

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	Melissa Robertson
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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

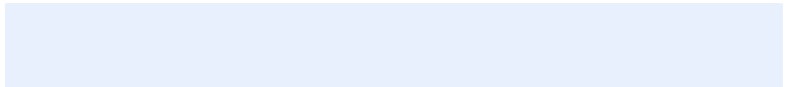
- This exam will occur under standard assessment conditions.
 - An oral examination may be allowed under certain circumstances, whereby the Participant's answers will be documented by a party other than the Participant. This must be acknowledged in writing (e.g. FT001 and Assessor Comments)
- Participants 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 Melissa Robertson

Participant signature 

Date 7/04/2021

Assessor name _____

Assessor signature 

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

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

ASSESSOR COMMENTS

Q1. Identify the legislation (Act and/or Regulation) in your region relating to builder licensing or registration.

Answer 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
Builder – Open Part 6	Scope is identified in Part 6 item 2 (1-5) Main items: Building work on all classes of buildings 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
6(4) Technical qualifications — site supervisor's licence	Builder—open licence: Any one of the following— (a) successful completion of Advanced Diploma of Building and Construction (Management) CPC60212; (b) successful completion of a course the commission considers is at least equivalent to the course mentioned in paragraph (a); (c) a recognition certificate as a qualified builder to carry out the scope of work for the licence class; (d) a qualification or statement of attainment of required competency for the class of licence. Site supervisor Any one of the following— (a) the technical qualifications stated above; (b) successful completion of the following units of competency— (i) Apply building codes and standards to the construction process for large building projects



	CPCCBC6001B; (ii) Manage processes for complying with legal obligations of a building or construction contractor CPCCBC6018A; (iii) Apply structural principles to the construction of large, high rise and complex buildings CPCCBC6014A; (iv) Assess construction faults in large building projects CPCCBC6016A; (c) successful completion of a course or units of competency of a course the commission considers is at least equivalent to the units of competency mentioned in paragraph (b).
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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
Part 15 Cabinetmaking licence 4 Managerial qualifications	An approved managerial qualification <i>BSBSMB401 - Establish legal and risk management requirements of small business.</i>



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 – Division 2 section 19	person conducting a business or undertaking must ensure, so far as is reasonably practicable, the health and safety of— workers engaged, or caused to be engaged by the person; and 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. person conducting a business or undertaking must ensure, so far as is reasonably practicable, that the health and safety of other persons is not put at risk from work carried out as part of the conduct of the business or undertaking. Without limiting subsections (1) and (2), a person conducting a business or undertaking must ensure, so far as is reasonably practicable— the provision and maintenance of a work environment without risks to health and safety; and the provision and maintenance of safe plant and structures; and the provision and maintenance of safe systems of work; and the safe use, handling and storage of plant, structures and substances; and the provision of adequate facilities for the welfare at work of workers in carrying out work for the



	business or undertaking, including ensuring access to those facilities; and provision of any information, training, instruction or supervision that is necessary to protect all persons from risks to their health and safety arising from work carried out as part of the conduct of the business or undertaking; and that the health of workers and the conditions at the workplace are monitored for the purpose of preventing illness or injury of workers arising from the conduct of the business or undertaking. — worker occupies accommodation that is owned by or under the management or control of the person conducting the business or undertaking; and the occupancy is necessary for the purposes of the worker's engagement because other accommodation is not reasonably available; the person conducting the business or undertaking must, so far as is reasonably practicable, maintain the premises so that the worker occupying the premises is not exposed to risks to health and safety. A self-employed person must ensure, so far as is reasonably practicable, his or her own health and safety while at work.
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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 Part 2 Division 4 Section 28	While at work, a worker must— take reasonable care for his or her own health and safety; and take reasonable care that his or her acts or omissions do not adversely affect the health and safety of other persons; and 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 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.
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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 Division 2 – 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
Work Health and Safety Regulation 2011 Division 2 – 308 Specific control measure—signage identifying principal contractor	Have signage clearly visible from outside the workplace showing site office location if any and 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
Work Health and Safety Regulation 2011 – Division 3 section 68 Signage	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 or maintenance work 2008	Principal contractors performing construction work on roads or road-related areas must: • prepare a written WHS management plan, in accordance with the WHS Regulation before work on the project starts • ensure that each person who is to carry out construction work in connection with the project is informed about the WHS management plan • keep a copy of the WHS plan for the project in accordance with the WHS Regulation • take all reasonable steps to obtain a copy of the safe work method statement relating to high risk construction work before the high risk construction work starts.

☐

Q11. Identify the Volume and Parts of the NCC that relate to energy efficiency of building fabric for Classes 1 and 10, and Classes 2 to 9.

Answer

Classes 1 and 10	Classes 2 to 9
Volume 2 Part 3.12.1	Volume 1 Part J1

☐

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

Answer

AS/NZS4859.1.

☐

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

Answer

Building Act 1975



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

Answer Environmental Protection Act 1994

☐

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

Answer Brisbane City Council: 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 Queensland Home Warranty Insurance, Contract works insurance, public liability, workcover

☐

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

☐

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

Answer Offer, acceptance, intention by both parties to create legal relations, consideration

☐

Q19. What federal and state/territory fair trade legislation should be referred to for guidance on the following:

- Consumer transactions (e.g. payment of supplier invoices)
- Issues where the client is unhappy with the work undertaken

Answer

Federal	State or territory
Competition 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)

☐

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 *Goods and Services Tax Act 1999*
Division 23

☐

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

Answer \$50,000 or \$100,000 if not for profit

☐

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

Answer *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 Small works contract

☐

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

Answer Commercial Cost Plus Contract

☐

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

Answer Planning Act 2016 (Qld) Section 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
Part 2.3	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
Clerks—Private Sector Award 2020

☐

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

- Where the work is plumbing, drainage, gasfitting, termite management - chemical or fire protection, a sub-trade contractor needs to hold an occupational licence
- Where the work is for a completed building inspection, you need to hold a contractor licence.

☐

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 Ensuring that work is consistent with workplace standards regarding anti-discrimination and workplace harassment	☐
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Q37. Identify the section of the *Racial Discrimination Act 1975* (Cth) that identifies that racial discrimination is unlawful. Briefly explain the section.

Answer	<table border="1"> <thead> <tr> <th style="text-align: center;">Section of Act</th> <th style="text-align: center;">Requirements</th> </tr> </thead> <tbody> <tr> <td style="vertical-align: top;">Part IIA—Prohibition of offensive behaviour based on racial hatred</td> <td style="vertical-align: top;">Outlines what is unlawful, why and any exceptions.</td> </tr> </tbody> </table>	Section of Act	Requirements	Part IIA—Prohibition of offensive behaviour based on racial hatred	Outlines what is unlawful, why and any exceptions.	☐
Section of Act	Requirements					
Part IIA—Prohibition of offensive behaviour based on racial hatred	Outlines what is unlawful, why and any exceptions.					

Q38. Identify the section of the *Sex Discrimination Act 1984* (Cth) that identifies that sexual harassment is unlawful. Briefly explain the section.

Answer	<table border="1"> <thead> <tr> <th style="text-align: center;">Section of Act</th> <th style="text-align: center;">Requirements</th> </tr> </thead> <tbody> <tr> <td style="vertical-align: top;">Part 2 Division 3</td> <td style="vertical-align: top;">This section outlines what is classed as Sexual Discrimination and unlawful under the Sex Discrimination act</td> </tr> </tbody> </table>	Section of Act	Requirements	Part 2 Division 3	This section outlines what is classed as Sexual Discrimination and unlawful under the Sex Discrimination act	☐
Section of Act	Requirements					
Part 2 Division 3	This section outlines what is classed as Sexual Discrimination and unlawful under the Sex Discrimination act					

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*

☐

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*

☐

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

Contract

☐

Q45. Which of the following should be addressed in a company's policy for handling customer complaints? Tick all that apply.

Answer

Choice	Possible Answers
☒	Explanation of how to make a formal complaint
☒	Information about commitment to continuous improvement
☒	Some of the solutions offered to resolve complaints
☒	Steps to be taken in discussing, addressing and resolving complaints

☐

Q46. True or False (Tick your response): Dispute resolution procedures should be based on company policies.

Answer

☒	True
☐	False

☐

Q47. What are the benefits of documenting disputes and their outcomes?

Answer

Keeping records will help you identify any trends or issues and can also provide guidance on solutions for future disputes.

☐

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

Answer

☒	True
☐	False

☐