

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	Sara Vaninetti
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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 Sara Vaninetti

Participant signature



Date 15/07/2021

Assessor name

Assessor signature

Date Click here to enter a date.

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

ASSESSOR COMMENTS

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

Answer QBCC Queensland Building and construction commission Act 1991 QLD



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
Queensland Building and Construction Commission Regulation 2018 Part 3 – Division 1 Schedule 2 – Part 4 Builder – Low Rise Licence	(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. (3) Building work that consists of non-structural work on a building, regardless of— (a) the class for the building; or (b) the gross floor area of the building. (4) Prepare plans and specifications that are— (a) for the licensee's personal use; or (b) for use in building work to be performed by the licensee personally. (5) However, the scope of work does not include— (a) a completed building inspection for an interested party for the building; or (b) personally carrying out any building work for which— (i) a fire protection licence is required; or (ii) an occupational licence is required unless the licensee holds the occupational licence; or (c) for building work mentioned in subsection (3)— directly or indirectly causing the work to be carried out or providing building work services for the work if— (i) a fire protection licence is required for the work; and (ii) the work is— (A) for Type A or Type B construction on classes 2 to 9 buildings; or (B) on classes 2 to 9 buildings with a gross floor area more than 2,000m ²



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

Answer

Section(s) of legislation	Requirements
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Queensland Building and Construction Commission Regulation 2018 Part 3 – Division 1 Schedule 2 – Part 4 Builder – Low Rise Licence – Supervisor requirements	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; (b) otherwise—4 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
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Q4. Select one (1) licence class and identify the requirements under the legislation for managers. List the relevant section(s) of the legislation.

Answer

Section(s) of legislation	Requirements
Queensland Building and Construction Commission Regulation 2018 Schedule 2 – Part 1 Air handling duct installation licence	An approved managerial qualification

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

Answer

Section of Act	Requirements
Work Health and Safety act 2011 QLD – Part 2 Division 2 Primary Duty of Care	A person conducting a business or undertaking must ensure, so far as is reasonably practicable, the health and safety of— (a) workers engaged, or caused to be engaged by the person; and (b) workers whose activities in carrying out work are influenced or directed by the person; while the workers are at work in the business or undertaking.

☐

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

Answer

Section of Act	Requirements
Work Health and Safety act 2011 QLD – Part 2 Division 4 Duty of officers, workers and other persons	28 Duties of workers While at work, a worker must— (a) take reasonable care for his or her own health and safety; and (b) take reasonable care that his or her acts or omissions do not adversely affect the health and safety of other persons; and (c) comply, so far as the worker is reasonably able, with any reasonable instruction that is

☐

	given by the person conducting the business or undertaking to allow the person to comply with this Act; and (d) co-operate with any reasonable policy or procedure of the person conducting the business or undertaking relating to health or safety at the workplace that has been notified to workers. As part of the primary duty of care, a PCBU must monitor workplace safety during on-site construction for the purpose of preventing illness or injury of workers
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- Q7. Name the Regulation and identify the section that outlines the requirements regarding compliance with safe work method statements. Briefly describe the requirements.**

Answer	Section of Regulation	Requirements	☐
	Work Health and Safety regulation 2011 QLD Chapter 6 – Part 6.3 - Division 2	A person conducting a business or undertaking that includes the carrying out of high risk construction work must, before high risk construction work commences, ensure that a safe work method statement for the proposed work— (a) is prepared; or (b) has already been prepared by another person. Maximum penalty—60 penalty units.	

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

Answer	Section of Regulation	Requirements	☐
	Work Health and Safety regulation 2011 QLD Chapter 6 – Part 6.4 - Division 2	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	☐
	Work Health and Safety regulation 2011 QLD Chapter 4 – Part 4.3- Division 3	(1) A person conducting a business or undertaking must ensure that signs that comply with subsection (2) are erected— (a) immediately before work in a confined space commences and while the work is being carried out; and (b) while work is being carried out in preparation for, and in the completion of, work in a confined space. Maximum penalty—36 penalty units. (2) The signs must— (a) identify the confined space; and (b) inform workers that they must not enter the space unless they have a confined space entry permit; and (c) be clear and prominently located next to each entry to the space.	

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	It is the responsibility of a principal contractor or PCBU, in accordance with the MUTCD Part 3, to ensure that: • all signs and traffic control devices for construction work or maintenance activities are erected, and • the placement of speed restriction signing and protective barriers are erected	

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

Answer	Classes 1 and 10	Classes 2 to 9	☐
	Volume 2: Parts 2.6 and 3.12.1	Volume 1: Part J-J1	

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

Answer AS/NZS 4859.1 a standard that outlines the general criteria and technical provisions of thermal insulation materials for buildings



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

Answer *Environmental Protection Act 1994 (Qld)*



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

Answer Environmental Protection Act 1994 (Qld) Section 440R, Brisbane City Council is responsible ☐

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

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

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

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

Answer **Queensland Home Warranty Insurance, which covers:**
Construction work valued at more than \$3,300 (new structures, extensions, additions, alterations, renovations or repair)
Period of 6 years and 6 months from the date of contract
Must be less than 3 storeys
In case you become bankrupt
Go into liquidation
Fail to complete work
Fail to fix defects
If the building suffers from subsidence or settlements ☐

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 QLD – Chapter 8
 Workcover Queensland

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

Answer ☐

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

- An offer by Party 1
- Acceptance by Party 2
- An intention by both parties to create legal relations.
- 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
Fair Work Act 2009 (Cth)	Fair Work Act 2009 (Cth) and Queensland Industrial Relations Act 2016

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

Answer ☐

Payroll Tax Act 1971-
 Part 2 Liability to taxation
 Division 1 Imposition of liability

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 [yearly]

☐

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 (Cth)
Chapter 2 – Part 2-5—Registration
Division 23—Who is required to be registered and who may be registered

☐

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

Answer \$75,000.00

☐

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

Answer The Independent Contractors Act 2006 (Cth) and the Fair Work Act 2009 (Cth)

☐

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

Answer HIA- Small Works Contract

☐

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

Answer Master Builders-Commercial Cost Plus contract

☐

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

Answer Planning Act 2016 – Chapter 3 - Part 5 – Division 1

☐

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.

Awards	Enterprise Agreements
Chapter 2 – Part 2.3	Chapter 2 – Part 2.4

☐

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

Answer

☒	True
☐	False

☐

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

Answer Building and Construction General On-site Award 2010
Electrical, Electronic and Communications Contracting Award

☐

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 Subcontractors need to hold a licence where the work is plumbing, drainage, gas fitting, termite management - chemical or fire protection [occupational licence], where the work is for a completed building inspection [contractor licence] and if you decide to contract directly with a builder or owner.

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



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

Answer

Section of Act	Requirements
Part II—Prohibition of racial discrimination	It is unlawful for a person to do any act involving a distinction, exclusion, restriction or preference based on race, colour, descent or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of any human right or fundamental freedom in the political, economic, social, cultural or any other field of public life.



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

Answer

Section of Act	Requirements
Part II – Division 3	For the purposes of this Division, a person sexually harasses another person (the person harassed) if: (a) the person makes an unwelcome sexual advance, or an unwelcome request for sexual favours, to the person harassed; or (b) engages in other unwelcome conduct of a sexual nature in relation to the person harassed; in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated the possibility that the person harassed would be offended, humiliated or intimidated.



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

Answer

Industrial Relations Act 2016, Chapter 2, Part 5
Wages and employment conditions for apprentices and trainees

☐

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

Answer

☐	True
☒	False

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

Answer

Work Health and Safety Act 2011 (Qld), Part 5, Division 2 Consultation with Workers

☐

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

Answer

-Drafting electronic communication
-Presenting information via face-to-face methods, such as meetings
-Sharing information at training sessions

☐

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 Contract	☐

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

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

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

Answer			
	☒	True	☐
	☐	False	

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

Answer Keeping records will help you identify any trends or issues and can also provide guidance on solutions for future disputes

☐

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

Answer

☒	True
☐	False

☐

CPCCB4009B

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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 Sara Vaninetti

Participant signature



Date 19/07/2021

Assessor name

Assessor signature

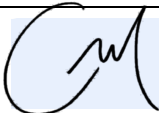
Date Click here to enter a date.

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

ASSESSOR COMMENTS

CPCBC4009B

APPLY LEGAL REQUIREMENTS TO BUILDING AND CONSTRUCTION PROJECTS

Practical Task 1 (2X)		
Description of task: On two (2) occasions, a suitable observer is to verify the participant's ability to apply legal requirements to building and construction projects: - Occasion 1: Residential buildings - Occasion 2: Low rise commercial buildings (Class 1 and 10 construction and Classes 2 to 9 with a gross floor area not exceeding 2000 square metres, not including Type A or Type B construction) The participant is to gather evidence of how they have completed each component of the Practical Task, which is to be submitted with this Practical Assessment sheet. Evidence to be submitted may include: - Copies of any licences - Business insurance Certificates of Currency - A copy of a WHS Policy - A copy of an Environmental Policy - If an employer - copies of employee records, apprenticeship papers - Sub-contractor agreements or a copy of a sub-contract - A copy of a Business Activity Statement - A copy of a business tax invoice that references relevant legislation - A copy of a Dispute Resolution Procedure or documentary evidence of a dispute The observer is to provide detailed comments on the tasks completed by the participant. The assessor is to verify the observer's comments in the Assessor Comments section, and provide the Practical Assessment outcome on the front cover of this document.		
Resources required: Computer, Telephone, Building Contract.		
Assessment of task		
Name of participant:	Sara Vaninetti	
Name of observer:	Tara Gilson	
Role of observer (Confirm suitability to sign)	Senior Estimator	
Email address of observer	tgilson@pkflooring.com	
Signature of observer:		
Date:	19/07/2021	
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