CPCCBC4009B
APPLY LEGAL REQUIREMENTS TO BUILDING AND CONSTRUCTION PROJECTS
ASSESSMENT SUMMARY

The assessment activities for *CPCCBC4009B Apply legal requirements to building and construction projects* cover all aspects of the unit of competency required. To demonstrate competence in this unit, a participant must undertake all tasks and complete them satisfactorily and consistently. For Apprentices and Trainees, this includes employer completion of the Employer Record Book (ERB).

Participants must read all the information given before starting any assessment task. The assessment tasks are intended to be equitable, fair and flexible. 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 some questions or perform some tasks, they will be deemed 'Not Satisfactory' for the task and 'Not Yet Competent' for the unit of competency. The Trainer/Assessor is able to provide the participant with additional information on interpreting the assessment outcomes and provide guidance on the participant's options. Should a participant still be deemed 'Not Satisfactory' they will have the opportunity to undertake a supplementary assessment or appeal the result.

By signing the cover page for each assessment item, the participant acknowledges they understand the assessment instructions and requirements and consent to being assessed. The participant also verifies and assures the RTO that the work submitted is their own work.

Participant Name	Mellissa Parsons

Task	Assessment Results	
Theory Exam	☐ Satisfactory	☐ Not Yet Satisfactory
Practical Assessment	☐ Satisfactory	☐ Not Yet Satisfactory
Outcome for Unit of Competency	☐ **Competent**	☐ **Not Yet Competent**

Assessor Name	
Assessor Signature	
Unit Competence Determination Date	Click here to enter a date.

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THEORY EXAM INSTRUCTIONS

- This exam will occur under standard assessment conditions.
  - An oral examination may be allowed under certain circumstances, whereby the Participant's answers will be documented by a party other than the Participant. This must be acknowledged in writing (e.g. FT001 and Assessor Comments)
- 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.
- Assessors are to complete marking in pen of a different colour to the Participant.
- 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: Mellissa Parsons

Participant signature:

Date: 18/06/2021

Assessor name:

Assessor signature:

Date: Click here to enter a date.

Number of questions	Number of questions answered correctly	Task outcome (Tick)	
48		Satisfactory	Not Yet Satisfactory
		☐	☐

ASSESSOR COMMENTS

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

Answer

Queensland Building and Construction Act 1991 (QLD)

Queensland Building Services Authority Regulation 2003

☐

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
Builder - Open Div 3, Sched 2, Part 6, 1-5 Queensland Building Services Authority Regulation 2003	Building work on all classes of buildings Prepare plans & specifications that are for For licensee's personal use For building work being performed by the licensee

☐

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
Division 3, schedule 2, part 4 Builder – low rise Queensland Building Services Authority Regulation 2003	Complete cert IV in building and construction (building) BCG40106 Complete BCGBC4001A, 4007A, 4008A, 4009A, 4010A, 4011A, 4012A, BSBFLM404A

☐

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
Queensland Building Services Authority Regulation 2003 Division 3, schedule 2, Part 17 Concreting Licence	An approved managerial qualification (a course provided by a registered training organisation)

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
Work Health and Safety Act 2011 Part 2 Division 2 Section 19	It is the responsibility of the person or business to ensure that the health & safety of other persons is not put at risk during duties being undertaken To ensure that a safe work place is un place Ensure there are adequate facilities are made available to all workers

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
Work Health and Safety Act 2011 Part 2 Division 4 Section 28	While at work a worker must Take responsibility of their own health and safety Take reasonable care to not put others health and safety at risk Comply with reasonable instructions that comply with the act

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
Work Health and Safety Regulation 2011 Chapter 6 Part 6.3 Division 2 #299-303 & 312	It is the responsibility of the person or the business conducting the work to ensure SWMS are prepared, submitted and approved. SWMS must identify the work, State any hazards relating to the work along with risk to health and safety. Describe measures to control risk. How measures will be implemented and monitored. SWMS must be reviewed regularly Stored on site readily available Signed by all people undertaking the works

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
Work Health and Safety Regulation 2011 Chapter 6 Part 6.4 Division 2 Section 308	The principal contractor must ensure site signage is erected It must clearly identify the principal contractor and details for after hours Show location of the site office Be clearly visible from the outside of the workplace

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
Work Health and Safety Regulation 2011 Chapter 4 Part 4.3 Division 3 Section 68	The person or the business conducting the works must ensure signage is erected Must be immediately before and during works Must identify confined space Inform workers not to entre space unless have a confined space permit Be clear and located next to each entry point to space

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	Identify the hazards Ensure all workers are qualified Prepare traffic management plan Inspecting signage before shift Maintain signage Ensure training up to date Keep records of daily activities

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
Volume 2 Part 2.6 and part 3.12	Volume 1 Section J Part J0

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

Answer AS / NZ 4859 part 1 & 2

Q13. **Identify the legislation (Act and/or Regulation) in your region relating to sustainable housing.**

Answer Queensland Development Code MP4.1 sustainable buildings

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

Answer

Queensland
Environmental Protection (Noise) Policy 2019

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

Answer

Townsville City Council
Building Noise permitable Monday – Saturday 630am to 630pm
No building noise Sundays or public holidays
Plant to be well maintained and have a good muffler installed

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

Answer

Home warranty insurance (QLD)
Public liability

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

Answer

Workers Compensation and Rehabilitation Act 2003 (Queensland)

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

Answer

An offer
Acceptance
Intention by both to create legal relations
Consideration
Both parties sign

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

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

Answer

Payroll Tax Act 1971
Part 2 liability to taxation
Section 12

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

$25,000 a week in Australian taxable wages

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

A new tax system (Goods and Services Tax) Act 1999
Volume 1
Chapter 2
Part 2.5

☐

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

Answer

$50,000

☐

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

Answer

The Independent Contractors Act 2006
Fair Work Act 2009

☐

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

QBCC
Level 1 Renovation, Extension and Repair Contract

☐

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

Answer

Master Builders
Commercial Cost Plus Contract

☐

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

Answer

Queensland Planning Act 2016
Part 5
Division 1
Section 72

☐

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

☐

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

Answer

Awards	Enterprise Agreements
Chapter 2 Part 2-3	Chapter 2 Part 2-4

☐

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

Answer

☑	True
☐	False

☐

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

Answer

Building and Construction General on site award (MA000020)
Plumbing and Fire Sprinklers Award (MA000036)

☐

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

☐

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

Answer

☑	True
☐	False

☐

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

Answer

☐	True
☑	False

☐

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

Answer

Plumber
Gasfitter
Termite Management – Chemical
Fire Protection

☐

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

Answer

Strong & Unambiguous equal opportunity policy

Training

☐

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
Part 11 9	A person cannot do any act that will exclude or restrict someone due to colour, ethic origin, decent or nationality

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
Part 11 Division 3 28B	It is unlawful for someone to sexually harass anybody

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

Answer

Industrial Relations Act 2016
Chapter 2
Part 5

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

☐

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

Answer

Work Health and Safety Act 2011
Part 5
Division 2

☐

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

Answer

Electronic Communications
Training Sessions
Face to Face Meeting

☐

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

☐

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

Answer Contract ☐

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

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

Answer ☐

☑	True
☐	False

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

Answer ☐

Understand the problem
Identify trends or issues

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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PRACTICAL ASSESSMENT INSTRUCTIONS

- The following practical assessment will require the Participant to complete work related activities.
- The Assessor will conduct observations of the Participant's work to determine whether they display sufficient practical skills and knowledge.
- Please fill in the details below – providing your name, signature and date of assessment.
  - The Participant's signature acknowledges that the Assessor provided clear instructions and the Participant understood what was required to complete this assessment.
- The Assessor may substitute a Practical Task with an alternate task of equal value.
  - Alternate tasks must be fully documented by the assessor in the Assessor Comments area.

Participant name: Mellissa Parsons

Participant signature:

Date: 18/06/2021

Assessor name:

Assessor signature:

Date: Click here to enter a date.

Task	Task outcome (Tick)	
	Satisfactory	Not Yet Satisfactory
Task 1 (Occasion 1)	☐	☐
Task 1 (Occasion 2)	☐	☐

ASSESSOR COMMENTS

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Practical Task 1 (2X)

Description of task:
On two (2) occasions, a suitable observer is to verify the participant's ability to apply legal requirements to building and construction projects:

- Occasion 1: Residential buildings
- Occasion 2: Low rise commercial buildings (Class 1 and 10 construction and Classes 2 to 9 with a gross floor area not exceeding 2000 square metres, not including Type A or Type B construction)

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. Evidence to be submitted may include:

- Copies of any licences
- Business insurance Certificates of Currency
- A copy of a WHS Policy
- A copy of an Environmental Policy
- If an employer - copies of employee records, apprenticeship papers
- Sub-contractor agreements or a copy of a sub-contract
- A copy of a Business Activity Statement
- A copy of a business tax invoice that references relevant legislation
- A copy of a Dispute Resolution Procedure or documentary evidence of a dispute

The observer is to provide detailed comments on the tasks completed by the participant. The assessor is to verify the observer's comments in the Assessor Comments section, and provide the Practical Assessment outcome on the front cover of this document.

Resources required:
Computer, Telephone, Building Contract.

Assessment of task

Name of participant:	Melissa Parsons
Name of observer:	Daniel Ogden
Role of observer (Confirm suitability to sign)	Senior Contracts Administrator
Email address of observer	dogden@rcq.net.au
Signature of observer:	
Date:	Click here to enter a date.

When completing the task, did the participant:	**Tick if satisfactorily completed. Provide comments if left unticked.**	
	1st Occasion	**2nd Occasion**
1 Legal obligations		
1.1A. Research and apply licensing or registration legislation relevant to the region, including classifications for builders, supervisors and managers.	☐	☐

1.1B.	Research, apply and monitor safety legislation and regulations applicable to on-site construction, including site safety signage requirements.	☐	☐
1.1C.	Research and apply codes, Acts, regulations, by-laws and standards applicable to: • Construction of the particular building project • Insurance • Sustainability • Environmental matters	☐	☐
1.1D.	Set up and administer financial systems in compliance with legislation, including: • Payroll, including payment of wages, and subcontractor and supplier invoices • GST systems in compliance with legislation	☐	☐
1.1E.	Meet building contract obligations through: • Observing common law principles, legislation, regulations, fair trading requirements • Selecting the correct form of contract for the project • Carrying out the work in accordance with contractual obligations • Meeting contractual conditions, including communicating with local or regulatory authorities on matters regarding approvals and financial matters	☐	☐
	2 Industrial relations obligations		
1.2A.	Research and apply relevant industrial relations policies and obligations, referring to relevant authorities	☐	☐
1.A.	Identify and contract subcontract companies that comply with company policy and obligations.	☐	☐
1.2B.	Apply relevant awards to contracts.	☐	☐
1.2C.	Use workplace agreements in accordance with company policy.	☐	☐
1.2D.	Take proactive measures to ensure discrimination and harassment and not practiced in the workplace, referring to anti-discrimination and equal employment opportunity legislation.	☐	☐
1.2E.	Identify and apply provisions of training agreements.	☐	☐
1.2F.	Make available to employees any reference material on access to industrial relations or legal information.	☐	☐
	3 Dispute resolution processes		
1.3A.	Apply organisational dispute resolution processes.	☐	☐
1.3B.	Deal with customer complaints according to company policy.	☐	☐
1.3C.	Document disputes, recording and maintaining outcomes.	☐	☐
1.3D.	Effectively communicate using the following methods: • Language/concepts appropriate to cultural differences • Non-verbal communication • Written skills – using memo, letter, facsimile or email	☐	☐
	The participant's performance was: ☐ Satisfactory ☐ Not Satisfactory		

OBSERVER COMMENTS

Mellissa was unable to undertake the practical tasks of this module.

Mellissa's teacher emailed her the scenario package for this module which Mellissa has completed activities 1 & 2 as requested by her teacher.

Mellissa has done all works on her own and researched all Act's / Codes and Regulations on her own very well to answer the theory questions.

Part of Mellissa's role within RCQ is to ensure that subcontractors QBCC licences and insurances are current and relevant to the works being undertaken.

Mellissa is very aware of the BIF Act requirements when processing progress claims from subcontractors.