

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	Rebecca David
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Theory Exam	☐ Satisfactory	☐ Not Yet Satisfactory
Practical Assessment	☐ Satisfactory	☐ Not Yet Satisfactory
	☐ 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.
 - o 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.
 - o 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:
 - o If a Participant changes their response in writing, they must put their initials next to the written change.
 - o If a Participant changes their response verbally, this must be noted on the exam paper by the assessor.

Participant name Rebecca David

Participant signature

RDavid

Date 12/04/2020

Assessor name

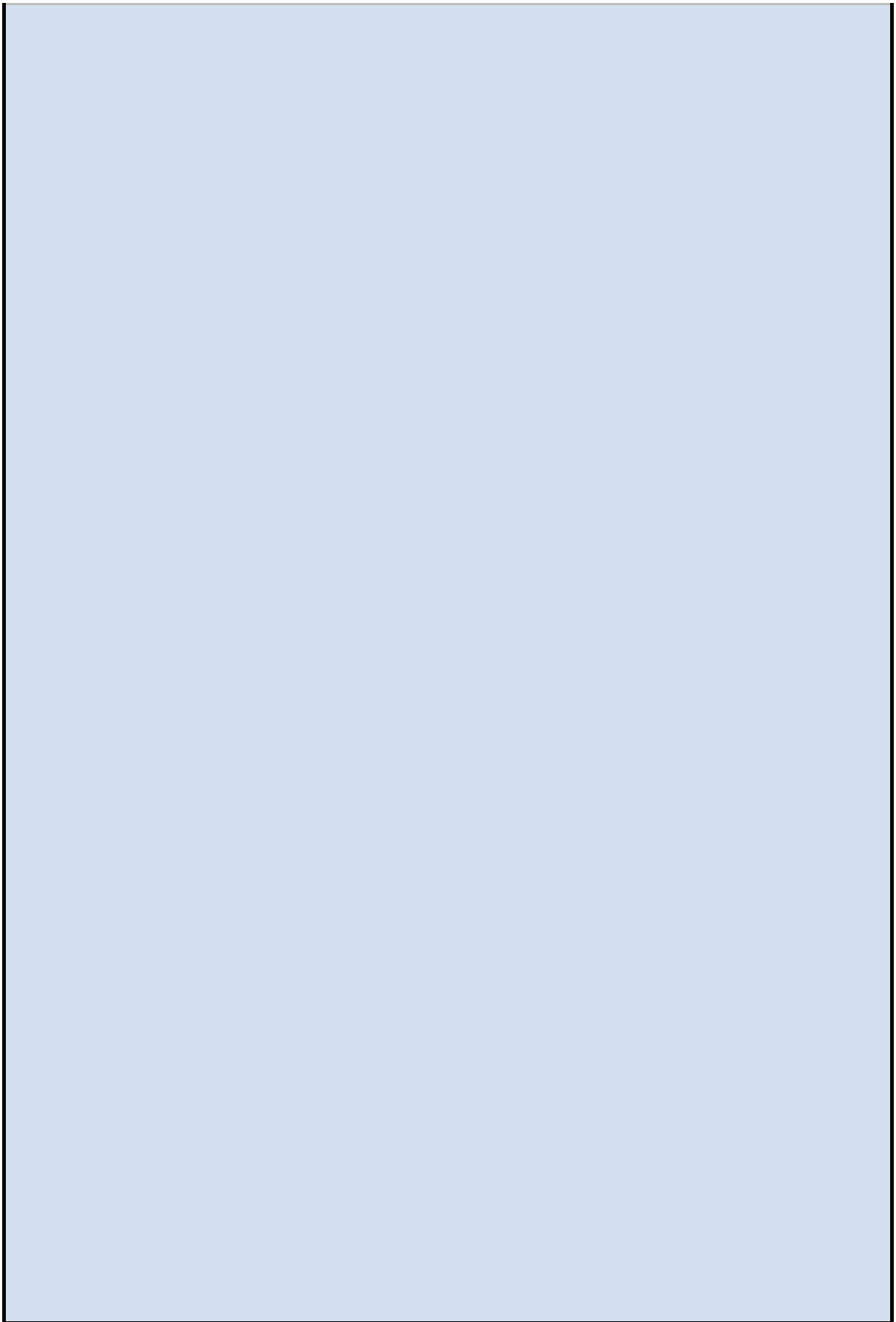
Assessor signature

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

Number of questions	Number of questions answered correctly	Task outcome (Tick)	
48		Satisfactor y	Not Yet Satisfactor y

		☐	☐
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ASSESSOR COMMENTS



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
Part 3 Licensing Division 1 Classes of Licences 30 Classes of contractors' licenses	Builder – Open The builder can undertake building work on all classes of buildings. They can prepare plans and specifications that 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
Part 3 Licensing Division 1 Classes of Licences 30B Site supervisors' license Division 7 Requirement to be licenced Section 42B	A site supervisor licence allows an employee or officer of a licensed contractor to supervise building work under the contractor's licence. A site supervisor's licence may be issued for any class of licence. Under Section 42B a contractor with say an Builders – Open license has to have a nominee with a supervisor's licence for the building work to be carried out.



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
Division 7 Requirement to be licenced Section 43B	Construction managers have to ensure work is personally supervised. Where the construction manager is a company, works must be supervised by the company's nominee or an employee who has a nominee supervisor's licence, site supervisor's licence, fire protection occupational licence, occupational licence or holds a contractor's license of the relevant class.

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

Answer

Section of Act	Requirements
Work Health and Safety Act 2011 (Qld) Division 2 Primary duty of care 19 primary duty of care	A person conducting a business or undertaking must ensure the health and safety of employees or people under their direction / supervision as much as practical. They must ensure that the work the employees carry out is safe to do so, equipment and tools required to carry out their work is safe and maintained. They must ensure that the worker is educated in any risks that may be involved in carrying out their duties e.g. MDS of chemicals used.

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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 (Qld) Division 4 Duty of Officers, Workers and Other Persons 28 Duties of Works	Workers must take reasonable care to ensure their own health and safety, and that actions / omissions they may do does not affect the health and safety of others. They must comply with reasonable instructions given to them by their employer. They must cooperate with any reasonable policy or procedure notified to them by their employer. The PCBU must monitor safety during onsite

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	construction in order to prevent illness or injury of workers.
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Q7. Name the Regulation and identify the section that outlines the requirements regarding compliance with safe work method statements. Briefly describe the requirements.

Answer

Section of Regulation	Requirements
Work Health and Safety Regulation 2011 (Qld) Chapter 6 Construction Work Part 6.3 Division 2 300	An employer must ensure that works are carried out in accordance with the safe work method statement. Penalty 60 units. If the work is not carried out in accordance with the safe work method statement then they must ensure the work is ceased immediately and resumed only in accordance with the statement. Penalty 60 units.



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

Answer

Section of Regulation	Requirements
Work Health and Safety Regulation 2011 (Qld) Chapter 6 Part 6.4 Division 2 300	The principal contractor shall ensure signs are installed that identify the principal contractors name and telephone numbers (including after hours contact details), show the location of the site office and be clearly visible from outside the workplace.



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
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Work Health and Safety Regulation 2011 (Qld) Chapter 4 Part 4.3 Division 3 68	An employer must ensure that signs are erected immediately before work is commenced and whilst work is being undertaken in confined spaces. The signs must remain while preparation for and completion of works in a confined space. The signs must identify the confined space, inform workers not to enter unless they have a confined space work permit and the sign should be prominently located to each entry of the space.
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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	This code helps persons to manage workplace health and safety risks associated with traffic to workers or other persons whilst undertaking construction or maintenance work. The codes provide information on hazards and risks of traffic, traffic control measures, roles and responsibilities of traffic contractors and the recommended training.



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 2019 Volume Two Amendment Part 3.12 Energy Efficiency Part 3.12.1 Building Fabric	NCC 2019 Volume One Section J Energy Efficiency 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



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

Answer

Planning Act 2016
Planning Regulation 2017
Building Act 1975 (Qld) Chapter 8A Provisions to support sustainable housing



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

Answer

The Environmental Protection (Noise) Policy 2019



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

Answer

Building noise cannot be heard between 6.30pm and 6.30am Monday to Saturday and any time Sunday or on public holidays (normal Saturday restrictions apply to Saturday public holidays). Some noise during the prescribed times may still be deemed a nuisance when assessed against certain noise criteria.



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

Answer

Old Home Warranty Insurance - for works valued at more than \$3,300. These works can be new, extensions, additions, alterations, renovations or repairs. Cover lasts for 6 years 6 months from the date of contract. The building must be less than 3 storeys high. This insurance is in case you go bankrupt, insolvent, don't complete the work or fix defects or if the building suffers from settlements or subsidence.

Contract Works Insurance is for builders, tradespersons to cover works underway onsite. This insurance covers repair or redo of works in progress due to fire, flood, storm, vandalism or theft.

Public Liability Insurance covers you for third party claims such as damage to property or injury to persons. It covers the legal costs and damages associated with the claim.

WorkCover Insurance covers workers in case of being injured during the course of their job. It pays the workers wages, medical bills, payouts if disability occurs.



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
Chapter 2 Employer's obligations
Part 1 Employer's legal liability
Part 2 Employer's insurance requirements
Division 1 General obligations
Division 2 Contravention of employer's general obligation and associated provisions



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 a legal relation
Consideration (money exchanged for goods or 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
12 Employer to pay payroll tax



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 a 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

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

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



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

Answer

HIA Small Works Contract

☐

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

Answer

Master Builders 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 (Qld)
Part 5
Division 1
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
Chapter 2 Part 2-1 Division 2 Subdivision C and Division 3	Chapter 2 Part 2-1 Division 2 Subdivision D and Division 3

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

Answer

y	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 (MA000025)
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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

y	True
☐	False

☐

Q33. True or False (Tick your response): Award an agreement free employees may have an employment contract.

Answer

y	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
y	False

☐

Q35. Identify the subcontractors who still need to hold a licence.

Answer

Plumbers, gas fitters, termite management, fire protection subcontractors still require an occupational licence. A sub-trade contractor needs to hold an occupational licence. When work is for completed building inspection a contractor licence is needed.



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

Answer

1. Have a strong and unambiguous equal opportunity policy
2. Ensure everyone understands the policy (eg through training) and it works in practice (review 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
Part II, Section 9	The section states that you can't exclude, do anything to, have preference for, distinguish or discriminate against a person due to their colour, ethnic background, race or heritage.



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 Section 28B	This states that it is unlawful for a person, employee, employer, commission agent or contract worker, partner, or workplace participant to sexually harass a person, employee, employer, partner, commission agent, contract worker or workplace participant. Sexual harassment means unwelcome sexual advance, request for sexual favours or unwelcome conduct of a sexual nature. This also includes making a sexual statement to a person or in the presence of a person either made orally or in writing. One eg: you can offer a person a job only if they perform sexual acts for you
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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 Section 136	☐
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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	☐
X	False	

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

Answer

Work Health and Safety Act 2011 (Qld) Part 5 Division 2	☐
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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

Three ways may include through training, meetings or electronic communication (eg emails, newsletters etc)



Q43. Which of the following are good processes for addressing disputes? Tick all that apply.

Answer

Choice	Possible Answers
X	Act quickly
X	Discuss options for fixing the problem
X	Follow up with the customer
X	Get all the facts
X	Keep your promises
X	Listen to the complaint
X	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

Refer to the contract documents.



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
X	Explanation of how to make a formal complaint
X	Information about commitment to continuous improvement
X	Some of the solutions offered to resolve complaints
X	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

Benefits of documenting disputes and their outcomes helps you identify improvements needed in service, company policies and procedures, communication as well as 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 rebecca david

Participant signature

R David

Date 26/04/2020

Assessor name _____

Assessor signature

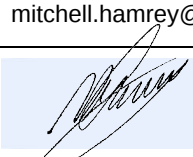
Date Click here to enter a date.

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

ASSESSOR COMMENTS

CPCCBC4009B

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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:	rebecca david	
Name of observer:	Mitchell Hamrey	
Role of observer (Confirm suitability to sign)	Contracts Manager	
Email address of observer	mitchell.hamrey@paynters.com.au	
Signature of observer:		
Date:	Click here to enter a date. 27/04/20	
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.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

