

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	UAA Darshika
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Theory Exam	☐ Satisfactory	☐ Not Yet Satisfactory
Practical Assessment	☐ Satisfactory	☐ Not Yet Satisfactory
	☐ Competent	☐ Not Yet Competent

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

CPCBC4009B

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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.

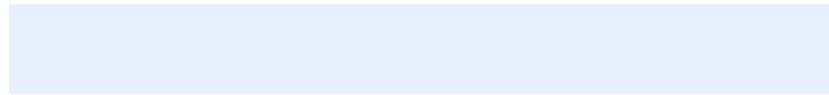
Participant name UAA Darshika

Participant signature *Darshika*

Date 13/01/2021

Assessor name Myles Walder

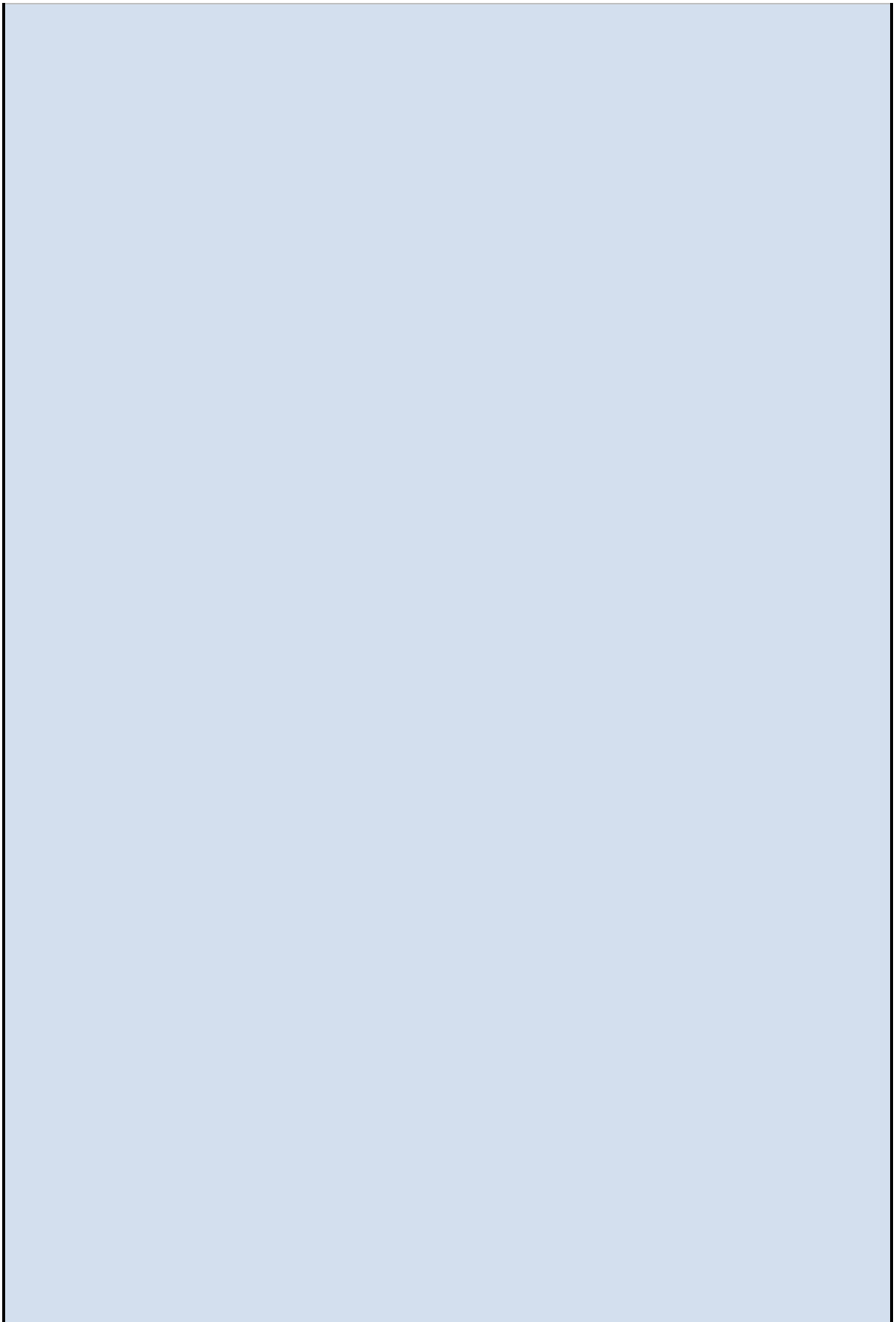
Assessor signature



Date [Click here to enter a date.](#)

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

ASSESSOR COMMENTS



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

Answer

Queensland legislation



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
The Queensland Building and Construction Commission (Qld) - Builder - Low rise	■ Building work on a class 1 or class 10 building ■ Building work on classes 2 to 9 buildings with a gross floor area not more than 2000m², but not including Type A or Type B construction ■ Building work that consists of non structural work on a building, regardless of— ■ the class of the building; or ■ the gross floor area of the building ■ Prepare plans and specifications if the plans and specifications are: ■ for the licensee's personal use, or ■ for use in building work to be performed by the licensee personally.



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
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– Queensland Building and Construction Commission Act 1991 sections 43A and 43C - Builder – Low rise	i. Apply building codes and standards to the construction process for low rise building projects CPCCBC4001A ii. Manage occupational health and safety in the building and construction workplace CPCCBC4002A iii. Plan building or construction work CPCCBC4007A iv. Conduct on-site supervision of building and construction projects CPCCBC4008A v. Apply legal requirements to building and construction projects CPCCBC4009A vi. Apply structural principles to residential low rise constructions CPCCBC4010A vii. Apply structural principles to commercial low rise constructions CPCCBC4011A viii. Read and interpret plans and specifications CPCCBC4012A ix. Apply site surveys and set-out procedures to building and construction projects CPCCBC4018A x. Promote team effectiveness BSBWOR402A
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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
Queensland building and construction commission - Builder Project Management Services	■ Provide any of the following for a consumer or a principal, for all classes of building work: ■ administration services ■ advisory services ■ management services, other than coordinating the scheduling of building work by building contractors, including as agent for another person. ■ If appointed as a superintendent* under the contract, you can perform the following functions: ■ administer the contract on behalf of a principal for the contract ■ certify timing, quality and cost matters under the contract.



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 - Queensland - Primary duty of care (section 19)	As part of the primary duty of care, a PCBU must monitor workplace safety during on-site construction for the purpose of preventing illness or injury of workers. The WHS Act requires all PCBUs to ensure the health and safety of workers, so far as is reasonably practicable. Workers include volunteers, contractors and contractors' workers. PCBUs also have a duty of care to any other people who may be put at risk from work carried out by the business or undertaking. A self-employed person must ensure his or her own health and safety while at work, so far as is reasonably practicable.



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 Queensland - (section 28)	• Take reasonable care for their own health and safety • Take reasonable care that their conduct does not adversely affect the health and safety of others • Comply, so far as they are reasonably able with instructions • Cooperate with reasonable health and safety policies or procedures that have been notified to workers.



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 - Part 6.3 - Division 2 - Section 300	(1)A person conducting a business or undertaking that includes the carrying out of high risk construction work must put in place arrangements for ensuring that high risk construction work is carried out in accordance with the safe work method statement for the work. Maximum penalty—60 penalty units. (2)If high risk construction work is not carried out in accordance with the safe work method statement for the work, the person must ensure that the work— (a)is stopped immediately or as soon as it is safe to do so; and (b)resumed only in accordance with the statement. Maximum penalty—60 penalty units.



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 - Part 4.3 - Division 3 - Section 68	(1)A person conducting a business or undertaking must ensure that signs that comply with subsection (2) are erected— (a)immediately before work in a confined space commences and while the work is being carried out; and (b)while work is being carried out in preparation for, and in the completion of, work in a confined space. Maximum penalty—36 penalty units. (2)The signs must— (a)identify the confined space; and (b)inform workers that they must not enter the space unless they have a confined space entry permit; and (c)be clear and prominently located next to each entry to the space.



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 - Part 4.3 - Division 3 - Section 68	(1)A person conducting a business or undertaking must ensure that signs that comply with subsection (2) are erected— (a)immediately before work in a confined space commences and while the work is being carried out; and (b)while work is being carried out in preparation for, and in the completion of, work in a confined space. Maximum penalty—36 penalty units. (2)The signs must— (a)identify the confined space; and



	(b)inform workers that they must not enter the space unless they have a confined space entry permit; and (c)be clear and prominently located next to each entry to the space.
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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	(i) Signs and devices shall be appropriate to the conditions at the worksite, and shall be used in accordance with the MUTCD Part 3, unless a risk assessment by a competent person indicates that an alternative arrangement is satisfactory. (ii) Signs and devices shall be erected and displayed before work commences at a worksite. (iii) Signs and devices shall be regularly checked and maintained in a satisfactory condition. (iv) Signs and devices shall be removed from a worksite as soon as practicable. However, appropriate signs should remain in place until all work (including loose stone removal and line marking following bituminous surfacing) has been completed. (v) Records shall be kept of all work's signing and delineation at roadway or part-roadway closures.



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
NCC volume two - 8 Part 3.12.1	NCC volume one - 11 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



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

Answer

Building Regulation 2006



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

Answer

Environmental Protection Act 1994



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

Answer

Brisbane city council



Building work noise applies to owner-builders and any person other than the residential occupier of a premise carrying out any of the below activities at the residence:

- building, repairing, altering, underpinning, moving or demolishing a building
- providing air conditioning, drainage, heating, lighting, sewerage, ventilation or water supply for a building
- excavating, filling or retaining work in conjunction with building work
- installing or removing scaffolding.

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

Answer

Home warranty insurance -

As part of the building process, the contractor pays a premium to us to insure the construction. The amount is included as part of your contract, and is paid before work begins.



It may protect you where:

- a licensed contractor does not complete the contracted residential construction work and you have terminated the contract
- the contractor fails to rectify defective work
- the building suffers from subsidence or settlement

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



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

Answer

There are four (4) essential elements necessary for legally binding contract formation:

- An offer by Party 1
- Acceptance by Party 2
- An intention by both parties to create legal relations (i.e. more than just a friendly agreement, as legal consequences may result from a failure to meet the obligations of the contract)
- Consideration (e.g. money in exchange for goods/services)



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(Cth)	Fair Trading Act 1989(Qld)



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

Answer

Payroll Tax Act 1971 (Qld)



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

(Goods and Services Tax) Act 1999 (Cth)

☐

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

Answer

\$75 000 or more

☐

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)

☐

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

Small Works Contract

☐

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

Answer

Commercial Cost Plus contract

☐

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

Answer

Planning Act 2016 Part 5 Development approvals Division 1 Effect of development approval 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

☐

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

Answer

Awards	Enterprise Agreements
Part 1-3 - Section 29 Part 2-1 - Division 3, Subdivision B Part 2-2 - Section 63, 93, 101, 118, 126, 127 Part 2-3 - section 134, Division 3, Subdivision B, Subdivision C, Subdivision D, Division 4, 4A, Section 157, Division 7, Division 8	Part 2-4 Part 1-3 - Section 29 Part 2-1 - Subdivision D, Division 3 Part 2-2 - Section 63, Section 93, Section 101, 113A, 118, 126, 127

☐

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

- Electrical, Electronic and Communications Contracting Award 2010
- Plumbing and Fire Sprinklers Award 2010

☐

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

- 1) Plumbing
- 2) Termite management - chemical or fire protection



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

Answer

- Observing and implementing the principles of equal employment opportunity
- Ensuring that work is consistent with workplace standards regarding anti-discrimination and workplace harassment



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
9 Racial discrimination to be unlawful 18C Offensive behaviour because of race, colour or national or ethnic origin	18C Offensive behaviour because of race, colour or national or ethnic origin (1) It is unlawful for a person to do an act, otherwise than in private, if: (a) the act is reasonably likely, in all the circumstances, to offend, insult, humiliate or intimidate another person or a group of people; and (b) the act is done because of the race, colour or national or ethnic origin of the other person or of some or all of the people in the group. (2) For the purposes of subsection (1), an act is taken not to be done in private if it: (a) causes words, sounds, images or writing to be communicated to the public; or (b) is done in a public place; or (c) is done in the sight or hearing of people who are in a public place. (3) In this section:



	<i>public place</i> includes any place to which the public have access as of right or by invitation, whether express or implied and whether or not a charge is made for admission to the place.
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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
Division 3—Sexual harassment - Section 28B, 28C, 28D, 28E, 28F, 28G, 28H, 28J, 28K, 28L	28B Employment, partnerships etc. (1) It is unlawful for a person to sexually harass: (a) an employee of the person; or (b) a person who is seeking to become an employee of the person. (2) It is unlawful for an employee to sexually harass a fellow employee or a person who is seeking employment with the same employer. (3) It is unlawful for a person to sexually harass: (a) a commission agent or contract worker of the person; or (b) a person who is seeking to become a commission agent or contract worker of the person. (4) It is unlawful for a commission agent or contract worker to sexually harass a fellow commission agent or fellow contract worker. (5) It is unlawful for a partner in a partnership to sexually harass another partner, or a person who is seeking to become a partner, in the same partnership. (6) It is unlawful for a workplace participant to sexually harass another workplace participant at a place that is a workplace of either or both of those persons. 28C Members of bodies with power to grant etc. occupational qualifications etc. 28D Registered organisations 28E Employment agencies 28F Educational institutions 28G Goods, services and facilities 28H Provision of accommodation



	28J Land 28K Clubs 28L Commonwealth laws and programs
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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

Industrial Relations Act 2016 (Qld) - Part 5 - Section 135, 136, 138

☐

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

The Work Health and Safety Act 2011 (Qld) Subdivision 6 - Section 70 - (1) - (a)

☐

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

Answer

- Drafting electronic communication
- Presenting information via face-to-face methods, such as meetings
- Compiling information for a newsletter

☐

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

Answer

Choice	Possible Answers
X	Act quickly
X	Discuss options for fixing the problem
X	Follow up with the customer
X	Get all the facts
X	Keep your promises
X	Listen to the complaint
X	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
Construction diary
Company policies
QBCC

☐

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
X	Explanation of how to make a formal complaint
X	Information about commitment to continuous improvement
X	Some of the solutions offered to resolve complaints
X	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

- i. You can understand exactly what the problem is
- ii. Keeping records will help you identify any trends or issues and can also provide guidance on solutions for future disputes.

☐

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

Answer

☒	True
☐	False

☐

CPCBC4009B

APPLY LEGAL REQUIREMENTS TO BUILDING AND CONSTRUCTION PROJECTS

PRACTICAL ASSESSMENT INSTRUCTIONS

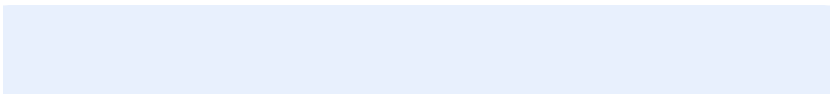
- The following practical assessment will require the Participant to complete work related activities.
- The Assessor will conduct observations of the Participant's work to determine whether they display sufficient practical skills and knowledge.
- Please fill in the details below – providing your name, 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 UAA Darshika

Participant signature Darshika

Date 13/01/2021

Assessor name Myles Walder

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

CPCBC4009B

APPLY LEGAL REQUIREMENTS TO BUILDING AND CONSTRUCTION PROJECTS

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:	UAA Darshika	
Name of observer:	Myles Walder	
Role of observer (Confirm suitability to sign)		
Email address of observer		
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.	
	1 st Occasion	2 nd 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

