

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	Gordon Pirret
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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

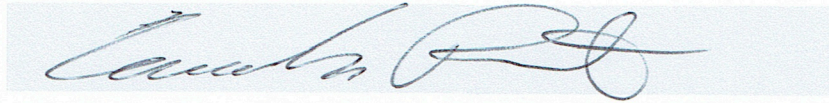
APPLY LEGAL REQUIREMENTS TO BUILDING AND CONSTRUCTION PROJECTS

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 Gordon Pirret

Participant signature



Date 24th February 2020

Assessor name

Assessor signature

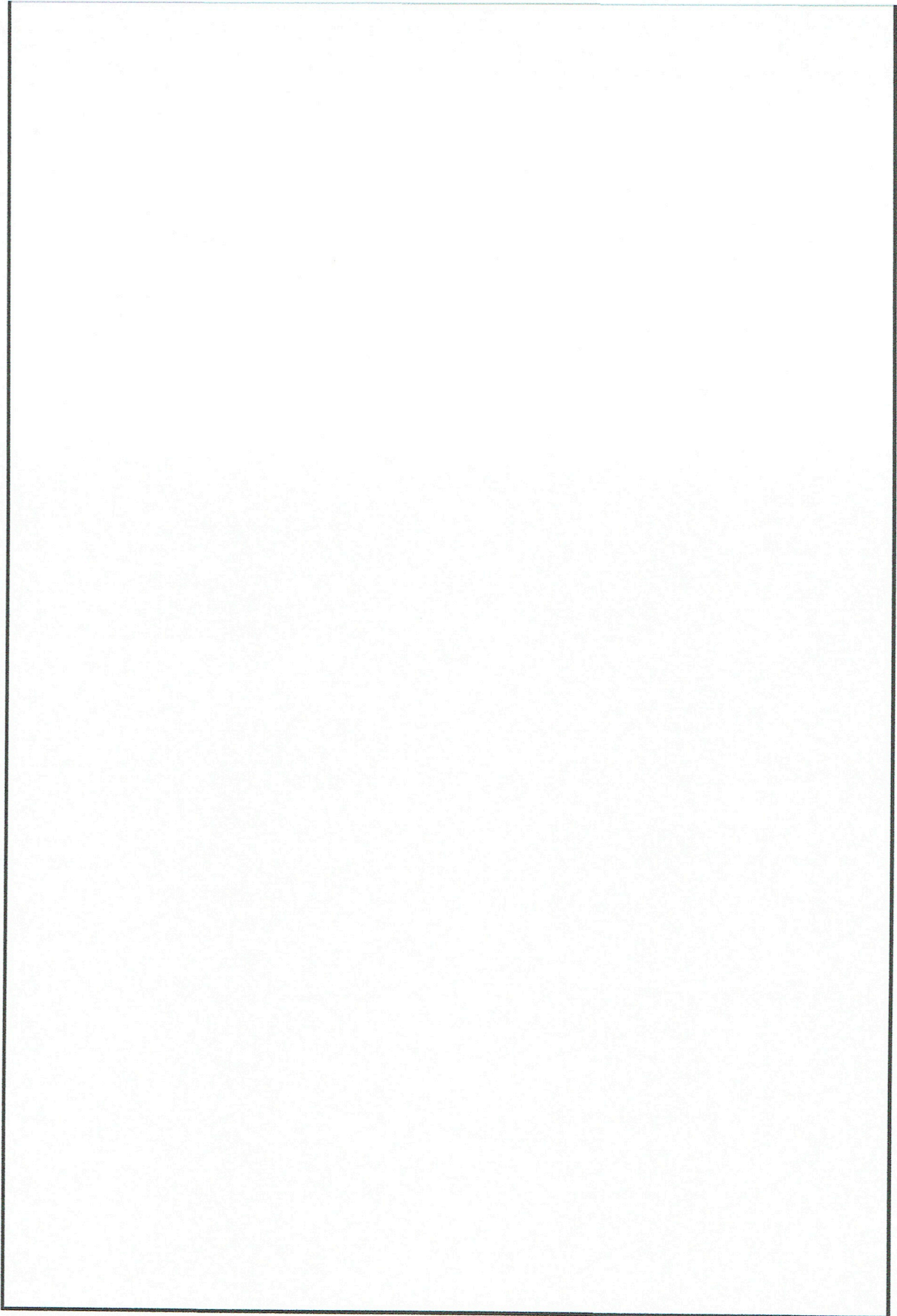


Date [Click here to enter a date.](#)

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

ASSESSOR COMMENTS



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

Answer Queensland Building and Construction Commission Act 1991
Part 3
Division 1 Subsection 30
Division 2 Subsection 31-32
Division 3 Subsection 33-34



2. 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
Builders(low rise) QBCC Act 1991 Part 3 Div 1 Sub 30	• building work on class 1 or 10 building • building work of classes 2-9, buildings with a gross floor area of not more than 2000m², but not including type A or B construction • building work that consists of non-structural work on building, regardless of class of building or gross floor area of building • prepare plans and specifications if plans and specifications are for licensee's personal use or for use in building work to be performed by licence themselves



3. 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 Div1 Sub 30 A & B	• A licence may be issued authorising individual to personally supervise building work carried out under the companies licence. • The licence may be divided into classes by regulation; according to whether the licence relates to all classes of building work or is limited to a specified class of specified classes of building work. • A site supervisors licence may be issues for any class of licence.



4. 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 Div 7 Seb 43B & 43C	• ensure the building work is personally supervised by the contractor • ensure that the building work is adequately supervised by the contractor



5. 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 Div 2 Sub 19	That the PCBU so far as reasonably practicable ensure that the health and safety of workers engaged or workers caused to be engaged and workers who's activities in carrying out the work are influenced or directed by the person while the workers are at work. They must also ensure the health and safety of others is not put at risk due to work being carried out as part of the PCBU.



6. 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 Div 4 Sub 28	• Take reasonable care of their own health and safety • Take reasonable measures to ensure their actions do not affect others on site • Comply with any instruction(reasonable) given to them by the PCBU • Cooperate with any reasonable policy implemented by the PCBU for example SWM's and JHA's can be used to monitor activities and risk levels.



7. 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 Div 2 Sub 300	The responsibility to implement, monitor and review the control measures may be allocated to a leading hand or supervisor for example, however the duties of a PCBU are not transferable. The PCBU must be satisfied that the control measures are implemented, monitored and reviewed to ensure the health and safety of workers.



8. 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 Regulations Section 308	Prior to construction work begins, builder must ensure; • general safety signs are erected • the number of signs complies with the size and complexity of jobs site. Signs should include; The principle contractors name/contact phone number, location of site office for project. All signs are to be clearly visible on site.



9. 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 place health and safety(confined spaces) compliance standard 1995	Before any work commences signs must be erected to prevent entry of people not involved in the work. Signs must warn people entering other than those who are on the permit. They must be placed at all accessible points before, during and after work within the confined space. Locks and fixed barriers should also be fixed to prevent unauthorised entry.



10. 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	SIGNS AND DEVICES SHALL BE APPROPRIATE TO THE CONDITION OF THE WORKSITE. SIGNS AND DEVICES SHALL BE PLACED at a worksite prior to work commencing. Signs and devices shall be regularly checked and maintained in a satisfactory condition. Signs and devices shall be removed from a worksite as soon as reasonable practical. Records shall be kept of all works signage and delineation at roadway or part roadway closures.



11. 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 3.12.1.1	Volume 1 11.1 to 11.6



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

Answer AS/NZ 4859



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

Answer

Building Act 1975
Planning Act 2016 36.21



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

Answer Environmental Protection Act 1994

☐

- 15. Briefly describe the Local Council requirements with regards to building work noise.**

Answer A person must not carry out building work in a way that causes audible noise on a business day or Saturday before 6.30am or after 6.30pm or on any other day at any other time.

☐

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

Answer Builders require liability insurance for personal and property damage on the site and construction liability cover for the damage to the property where the builder has legal control of the premises.

☐

- 17. 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
Part 2 Div 1
Sub 48

☐

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

Answer

- An offer by party 1
- An offer by party 2
- An intention from both parties to create legal relations
- Consideration(e.g. money in exchange for goods or services.)

☐

19. 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)

☐

20. Identify the legislation (Act name and relevant section) that identifies that an employer is to pay payroll tax.

Answer

Payroll Tax Act 1971(QLD)
Subdivision 2
Section 12

☐

21. 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 dollars

☐

- 22. 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
Chapter 2
Division 5

☐

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

Answer \$75,000.00
OR
\$150,000.00 for not for profit organisations

☐

- 24. Identify the two legislative Acts that identify the rights and entitlements of contractors.**

Answer Fair work Act 2009
Building Act 1975
Queensland Building and construction commissions Act 2018
Building industry fairness(security payment) Act 2017

☐

- 25. 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

☐

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

Answer Commercial Cost plus contract

☐

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

Answer Planning Act 2016
Division 1
Section 72

☐

28. 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

☐

29. Identify the Parts of the *Fair Work Act 2009* (Cth) that address Awards and Enterprise agreements.

Answer

Awards	Enterprise Agreements
Fairwork act 2009 Division 2 Subdivision C	Fair Work Act 2009 Division 2 Subdivision D

☐

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

Answer

✓	True
☐	False

☐

31. 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
- Joinery & building Trades Award 2010
 ☐

32. 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

☐

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

Answer

☒	True
☐	False

☐

34. True or False (Tick your response): Subcontract companies do not need to comply with your company's policy and obligations.

Answer

☐	True
☒	False

☐

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

Answer

- Plumbing and drainage
- Gas fitting
- Completed Residential Building Inspection
- Termite Management - Chemical
- Fire Protection
- Building Design
- Any building work valued over \$3,300
- Site Classification
 ☐

36. 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 work is consistent with workplace standards regarding anti discrimination and workplace harassment.



- 37. 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 Sec 9	It is unlawful for a person to do any act involving distinction, exclusion, restriction or preference based on race, colour, descent or national or ethnic origin, which has the effect of nullifying or impairing recognition, enjoyment or exercise on equal footing of any human right or fundamental freedom in political, economical, social, cultural or any other field.



- 38. 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 3 Subsection 28B	Unlawful for a person to sexually harass; • An employee of the person • A person seeking to become an employee of the person Any person in the work place.



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

Answer Queensland Industrial Relations Act 2016
Part 5
Chapter 2
Section 135-136 ☐

- 40. 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

☐

- 41. 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
Sections 47-49 ☐

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

Answer

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

☐

- 43. 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



44. When handling a dispute, what document should you refer to for details on the obligations of each party to an agreement?

Answer Always refer to your contract first



45. 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



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

Answer

✓	True
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☐	False
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47. What are the benefits of documenting disputes and their outcomes?

Answer

Company is able to track issues in order to make processes and procedures better in the future.

Ability to learn from previous mistakes, implementing changes to ensure certain issues do not occur again.

Enables company to provide further training and development to customer service and the entire expedience for the consumer improves as a consequence.

☐

48. 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 Gordon Pirret

Participant signature



Date 24/02/2020

Assessor name

Assessor signature



Date Click here to enter a date.

Task	Task outcome (Tick)	
	Satisfactory	Not Yet Satisfactory

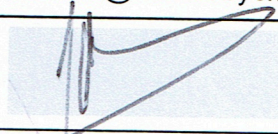
Task 1 (Occasion 1)	☐	☐
Task 1 (Occasion 2)	☐	☐

ASSESSOR COMMENTS

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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:	Gordon Pirret	
Name of observer:	Josh Reade	
Role of observer (Confirm suitability to sign)	Construction Manager	
Email address of observer	Joshua@homesbycma.com.au	
Signature of observer:		
Date:	16/2/2020	
When completing the task, did the participant:	Tick if satisfactorily completed. Provide comments if left unticked.	
	1 st Occasion	2 nd 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

Gordon in his capacity as cadet site supervisor, is responsible for ensuring that all WHS requirements are adhered to on site. He is responsible for ensuring that council approvals and regulations are in place prior to build commencement. Gordon works closely with our building approvals co ordinator and finance and accounts manager throughout the project. He is also responsible for the installation of all safety and information signage on site. Gordon, prior to taking on any new trades or sub contractors is responsible for ensuring that all licences and qualifications are valid and correct, enabling them to carry out any relevant works to a compliant standard. Gordon is responsible for the general housekeeping of each project, ensuring that adequate facilities for waste management are present and that flora and fauna are considered at all times.

Gordon is responsible on a weekly basis, to oversee receipt of all contractor/trade invoices. It is within his remit to check and sign off on all invoices received for payment and question/investigate any irregularities. E.g. additional hours claimed and costing of machinery etc. Gordon works alongside the accounting department to ensure that these invoices are paid correctly which enables the correct Tax/GST to be charged/paid. This allows all financials relating to payment of wages/subcontractors and supplies within the business to remain complaint with legislation.

Gordon liaises with neighbours when applicable to ensure the streamline progress of projects in relation to zero boundary works, noise pollution and general concerns over housekeeping and any other queries. Gordon has to ensure that all subcontractors adhere to the local council bylaws, company policy and contracts and his instructions relating to good relations with neighbours and legal requirements for any project.

Gordon has a duty to ensure all sub contractors are treated equally. Gordon conducts inductions and on boarding with new sub contractors and their employees, informing them of their contractual obligations whilst on site, ensuring that they have a clear understanding of the expectations of them when on project. Gordon highlights workplace agreements in accordance with company policy and their own contracts. Gordon always, without fail, informs all present at these on boarding inductions of their right to work in a clean, safe and compliant work site, ensuring that they understand that this expectation should be held by all trades who operate on our job sites. This allows them to understand that if they expect this safe work environment for themselves, that they should also respect others to ensure that leave the site in a clean, safe state. During on boarding with the business, our site supervisors send all subcontractors links to all relevant legal and industrial relations or reference material. Gordon becomes a direct point of contact for our subcontractors, enabling our subcontractors to call upon him with any concerns or queries at any time.

Gordon is a direct point of contact, via face to face communication, over the telephone, via email and messages where and when required. He is able to receive initial complaints from clients, neighbours and contractors, addressing each on their own merit over a wide range of topics. Gordon liaises with the site administration team and company directors to find an amicable solution. Gordon is able to direct any party who is not happy with the resolves suggested, to the official complaints procedure outlines in their contract, to enable them to seek a resolution that they are happy with. Fortunately, this has not had to eventuate, and any and all concerns raised with Gordon have been managed appropriately. Recently, Gordon had to manage a dispute caused by our sales team not communicating appropriate

information regarding a client performing some work for their build themselves. There was no written evidence anywhere, or in any part of the contract to suggest that this could happen, leaving the client extremely angry and frustrated. Gordon was able to negotiate, and, after lengthily conversations within our organisation and with the client, ensure that the clients request was met. The client was required to provide all relevant licences and accept liability for any defective work and also completed the works for the estimated cost in contract.