

CPCCBC4009B

APPLY LEGAL REQUIREMENTS TO BUILDING AND CONSTRUCTION PROJECTS

THEORY EXAM INSTRUCTIONS

- This exam will occur under standard assessment conditions.
 - An oral examination may be allowed under certain circumstances. Answers will be documented and FT003 (Oral examination declaration form) must be completed.
- Participants must provide enough detail in their responses to demonstrate their knowledge and skills.
- Please fill in the details below, providing your name, signature and date of assessment.
 - Your signature acknowledges that this is your own work.
- If a participant initially answers a question incorrectly but modifies their response, they must follow the instructions below:
 - If a participant changes their response in writing, they must put their initials next to the written change.
 - If a participant changes their response verbally, this must be noted on the exam paper by the assessor.

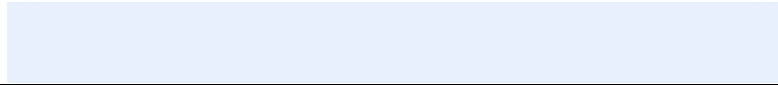
Participant name Massimiliano Carante

Participant signature



Assessor name Brett Stoward

Assessor signature



Date 21/08/2019

Number of questions	Number of questions answered correctly	Satisfactory?	
		Yes	No
48		☐	☐

ASSESSOR COMMENTS

Q1. Identify the legislation (Act and/or Regulation) in your region relating to builder licensing or registration.

Answer QLD Building and construction commission aCt 1991 and QLD Buidling and construction commiston regulation 2018.

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Q2. Select one (1) licence class and identify the scope of work that is allowed by a builder in this class. List the section(s) of the legislation that identifies these requirements.

Answer

Section(s) of legislation	Scope of work
In QLD QBCC Act Section 30	Constructos licenses are diviced into classes by regulation – whether the licence relates to all classed of building work or limited to a specified class

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Q3. Select one (1) licence class and identify the requirements under the legislation for supervisors. List the relevant section(s) of the legislation.

Answer

Section(s) of legislation	Requirements
In QLD QBCC Act Section 30A & 30B	Nominee supervisor and site supervisor licenses are divided into classes by regulation – whether the license relates to all classes of building work or limited to specified class

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Q4. Select one (1) licence class and identify the requirements under the legislation for managers. List the relevant section(s) of the legislation.

Answer

Section(s) of legislation	Requirements
QBCC Act section 43B and 43C	Construction managers must ensure building work is personally and adequately supervised

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Q5. Name the Act and identify the section that outlines the primary duty of care regarding safety on site. Briefly describe the requirements.

Answer

Section of Act	Requirements
WHS Act 2011 section 19	A PCBU must ensure, so far as is reasonably practicable,[1] the health and safety of: workers engaged, or caused to be engaged, by the person workers whose activities in carrying out work are influenced or directed by the person

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Q6. Name the Act and identify the section that outlines the duties of workers regarding safety on site. Briefly describe the requirements, including those for monitoring.

Answer

Section of Act	Requirements
WHS At 2011 section 28	take reasonable care for his or her own health and safety take reasonable care that his or her acts or omissions do not adversely affect the health and safety of other persons comply, so far as the worker is reasonably able, with any reasonable instruction that is given by the person conducting a business or undertaking (PCBU) to allow the PCBU to comply with the WHS Act and the Commonwealth Work Health and Safety Regulations 2011 (WHS Regulations)

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	co-operate with any reasonable policy or procedure of the PCBU relating to health or safety at the workplace that has been notified to workers.
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- Q7. Name the Regulation and identify the section that outlines the requirements regarding compliance with safe work method statements. Briefly describe the requirements.**

Answer

Section of Regulation	Requirements
QLD WHS Regulation 2011 Section 300	A PCBU undertaking work that includes carrying out of high risk construction work must ensure work is carried out in accordance with the SWMS. If work is not carried out with SWMS the PCBU must ensure that work is stopped immediately and resumed only in with the SWMS

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- Q8. Name the Regulation and identify the section that outlines the requirements for site signage when undertaking construction work. Briefly describe the requirements.**

Answer

Section of Regulation	Requirements
QLD: WHS Regulation 2011 Section 308	The principal contractor must ensure that signs show the principal contractor's name and phone number and show the locations of the site office for the project, if any, and are clearly visible from outside the workplace or the work area of the workplace where the project is being undertaken

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- Q9. Name the Regulation and identify the section that outlines the requirements for signage in confined spaces. Briefly describe the requirements.**

Answer	Section of Regulation	Requirements	☐
	QLD WHS Regulation 2011 section 68	A PCBU must ensure that signs are erected immediately before work in a confined space commences during work and in completion of work Signs must identify the confined space, inform workers that they must not enter without a permit and be clearly and prominently located next to each entry.	

Q10. Identify a relevant Code of Practice relating to traffic management safety signage. Briefly describe the requirements.

Answer	Code of Practice name	Requirements	☐
	Traffic Management for construction or maintenance work code of practice 2008	Careful consideration should be given signing the worksite considering: Protection of workers Adequate warning of changes in surface condition and the presence of personnel or plant engaged in work on the Road Adequate instruction of road users and their safe guidance through/around /past the site	

Q11. Identify the Volume and Parts of the NCC that relate to energy efficiency of building fabric for Classes 1 and 10, and Classes 2 to 9.

Answer	Classes 1 and 10	Classes 2 to 9	☐
	Vol 2. Part 3. 12.1	Volume 1. Part J1	

Q12. Which Australian Standard is referenced in the NCC with regards to the requirements for building fabric thermal insulation?

Answer	AS/NZS 4859.1	☐
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Q13. Identify the legislation (Act and/or Regulation) in your region relating to sustainable housing.

Answer

In QLD, refer to the building ACT 1975
Home building Act for NSW



Q14. Identify the legislation (Act and/or Regulation) in your region relating to noise standards when undertaking building work.

Answer In QLD refer to the Environmental Protection Act 1994 section 440R

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Q15. Briefly describe the Local Council requirements with regards to building work noise.

Answer In the Brisbane city council area, fines may occur if noise can be heard during between 6:30am Mon-Sat, and any time on Sun or P'holidays

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Q16. Briefly describe the insurance that a builder must obtain to insure the residential building work over \$10,000.

Answer In QLD, a builder must have home warranty insurance through QBCC for work over \$3,300. It is included as part of the contract and is paid before work begins. Period of 6yrs and 6 months.

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Q17. Identify the legislation (Act name and relevant section) that requires an employer to insure workers in the event of accidents or illness.

Answer In QLD refer to the Workers Compensation and Rehabilitation Act 2003 section 48.

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Q18. To ensure that a legally binding contract exists between yourself and a client, what must exist?

Answer Under common law the following elements must exist:
Offer
Acceptance
Intention to create legal relations
Consideration

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Q19. What federal and state/territory fair trade legislation should be referred to for guidance on the following:

- Consumer transactions (e.g. payment of supplier invoices)
- Issues where the client is unhappy with the work undertaken

Answer

Federal	State or territory
Competition and Consumer Act 2010 (QLD)	Fair Trading Act 1989 (QLD)

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Q20. Identify the legislation (Act name and relevant section) that identifies that an employer is to pay payroll tax.

Answer In QLD, refer to the Payroll Tax Act 1971 (QLD) section 12.

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Q21. Payroll tax is a self-assessed tax on the wages that employers pay to their Queensland employees when the total wages are more than \$_____.

Answer In QLD, as at 2019, the threshold amount is \$21,153.

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Q22. Identify the legislation (Act name and relevant division) that identifies who is required to be registered and who may be registered for Goods and Services Tax (GST).

Answer Should ref A new tax system (GST) Act 1999(ch) division 23.

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Q23. Business owners should register for GST if their business' gross income is more than \$_____.

Answer In Australia as at 2019, the threshold amount is \$75,000.

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Q24. Identify the two legislative Acts that identify the rights and entitlements of contractors.

Answer Independent Contractors Act 2006 (Cth)
Fair Work Act 2009 (Cth)

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Q25. Identify one (1) standardised domestic building contract that may be used for renovation jobs under \$15,000 that do not affect footings or foundations.

Answer In QLD, the following may be used: QBCC level 1 contract, Master Builders QLD Basic works contract , HIA Small Works contract.

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Q26. Identify one (1) standardised commercial building contract that may be used where a lump sum price cannot be established.

Answer In QLD, Master Builders Commercial Cost Plus contract

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Q27. Identify the legislation (Act name and relevant section) that identifies when development under a development approval may start.

Answer In QLD, Planning Act 2016 section 72

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Q28. True or False (Tick your response): The bank lending you money will sometimes have special requirements for progress payments, this may be included as additional clauses in the contract.

Answer

☒	True
☐	False

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Q29. Identify the Parts of the *Fair Work Act 2009* (Cth) that address Awards and Enterprise agreements.

Answer

Awards	Enterprise Agreements
Part 2-3	Part 2-4

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Q30. True or False (Tick your response): Awards set out the minimum wages and conditions an employee is entitled to.

Answer

☒	True
☐	False

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Q31. Identify two (2) awards that may apply to those working in the building and construction industry.

Answer Architects Award 2010, Joinery and Building Trades Award 2010.

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Q32. True or False (Tick your response): When a workplace has a registered agreement the award doesn't apply, but the base pay rate can't be less than that in the award.

Answer

☒	True
☐	False

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Q33. True or False (Tick your response): Award an agreement free employees may have an employment contract.

Answer

☒	True
☐	False

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Q34. True or False (Tick your response): Subcontract companies do not need to comply with your company's policy and obligations.

Answer

☐	True
☒	False

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Q35. Identify the subcontractors who still need to hold a licence.

Answer

In QLD a licence must be held for plumbing, drainage, gasfitting, termite management, fire protection and where work is for a completed building inspection

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Q36. List two (2) proactive measures that may be taken to ensure discrimination and harassment are not practiced in the workplace.

Answer

Having a strong and unambiguous equal opportunity policy.
Ensuring everyone understand the policy
Establishing a process for resolving complaints

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Q37. Identify the section of the *Racial Discrimination Act 1975 (Cth)* that identifies that racial discrimination is unlawful. Briefly explain the section.

Answer

Section of Act	Requirements
Section 9	Direct discrimination: It is unlawful for a person to do any involving a distinction , exclusion, restriction or preference based on race, colour, descent or national or ethnic origin. Indirect discrimination: It is unlawful if a person is to comply with a term, condition or requirement which is not reasonable, they cannot comply, and the requirement comply is based on race, colour, descent or national or ethnic origin.

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Q38. Identify the section of the *Sex Discrimination Act 1984 (Cth)* that identifies that sexual harassment is unlawful. Briefly explain the section.

Answer

Section of Act	Requirements
Section 28A	A person sexually harasses another person if: The person makes an unwelcome sexual advance, or an unwelcome request for sexual favours to the person harassed or Engages in other unwelcome conduct of a sexual nature. Which a reasonable person would have anticipated the person harassed would be offended, humiliated or intimidated.

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Q39. Identify the legislation (Act name and relevant section) that identifies the wages and employment conditions for apprentices and trainees.

Answer In QLD refer Industrial Relations Act 2016 section 135

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Q40. True or False (Tick your response): An apprentice or trainee is not entitled to the same employment conditions as other employees in the workplace.

Answer

☐	True
☒	False

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Q41. Identify the legislation (Act name and relevant section) that requires consultation with workers on matters relating to work health or safety.

Answer In QLD refer to the WHS Act 2011 section 47

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Q42. List three (3) ways that reference material on industrial relations or legal information may be made available to employees.

Answer Electronic communication, meetings, newsletters

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Q43. Which of the following are good processes for addressing disputes? Tick all that apply.

Answer

Choice	Possible Answers
☒	Act quickly
☒	Discuss options for fixing the problem
☒	Follow up with the customer
☒	Get all the facts
☒	Keep your promises
☒	Listen to the complaint
☒	Record details of the complaint

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Q44. When handling a dispute, what document should you refer to for details on the obligations of each party to an agreement?

Answer Contract

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Q45. Which of the following should be addressed in a company's policy for handling customer complaints? Tick all that apply.

Answer

Choice	Possible Answers
☒	Explanation of how to make a formal complaint
☒	Information about commitment to continuous improvement
☒	Some of the solutions offered to resolve complaints
☒	Steps to be taken in discussing, addressing and resolving complaints

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Q46. True or False (Tick your response): Dispute resolution procedures should be based on company policies.

Answer

☒	True
☐	False

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Q47. What are the benefits of documenting disputes and their outcomes?

Answer It will help you identify any trends or issues. It can providing guidance on solutions for future disputes.

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Q48. True or False (Tick your response): You should keep records of all complaints in one central place or register.

Answer

☒	True
☐	False

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