

CPCCBC4009B

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

Aren Birt

Participant signature



Date

Click here to enter a date. 11/8/20

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		☐	☐

- 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



- 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
Building Work	Valued over \$1,100.00 where it involved hydraulic design services



- 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
Part 3 Division 1	Air handling duct installation licence 1 Licence class Air handling duct installation. 2 Scope of work (1) Install ductwork and enclosures for air conditioning, air handling and mechanical ventilation systems. (2) Incidental work of another class. 3 Technical qualifications The technical qualifications stated in the technical qualifications document for the licence class applied for. 4 Managerial qualifications An approved managerial qualification. 5 Financial requirements The relevant minimum financial requirements.



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
Part 18 Plumbing and Drainage	4 Managerial qualifications An approved managerial qualification.



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

Answer

Section of Act	Requirements
Work Health and Safety Act 2011 section 19	The WHS Act requires all PCBUs to ensure the health and safety of workers, so far as is reasonably practicable. Workers include volunteers, contractors and contractors' workers. PCBU's also have a duty of care to any other people who may be put at risk from work carried out by the business or undertaking. A self-employed person must ensure his or her own health and safety while at work, so far as is reasonably practicable. The WHS Act sets out specific duties which a PCBU must comply with as part of their general duty so far as is reasonably practicable. These include: • providing and maintaining a work environment that is safe and without risks to health, including the entering and exiting of the workplace • providing and maintaining plant, structure and systems of work that are safe and do not pose health risks (e.g. providing effective guards on machines and regulating the pace and frequency of work) • ensuring the safe use, handling, storage and transport of plant, structure and substances (e.g. toxic chemicals, dusts and fibres) • providing adequate facilities for the welfare of workers at workplaces under their management and control (e.g. washrooms, lockers and dining areas) • providing workers with information, instruction, training or supervision needed for them to work safely and without risks to



	their health • monitoring the health of their workers and the conditions of the workplace under their management and control to prevent injury or illness • maintaining any accommodation owned or under their management and control to ensure the health and safety of workers occupying the premises
--	---

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	Workers must: • take reasonable care for their own health and safety and electrical safety • take reasonable care that their conduct, acts or omissions does not adversely affect the health and safety of others or adversely affect the electrical safety of other persons or property • comply, so far as they are reasonably able with instructions • cooperate with reasonable health and safety and electrical safety policies or procedures that have 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 Act 2011 part 6.3 Division 2	Safe work method statement required for high risk construction work (1) 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
---	---

- 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 Act 2011 Section 68	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.. (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.



- 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
Regulation 69	Before any work in relation to a confined space starts, signs must be erected to prevent entry of persons not involved in the work. Signs must warn against entry by people other than those who are listed on the confined space entry permit, and must be placed at each entrance to the confined space. Signs must be in place while the confined space is accessible, including when preparing to work in the space, during work in the space and when packing up on completion of the work. Signposting alone should not be relied on to prevent unauthorised entry to a potential confined



	space. Security devices, for example locks and fixed barriers, should be installed.
--	---

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

Answer

Code of Practice name	Requirements
Section 316	ensure that written approval to close the area is obtained from the authority or other person who controls the area; Examples of an authority— • a local government • the Department of Main Roads • the Queensland Police Service (b) if an authority controls the area, use any measures for the closure required by the authority. Examples of measures for the closure— • physical barriers to prevent use of a footpath or road • signs about the closure • signs directing pedestrians to use another footpath • traffic controllers to direct pedestrians or other traffic



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
P2.6.1	Section J1 Energy efficiency



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

Answer AS/NZS 4859



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

Answer the *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 (Noise) Policy 2019
made under the Environmental Protection Act 1994



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

Answer Building work noise



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:

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

Audible noise

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

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

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

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

Answer certificate of domestic building insurance



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

Answer **Workers' Compensation and Rehabilitation Act 2003 section 48**



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



• <u>Competition and Consumer Act 2010 (Cth)</u>	• <u>Fair Trading Act 1989 (Qld)</u>
--	--

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, section 9



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



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



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 contract Act 2006 and the fair work act 2009



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

Answer Level 1 – Renovation, Extension and Repair contracts



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 - Section 72 – when development may start



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	☒
	Modern Award	Enterprise bargaining	

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 onsite award Labour market assistance industry 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

Drainage
'plumbing and drainage
Gas fitting
Termite management
Fire protection
Completed residential building inspection
Building design



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

Answer

Observe and implement principles of equal employment opportunity
Ensuring 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
Section 18C	RACIAL DISCRIMINATION ACT 1975 - SECT 18C Offensive behaviour because of race, colour or national or ethnic origin (1) It is unlawful for a <u>person</u> to do an act, otherwise than in private, if: (a) the act is reasonably likely, in all the circumstances, to offend,



	insult, humiliate or intimidate another <u>person</u> or a group of people; and (b) the act is done because of the race, colour or national or ethnic origin of the other <u>person</u> or of some or all of the people in the group. Note: <u>Subsection</u> (1) makes certain acts unlawful. Section 46P of the <i>Australian Human Rights Commission Act 1986</i> allows people to make complaints to the Australian Human Rights <u>Commission</u> about unlawful acts. However, an unlawful act is not necessarily a criminal offence. Section 26 says that this Act does not make it an offence to do an act that is unlawful because of this Part, unless Part IV expressly says that the act is an offence. (2) For the purposes of <u>subsection</u> (1), an act is taken not to be done in private if it: (a) causes words, sounds, images or writing to be communicated to the public; or (b) is done in a <u>public place</u>; or (c) is done in the sight or hearing of people who are in a <u>public place</u>. (3) In this section: "public place" includes any place to which the public have access as of right or by invitation, whether express or
--	--

	implied and whether or not a charge is made for admission to the place.
--	---

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
Division 3	For the purposes of this Division, a person sexually harasses another person (the <i>person harassed</i>) 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. (1A) For the purposes of subsection (1), the circumstances to be taken into account include, but are not limited to, the following: (a) the sex, age, sexual orientation, gender identity, intersex status, marital or relationship status, religious belief, race, colour, or national or ethnic origin, of the person harassed; (b) the relationship between the person harassed and the person who made the advance or request or who engaged in the conduct;



	(c) any disability of the person harassed; (d) any other relevant circumstance. (2) In this section: <i>conduct of a sexual nature</i> includes making a statement of a sexual nature to a person, or in the presence of a person, whether the statement is made orally or in writing.
--	--

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

Answer Fairwork work Act 2009 section 12 apprentices



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 Workplace health and safety act section 46



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

Answer Share relevant information with employees
Provide workers with a reasonable opportunity to express their views, to raise work health and safety issues, and to contribute to the decision-making processes ☒

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 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

So you can understand exactly what the complaint is
Keeps complaints in one central place
Identify trends or issues and can 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



CPCBC4009B

APPLY LEGAL REQUIREMENTS TO BUILDING AND CONSTRUCTION PROJECTS

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)	☐	☐

ASSESSOR COMMENTS

CPCCBC4009B

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:	Adam Burt		
Name of observer:	Keren Mervin		
Role of observer (Confirm suitability to sign)	Contract Admin		
Email address of observer	adrian@outlook.com		
Signature of observer:			
Date:	Click here to enter a date. 11/8/20		
When completing the task, did the participant:	Tick if satisfactorily completed. Provide comments if left unticked.		
	1st Occasion	2nd 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	☒	☒
1.2A.	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