

CPCBC4009

APPLY LEGAL REQUIREMENTS TO BUILDING AND CONSTRUCTION PROJECTS

ASSESSMENT SUMMARY

The assessment activities for *CPCBC4009 Apply legal requirements to building and construction projects* cover all aspects of the unit of competency. For Apprentices/Trainees, this includes supervisor completion of the Apprentice/Trainee Record (ATR).

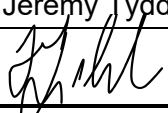
Participants must read all the information given before starting any assessment task. The assessment tasks are intended to be fair, flexible, valid and reliable. If a Participant has any questions or requires alternative arrangements to be made such requests should be directed to their Trainer/Assessor, 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	Jeremy Tydd
Participant signature	

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

☐ Not applicable

Task	Date completed	Assessment Results	
Theory Exam		☐ Satisfactory	☐ Not Satisfactory
Workbook		☐ Satisfactory	☐ Not Satisfactory
Practical Assessment		☐ Satisfactory	☐ Not Satisfactory
Outcome for CPCBC4009		☐ Competent	☐ Not Yet Competent

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

- | | |
|--|--|
| ☐ Theory Exam
☐ Workbook
☐ Practical Assessment
☐ Builder registration & licencing requirements | ☐ HR list of qualifications, competencies and licences
☐ Workplace procedures and workplace safety requirements adapted to site
☐ Workplace subcontractor agreements and Awards
☐ dispute resolution record |
|--|--|

Assessor name	
Assessor signature	

CPCBC4009

APPLY LEGAL REQUIREMENTS TO BUILDING AND CONSTRUCTION PROJECTS

THEORY EXAM

Participant name	Jeremy Tydd
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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 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 insurance and the purpose that builders or building companies need to organise them.

Answer

Insurance	Purpose/requirement
Workers compensation	Insurance for workers who have been injured at work doing there job.
Contract/Construction Works insurance	Insurance for materials left on site through out the constraction build
Public liability	To protect people who have been injured by falt of the company
Professional indemnity	To protect a business from the cliens
Commercial Motor Vehicle	To Insure the companys vehicles



- Q2. 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

☐

Let work cover queensland know about the incident.

Start the clam process once you have spoken with the worker.

- Q3. Discuss the different contracts a builder or building company must organise before beginning a residential or commercial construction project. What are the legal requirements for such contracts?**

Answer

☐

Must have a contract when more than \$3300

Q4. What can occur if a building contractor in Queensland doesn't use a written contract for domestic building work priced over \$3,300?

Answer

☐

If not done correctly it can result in a fine and may even result in demerit points put on your licence.

Q5. Following a recruitment process, you have found a suitable new apprentice. What is required to begin the apprenticeship?

Answer

☐

get in contact with an Apprenticeship support network and talk through all of the requirements needed to start the process.

Q6. The construction project must comply with the National Construction Code (NCC). What does this mean?

Answer

☐

Everything must be built to standard using the correct materials

Q7. Describe how builders ascertain construction activity restrictions, limitations and conditions from building approvals and permits for the project.

Answer

☐

All permits and approvals should be completed before works are started
insuring to protect the environment and comply with local government requirements.

Q8. Discuss why builders should keep and maintain records of subcontractors, site supervisors and managers qualifications, competencies, and licences.

Answer

☐

To help insure the person complting the job has the correct training

Q9. What can occur if a builder fails to adhere to environmental and waste management legislation?

Answer

☐

My result in an environmental audit my take place.

Q10. Why would the builder change/adapt workplace procedures and workplace safety requirements at a new site?

Answer

☐

It should be changed to suit the individual job site and the conditions.

Q11. Discuss strategies to apply that ensure all workers are inducted, informed, and regularly updated of their on-site safety responsibilities.

Answer

☐

Employees must be inducted before starting a job/project including checking to make sure everyone has the correct tickets and training.

Q12. The apprentice has come to you complaining about other workers who are discriminating against them and bullying them on site. You have decided to do nothing about it, as you think it is all just fun. Does this response meet the legislated requirements? Explain your response.

Answer

☐

No, you must have a meeting with the staff and keep records to make sure this changes.

Q13. Describe how you deal with client complaints.

Answer

☐

Listen to what they have to say and get them to send it to you in a email so you can go back on it and resolve the issues.

CPCBC4009

APPLY LEGAL REQUIREMENTS TO BUILDING AND CONSTRUCTION PROJECTS

WORKBOOK

Participant name	Jeremy Tydd
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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.

For the following activities, name which state/territory the building activity you are involved in is based or located.

State/Territory	QLD
------------------------	-----

ACTIVITY 1

Access and review your state/territory's builder registration and licensing requirements and answer the following questions.

a) Who is the authority or regulatory body overseeing builder registration and licensing in your state/territory?

Queensland building and construction commission.

b) What builder licenses are available in your state/territory? Identify all the main types of builder licenses in your state/territory.

low rise
medium rise
open

c) Outline the general registration process for getting a builder license in your state/territory. Include in your response the documents and fees required for the registration

3 Referee reports
cirt 4 in building and construiction

**Satisfactory
Outcome**



ACTIVITY 2

Access and review your state/territory's Construction Code of Practice and answer the following questions.

If your state/territory does not have a specific code of practice for general construction work, refer to the 'Model Code of Practice: Construction work practice' located at Safe Work Australia.

a) How can you apply this code of practice in general building and construction work?

In a perstare meeting whith all involved in the job you can find out the riskes and hazards involved before even starting and this allows you to put things in place to reduce hazards as the pcbu

b) List the processes that are undertaken as part of managing the risks in construction work as outlined in your state/territory's code of practice.

Assessing risks involved
maintaining recordes
identifying hazards

c) Based on the code of practice you accessed, provide one example of work health and safety consultation with workers that can be done in building and construction work.

The PCUU and consult with contractors on site such as painter,plummers,concreters to insure that everone understands there work place health and safty duities are meet.

Satisfactory
Outcome



ACTIVITY 3

Access and review the relevant websites to answer the questions below:

- a) registering and naming your business including how to get an ABN/CAN
- b) the relevance of Fair Work legislation to businesses
- c) Building and Construction General On-site Award [MA000020]

a) How do you register for a business or trading name and ABN/ACN?

Type into google how to register a business in qld and click on register.business.gov.au
contact Asic

b) Provide one (1) example of how Fair Work legislation impacts building and construction projects.

This entitles full time worker to annual leave and sick pay and all shift workers to a roster.

c) What does the 'Building and Construction General On-site Award' outline?

outlines minimum pay rates and entitlements for workers

Satisfactory
Outcome



ACTIVITY 4

Access and review relevant websites to answer the questions below regarding your workplace taxation requirements:

a) **Where can you access information regarding managing worker taxation requirements?**

ATO

b) **Who needs to apply for a director identification number .**

A person who is a director of a company

c) **What circumstances require your business to lodge a 'Taxable payments annual report'? (TPAR)?**

If you run a business in the construction industry you must lodge a TPAR

d) **How do building and construction businesses use PAYG withholding?**

They collect payments as they go to send to the ATO as part of PAYG

e) When should a contractor register for GST. Provide two (2)

When the business has a GST turnover more than \$75 000
Non profit more than \$150 000

f) List three (3) financial transactions that the Australian Taxation Office (ATO) considers construction expenditures.

Materials
phone
fees

**Satisfactory
Outcome**



ACTIVITY 5

Access websites relevant to your workplace and explain the role of WHS in your chosen workplace, by developing a report in the following structure:

1.0 INTRODUCTION

- Outline the background of your workplace and the objectives and principles underpinning WHS legislation the workplace must adhere to

2.0 WHS REGULATOR

- Identify the WHS regulator that applies to your company
- Explain the functions and powers of the WHS regulator and how they are exercised

3.0 COMPLIANCE

- Explain how policies, procedures, processes and systems are developed and changed to maintain compliance
- Explain how workers and PCBU are assessed and monitored for WHS compliance with legislation and how these findings are reported and documented
- Identify ways in which workers' and PCBU's WHS training needs are assessed
- Identify how the workplace provides support for workers' and PCBU's training needs

4.0 CONCLUSION

- Explain the importance of WHS to your company
- Identify that workers and PCBUs have varying WHS duties, rights and obligations under the legislation
- Express the importance of maintaining compliance and addressing training needs

TIPS:

- Use the report template (provided on the next page) and elaborate on the points above.
- Write in simple English. Remember that people from a range of backgrounds and abilities would be reading this document, such as workers, health and safety committees, health and safety representatives, managers, supervisors, and PCBUs or their officers.
- Be sure to refer specifically to the legislation using section numbers, so that the reader could refer to the legislation for more information if they wanted to.

1.0 INTRODUCTION

building company
must comply with WHS legislations as per the act

2.0 WHS REGULATOR

Work place health and safety Queensland is in charge for continuously improving the safety and work place injuries.

3.0 COMPLIANCE

The work place needs to take responsibility for having systems and processes in place to meet their obligations and provide their workers with the correct training.

4.0 CONCLUSION

The work place needs to take responsibility to upskill their workers and make sure they have the correct tickets to be able to do their job safely and correctly.

Satisfactory
Outcome



ACTIVITY 6

Access and review relevant websites to answer the question below relating to building and construction projects and obligations to environmental protection.

a) **Discuss environmental protection laws, and the effect these have on building and construction projects. Provide two (2) examples.**

These laws are in place to protect our environment for the future they include
All water ways must be protected from run off
you must recycle where possible and keep noise to a controlled environment

**Satisfactory
Outcome**



CPCBC4009

APPLY LEGAL REQUIREMENTS TO BUILDING AND CONSTRUCTION PROJECTS

PRACTICAL ASSESSMENT

Participant name	Jeremy Tydd
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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		☐ 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
1.1B.	Specify how builder registration and licencing requirements and limitations were determined:
1.1C.	Specify the type of building and construction project being undertaken.
1.1C. 1.1D.	Specify Acts and regulations accessed to confirm legal requirements relating to the project.
1.1E.	Specify who was contacted regarding building permits and approvals and limitations.
1.1G.	Specify how sustainability, environmental & waste management requirements were determined:
1.2C. 1.4B.	Specify (✓) strategies applied to keep workers updated on on-site safety and responsibilities. ☐ Site induction ☐ Daily safety meetings before work begins ☐ Tool box talks ☐ Memo boards at site office ☐ External fire and first aid training ☐ External apprentice training ☐ Other (please specify):

ASSESSOR COMMENTS: PRACTICAL TASK 1:	
1.3A.	Specify how it was confirmed that legal requirements were met during contract writing of both building contract and subcontractor contracts.
1.3C.	Specify how insurance policy currency was confirmed, including workers compensation.
1.3D. 1.4A.	Specify payroll system administered.
1.3E.	Specify how financial transactions were made.
1.4C.	How was information regarding discrimination and harassment shared with workers and contractors.
1.5A.	Specify two (2) workplace disputes resolved according to workplace policy and procedure.
1.5B.	Specify two (2) complaints addressed promptly and resolved with best solution for all.

CPCCBC4009

APPLY LEGAL REQUIREMENTS TO BUILDING AND CONSTRUCTION PROJECTS

Practical Task 1

Description of task:

The participant must demonstrate the skills and knowledge required for applying legal requirements to one (1) residential or commercial building and construction project. The participant must be a contributing part of the team, before and during construction, researching and applying legislated and quality requirements applicable to the project, including:

- Identify legislation relating to the construction project
 - Determine class of building and builder registration and licencing requirements and limitations
 - Determine legal requirements from relevant Acts and regulations appropriate to the type of building and construction project.
 - Confirm legal requirements for building contracts, construction insurance, industrial relations obligations and payroll systems are met.
 - Determine building permits and approvals have been sought and determine any construction activity restrictions, limitations and conditions that must be met.
 - Confirm and document subcontractors, site supervisors, manager and workers qualifications, competencies and licences are current and meet legislated requirements.
 - Determine sustainability, environmental & waste management requirements relevant to the site.
 - Read codes of practice for construction work to confirm WHS legislated requirements are met.
- Apply site safety requirements
 - Apply all the relevant requirements of WHS regulations that apply to the project.
 - Adapt existing workplace procedures and workplace safety requirements to align with the project.
 - Apply induction and other strategies to keep workers updated on on-site safety responsibilities.
- Apply legal requirements
 - Adhere to state or territory laws and regulations, and fair trading legislation while organising contracts.
 - Adhere to contract agreements and meet all the conditions during construction of the project.
 - Confirm the currency of all mandatory building, subcontractor and workers compensation insurance to ensure sufficient and legislated insurance in place to cover workers, materials and building.
 - Administer payroll system which incorporates employee and contractor payments, deduction of taxes, including goods and services tax (GST), tracking of transactions and calculating wages.
 - Make financial transactions correctly to pay supplier invoices and other required payments.
 - Apply building and construction standards and codes during construction.
- Apply industrial relations
 - Ensure workplace and subcontractor agreements and Awards are current, meet industrial relations requirements and are complied with.
 - Organise and provide agreed training to workers and apprentices as required.
 - Provide information on discrimination & harassment to workers and monitor for positive actions.
- Resolve disputes and complaints
 - Apply workplace dispute resolution processes.
 - Address complaints promptly, consult with complainant and resolve issue with the best solution for all.
 - Record dispute outcome and maintain documentation.

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:

Workplace, Building project, Access to internet/ intranet; workplace policies and procedures, contract templates/documents; site documents; site diary; schedule; Insurance documents; payroll software or system including PAYG components; HR resources including employment agreements, Awards, Training agreements; Dispute resolution policies and procedures.

Practical Task 1	
Observer details	
Name of observer:	Ayden Cooper
Role of observer (Confirm suitability to sign)	Supervisor /builder
Email address of observer	admin@cooperconstructionsandrenovations
Signature of observer:	
Date:	02-09-24

When completing the task, did the Participant:	Tick if satisfactorily completed. Provide comments if left unticked.
1 Identify legislation relating to the construction project.	
1.1A. Access NCC and correctly determine the class of building for the project.	✓
1.1B. Confirm current builder registration and licencing requirements. (Attach screenshot or document)	✓
1.1C. Determine legal requirements from relevant Acts and regulations appropriate to the type of building and construction project.	✓
1.1D. Confirm legal requirements for building contracts, construction insurance, industrial relations.	✓
1.1E. Determine building permits and approvals have been sought and determine any construction activity restrictions, limitations and conditions that must be met.	✓
1.1F. Confirm and document subcontractors, site supervisors, manager and workers qualifications, competencies and licences are current and meet legislated requirements. . (Attach screenshot or document).	✓
1.1G. Determine sustainability, environmental & waste management requirements relevant to the site.	✓
1.1H. Read codes of practice for construction work to confirm WHS legislated requirements are met.	✓
2 Apply site safety requirements.	
1.2A. Apply all the relevant requirements of WHS regulations that apply to the project.	✓
1.2B. Adapt existing workplace procedures and workplace safety requirements to align with the project. (Attach copy of documents adapted to suit site)	✓
1.2C. Apply induction and other strategies to keep workers updated on on-site safety responsibilities.	✓
3 Apply legal requirements	
1.3A. Adhere to requirements for contracts – including common law, state or territory laws and regulations and fair trading legislation.	✓
1.3B. Adhere to contract agreements and meet all the conditions during construction of the project.	✓
1.3C. Confirm the currency of all mandatory building, subcontractor and workers compensation insurance to ensure sufficient and legislated insurance in place to cover workers, materials and building.	✓
1.3D. Administer payroll system which incorporates employee and contractor payments, deduction of taxes, including goods and services tax (GST), tracking of transactions and calculating wages.	✓
1.3E. Make financial transactions correctly to pay supplier invoices and other required payments.	✓

When completing the task, did the Participant:	Tick if satisfactorily completed. Provide comments if left unticked.
1.3F. Apply building and construction standards and codes during construction.	✓
4 Apply industrial relations.	
1.4A. Ensure workplace and subcontractor agreements and Awards are current , meet industrial relations requirements and are complied with. (attach screenshot or copy of Agreement/Award)	✓
1.4B. Organise and provide agreed training to workers and apprentices as required.	✓
1.4C. Provide information on discrimination & harassment to workers and monitor for positive actions.	✓
5. Resolve disputes and complaints.	
1.5A. Apply workplace dispute resolution processes.	✓
1.5B. Address complaints promptly, consult with complainant and resolve issue with the best solution for all.	✓
1.5C. Record dispute outcome and maintain documentation. (attach screenshot or copy of record)	✓

