

# CPCCBC6018

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

### ASSESSMENT SUMMARY

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

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

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

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

By signing below, the Participant acknowledges:

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

|                       |               |
|-----------------------|---------------|
| Participant name      | Michael Brady |
| Participant signature |               |

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

☒ Not applicable

| Task                          | Date completed | Assessment Results                        |                                                   |
|-------------------------------|----------------|-------------------------------------------|---------------------------------------------------|
| Theory Exam                   | Select Date.   | <input type="checkbox"/> Satisfactory     | <input type="checkbox"/> Not Satisfactory         |
| Workbook                      | Select Date.   | <input type="checkbox"/> Satisfactory     | <input type="checkbox"/> Not Satisfactory         |
| Practical Assessment          | Select Date.   | <input type="checkbox"/> Satisfactory     | <input type="checkbox"/> Not Satisfactory         |
| <b>Outcome for CPCCBC6018</b> | Select Date.   | <input type="checkbox"/> <b>Competent</b> | <input type="checkbox"/> <b>Not Yet Competent</b> |

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

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

|                    |  |
|--------------------|--|
| Assessor name      |  |
| Assessor signature |  |



# **CPCCBC6018**

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

### **THEORY EXAM**

|                  |               |
|------------------|---------------|
| Participant name | Michael Brady |
|------------------|---------------|

| <b>FOR THE PARTICIPANT</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
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| <b>Instructions</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <ul style="list-style-type: none"><li>• 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.</li><li>• It is anticipated that you should complete this assessment within two (2) hours, but additional time may be allowed upon negotiation with the Assessor.</li><li>• 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.<ul style="list-style-type: none"><li>◦ An oral examination may be allowed under certain circumstances, whereby your answers will be documented by another party.</li><li>◦ Any written questions that are incomplete, or not answered satisfactorily will need to be completed again after further training support.<ul style="list-style-type: none"><li>▪ 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).</li></ul></li></ul></li></ul> |
| <b>Resources required</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Pen                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |

| <b>FOR THE ASSESSOR</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Instructions</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
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### ASSESSOR COMMENTS

**As necessary, outline:**

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

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

State/Territory:

Answer

| Contracts              | Purpose/requirement                                                                                                                                                                                                                         |
|------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Commercial contract    | Used for building commercial establishments deemed for non-residential purposes.                                                                                                                                                            |
| Residential contract   | For establishments deemed solely for residential use                                                                                                                                                                                        |
| Lump Sum contract      | A contract where the value has been agreed by the client and contractor before the work begins. In this type of arrangement the risk of under quoting is on the builder or subcontractor.                                                   |
| Sub-contract agreement | Is between a main contractor and subcontractor relates to specialist work to be done for the construction project on behalf of the main contractor.                                                                                         |
| Cost-plus contract     | A cost plus contract states that a client agrees to reimburse a construction company for building expenses such as labour, materials, and other costs, plus additional payment usually stated as a percentage of the contract's full price. |



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

**Answer**

Items likely to be encountered in contract terms and inclusion are:

- Detail of the scope of works and any inclusion necessary to carry out works.
- Detail of all project specific requirements
- Detail of the contract sum and allowances included if any
- Detail payment terms and timeframes around processing and payment of invoices
- Inclusion of dispute resolution process
- Detail on contract termination terms and requirements
- Inclusion of requirement of works to meet relevant standards, legislation, state code etc.
- Inclusion of guarantees and warranties for materials used
- Detail liquidated damages that may be incurred if delay is caused.
- Detail of any necessary drawings/specs referenced in detailing works to be completed.



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

**Answer**

Adding a variation clause to the contract is paramount as almost every construction project deviates from the scope, design, and description given at the start. By having a variation clause, you include a contractual way of adding, substituting, or removing items from the original scope of work.

These this may allow for in the contract are variations in quantity, quality, design, and working conditions. This would likely include detail on how much notice is to be given between subcontractor and main contractor, the approval process for payment of the variation, the written sign-off required, and any hourly/day rate for labour that can be referenced when submitting the variation.

The contract would likely state that variations must be submitted in a timely manner as to not cause undue delay. It would also detail a notice period required and a timeframe from submission to approval/response.



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

**Answer** A builder has a legal obligation to ensure that work is carried out in a safe manner by qualified personnel. By obtaining, recording, and keeping up to date information on the competencies, licences, and qualifications of subcontractors, site supervisors and managers, they can ensure they are completing their due diligence in this regard and avoid being penalised. By holding record and reviewing these competencies, it also enabled the builder to note if/when the competency expires and re-training or application is required to stay compliant.



As stated in section 44 of the WHS Act 2011, “A person must not carry out work at a workplace if—

(a) a regulation requires the work, or class of work, to be carried out by, or under the supervision of, a person who has prescribed qualifications or experience; and

(b) the person does not have the prescribed qualifications or experience or the work is not carried out under the supervision of a person who has the prescribed qualifications or experience.

(2) A person who conducts a business or undertaking must not direct or allow a worker to carry out work at a workplace if—

(a) a regulation requires the work, or class of work, to be carried out by, or under the supervision of, a person who has prescribed qualifications or experience; and

(b) the worker does not have the prescribed qualifications or experience or the work is not carried out under the supervision of a person who has the prescribed qualifications or experience.”

Section 85 of The WHS Regulations 2011, also states,

“(1) A person conducting a business or undertaking at a workplace must not direct or allow a worker to carry out high risk work for which a high risk work licence is required unless the person sees written evidence provided by the worker that the worker has the relevant high risk work licence for that work.”

“A person conducting a business or undertaking at a workplace must keep a record of the written evidence provided to the person—

(a) under subsection (1) or (2)—for at least 1 year after the high risk work is carried out;

(b) under subsection (3)—for at least 1 year after the last occasion on which the worker performs the supervision work.

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

**Answer** The ABLIS can assist with identifying which licenses, permits, approvals, other legal documentation you can refer to assist with your compliance specific to your line and location of work.



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

**Answer** The individual licence holder must notify the licencing body if change in circumstance is identified as soon as possible. When new work is being undertaken, the licence holder must ensure their licence authorises them to supervise the work described on the licence card before commencing.



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

**Answer**

- When you require legal counsel to assist you in resolving legal concerns
- When both parties agree on a change in the contract terms which needs to be documented.
- Where dispute resolution leads to the need for a third party referee
- When a contract is to be terminated
- When seeking to obtain compensation
- When you don't fully understand the content of the contract or want to ensure the correct understanding/wording of a contract/



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

**Answer**

Contracts can be hard to understand and important to get right. To better manage this, an organisation would greatly benefit from hiring a lawyer for legal guidance relating to contract law. A lawyer would be able to give good legal advice on Analysing, negotiating, and drafting commercial contracts, analysing and negotiating a lease for a commercial property, deciding on your company's structure, purchasing or selling a company, in addition to giving a better overall interpretation of legally binding contracts which are important for stakeholders to understand before signing. .



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

**Answer**

A contract management system is important as it ensure that each party fulfills their contractual responsibilities. By having a person such as a contract manager or contract administrator in place, it provides an effective and efficient system for ensuring contractual obligations are being met, and payments/claims are fair and on time.



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

**Answer**

**Immediate forms of communication:**

- For instances where communication needs to be quick, there should be ways for clients to communicate, whether it be coming into the office for a chat during business hours, a phone call, or via a digital platform.

A digital/mailling platform for all correspondence to be directed through should be created as this helps provide a shared platform for information sharing, asking questions and storing data relating to the project.

**Intermediate forms of communication:**

Weekly meetings should be scheduled in where all matters can be discussed and any questions recorded and answered. This is also a way to track progress, provide updates and ensure items and works are being actioned as required.

This also is a legal record of any discussions or instructions that have been given from the both parties.

All forms of communication should be coordinated and carried out in a professional manner, with a third party introduce if/when necessary to help resolve any disputes.

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**Q11. Describe what happens in conciliation.**

**Answer**

This is when the parties meet in front of a third-party, qualified conciliator who encourages their dialogue and ensures that each party's point of view is heard. This is conducted through session/meeting and is not in a court/tribunal setting.

The conference is held "without prejudice" to encourage the parties to speak freely without fear of their words being used against them in a future judicial process.

The goal is for the parties to come to an agreement in a professional way with mediation provided by the third-party as required. It is a faster, more efficient and less expensive way of coming to a dispute resolution.



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

**Answer**

Every work site is different from the last. Workplace procedure should always be assessed before works start on a job and made to be specific for that particular job/activity.

While having a template for safe procedures can be beneficial, it is important that these are used as a foundation and expanded upon to ensure they capture the site specific safety requirements and/or risks associated with the particular work. Workplace safety procedures should continually be assessed with regularity to ensure all risk is being captured as the project progresses.

In addition to site specific hazards, these procedures should be assessed at a new site to ensure they are in reference to current and ever-updating legislation and codes of practice.

The start of a job is the perfect time to introduce these procedures to the site team to ensure everyone understand the procedures which in turn creates a safer work environment for the workers.



**Q13. Discuss strategies you can apply that ensure all workers are inducted, informed, and regularly updated of their on-site safety responsibilities.**

**Answer** The site will have a site-specific induction process where all site rules and requirements can be communicated to them by a qualified safety advisor/coordinator.



This is paramount before entering site, as hazards can be communicated to all workers and visitors before entering site. Location of amenities, work areas, fire safety equipment, evacuation points, and first aid facilities can be detailed – details of first aid personnel, the site management team, the evacuation procedure, PPE requirements, exclusion zones, and site specific hazards would be some of the items discussed during this process.

Induction to site also provides a time for ensuring all workers have signed onto their work specific safe work methods statements (SWMS) for the site, and allows for all licences and competencies required for works to be checked and recorded.

This also gives the workers a perfect opportunity to ask any questions they may have before entering the work zone.

Daily pre-starts where daily hazards can be discussed such as weather, crane activities, general works, environmental concerns etc. are important as it keeps everyone up to date with safety on the site. Toolboxes are also a helpful learning/communicative tool for work groups, especially before high-risk works commence, or after legislative changes or any incidents.

Supervisors of each on-site work group should attend daily coordination meetings about the following day's works – the information of which is collated and included in the site pre-start for the next day. This gives an opportunity to discover any hazards, work zone clashes, and other coordination issues, which can then be resolved before they become an issue.

Weekly supervisors meetings with the site management team is another way previous works can be evaluated and future works discussed to ensure everyone is collaborating, communicating and working in a safe way.

Lastly, task observations conducted by both supervisors and site management can assist with identifying additional hazards, which can then be added to workers SWMS and toolboxed in work groups or site wide when necessary.

**Q14. A worker you have employed on the site has been injured and has lodged a request for workers compensation to reimburse their medical expenses. Explain the process you must follow in your State or Territory for claiming on behalf of the worker.**

**Answer**

You must pay the worker for the day of the injury.  
This is separate to compensation paid from your insurance and must not come out of the worker's sick leave, holiday leave, or any other entitlements.

You will also need to pay an excess to WorkCover Queensland. This represents the first payment of weekly compensation.



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

**Answer**

Inherent risk refers to the amount of risk before the application of the risk reduction effects of controls. From a risk management standpoint, controls are put in place to mitigate financial risk and physical risk to safety. To understand inherent risk, it is important to understand existing risks to safety and risk creating by the methodology in which building is undertaken. Safety in design risk is captured during the design phase, and should be formatted in a risk assessment available for viewing by all relevant people.

For all construction works, WHS legislation dictates that a SWMS is to be in place for all high risk work on a building sites. These SWMS should be viewed and approved by the builder in possession and responsibility of a site to ensure all risk is captured. All risk should be documented on a project risk register with controls determined by the hierarchy of controls until the residual risk is at an level acceptable to commence the work. Below is detail on what SafeWork Australia states as being high-risk work in the industry:

Works that:

- involves a risk of a person falling more than 2 m
- is carried out on a telecommunication tower
- involves demolition of an element of a structure that is load-bearing
- involves demolition of an element of a structure that is related to the physical integrity of the structure
- involves, or is likely to involve, disturbing asbestos

- involves structural alteration or repair that requires temporary support to prevent collapse
- is carried out in or near a confined space
- is carried out in or near a shaft or trench deeper than 1.5 m or a tunnel
- involves the use of explosives
- is carried out on or near pressurised gas mains or piping
- is carried out on or near chemical, fuel or refrigerant lines
- is carried out on or near energised electrical installations or services
- is carried out in an area that may have a contaminated or flammable atmosphere
- involves tilt-up or precast concrete
- is carried out on, in or adjacent to a road, railway, shipping lane or other traffic corridor in use by traffic other than pedestrians
- is carried out in an area of a workplace where there is any movement of powered mobile plant
- is carried out in areas with artificial extremes of temperature
- is carried out in or near water or other liquid that involves a risk of drowning
- involves diving work.



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

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

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

**Answer** As the first-tier subcontractor has been engaged directly and not the second-tier subcontractor, payment to the first-tier subcontractor is all that would need to be reported to the ATO by us.



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

**Answer** Yes, the tier-one subcontractor payment to the second-tier subcontractor would need to be reported to the ATO by them. ☐

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

**Answer**

1. • provide the withheld amounts to the ATO
2. • report those amounts to the ATO regularly on activity statements
3. • lodge an annual report confirming the total withholding
4. • provide payment summaries detailing total payments and withholding to each of the payees.

☐

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

**Answer**

| Insurance | Purpose/requirement |
|-----------|---------------------|
|           |                     |

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|                                       |                                                                                                                                                                                                                                                                                                                              |
|---------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Workers compensation                  | Workers compensation is a form of insurance payment to employees if they are injured at work or become sick due to their work. Workers compensation includes payments to employees to cover their: wages while they're not fit for work. medical expenses and rehabilitation. This is compulsory to have for your employees. |
| Contract/Construction Works insurance | it is a common requirement in building contracts that covers building works in progress, should loss or damage occur during construction.                                                                                                                                                                                    |
| Public liability                      | This covers companies in the event a customer, supplier or a pedestrian brings a claim against you due to injury or sustaining property damage as a result of your negligent business activities..                                                                                                                           |
| Professional indemnity                | Protects companies that get paid a fee to give professional advice from claims of negligence, breach of duty or mistaken professional advice or services.                                                                                                                                                                    |
| Commercial Motor Vehicle              | is a comprehensive insurance policy that is intended to provide cover for unintentional damage to your business motor vehicle or unintentional damage to a third party motor vehicle or third party property that is caused by your business motor vehicle                                                                   |

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

**Answer** ☐ Improvement can happen through being transparent. Ensuring all workers are aware of the company codes of conduct and allowing them to provide commentary and feedback on those codes of conduct. Having the conversation and allowing the right of reply and taking feedback into consideration and showing feedback is valued can help with improve industrial relations. Adopting rewards and recognition initiatives for those complying can also be an effective tool, which can help workers feel valued. Another option is providing a means of career progression and training.

**Q21. What do the basic rights known as ‘consumers’ guarantees’ cover?**

**Answer** ☐ Key items are that a manufacturer must provide a guarantee of acceptable quality, providing something that matches description advertised, provide repairs and spare parts, and provide express warranties.

**Read the scenario below to respond to Q22.**

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

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

**Answer**

As there was no formal contract in place and set timeframe set in writing, and no payment yet made, there are no legal grounds for the consumer to argue. A way to correct this would be to have the detail of a start date and and finish date in a contract with provision of delay in the event of inclement weather or any other declared circumstance that may be relevant. Also in this case, the consumer and builder should be keeping record of such days where inclement weather affecting ability to work has occurred. .



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

**Answer**

A good way to do this is by ensuring a subcontractor commits to waste percentages contractually. For example, a maximum of 5% waste of tiles for tilers.

Also, by providing an adequate amount of appropriate waste disposal bins, including recycling bins and providing information at this disposal points of what waste can go where, this can help to reduce unnecessary waste disposal.

As a waste generator, you have a legal obligation to ensure that your waste is transported to a facility that can legally accept it and as a waste transporter, it is your job to know what type of waste you are transporting and whether the disposal facility can legally take it.

By requesting and obtaining a copy of the garbage facility's waste receipts, these can be calculated against order dockets to work out waste percentages for subcontractors and overall as a site.





# **CPCCBC6018**

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

### **WORKBOOK**

|                  |               |
|------------------|---------------|
| Participant name | Michael Brady |
|------------------|---------------|

| FOR THE PARTICIPANT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
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| <b>Resources required</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Pen                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |

| FOR THE ASSESSOR                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
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| <b>Instructions</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
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### ASSESSOR COMMENTS

**As necessary, outline:**

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

### NOTE

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

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

### ACTIVITY 1

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

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

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

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

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

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

Show proof of your qualifications

Proof of your qualifications can be in the form of:

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

**4 years experience** in either:

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

**OR**

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

- bricklaying and blocklaying
- carpentry.

You must demonstrate work where you carried out:

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

**Do include:**

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

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

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

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

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

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

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

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

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

Any one of the following—

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

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

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

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

#### **Technical qualifications**

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

Any one of the following—

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

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

Below is the scope:

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

Does not include

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

- an occupational licence is required, unless the licensee holds the occupational licence.

Any one of the following—

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

(i) Manage work health and safety in the building and construction workplace CPCCBC4002;

(ii) Select, prepare and administer a construction contract CPCCBC4003;

(iii) Identify and produce estimated costs for building and construction projects CPCCBC4004;

(iv) Select, procure and store construction materials for building and construction projects CPCCBC4006;

(v) Supervise site communication and administration processes for building and construction projects CPCCBC4008;

(vi) Apply legal requirements to building and construction projects CPCCBC4009;

(vii) Manage finances for new business ventures BSBESB407.

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

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

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

**Satisfactory  
Outcome**



## ACTIVITY 2

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

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

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

Their purpose is to promote harmonious, productive, cooperative and compliant workplace relations in Australia.

They govern the relationship between employee and employer.

They:

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

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

They are responsible for promoting compliance with Australian workplace laws, and educating about rights and responsibilities at work.

They can also help to resolve workplace issues. They don't investigate every request for assistance made to them. If they decide that a request for assistance involves very serious issues or is in the public interest, they may choose to investigate. If they find that a workplace law has been broken, there are a number of things they can do. More detail is provided in their Compliance and enforcement policy

Most of the time, breaches of the Fair Work Act 2009 (the FW Act) involve breaches of civil remedy provisions. This means that someone can be penalised or fined by a court if the court determines that they've broken a workplace law. Fair Work Ombudsman have a range of processes and enforcement options for these kinds of offences which include:

- Workplace investigations
- Compliance notices
- Infringement notices
- Compliance Partnerships
- Enforceable undertakings
- Litigation

Some breaches of the FW Act are criminal offences. This means someone can be fined or even imprisoned if they break these laws. Examples of criminal offences in the FW Act include employer or employee organisations giving, receiving or soliciting bribes.

Currently, they don't investigate issues that are potentially criminal in nature. However, if these issues are brought to their attention, they will refer them to the Australian Federal Police.

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

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

If you believe you are subject to:

- underpayment of minimum entitlements under the Fair Work Act, a modern award or an enterprise agreement. This includes issues about: pay rates. notice of termination. redundancy. general employment conditions under these instruments.
- breaches of the National Employment Standards (NES)

**Satisfactory  
Outcome**



### ACTIVITY 3

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

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

#### Answer:

This email would include the following:

- Information around the context of the email and why it is necessary
- factual information referencing state legislation that states licencing and contractual requirements as well as the builder, employee and contractors responsibilities which must be followed in order to be compliant.
- Reference and reminder of any responsibility statements signed by individuals working for the company.
- Repercussions if referenced responsibilities and licencing requirements are not met – both individually and as a company. These repercussions would reference both legislative penalties such as fines and loss of licences etc. and site repercussions such as removal from site, re-induction, issuing of a non-compliance/conformance etc.
- A closing statements emphasising the strong stance the company takes on the matters discussed.

Satisfactory  
Outcome



#### ACTIVITY 4

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

- a) insurance
- b) taxation matters.

##### a) Insurance

Government QBCC and Business websites and the HIA services provides guidance on Insurance. Links found below:

<https://hia.com.au/business-support/hia-insurance-services>

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

<https://www.qbcc.qld.gov.au/sites/default/files/2022-03/guide-insurable-work-a-to-z.pdf>

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

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

##### b) Taxation matters

Taxation guideless can be found on government websites such as the below:

<https://www.ato.gov.au/businesses-and-organisations>

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

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

<https://www.hrblock.com.au/tax-academy/australian-income-tax-system>

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

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

**Satisfactory  
Outcome**



### ACTIVITY 5

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

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

#### **a) Objectives**

To achieve high standards of ethical behaviour and to conduct business in accordance with Company standards, applicable laws and regulations.

This Code of Conduct (hereafter referred to 'Code' or 'the Code') outlines the standard of behaviour expected by the company. It is designed to assist employees and subcontractors in understanding your responsibilities and obligations, and to provide guidance on expected behaviour in the workplace.

### **b) Responsibilities**

It is the responsibility of all workers on our projects to exercise compliance to applicable legal and other requirements and voluntary commitments.

To always act diligently and perform your duties with reasonable care and skill.

To refrain from acting or giving the appearance of acting contrary to the interests of the company.

To not solicit or attempt to persuade any clients of the company to use the services of any other businesses.

To not disclose or share any information acquired during and after your employment which is confidential to the company.

To notify the company promptly about anything you become aware of which may affect your ability to carry out your duties promptly and efficiently.

To maintain a professional standard of conduct and performance in all matters relating to the company's operations.

At all times act in a manner which will protect and enhance the company's reputation.

To comply with all lawful and reasonable directions given by the company or by its managers in relation to your employment/engagement.

When requested provide the company with a complete account of anything that relates to matters you are handling or which may concern the company.

To actively engage in consultation, training, and cooperation that assists with the safe, quality and timely delivery of the **project**.

### **c) Ethical principals**

To support commitment to workplace diversity and practice for fairness and freedom from unlawful discrimination.

Everyone is entitled to be treated with respect and experience a safe work environment free from harsh/unfair treatment, discrimination, harassment, victimisation, vilification, and bullying.

You are personally responsible for ensuring that your behaviour is not offensive, intimidating or disrespectful of other people within the workplace.

#### **d) Continuous improvement**

To ensure continuous improvement, senior management will evaluate compliance with the code of conduct during visits to site and by analysing quantifiable data and pass information on improvements required if any to the site management team.

The code of conduct will be reviewed annually in line with relevant state codes and legislation and site rules. Any update to the code will be communicated to all relevant persons upon update.

#### **e) Project planning and contract documentation**

Project planning is to be take place in a structured format prior to site establishment taking place. Methodology and safety in design are key in ensuring the project is planned safely and a quality product can be provided in a safe but efficient manner.

All contract documentation is to be reviewed and approved by senior management and agreed by relevant parties by signature prior to work commencing on a project. The contract documentation is to meet the relevant laws, legislation and company standards.

#### **f) Management and administration of contracts**

Contract agreements are managed by sufficiently capable and competent staff, where proper communication channels shall be established, with good contractual relationships aimed for, developed, and maintained

Parties involved in negotiations, preparation, and management of contract agreements for contractors and suppliers must adhere to the company's policies and procedures, require appropriate knowledge of Competition and Consumer Act (2010), and act with integrity to protect the interests of the company.

Standard Agreements should be adopted when engaging contractors and suppliers to provide goods and services, unless otherwise agreed by the company's Commercial Manager.

Agreements must be developed and managed in a manner that is appropriate for the complexity and risk of the procurement activity.

Adminstartion of contracts must be conducted in accordance with the company's Schedule of Delegated Authority and only after commitment has been authorised. Execution without appropriate authority constitutes a breach of this code of conduct.

#### **g) Environmental management**

The company will maintain an Environmental Management System planned and developed in accordance with AS/NZS ISO 14001 to control and minimise environmental impacts, and preserve the environment through the control and minimisation of contaminate discharges, waste, and disturbances to air, land and water.

The company will maintain an Environmental Legal and Statutory Requirements Register, extracting the environmental legal requirements applicable to our operations in simple and understandable terms. This register will be published on the intranet for all users, and will inform the Environmental Risk Assessment and Project Environmental Management Plan

Environmental performance to:

- Objectives and targets
- Evaluation of legal compliance
- Environmental incidents
- Complaints

Will be reviewed in the Management Review Meetings

#### **h) Security of payment**

All employees involved in the contracts must ensure all requirements of the head contract are satisfied in submitting its claim and include a cover letter stating that the claim - among other things - Is a payment claim under the relevant security of payments act.

### **i) Training and development**

Learning and Development can occur from a number of sources including on the job, through relationships (coaching, mentoring and learning from other role models), or formal training.

Specific development needs are identified through a number of means including yourself, your manager, or during discussions to review and optimise your performance. The project Manager will also identified required training levels through our onsite Training Needs Analysis which is reviewed monthly. At our company, we support training opportunities in a number of areas including a range of safety, technical, behavioural and leadership programs.

### **j) Work health and safety**

The company is committed to providing a high-level of safety across all of our sites. To do this everyone must work collaboratively to keep one another safe and healthy. We can do this by being committed to:

- Conducting our activities in a safe and sustainable manner.
- Mitigating foreseeable hazards through proactive risk management practices.
- Continual improvement of our health and safety management systems.
- Consistently meeting stakeholder expectations.
- Compliance to applicable legal and other requirements and voluntary commitments.
- Providing effective Health and Safety information, instruction and training to our employees and sub-contractors.

The actions that enable this include:

- Providing visible support and leadership, with clear accountabilities and expectations that encourages employee, subcontractor and supplier participation in achieving Health and Safety goals.
- Establishing and maintaining documented and communicated Health and Safety management systems certified to AS/NZS 45001, ISO 14001 and ISO 9001.
- Providing and maintaining a proactive HSEQ risk management framework across all aspects of our business.
- Ensuring effective consultation and communication strategies and processes are in place which allows all stakeholders to have input and provide feedback on Health and Safety matters.
- Setting clear, achievable and measurable objectives and targets that promote continual improvement of our Health and Safety management systems and performance.

The company empowers, promotes and supports all personnel in making the necessary decisions to ensure the intent of this code of conduct is upheld.

### **k) Compliance**

All employees and subcontractors are to comply with site specific procedures, rules and management systems in addition to any legal obligations associated with their position.

The company will in its due diligence review and update procedures, systems and rules as necessary to ensure compliance with state legislation, standards and codes.

If any breach in compliance is noted or suspected, this should be brought to management's attention at the earliest convenience where it can be communicated to the relevant line manager.

**Satisfactory  
Outcome**



### ACTIVITY 6

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

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

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

In Queensland, noise is regulated under the *Environmental Protection Act 1994* and subordinate legislation including the *Environmental Protection Regulation 2019* (EP Regulation), and the *Environmental Protection (Noise) Policy 2019* (EPP(Noise)).

The EEP lists sensitive receptors that must be identified as areas or places for measuring noise when assessing the potential impacts of noise and vibration. In effect, sensitive receptors are areas or places at which acoustic environmental values must be protected. Among others, the list of sensitive receptors includes: a dwelling, a library or educational institution, childcare centre, hospital, commercial or retail premises, a protected area and public park.

Sensitive receptors must be identified and impacts are to be assessed and then mitigated or avoided.

You should then provide a consolidated description of commitments relating to noise impacts. Propose conditions for noise that may be included in the project's environmental authority. The conditions may be based on the department's existing model conditions and eligibility criteria, and/or modified or developed to suit site and project specific matters.

Under the noise standard, building contractors are to minimise noise impacting on surrounding areas as well as on workers. All works and noisy works are to occur within the hours of operation approved by local council.

For dust, you must identify environmental values that are relevant to air quality. These may include protecting:

- the health and biodiversity of ecosystems
- human health and wellbeing
- the aesthetics of the environment, including the appearance of buildings, structures and other property
- agricultural use of the environment.

The description of the environmental values of the air shed must be accompanied by details of the specific air quality objectives to be maintained in that air shed for the life of the activity. Companies are required to provide background air quality monitoring data and in certain instances, undertake air quality modelling to demonstrate that the air quality objectives are being maintained.

Operators must ensure that the release of dust, light, odour or any other airborne contaminants resulting from the activities do not cause an environmental nuisance to any sensitive receptor. Environmental authorities also include a suite of monitoring requirements for point source contaminant releases to air in order to demonstrate that companies are complying with their requirements.

All controls required for both noise and dust odour are to be identified in the projects Environmental Risk Assessment and Environmental Management Plan where controls and monitoring will also be specified.

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

- Wastage of materials are to be tracked with a target wastage percentage agreed
- Recycling bins to be provided for use where possible
- Manufacturing is to be done in a way to minimise materials and wastage.
- All waste removal and disposal are to be tracked with data and receipt retained and developed into waste reports provided to the PC to ensure appropriate disposal.
- Identifying material re-use to ensure useful material is not discarded as waste.
- Environmental targets to be emphasised to workers through an education program delivered periodically on-site via a toolbox format with reward initiatives for low waste percentages and high recycling percentages.

**Satisfactory  
Outcome**





# **CPCBC6018**

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

### **PRACTICAL ASSESSMENT**

|                  |               |
|------------------|---------------|
| Participant name | Michael Brady |
|------------------|---------------|

| <b>FOR THE PARTICIPANT</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Instructions</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <ul style="list-style-type: none"><li>• 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.</li><li>• The timeframe for these tasks will be established by your Assessor/Observer, in consideration of location conditions and industry requirements.</li><li>• You must complete all tasks unassisted by the Assessor or other personnel unless the steps note this assistance.</li><li>• You must attempt all tasks (and itemised steps) for a 'Satisfactory' assessment outcome to be awarded.<ul style="list-style-type: none"><li>○ For any observation conducted that is incomplete, or without satisfactory performance, the observation will need to be completed again after further training support.</li></ul></li></ul> |

| <b>FOR THE ASSESSOR/OBSERVER</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Instructions</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <ul style="list-style-type: none"><li>• 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.<ul style="list-style-type: none"><li>○ For each occasion, indicate the task performed and whether it was a simulation or workplace-based task.<ul style="list-style-type: none"><li>▪ Any simulated assessment must ensure the Participant still performs under workplace conditions which reflect industry standards.</li></ul></li><li>○ 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).</li></ul></li><li>• 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).<ul style="list-style-type: none"><li>○ 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.</li><li>○ If after three (3) attempts the Assessor determines that the Participant cannot demonstrate the required steps, a 'Not Satisfactory' outcome is to be determined.</li></ul></li></ul> |

| TASK OUTCOME |      |                                                                                      |                       |                          |                          |
|--------------|------|--------------------------------------------------------------------------------------|-----------------------|--------------------------|--------------------------|
| Task         | Date | Task Type (Tick)                                                                     | Location              | Task outcome (Tick)      |                          |
|              |      |                                                                                      |                       | Satisfactory             | Not Satisfactory         |
| Task 1       |      | <input checked="" type="checkbox"/> Workplace<br><input type="checkbox"/> Simulation | 475 Bridge Rd, Mackay | <input type="checkbox"/> | <input type="checkbox"/> |

#### ASSESSOR COMMENTS: GENERAL

##### As necessary, outline:

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

#### ASSESSOR COMMENTS: PRACTICAL TASK 1

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

| Task           | Provide detail                                                                                                                                                                                                                                                                                                                                                                            |
|----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1.1A.          | Specify type of building contract reviewed where provisions of the contract, terms, conditions, inclusions and variations were correctly identified:<br>Construction contract                                                                                                                                                                                                             |
| 1.1B.<br>1.1E. | Specify how building contractor licencing and contract requirements were reviewed for compliance:<br>Reviewed during tender process                                                                                                                                                                                                                                                       |
| 1.1C.          | Specify how contractor licensing and contract requirements and non-compliance were communicated to workplace employees and others:<br>All high risk works are to be completed by suitably qualified workers trained by an RTO.<br>Other than being a industry standard, subcontractors sign up to the terms and conditions of the contract which state the safety system for the company. |
| 1.1F.          | Specify where the application for necessary building or construction licenses was made:<br>QBCC for supervisors and subcontractors source there own RTO's or the like prior to commencement on site                                                                                                                                                                                       |
| 1.2A.          | Specify which areas of the contract reviewed required professional legal advice.<br>For this contract it was a fairly straightforward process and the only professional advise was through company employees (Contract managers and Construction Managers).                                                                                                                               |
| 1.2B.          | Specify processes managed to enable the workplace to obtain such legal advice.<br>Standard process has it being sent to all relevant people to check and sign off on the contracts prior to be sent back to subcontractors or clients.                                                                                                                                                    |
| 1.2C.          | Specify contracts management system introduced and managed:<br>None introduced.                                                                                                                                                                                                                                                                                                           |

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

## **CPCCBC6018**

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

### **Practical Task 1**

#### **Description of task:**

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

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

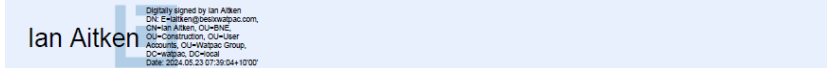
## Practical Task 1

These tasks may be simulated or real. The Participant is to gather evidence of how they have completed each component of the Practical Task, which is to be submitted with this Practical Assessment sheet. The Observer is to provide detailed comments on the tasks completed by the Participant (on the Observer Comments, overleaf). The Assessor is to verify the Observer's comments, noting their findings in the Assessor Comments (on the back of the Practical Assessment cover page) and provide the assessment outcome.

### Resources required:

Residential or commercial worksite; Access to legislation and regulations relating to building and construction contractors; workplace policies, procedures and quality documentation, building and construction contract for project, EMP; business equipment, technology, applications and software systems.

### Observer details

|                                                   |                                                                                                                                                                                                                                                                                                                    |
|---------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Name of observer:                                 | Ian Aitken                                                                                                                                                                                                                                                                                                         |
| Role of observer<br>(Confirm suitability to sign) | Site Manager                                                                                                                                                                                                                                                                                                       |
| Email address of observer                         | laitken@besixwatpac.com                                                                                                                                                                                                                                                                                            |
| Signature of observer:                            | <br><small>Digitally signed by Ian Aitken<br/>DN: c=au, ou=Besix Watpac, ou=Ian Aitken, ou=ENR,<br/>ou=Construction, ou=User<br/>Accounts, ou=Watpac Group,<br/>o=Watpac, cn=Aitken<br/>Date: 2024.05.23 07:39:04+10'00'</small> |
| Date:                                             | Select Date.                                                                                                                                                                                                                                                                                                       |

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

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

**Observer comments:**

.Michael has shown thorough knowledge and understanding of the current construction contract for the project we are working on which is a 2 stage Managing Contractor Contract. We have also worked through the current Major works Subcontract that is being used with subcontractors on the project which details all licencing requirements for each trade discipline.

Within Watpac is an established legal and commercial team, Michael showed a solid understanding of when these parties require engagement throughout the contractual process on the project.

Watpac currently have detailed policy and procedures in place which have been well used to administer and manage all contract works and administrative responsibilities with the principle and subcontractors which has been well utilised by Michael.