

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	Robert Dungar
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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

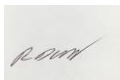
APPLY LEGAL REQUIREMENTS TO BUILDING AND CONSTRUCTION PROJECTS

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 Robert Dungar

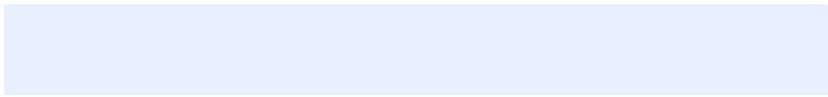
Participant signature



Date 18/04/2020

Assessor name

Assessor signature



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

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

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 (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
Builder- Medium rise	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 -9 buildings

☐

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
Site supervisor – QBCC ACT, Division 2	The holder of a site supervisor licence does not require a QBCC contractor licence to do something permitted under their site supervisors licence.

☐

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
Project manager QBCC Key legislation includes: Section 42, QBCC Schedule 1A and 2 Schedule 2, QBCC regulation	The providing of management, administration and supervisory or advisory services for building work is defined as building work services under the QBCC Act and requires a QBCC Act licence (unless an exemption applies)

☐

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 Safe ACT – construction safety Work health and safety Act 2011: Section 20	On site safety is the responsibility of every person on site, but ultimately falls on the PCBU

☐

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
WHS Act (QLD) 2011 Section 20	Take reasonable care for their own health and safety. Take reasonable care that their conduct does not affect the health and safety of others. Comply so far as they are reasonably able with instructions

☐

- 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	If the work is not being conducted in accordance with the SWMS the work must stop immediately or as soon as it is safe to do so. Work must not resume until the work can be carried out in accordance with the SWMS

☐

- 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) Section 308	Warning of all hazardous activities and materials on site. Show principal contractors name and contact number. Site address, clearly visible

☐

- 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 Reg 66: Risk assessment S68	PCBU must ensure signs are erected PCBU must conduct a risk assessment

☐

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	Signs and devices shall be in accordance with the MUTCD part 3. Signs and devices shall be erected and displayed before work commences at a work site.

☐

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 Part 36.12.1	Volume 1 part J1

☐

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

Answer

AS/NZS 4859.1

☐

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

Answer

Sustainable planning ACT 2009 – Queensland legislation

☐

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

Answer

Environmental protection Act 1994

☐

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

Answer

Cairns regional council

Environmental protection ACT 1994 prohibits building noise
Mon – Sat 6:30 pm to 6:30 am, Sundays and public holidays.

☐

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

Answer

Contract works insurance covers: Repair, vandalism, fire, flood etc..

☐

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 rehabilitation ACT 2003

☐

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

Answer

An offer by party 1

Acceptance by party 2

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
Competition & Consumer ACT	QLD Fair traders ACT 1989

☐

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
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

\$25,000 per week

☐

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

Answer Goods and services TAX ACT 1999
Part 2-5
Division 23 ☐

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 Competition and consumer act 2010
Fair work ACT: Independent contractors ACT 2006
WHS ACT ☐

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

Answer Small works contract ☐

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

Answer Commercial cost plus contract ☐

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

Answer

Planning ACT 2016 (QLD)
Planning regulation 2017 (QLD)

☐

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 – 6	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

Industrial action
Dispute resolution
Minimum wages

☐

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

Gas fitting
Plumbing and drainage

☐

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

Having a strong and unambiguous equal opportunity policy is a powerful tool for preventing discrimination and sexual harassment in the work place

☐

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 2, section 9	(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 2 Division 1	(1) It is unlawful for an employer to discriminate against a person on the ground of the person's sex, sexual orientation, gender identity, intersex status, marital or relationship status, pregnancy or potential pregnancy, breastfeeding or family responsibilities: (a) in the arrangements made for the purpose of determining who should be offered employment; (b) in determining who should be offered employment; or (c) in the terms or conditions on which employment is offered. (2) It is unlawful for an employer to discriminate against an employee on the ground of the employee's sex, sexual orientation, gender identity, intersex status, marital or relationship status, pregnancy or potential pregnancy, breastfeeding or family responsibilities: (a) in the terms or conditions of employment that the employer affords the employee; (b) by denying the employee access,



	or limiting the employee's access, to opportunities for promotion, transfer or training, or to any other benefits associated with employment; (c) by dismissing the employee; or (d) by subjecting the employee to any other detriment.
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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) Section 8C	☐
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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

ACT Work Health and safety ACT 2011 Sections: WHS regulations 2011	☐
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Q42. List three (3) ways that reference material on industrial relations or legal information may be made available to employees.

Answer

Electronic communication

Face to face meetings

Newsletters

☐

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 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

☐

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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

Participant signature

Date

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

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:		
Name of observer:		
Role of observer (Confirm suitability to sign)		
Email address of observer		
Signature of observer:		
Date:	Click here to enter a date.	
When completing the task, did the participant:	Tick if satisfactorily completed. Provide comments if left unticked.	
	1 st Occasion	2 nd Occasion
1 Legal obligations		
1.1A. Research and apply licensing or registration legislation relevant to the region, including classifications for builders, supervisors and managers.	☐	☐
1.1B. Research, apply and monitor safety legislation and regulations applicable to on-site construction, including site safety signage	☐	☐

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

OBSERVER COMMENTS