

CPCCBC4009B

APPLY LEGAL REQUIREMENTS TO BUILDING AND CONSTRUCTION PROJECTS

ASSESSMENT SUMMARY

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

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

To satisfactorily complete the assessment, the participant is required to answer all questions correctly and demonstrate their skills to industry standards. If a participant does not answer some questions or perform some tasks, they will be deemed 'Not Satisfactory' for the task and 'Not Yet Competent' for the unit of competency. The Trainer/Assessor is able to provide the participant with additional information on interpreting the assessment outcomes and provide guidance on the participant's options. Should a participant still be deemed 'Not Satisfactory' they will have the opportunity to undertake a supplementary assessment or appeal the result.

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

Participant Name	Nathan Wheeler
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Task	Assessment Results	
Theory Exam	☐ Satisfactory	☐ Not Yet Satisfactory
Practical Assessment	☐ Satisfactory	☐ Not Yet Satisfactory
Outcome for Unit of Competency	☐ Competent	☐ Not Yet Competent

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

CPCBC4009B

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THEORY EXAM INSTRUCTIONS

- This exam will occur under standard assessment conditions.
 - An oral examination may be allowed under certain circumstances, whereby the Participant's answers will be documented by a party other than the Participant. This must be acknowledged in writing (e.g. FT001 and Assessor Comments)
- Participants must provide enough detail in their responses to demonstrate their knowledge and skills.
- Please fill in the details below, providing your name, signature and date of assessment.
 - Your signature acknowledges that this is your own work.
- Assessors are to complete marking in pen of a different colour to the Participant.
- If a Participant initially answers a question incorrectly but modifies their response, they must follow the instructions below:
 - If a Participant changes their response in writing, they must put their initials next to the written change.
 - If a Participant changes their response verbally, this must be noted on the exam paper by the assessor.

Participant name Nathan Wheeler

Participant signature Nathan Wheeler

Date 19/03/2021

Assessor name _____

Assessor signature _____

Date Click here to enter a date.

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

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

Answer Queensland Building and Construction Commission Regulation 2018

☐

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

Answer

Section(s) of legislation	Scope of work
Schedule 2 Part 4 Builder Low Rise	(1) Building work on a class 1 or class 10 building. (2) Building work on classes 2 to 9 buildings with a gross floor area not more than 2,000m ² , but not including Type A or Type B construction.s

☐

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

Answer

Section(s) of legislation	Requirements
Schedule 2 Part 4 Section 5	The experience requirements are the following— (a) for a person who has a technical qualification required under part 3 or 16—2 years experience in— (i) the scope of work for the class; or (ii) other work the commission is satisfied is at least equivalent to experience in the scope of work for the class

☐

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

Answer

Section(s) of legislation	Requirements
Schedule 2 Section 4	An Approved managerial qualification

☐

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

Answer

Section of Act	Requirements
Work health and safety act Section 19	The WHS Act requires all PCBUs to ensure the health and safety of workers, so far as is reasonably practicable. Workers include volunteers, contractors and contractors' workers.

☐

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

Answer

Section of Act	Requirements
Workplace Health and Safety Act 2011	The Work Health and Safety Act 2011 (Qld) sets out requirements and standards The Work Health and Safety Act 2011 (Qld) sets out requirements and standards for building healthy and safe workplaces. It outlines what you must do to protect the health, safety and welfare of workers and other people in a place of work ds for building healthy and safe workplaces. It outlines what you must do to protect the health, safety and welfare of workers and other people in a place of work

☐

- Q7. Name the Regulation and identify the section that outlines the requirements regarding compliance with safe work method statements. Briefly describe the requirements.**

Answer

Section of Regulation	Requirements
Work health safety regulation 2011 Division 2 – Section 300	(1) A person conducting a business or undertaking that includes the carrying out of high risk construction work must put in place arrangements for ensuring that high risk construction work is carried out in accordance with the safe work method statement for the work. Maximum penalty—60 penalty units. (2) If high risk construction work is not carried out in accordance with the safe work method statement for the work, the person must ensure that the work— (a) is stopped immediately or as soon as it is safe to do so; and (b) resumed only in accordance with the statement. Maximum penalty—60 penalty units.



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

Answer

Section of Regulation	Requirements
Work Health Safety regulation 2011 Part 6.4 Division 2 Section 308	The principal contractor for a construction project must ensure that signs are installed, that— (a) show the principal contractor's name and telephone contact numbers (including an after hours telephone number); and (b) show the location of the site office for the project, if any; and (c) are clearly visible from outside the workplace, or the work area of the workplace, where the construction project is being undertaken. Maximum penalty—36 penalty units.



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

Answer

Section of Regulation	Requirements
Confined Spaces Code of Practice 2021 4.8 Signs and Barricades	Before any work in relation to a confined space starts, signs must be erected to prevent entry of persons not involved in the work.

☐

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

Answer

Code of Practice name	Requirements
Traffic management for construction or maintenance work Code of Practice 2008	The purpose of this code is to assist persons to manage workplace health and safety risks posed by traffic to workers and other persons while construction or maintenance work is occurring on, or adjacent to, roads.

☐

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

Answer

Classes 1 and 10	Classes 2 to 9
Volume 1 Part 11 J1	Volume 2 Part 3.12.1

☐

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

Answer

AS/NZS 4859.1

☐

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

Answer Sustainable Planning Act 2009



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

Answer

Work Health and Safety (Managing Noise and Preventing Hearing Loss at Work) Code of Practice 2015

☐

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

Answer

If noise from building work can be heard from within the affected building during the following times, the person carrying out the building work may be issued with a fine.

☐

6.30pm to 6.30am Monday to Saturday
any time on Sunday or public holidays (normal Saturday restrictions apply for Saturday public holidays).

In some circumstances, activities and equipment operating within the prescribed times may still be deemed a nuisance when assessed against certain noise criteria. In this situation the responsible person may be issued a Direction Notice.

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

Answer

Home warranty Insurance

☐

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

Answer Workers' Compensation and Rehabilitation Act 2003
Part 4
Division 1

☐

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

Answer Supported by consideration

☐

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

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

Answer

Federal	State or territory
Trade Practices Act 1974	Fair Trading Act 1989 - Queensland

☐

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

Answer Payroll Tax Act 1971
section 83-10

☐

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

Answer 1.3 Million annually

☐

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

Answer A New Tax System (Goods and Services Tax) Act 1999

Division 5
Division 9

☐

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

Answer \$75,000

☐

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

Answer Fair work act 2009
Independent contractors Act 2006

☐

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

Answer LEVEL 1 EXTENSION AND REPAIR CONTRACT RENOVATION

☐

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

Answer

Cost Plus Contract

☐

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

Answer

Planning act 2016
Part 5 Division 1 Section 71

☐

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

Answer

☒	True
☐	False

☐

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

Answer

Awards	Enterprise Agreements
Chapter 2 Part 2-1 Subdivision C	Chapter 2 Part 2-1 Subdivision D

☐

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

Answer

☒	True
☐	False

☐

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

Answer

Building and Construction General On-site Award 2020 Joinery and Building Trades Award 2020
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☐

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

Answer

☒	True
☐	False

☐

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

Answer

☐	True
☒	False

☐

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

Answer

☐	True
☒	False

☐

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

Answer

Where the work is plumbing, drainage, gasfitting, termite management - chemical or fire protection, a sub-trade contractor needs to hold an occupational licence
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☐

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

Answer Educate workers if there are behavioural problems regarding discrimination
Create a proactive and healthy working environment that breeds a dynamic culture ☐

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

Answer ☐

Section of Act	Requirements
Section 18C	it is unlawful for a person to do an act in public if it is reasonably likely to "offend, insult, humiliate or intimidate" a person of a certain race, colour or national or ethnic origin, and the act was done because of one or more of those characteristics.

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

Answer ☐

Section of Act	Requirements
Section 28A	It is unlawful to discriminate against you because of your sex, marital status, pregnancy or your potential to become pregnant. dismiss you from your job because of your family responsibilities, or. sexually harass you

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

Answer Further Education and Training Act 2014
Chapter 2
Division 1 ☐

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

Answer

☐	True
☒	False

☐

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

Answer Duty to consult (sections 46-49) ☐

A PCBU has a duty to consult with workers and HSRs about matters that directly affect them.

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

Answer ☐
Links and information on the company website.
Information available in the company office.
Information made available in an employment package when the employee is hired.

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

Answer

Choice	Possible Answers
☐	

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

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

Answer The original contractual agreement. Referring to the dispute resolution clause. ☐

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

Answer ☐

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

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

Answer ☐

☒	True
☐	False

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

Answer It provides a good reference point for things that may need to be improved in the business and also provides experience in how to handle a dispute. If the documentation is kept and recorded, it can provide foresight in regards to future complaints or disputes. ☐

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

Answer

☒	True
☐	False

☐

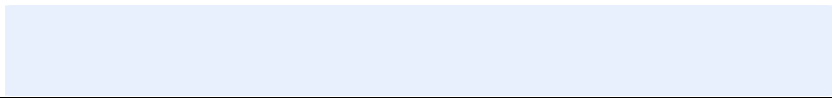
CPCBC4009B

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PRACTICAL ASSESSMENT INSTRUCTIONS

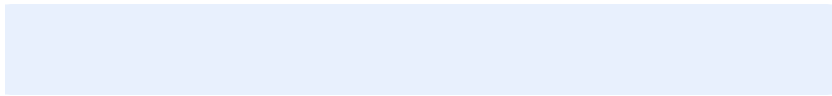
- The following practical assessment will require the Participant to complete work related activities.
- The Assessor will conduct observations of the Participant's work to determine whether they display sufficient practical skills and knowledge.
- Please fill in the details below – providing your name,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

Participant name Nathan Wheeler

Participant signature 

Date 19/03/2021

Assessor name _____

Assessor signature 

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

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

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APPLY LEGAL REQUIREMENTS TO BUILDING AND CONSTRUCTION PROJECTS

Practical Task 1 (2X)		
Description of task: On two (2) occasions, a suitable observer is to verify the participant's ability to apply legal requirements to building and construction projects: - Occasion 1: Residential buildings - Occasion 2: Low rise commercial buildings (Class 1 and 10 construction and Classes 2 to 9 with a gross floor area not exceeding 2000 square metres, not including Type A or Type B construction) The participant is to gather evidence of how they have completed each component of the Practical Task, which is to be submitted with this Practical Assessment sheet. Evidence to be submitted may include: - Copies of any licences - Business insurance Certificates of Currency - A copy of a WHS Policy - A copy of an Environmental Policy - If an employer - copies of employee records, apprenticeship papers - Sub-contractor agreements or a copy of a sub-contract - A copy of a Business Activity Statement - A copy of a business tax invoice that references relevant legislation - A copy of a Dispute Resolution Procedure or documentary evidence of a dispute The observer is to provide detailed comments on the tasks completed by the participant. The assessor is to verify the observer's comments in the Assessor Comments section, and provide the Practical Assessment outcome on the front cover of this document.		
Resources required: Computer, Telephone, Building Contract.		
Assessment of task		
Name of participant:	Nathan Wheeler	
Name of observer:	Tom Wheeler	
Role of observer (Confirm suitability to sign)	Builder	
Email address of observer	tom@twbuilders.com.au	
Signature of observer:		
Date:	19/03/2021	
When completing the task, did the participant:	Tick if satisfactorily completed. Provide comments if left unticked.	
	1 st Occasion	2 nd Occasion
1 Legal obligations		
1.1A. Research and apply licensing or registration legislation relevant to the region, including classifications for builders, supervisors and managers.	☐	☐
1.1B. Research, apply and monitor safety legislation and regulations applicable to on-site construction, including site safety signage	☐	☐

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

OBSERVER COMMENTS
Nathan is competent in the regards to the requirements outlined by this assessment. He displays understanding of applying relevant knowledge of the laws and applicable acts when it comes to legal obligations. He also displays sound results when dealing with dispute resolution and records all relevant discussions along with displaying effective communication. Nathan also displays an understanding of the regulations required for commercial construction.