

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	<i>Jack Morris</i>
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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.

CPCCBC4009B

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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

Participant signature

Date

Assessor name

Assessor signature

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] The *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
Contractor licence Division 1 Classes of licences)	to carry out building work of 1 or more classes specified in the licence Example: Builder-low rise.

☐

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
30a Nominee supervisor's licence	A licence (a nominee supervisor's licence) may be issued authorising an individual: provide supervisory services for building work carried out under the company's 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
43B Construction manager must ensure building work is personally supervised	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

☐

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
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

☐

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
Section 13 Health and safety duties Section 18	This Subdivision sets out the principles that apply to all duties that persons have under this Act; Duties not transferrable In this Act, reasonably practicable, in relation to a duty to ensure health and safety, means that which is, or was at a particular time, reasonably able to be done in relation to ensuring health and safety

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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
300 Compliance with safe work method statement	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.



- 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
308 Specific control measure—signage identifying principal contractor	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)



- 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
68 Signage	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 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



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	

☐

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 Vol 1 Part J1	Vol 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 AS4859.2

☐

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

Answer *Building Act 1975 (Qld)*
Land Act 1994

☐

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

Answer *Environmental Protection Act 1994* ☐
Noise includes vibration of any frequency, whether emitted through air or another medium

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

Answer Construction noise that causes an adverse impact on amenity is only permitted between 7 am and 7 pm, Monday to Saturday. ☐

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

Answer The **Queensland Home Warranty Insurance** covers: ☐

- Construction work valued at more than \$3,300 (new structures, extensions, additions, alterations, renovations or repair)

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

Answer Safe work act 2008 ☐
. 48 Employer's obligation to insure (1) Every employer must, for each worker employed by the employer, insure and remain insured, that is, be covered to the extent of accident insurance, against injury sustained by the worker for— (a) the employer's legal liability for compensation; and (b) the employer's legal liability for damages

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
- An intention by both parties to create legal relations (i.e. more than just a friendly agreement, as legal consequences may result from a failure to meet the obligations of the contract)
- Consideration (e.g. 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	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)
12 Employer to pay payroll tax Payroll tax shall be paid by the employer by whom the taxable wages are paid or payable

☐

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

\$18200

☐

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 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 \$75000 or more

☐

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

Answer *The 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 Queensland 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 72 When development may start	☐
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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	☐
768AS Modern awards and copied State awards	768AU Enterprise agreements and copied State instruments	

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

Clerks Award Building and Construction General On-site Award	☐
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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 QBCC licence to carry out building work:

☐

- valued over \$3,300
- valued over \$1,100 where it involves Hydraulic Services Design
- of any value where it involves:
 - Drainage
 - Plumbing and Drainage
 - Gas Fitting
 - Termite Management – Chemical
 - Fire Protection
 - Completed Residential Building Inspection
 - Building Design – Low Rise, Medium Rise and Open
 - Site Classification
 - Mechanical Services

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

Answer

- Having a strong and unambiguous equal opportunity policy is a powerful tool for preventing discrimination and sexual harassment in the workplace.
- In addition to developing the right policy for their workplace, employers also need to make sure that everyone understands the policy (e.g. through training) and that it operates effectively in practice (e.g. by reviewing trends of complaints).



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
9 Racial discrimination to be unlawful	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
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Division 3—Sexual harassment	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
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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)

135 Apprentice's and trainee's employment conditions

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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 *Work Health and Safety Act 2011 (Qld)*
Division 2 Consultation with workers

47 Duty to consult workers (1) The person conducting a business or undertaking must, so far as is reasonably practicable, consult, as required under in this division and any regulation, with workers who carry out work for the business or undertaking who are, or are likely to be, directly affected by a matter relating to work health or safety

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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

Fair Work Act 2009 (Cth)
 Queensland Industrial Relations Act 2016
 The Fair Work Commission

☐

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

Always refer to your contract first

☐

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

Go through the complaint in detail so you can understand exactly what the problem is. Keep records of all complaints in one central place or register. This will help you identify any trends or issues.

☐

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

Answer

☒	True
☐	False

☐