

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	Kylie Waldock
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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.

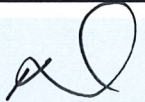
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THEORY EXAM INSTRUCTIONS

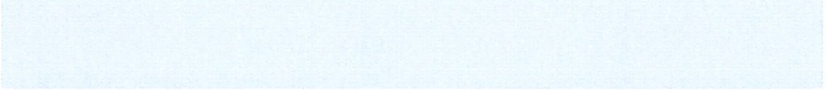
- This exam will occur under standard assessment conditions.
 - An oral examination may be allowed under certain circumstances, whereby the Participant's answers will be documented by a party other than the Participant. This must be acknowledged in writing (e.g. FT001 and Assessor Comments)
- Participants 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 Kylie Waldock

Participant signature 

Date 25/11/2020

Assessor name _____

Assessor signature 

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

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

ASSESSOR COMMENTS

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

Answer

Queensland Building and Construction Commission Act 1991
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
Builder Medium Rise Section 30 – Classes of contractors' licences	Scope of work ▪ Building work on a class 1 or class 10 building ▪ Building work to a maximum of 3 storeys, but not including Type A construction on classes 4 to 9 buildings ▪ Building work that consists of non structural work on a building, regardless of— ▪ the class of the building; or ▪ the gross floor area of the building ▪ Prepare plans and specifications if the plans and specifications are: ▪ for the licensee's personal use, or ▪ for use in building work to be performed by the licensee personally.

☐

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

Answer

Section(s) of legislation	Requirements
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☐

Section 30A – Nominee Supervisors licence	(1) A licence (a <i>site supervisor's licence</i>) may be issued authorising an individual, while the individual is an officer or employee of a licensed contractor that is a company, to personally supervise building work carried out under the company's licence. (2) A licence (also a <i>site supervisor's licence</i>) may be issued authorising an individual, while the individual is an employee of a licensed contractor that is an individual, to personally supervise building work carried out under the contractor's licence. (3) Site supervisors' licences are to be divided into classes by regulation— (a) according to whether the licence relates to all classes of building work or is limited to a specified class or specified classes of building work; and (b) if the licence is limited to a specified class, or specified classes, of building work—according to the class or classes of building work to which it relates. (4) A site supervisor's licence may be issued for any class of licence.
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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
Section 43B – Construction Manager must ensure building work is personally supervised & Section 43C – Construction manager must ensure building work is adequately supervised	43B Construction manager must ensure building work is personally supervised (1) This section applies if a construction manager provides building work services for a principal under a construction management contract for the carrying out of building work. (2) For a construction manager that is a company, the company and the company's nominee must each ensure that building work carried out by licensed contractors under construction management trade contracts for the principal is personally supervised by— (a) the company's nominee; or (b) an officer or employee of the company who holds one of the following licences of the relevant class authorising supervision of the building work— (i) a nominee supervisor's licence; (ii) a site supervisor's licence; (iii) a fire protection occupational licence; (iv) an occupational licence; or (c) an individual who holds a contractor's licence of the relevant class. Maximum penalty— (a) for an individual—200 penalty units; or (b) for a company—1,000 penalty units. (3) For a construction manager that is an individual, the construction manager must ensure that building work carried out by licensed contractors under construction management trade contracts for the principal is personally supervised by— (a) the construction manager; or (b) an employee of the construction manager who holds one of the following licences of the relevant class authorising supervision of the building work— (i) a nominee supervisor's licence; (ii) a site supervisor's licence; (iii) a fire protection occupational licence; (iv) an occupational licence; or (c) an individual who holds a contractor's licence of the relevant class.



	Maximum penalty—200 penalty units. 43C Construction manager must ensure building work is adequately supervised (1) This section applies if a construction manager provides building work services for a principal under a construction management contract for the carrying out of building work. (2) For a construction manager that is a company, the company and the company's nominee must each ensure that the building work carried out by licensed contractors under construction management trade contracts for the principal is adequately supervised. Maximum penalty— (a) for an individual—200 penalty units; or (b) for a company—1,000 penalty units. (3) For a construction manager that is an individual, the construction manager must ensure that the building work carried out by licensed contractors under construction management trade contracts for the principal is adequately supervised. Maximum penalty—200 penalty units. (4) In deciding whether building work is adequately supervised, regard must be had to the following— (a) whether the construction manager has a system for the supervision of the work and, if so, how the system has been implemented; (b) whether the building work is in accordance with the plans and specifications set out in the contract for the work; (c) whether the work is of a standard expected of a competent holder of a contractor's licence of the relevant class; (d) whether, having regard to the size and complexity of the building work, the following are sufficient— (i) the level of control, oversight and direction exercised by a person authorised to supervise the work; (ii) the number, timing and quality of inspections carried out by a person authorised to supervise the work;
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	(e) whether the building work is checked on its completion and before final payment by a person authorised to supervise the work.
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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 Part 2, Division 2, Section 19 – Primary Duty of Care	1) 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. (2) A person conducting a business or undertaking must ensure, so far as is reasonably practicable, that the health and safety of other persons is not put at risk from work carried out as part of the conduct of the business or undertaking. (3) Without limiting subsections (1) and (2), a person conducting a business or undertaking must ensure, so far as is reasonably practicable— (a) the provision and maintenance of a work environment without risks to health and safety; and (b) the provision and maintenance of safe plant and structures; and (c) the provision and maintenance of safe systems of work; and (d) the safe use, handling and storage of plant, structures and substances; and (e) the provision of adequate facilities for the welfare at work of workers in carrying out work for the business or undertaking, including ensuring access to those facilities; and (f) the provision of any information, training, instruction or supervision that is necessary to protect all persons from risks to their health and



	safety arising from work carried out as part of the conduct of the business or undertaking; and (g) that the health of workers and the conditions at the workplace are monitored for the purpose of preventing illness or injury of workers arising from the conduct of the business or undertaking
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Q6. Name the Act and identify the section that outlines the duties of workers regarding safety on site. Briefly describe the requirements, including those for monitoring.

Answer

Section of Act	Requirements
Work Health and Safety Act 2011 Part 2, Division 4 Section 28 – 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



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

Answer

Section of Regulation	Requirements
Work Health and Safety Regulation 2011 Chapter 6 Part 6.4 Division 2 Section 312 Also, Section 309	312 The principal contractor for a construction project must take all reasonable steps to obtain a copy of the safe work method statement relating to high risk construction work before the high risk construction work commences. Maximum penalty—36 penalty units. 309 WHS management plan—preparation



	(1)The principal contractor for a construction project must prepare a written WHS management plan for the workplace before work on the project commences. Maximum penalty—60 penalty units. (2)A WHS management plan must include the following— (a)the names, positions and health and safety responsibilities of all persons at the workplace whose positions or roles involve specific health and safety responsibilities in connection with the project; (b)the arrangements in place, between any persons conducting a business or undertaking at the workplace where the construction project is being undertaken, for consultation, cooperation and the coordination of activities in relation to compliance with their duties under the Act and this regulation; (c)the arrangements in place for managing any work health and safety incidents that occur; (d)any site-specific health and safety rules, and the arrangements for ensuring that all persons at the workplace are informed of these rules; (e)the arrangements for the collection and any assessment, monitoring and review of safe work method statements at the workplace.
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Q8. **Name the Regulation and identify the section that outlines the requirements for site signage when undertaking construction work. Briefly describe the requirements.**

Answer

Section of Regulation	Requirements
Work Health and Safety Regulation 2011 Chapter 6 Part 6.4 Division 2 Section 308	The principal contractor 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 Chapter 4 Part 4.3 Confined Spaces Division 3 Section 68 Signage	(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	In accordance with Section 4.3 Responsibilities: It is the responsibility of a principal contractor or PCBU, in accordance with the MUTCD Part 3 [Manual of Uniform Traffic Control Devices 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. Section 4.4 Planning, provides the following (in part): Five important basic principles, to be observed, are as follows: (i) Signs and devices shall be appropriate to the conditions at the worksite, and shall be used in accordance with the MUTCD Part 3, unless a risk assessment by a competent person indicates that an alternative arrangement is satisfactory. (ii) Signs and devices shall be erected and displayed before work commences at a worksite.



	(iii) Signs and devices shall be regularly checked and maintained in a satisfactory condition. (iv) Signs and devices shall be removed from a worksite as soon as practicable. However, appropriate signs should remain in place until all work (including loose stone removal and line marking following bituminous surfacing) has been completed. (v) Records shall be kept of all work's signing and delineation at roadway or part-roadway closures
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Q11. Identify the Volume and Parts of the NCC that relate to energy efficiency of building fabric for Classes 1 and 10, and Classes 2 to 9.

Answer	Classes 1 and 10	Classes 2 to 9	☐
	NCC Volume 2 Part 3.12.1 – Building Fabric	NCC Volume 1 Section J Part J1 Building Fabric	

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

Answer	AS/NZS 4859.1 – Materials for the thermal insulation of buildings	☐
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Q13. Identify the legislation (Act and/or Regulation) in your region relating to sustainable housing.

Answer	Building Act 1975 (Qld) Building Regulation 2006	☐
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Q14. Identify the legislation (Act and/or Regulation) in your region relating to noise standards when undertaking building work.

Answer

Environmental Protection Act 1994
Environmental Protection Regulation 2019

☐

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

Answer

Fraser Coast Regional Council:

Building activities that require a building approval and applies to builders, sub-contractors and other professions engaged to work for or on behalf of a builder:
Mon – Sat: 6:30am – 6:30pm – Permitted
Mon – Sat: 6:30pm – 6:30am – No audible noise permitted
Sunday and Public Holidays – No audible noise permitted

☐

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

Answer

Qld Home Warranty Insurance – for work valued over \$3,300

Contract Works Insurance – covers construction related activities of a construction project

Public Liability Insurance – covers for personal injury to a third party or damage to their property

☐

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 2
Part 2
Division 1
Section 48 – Employer's Obligation to Insure

☐

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

Answer

The four essential elements for a legally binding contract are:

- An offer by Party 1
- Acceptance by Party 2
- An intention by both parties to create legal relations
- Consideration (money in exchange for goods/services)

☐

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

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

Answer

Federal	State or territory
Competition and Consumer Act 2010 (Cth)	Fair Trading Act 1989 (Qld)

☐

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

Answer

Payroll Tax Act 1971 (Qld)

Part 2
Division 1
Subdivision 2
Section 12

☐

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

Answer

Current threshold is \$1.3m in taxable wages

☐

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

Answer

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

☐

Required to be registered:
Section 23.5

Who may be registered:
Section 23.10

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

Independent Contractors Act 2006 (Cth)
Fair Work Act 2009 (Cth)

☐

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

Answer

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 Qld

☐

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 (Qld)

Chapter 3
Part 5
Division 1
Section 72

☐

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

Answer

☒	True
☐	False

☐

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

Answer

Awards	Enterprise Agreements
Part 2.1, Division 2, Subdivision C – Terms and conditions of employment provided by a modern award	Part 2.1, Division 2, Subdivision D – Terms and conditions of employment provided by an enterprise agreement
Part 2.1, Division 3 – Interaction between the National Employment Standards, Modern Awards and Enterprise Agreements	Part 2.1, Division 3 – Interaction between the National Employment Standards, Modern Awards and Enterprise Agreements
Part 2.3 – Modern Awards	Part 2.4 – Enterprise Agreements

☐

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

Answer

☒	True
☐	False

☐

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

Answer

Building and Construction General On-site Award [MA000020]
Electrical, Electronic and Communications Contracting Award 2010 [MA000025]

☐

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

Plumbing, drainage, gasfitting, termite management – chemical or fire protection need to hold an occupational licence.

☐

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

Answer	Ensuring there is a strong and unambiguous equal opportunity policy in place can be a powerful tool to prevent discrimination and sexual harassment in the workplace. Ensure that everyone understands the policy (via training etc) and that it operates effectively in practice (e.g. monitor, action and review complaints) Ensure there is a robust process for complaint resolution.	☐
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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 9 Racial Discrimination to be unlawful	Racial discrimination to be unlawful (1) 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 – Sexual Harassment Section 28 B <i>Section 28 A-L</i>	In particular, Section 28B with regard to employment: (1) It is unlawful for a person to sexually harass: (a) an employee of the person; or (b) a person who is seeking to become an employee of the person. (2) It is unlawful for an employee to sexually harass a fellow employee or a person who is seeking employment with the same employer. (3) It is unlawful for a person to sexually harass: (a) a commission agent or contract worker of the person; or

	(b) a person who is seeking to become a commission agent or contract worker of the person. (4) It is unlawful for a commission agent or contract worker to sexually harass a fellow commission agent or fellow contract worker. (5) It is unlawful for a partner in a partnership to sexually harass another partner, or a person who is seeking to become a partner, in the same partnership. (6) It is unlawful for a workplace participant to sexually harass another workplace participant at a place that is a workplace of either or both of those persons. (7) In this section: place includes a ship, aircraft or vehicle. workplace means a place at which a workplace participant works or otherwise carries out functions in connection with being a workplace participant. workplace participant means any of the following: (a) an employer or employee; (b) a commission agent or contract worker; (c) a partner in a partnership.
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Q39. Identify the legislation (Act name and relevant section) that identifies the wages and employment conditions for apprentices and trainees.

Answer Industrial Relations Act 2016 (Qld) ☐

Part 5 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
Part 5
Division 2
Section 47 – Duty to Consult Workers

☐

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

Answer

Newsletters & Noticeboards
Emails
Meetings

☐

**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 Your 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 of all disputes and outcomes can help you to identify trends or recurring issues, and take steps to implement continuous improvement.

The records may 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

☐