

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	Ryan Readdy
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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

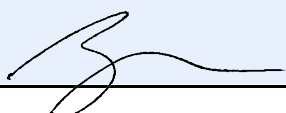
APPLY LEGAL REQUIREMENTS TO BUILDING AND CONSTRUCTION PROJECTS

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 Ryan Readdy

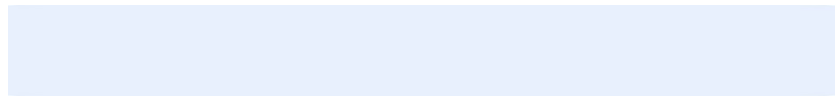
Participant signature



Date 30/10/2019

Assessor name

Assessor signature



Date Click here to enter a date.

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

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



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 restricted to kitchen, bathroom and laundry Installation. QBCC Regulation 2018 Schedule 2 – Part 7.	(1) Install, refurbish, restore and repair a kitchen, bathroom or laundry on-site in— (a) a class 1 or class 10 building; or (b) classes 2 to 9 buildings if the gross floor area of the kitchen, bathroom or laundry is not more than 50m ² . (2) Prepare plans and specifications that are— (a) for the licensee's personal use; or (b) for use in building work to be performed by the licensee personally. (3) However, the scope of work does not include— (a) building work that may affect the structural performance of the building; or (b) personally carrying out any building work for which— (i) a fire protection licence is required; or (ii) an occupational licence is required unless the licensee holds the occupational licence.



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
QBCC Act 1991 Part 3 Division 1 30B	(1) A licence (a site supervisor's licence) may be issued authorising an individual, while the individual is an officer or employee of a licensed contractor that is a company, to personally supervise building work carried out under the company's licence. (2) A licence (also a site supervisor's licence) may be issued authorising an individual, while the individual is an employee of a licensed contractor that is an individual, to personally supervise building work carried out under the contractor's licence. (3) Site supervisors' licences are to be divided into classes by regulation—



	(a) according to whether the licence relates to all classes of building work or is limited to a specified class or specified classes of building work; and (b) if the licence is limited to a specified class, or specified classes, of building work—according to the class or classes of building work to which it relates. (4) A site supervisor's licence may be issued for any class of licence.
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Q4. Select one (1) licence class and identify the requirements under the legislation for managers. List the relevant section(s) of the legislation.

Answer

Section(s) of legislation	Requirements
QBCC Act 1991 Part 3 Division 7 43B	Construction manager must ensure building work is personally supervised (1) This section applies if a construction manager provides building work services for a principal under a construction management contract for the carrying out of building work. (2) For a construction manager that is a company, the company and the company's nominee must each ensure that building work carried out by licensed contractors under construction management trade contracts for the principal is personally supervised by— (a) the company's nominee; or (b) an officer or employee of the company who holds one of the following licences of the relevant class authorising supervision of the building work— (i) a nominee supervisor's licence; (ii) a site supervisor's licence; (iii) a fire protection occupational licence; (iv) an occupational licence; or (c) an individual who holds a contractor's licence of the relevant class.



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 & Safety Act 2011 Part 2 Division 2 19	A person conducting a business or undertaking must ensure, so far as is reasonably practicable, the health and safety of (1) (a) workers engaged, or caused to be engaged by the person; and (b) workers whose activities in carrying out work are influenced or directed by the person; while the workers are at work in the business or undertaking. (2) other persons is not put at risk from work carried out as part of the conduct of the business or undertaking. A self-employed person must ensure, so far as is reasonably practicable, his or her own health and safety while at work



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 & Safety Act 2011 Section 29	While at work, a worker must— (a) take reasonable care for his or her own health and safety (b) take reasonable care that his or her acts or omissions do not adversely affect the health and safety of other persons; and (c) comply, so far as the worker is reasonably able, with any reasonable instruction that is given by the person conducting the business or undertaking to allow the person to comply with this Act; and (d) co-operate with any reasonable policy or procedure of the person conducting the business or undertaking relating to health or safety at the workplace that has been notified to workers.

☐

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

Answer

Section of Regulation	Requirements
Work Health and Safety Regulation 2011 Part 6.3 Division 2	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
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☐

Work Health and Safety Regulation 2011 Part 6.4 Division 2 308	The principal contractor for a construction project must ensure that signs are installed, that— (a) show the principal contractor's name and telephone contact numbers (including an after hours telephonenumber); and (b) show the location of the site office for the project, if any; and (c) are clearly visible from outside the workplace, or the work area of the workplace, where the construction project is being undertaken.
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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 Part 4.3 Division 3 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; and (b) while work is being carried out in preparation for, and in the completion of, work in a confined space.	

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

Answer	Code of Practice name	Requirements	☐
Traffic management for construction COP 2008	Signs or maintenance work	Signs shall be appropriate to the conditions at the worksite, and shall be used in accordance with the MUTCD Part 3, unless a risk assessment by a competent person indicates that an alternative arrangement is satisfactory. (ii) Signs and devices shall be erected and displayed before work commences at a worksite. (iii) Signs and devices shall be regularly checked and maintained in a satisfactory condition (iv) Signs and devices shall be removed from a worksite as soon as practicable. However, appropriate signs should remain in place until all work (including loose stone removal and line marking following bituminous surfacing) has been completed.	

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	☐
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NCC Volume 2 Part 3.12.1	NCC Volume 1 Part J1
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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 Building Act 1975 Chapter 8A
Queensland Development Code 4.1

☐

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

Answer

Environmental Protection Act 1994 Part 3B Division 3 440R

☐

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

Answer

Building noise should not be heard outside of 6:30am-6:30pm Monday-Saturday

☐

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

Answer

Home warranty 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
Chapter 2
Part 2
Division 1
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	☐
	Competition and Consumer Act 2010	Fair Trading 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	
	Division 1	
	Subdivision 2	
	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 /week	☐
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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 Act 1999 V1 Part 2-5

Division 23-5 Who is required to be registered
Division 23-10 Who may be registered

☐

Q23. Business owners should register for GST if their business' gross income is more than \$_____.

Answer \$75,000

☐

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

Answer Independent Contractors Act 2006
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 QBCC Level 1 Renovation Extension and repair contract

☐

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

Answer Master Builders 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 Chapter 3 Part 5 Division 1 72	☐
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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	☐
	Fair Work Act 2009 V1 Part 2-3	Fair Work Act 2009 V1 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	Building and Construction General On-Site Award 2010 Plumbing and Fire Sprinklers Award 2010	☐
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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

Plumbers/Drainers
Fire Protection

☐

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
Ensuring that 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
Racial Discrimination Act 1975 Part II 9	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
Sex Discrimination Act 1984 Part II Division 1 14	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 (c)who should be offered employment; or in the terms or conditions on which employment is offered.



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 Chapter 2 Part 5 135



Q40. **True or False (Tick your response): An apprentice or trainee is not entitled to the same employment conditions as other employees in the workplace.**

Answer

☐	True
☒	False

☐

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

Answer

Work Health and Safety Act 2011
Part 5
Division 2
47

☐

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

Answer

Drafting electronic communication
Presenting information via face-to-face methods, such as meetings
Compiling information for a newsletter

☐

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 The 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 It is important to record the details of the complaint in detail so you can understand exactly what the problem is
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

☐

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)	☐	☐

CPCBC4009B 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:	Ryan Readdy		
Name of observer:	Stuart Betts		
Role of observer (Confirm suitability to sign)	Site Manager		
Email address of observer	sbetts@hotmail.com		
Signature of observer:			
Date:	31/10/2019		
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			