009 and the Fair Work Regulations 2009?

It governs the relationship between employee and employer.

They:

- provide a safety net of minimum entitlements
- enable flexible working arrangements
- provide fairness at work and prevent discrimination against employees.

b) What actions are taken by the Fair Work Ombudsman in relation to compliance and enforcement?

They offer a free service in advising both employers and employees of their role and obligations.

The FWO appoints Fair Work Inspectors empowered to investigate and enforce compliance with Australia's workplace laws and industrial instruments, including:

- provisions of the FW Act, such as terms and conditions of employment and record-keeping and pay slip obligations
- the National Employment Standards
- provisions of the Independent Contractors Act 2006, including prohibited conduct in relation to reform opt-in agreements
- enterprise agreements and agreement-based transitional instruments (including Australian Workplace Agreements, Individual Transitional Employment Agreements, Collective Agreements, and certain other agreements made prior to 1 July 2009)
- modern awards and award-based transitional instruments (including Federal Awards, Notional Agreements Preserving State Awards, State Reference Transitional Awards, and Division 2B state awards)
- orders of the Fair Work Commission.

c) Describe the type of issues workers may contact the Fair Work Ombudsman about.

If you know you are not getting paid correctly, the correct conditions or workplace rights.

Also if you are getting discriminated against

**Satisfactory
Outcome**



ACTIVITY 3

Provide information that you would include in an email or memo to communicate to company employees and contractors:

- licencing and contract requirements for your State or Territory
- the consequences of non-compliance with relevant legal obligations and licensing requirements.

Answer:

It would need to explain why the email is being sent.

For example if there have been safety issues on other projects then a notice would go out advising of the issue and the findings.

It may be because of a change in either the company procedures or a change in state codes or legislation.

A snip of the relevant code or legislation should be copied into the email showing all of there legal responsibilities and the responsibility of the builder. This shows the reasoning behind why the builder is pushing the subject.

It would also state the penelties from the state for the offences.

It should also state that the builder will not be tolerating non-compliance and will remove from site anyone who does not follow the requirement.

**Satisfactory
Outcome**



ACTIVITY 4

Search the internet to locate information and training that you can organise that provide human resources administration staff information to assist them in understanding their responsibilities in relation to:

- a) insurance
- b) taxation matters.

a) Insurance

HIA services

<https://www.qbcc.qld.gov.au/running-business/home-warranty-obligations/what-work-requires-insurance>

<https://www.business.qld.gov.au/industries/building-property-development/building-construction/supply-queensland-government/prequalifying-major-projects/consultants/insurance>

QBCC Act 1991

<https://www.mbql.com.au/products/insurance/faqs>

b) Taxation matters

<https://www.myob.com/au/resources/guides/construction/compliance-construction>

<https://www.business.qld.gov.au/running-business/finance/essentials/tax/basics>

<https://www.ato.gov.au/individuals-and-families/jobs-and-employment-types/working-as-a-contractor>

<https://qro.qld.gov.au/payroll-tax/liability/contractor-payments/exemptions/>

Satisfactory
Outcome



ACTIVITY 5

Write a Code of Conduct for all employees and subcontractors engaged in a building and construction company that outlines specific principles and standards of behaviour that underpin best practice and co-operation. Use the following headings for your Code of Conduct.

- a) Objectives
- b) Responsibilities
- c) Ethical principles
- d) Continuous improvement
- e) Project planning and contract documentation
- f) Management and administration of contracts
- g) Environmental management
- h) Security of payments
- i) Training and development
- j) Work health and safety
- k) Compliance

a) Objectives

Too outline expectations of all employees and there behaviour toward their colleagues, superiors, overall organisation and all that are involved in the organisation directly or indirectly.

b) Responsibilities

It is all employees responsibility to uphold the good image of the company internally and externally to not bring the company into distripute.
It is the responsibility of all employees to read and understand all organisational tools in our systems to enable you to do your work correctly and affectively.

c) Ethical principals

All employees will be professional and act with integrity in undertaking their work.
Treat everyone with respect while adhering to the laws involved with their chosen work.

There is to be no bullying or harassment to any one in or involved in the organisation and no prejudice towards anyone.

d) Continuous improvement

All will strive to complete their work correctly and as per code of conduct of the company, local and state codes and legislation and as per the company site rules as applicable.
We encourage improvements to all facets of the company and remain open to communication with any improvements that are forwarded.

e) Project planning and contract documentation

All projects are to be planned out ahead of time to ensure that tasks are completed safely and effectively.
All contract documentation is to meet the company standards and relevant laws required.
All contracts are to be reviewed by head management prior to being sent on. No exceptions.

f) Management and administration of contracts

All contracts are to be reviewed by head management prior to being sent on. No exceptions. Unless governed by law to divulge information, all intellectual information either current or developed by any employee of the company is the sole property of the company.

g) Environmental management

Employees / contractors must comply with relevant legislation and promote environmental awareness, to raise standards.

Employees / contractors must comply with the environmental policies of clients.

Employees / contractors are to use energy and other resources efficiently.

h) Security of payment

All employees involved in the contracts of the business are to ensure that all guidelines and requirements under the Security of payments Act are met.

i) Training and development

When available all employees will be required to complete training organised by the company.

All are to complete the training the best of there ability and in the required time frame.

As a company we promote and encourage further training and learning.

j) Work health and safety

It is the law that us as a company must provide a safe work place.

All employees must understand there responibilties in there respective role and must abide by relevant laws associated with the works that they are in control of.

k) Compliance

All employees are to comply with company systems along with any legal requirements associated with the role in the company.

If systems fail to comply we expect it to be notified to line managers so it can be elevated as appropriate.

**Satisfactory
Outcome**



ACTIVITY 6

Access the website for your State or Territory environmental regulator and respond to the following questions:

- What environmental authority conditions apply in relation to noise or dust at a sensitive place?
- Discuss guidelines regarding waste and waste avoidance that you can include in the site Environmental Management Plan (EMP).

a) What environmental authority conditions apply in relation to noise or dust odour, at a sensitive place?

In queensland the Environmental protection act 1994 covers both noise and dust. Under the noise standard, building contractors are to minimise noise impacting on surrounding areas as well as on workers. They are to work within the hours of operation approved by local council.

For dust, all works are to take place with controls on dust created to the highest standard possible (practicable)

If damage has been caused to the environment then the obligation is on the main contractor to report the issue.

In both cases, a risk assessment should be conducted and requirements found to reduce dust and noise as much as practicable.

b) Discuss guidelines regarding waste and waste avoidance that you can include in the site Environmental Management Plan (EMP).

Materials should be manufactures in a way that minimises waste.

All materials that can be recycled need to be.

Waste companies must recycle any waste materials as much as possible.

Waste reports should be obtained showing percentages of landfill and recyclables.

Any spoil that has been taken away from sites need to be recorded in a register showing soil classification and tip locations.

**Satisfactory
Outcome**



CPCBC6018

MANAGE PROCESSES FOR COMPLYING WITH LEGAL OBLIGATIONS OF A BUILDING AND CONSTRUCTION CONTRACTOR

PRACTICAL ASSESSMENT

Participant name	Ryan Hay
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FOR THE PARTICIPANT
Instructions
• The tasks outlined on the following pages will require performance of normal workplace activities, as a result of a structured activity set by an Observer in the workplace or a simulated activity set by your Assessor/Observer. • The timeframe for these tasks will be established by your Assessor/Observer, in consideration of location conditions and industry requirements. • You must complete all tasks unassisted by the Assessor or other personnel unless the steps note this assistance. • You must attempt all tasks (and itemised steps) for a 'Satisfactory' assessment outcome to be awarded. ○ For any observation conducted that is incomplete, or without satisfactory performance, the observation will need to be completed again after further training support.

FOR THE ASSESSOR/OBSERVER
Instructions
• The following observation record should be used to judge and record your observations of the Participant as they complete the task(s) set. You must record your observations of the Participant's performance. ○ For each occasion, indicate the task performed and whether it was a simulation or workplace-based task. ▪ Any simulated assessment must ensure the Participant still performs under workplace conditions which reflect industry standards. ○ In the comments, provide clear detail regarding the task that the Participant was required to do (e.g. PPE used, materials handled, attachments connected, plant types). • All steps must be satisfactorily demonstrated by the Participant for a 'Satisfactory' determination (indicated by an Assessor tick to the right of each itemised step, or an Observer tick to the right of each itemised step, and confirmation by an Assessor in the Assessor Comments). ○ Where you have determined that one or more task steps have not been satisfactorily demonstrated, provide the Participant with additional support and outline details of such assistance in the Assessor/Observer Comments. Allow the Participant two (2) further opportunities to demonstrate the task again to allow an opportunity for a 'Satisfactory' assessment outcome to be achieved. ○ If after three (3) attempts the Assessor determines that the Participant cannot demonstrate the required steps, a 'Not Satisfactory' outcome is to be determined.

TASK OUTCOME					
Task	Date	Task Type (Tick)	Location	Task outcome (Tick)	
				Satisfactory	Not Satisfactory
Task 1	Select Date.	☒ Workplace ☐ Simulation		☐	☐

ASSESSOR COMMENTS: GENERAL

As necessary, outline:

- Details on reattempts, alternative arrangements or reasonable adjustments made.
- Where a Participant is deemed 'Not Satisfactory', provide recommendations for future training.

ASSESSOR COMMENTS: PRACTICAL TASK 1

- ☐ Individual student (as named on cover page)
- ☐ Multiple students [☐ All from Attendance Report, ☐ Specific students involved – identify students]

Task	Provide detail
1.1A.	Specify type of building contract reviewed where provisions of the contract, terms, conditions, inclusions and variations were correctly identified: Construction contract
1.1B. 1.1E.	Specify how building contractor licencing and contract requirements were reviewed for compliance: Reviewed during tender process
1.1C.	Specify how contractor licensing and contract requirements and non-compliance were communicated to workplace employees and others: All high risk works are to be completed by suitably qualified workers trained by an RTO. Other than being a industry standard, subcontractors sign up to the terms and conditions of the contract which state the safety system for the company.
1.1F.	Specify where the application for necessary building or construction licenses was made: QBCC for supervisors and subcontractors source there own RTO's or the like prior to commencement on site
1.2A.	Specify which areas of the contract reviewed required professional legal advice.
1.2B.	Specify processes managed to enable the workplace to obtain such legal advice.
1.2C.	Specify contracts management system introduced and managed:

ASSESSOR COMMENTS: PRACTICAL TASK 1	
1.2D.	Specify how the efficiency and performance of the contract management systems and users was maintained:
1.2E.	Specify mechanisms applied and maintained to facilitate improved communications and dialogue with client: Mainly through Aconex and regular meetings
1.3A.	Specify administration systems developed and managed that facilitate conforming with workplace WHS responsibilities: Through the company they have an established safety system. Design, construction methodology and processes were discussed in depth with the entire team with input from all members
1.3A. 1.3B. 1.6A.	Specify administration systems developed and managed that facilitate conforming with workplace Environmental responsibilities: The company has an established environmental management system and site specific environmental management methodologies have been created by consultants for the project.
1.4A. 1.4B.	Specify systems introduced and managed to ensure insurance and taxation requirements are met:
1.4C.	Specify problems, symptoms and causes of non-compliance recognised and solutions generated: N/A
1.5C.	Specify remedial action undertaken where evidence of non-compliance with consumer protection principles is identified:
1.6B.	Specify how supply and removal of subcontract works and materials are monitored for compliance with EMP: Waste companies and subcontractors moving materials are to show records of any materials taken off site and where is has been processed.
1.6C.	Specify changes to legislation or environmental requirements recorded and relevant organisational activities and systems altered to ensure ongoing compliance: N/A

CPCCBC6018

MANAGE PROCESSES FOR COMPLYING WITH LEGAL OBLIGATIONS OF A BUILDING AND CONSTRUCTION CONTRACTOR

Practical Task 1

Description of task:

The participant must demonstrate and provide evidence to demonstrate the skills and ability to ensure the compliance of contractor's legal obligations for one building and construction project including:

- Determine contract compliance and licensing requirements
 - Read the building contract, confirm the type of contract and identify provisions of the contract, terms, conditions, inclusions and variations. *(attach copy of contract reviewed)*
 - Review and confirm whether building contractor licensing and contract requirements are current and suitable to the work.
 - Communicate contractor licensing and contract requirements to company employees to ensure contract and licensing requirements are met.
 - Inform employees of the consequences of non-compliance with licence and contract requirements.
 - Recognise changes to licensing arrangements in a timely manner.
 - Apply for and take necessary steps to obtain the necessary building or construction licenses.
- Manage relationships on legal matters
 - Determine the areas of the contract requiring professional legal advice.
 - Organise and manage processes to enable workplace to obtain legal advice in relation to contract.
 - Introduce and manage a contracts management system through which legal interpretations of contract or tender documents may be obtained before submission. *(screenshot or documentation of management system introduced and managed)*
 - Manage the efficiency and performance of the contract management systems and individuals involved in the process
 - Apply and maintain mechanisms to improve communications and dialogue between the workplace and the client to facilitate conciliation.
- Administer organisation's obligations.
 - Develop and manage administration systems that facilitate conforming with organisation's obligations and meeting WHS and welfare, workers' compensation, noise abatement and working hours' regulations.
 - Maintain and manage records demonstrating organisational compliance with legal obligations.
 - Develop and maintain policies, procedures and facilities for the proper and secure storage of organisational legal documentation. *(attach copy of policy and procedure developed)*
- Manage compliance with government legislation.
 - Introduce and manage systems that support and maintain organisational capacity to meet legal obligations with regard to insurance and taxation. *(screenshot or documentation of system introduced and managed)*
 - Organise training and instruction for relevant personnel regarding insurance and taxation responsibilities.
 - Investigate problems, symptoms and causes of non-compliance and recognise key issues and synthesise information to generate solutions
- Apply and manage consumer protection practices.
 - Develop and implement practices and policies which facilitate the organisation meeting its obligations to its clients, subcontractors and employees. *(attach copy of 1 policy and 1 procedure developed)*
 - Establish and enforce codes of conduct for all employees and subcontractors. *(attach copy of code of conduct developed)*
 - Take remedial action where evidence of non-compliance with consumer protection principles is identified.
- Manage compliance with environmental legislation.
 - Develop and manage systems to gather information in relation to the organisational environmental management plan.
 - Manage the supply and removal of subcontract works and materials and constantly scrutinise to ensure compliance with environmental standards.
 - Record relevant changes to legislation or environmental requirements and alter organisational activities and systems to ensure ongoing compliance.

Practical Task 1	
These tasks may be simulated or real. The Participant is to gather evidence of how they have completed each component of the Practical Task, which is to be submitted with this Practical Assessment sheet. The Observer is to provide detailed comments on the tasks completed by the Participant (on the Observer Comments, overleaf). The Assessor is to verify the Observer's comments, noting their findings in the Assessor Comments (on the back of the Practical Assessment cover page) and provide the assessment outcome.	
Resources required: Residential or commercial worksite; Access to legislation and regulations relating to building and construction contractors; workplace policies, procedures and quality documentation, building and construction contract for project, EMP; business equipment, technology, applications and software systems.	
Observer details	
Name of observer:	Michael Brady
Role of observer (Confirm suitability to sign)	Project Manager
Email address of observer	MBrady@besixwatpac.com
Signature of observer:	
Date:	Select Date.

When completing the task, did the Participant:	Tick if satisfactorily completed. Provide comments if left unticked.
1 Determine contract compliance and licensing requirements.	
1.1A. Read the building contract, confirm the type of contract and identify provisions of the contract, terms, conditions, inclusions and variations.(attach copy of contract reviewed)	☒
1.1B. Review and confirm whether building contractor licensing and contract requirements are current and suitable to the work.	☒
1.1C. Communicate contractor licensing and contract requirements to company employees to ensure contract and licensing requirements are met.	☒
1.1D. Inform employees of the consequences of non-compliance with licence and contract requirements.	☒
1.1E. Recognise changes to licensing arrangements in a timely manner.	☒
1.1F. Apply for and take necessary steps to obtain the necessary building or construction licenses.	☒
2 Manage relationships on legal matters.	
1.2A. Determine the areas of the contract requiring professional legal advice.	☒
1.2B. Organise and manage processes to enable workplace to obtain legal advice in relation to contract.	☒
1.2C. Introduce and manage a contracts management system through which legal interpretations of contract or tender documents may be obtained before submission.(attach screenshot or documentation of management system introduced and managed)	☒
1.2D. Manage the efficiency and performance of the contract management systems and individuals involved in the process	☐
1.2E. Apply and maintain mechanisms to improve communications and dialogue between the workplace and the client to facilitate conciliation.	☒

When completing the task, did the Participant:	Tick if satisfactorily completed. Provide comments if left unticked.
3 Administer organisation's obligations.	
1.3A. Develop and manage administration systems that facilitate conforming with organisation's obligations and meeting WHS and welfare, workers' compensation, noise abatement and working hours' regulations.	☒
1.3B. Maintain and manage records demonstrating organisational compliance with legal obligations.	☒
1.3C. Develop and maintain policies, procedures and facilities for the proper and secure storage of organisational legal documentation. <i>(attach 1 copy of policy and procedure developed)</i>	☒
4 Manage compliance with government legislation.	
1.4A. Introduce and manage systems that support and maintain organisational capacity to meet legal obligations with regard to insurance and taxation. <i>.(screenshot or documentation of system introduced and managed)</i>	☒
1.4B. Organise training and instruction for relevant personnel regarding insurance and taxation responsibilities.	☒
1.4C. Investigate problems, symptoms and causes of non-compliance and recognise key issues and synthesise information to generate solutions.	☒
5. Apply and manage consumer protection practices.	
1.5A. Develop and implement practices and policies which facilitate the organisation meeting its obligations to its clients, subcontractors and employees. <i>(attach copy of 1 policy and 1 procedures re payments and confidentiality developed)</i>	☒
1.5B. Establish and enforce codes of conduct for all employees and subcontractors. <i>(attach copy of code of conduct developed)</i>	☒
1.5C. Take remedial action where evidence of non-compliance with consumer protection principles is identified.	☒
6. Manage compliance with environmental legislation	
1.6A. Develop and manage systems to gather information in relation to the organisational environmental management plan. <i>(attach screenshot / copy of EMP compliance)</i>	☒
1.6B. Manage the supply and removal of subcontract works and materials and constantly scrutinise to ensure compliance with environmental standards.	☒
1.6C. Record relevant changes to legislation or environmental requirements and alter organisational activities and systems to ensure ongoing compliance.	☒

Observer comments: