

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. Floor 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 _____

Participant signature _____

Date _____

Assessor name _____

Assessor signature _____

Date _____

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

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

Answer

Assessor's discretion. In Queensland, refer to the Queensland Building and Construction Commission Act 1991 (Qld) and Queensland Building and Construction Commission Regulation 2018 (Qld).

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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
Assessor's discretion. In Queensland: QBCC Act Section 30	Contractors' licenses are divided into classes by regulation – whether the licence relates to all classes of building work or limited to a specified class.
QBCC Regulation Schedule 2	The requirements for contractors in each class are found in Schedule 2 of the Regulations.

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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
Assessor's discretion. In Queensland: QBCC Act Sections 30A and 30B	Nominee supervisor and site supervisor licenses are divided into classes by regulation – whether the licence relates to all classes of building work or limited to a specified class.
QBCC Regulation Sections 9 and 10 and Schedule 2	The requirements for supervisors in each class are found in Schedule 2 of the Regulations.

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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
Assessor's discretion. In Queensland: QBCC Act Sections 43B and 43C QBCC Regulation Schedule 2	Construction managers must ensure building work is personally and adequately supervised. The requirements for managers in each class are found in Schedule 2 of the Regulations.

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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
Assessor's discretion. In Queensland: <i>Work Health and Safety Act 2011</i> (Qld) s 19	A PCBU 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.

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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
Assessor's discretion. In Queensland: <i>Work Health and Safety Act 2011</i> (Qld) s 28	While at work a worker must: - Take reasonable care for their own health and safety - Take reasonable care that their acts/omissions to not adversely affect the health and safety of other persons - Comply with reasonable PCBU instruction and policies/procedures

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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	☐
	Assessor's discretion. In Queensland: <i>Work Health and Safety Regulation 2011</i> (Qld) s 300	- A PCBU undertaking work that includes carrying out of high risk construction work must ensure work is carried out in accordance with the SWMS. - If work is not carried out in accordance with the SWMS the PCBU must ensure that work is stopped immediately and resumed only in accordance with the SWMS.	

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	☐
	Assessor's discretion. In Queensland: <i>Work Health and Safety Regulation 2011</i> (Qld) s 308	The principal contractor must ensure that signs: - Show the principal contractor's name and telephone contact numbers; and - Show the location of the site office for the project, if any; and - Are clearly visible from outside the workplace, or the work area of the workplace, where the project is being undertaken.	

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	☐
	Assessor's discretion. In Queensland: <i>Work Health and Safety Regulation 2011</i> (Qld) s 68	- A PCBU must ensure that signs are erected immediately before work in a confined space commences, during work and in completion of work - Signs must identify the confined space, inform workers that they must not enter without a permit and be clearly and prominently located next to each entry	

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

Answer

Code of Practice name	Requirements
Assessor's discretion. In Queensland: <i>Traffic management for construction or maintenance work Code of Practice 2008</i>	Careful consideration should be given to signing the worksite, considering: - Protection of workers - Adequate warning of changes in surface condition and the presence of personnel or plant engaged in work on the road - Adequate instruction of road users and their safe guidance through/around/past the site - Safe access and egress to and from the site

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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

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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

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

Answer

Assessor's discretion. In Queensland, refer to the Building Act 1975 (Qld).

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

Answer Assessor's discretion. In Queensland, refer to the Environmental Protection ☐

Act 1994 (Qld), section 440R.

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

Answer Assessor's discretion. In the Brisbane City Council area, fines may occur if ☐

noise can be heard during between 6:30pm to 6:30am Monday to Saturday,
and any time on Sunday or public holidays (normal Saturday restrictions
apply for Saturday public holidays).

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

Answer Assessor's discretion. In Queensland, a builder must have home warranty ☐

insurance through QBCC for work over \$3,300 (including labour and
materials). It is included as part of the contract and is paid before work
begins. It covers work for a period of 6 years and 6 months.

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

Answer Assessor's discretion. In Queensland, refer to the Workers' Compensation ☐

and Rehabilitation Act 2003 (Qld), specifically Section 48.

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

Answer ☐ Under common law, the following elements must exist:

- Offer
- Acceptance
- Intention 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
<i>Competition and Consumer Act 2010 (Cth)</i>	<i>Fair Trading Act 1989 (Qld)</i>

Q20. Identify the legislation (Act name and relevant section) that identifies that an employer is to pay payroll tax.

Answer ☐ Assessor's discretion. In Queensland, refer to the Payroll Tax Act 1971 (Qld), specifically Section 12.

Q21. Fill in the blanks in the following sentence: Payroll tax is a self-assessed tax on the wages that employers pay to their Queensland employees when the total wages are more than \$_____ per week.

Answer ☐ Assessor's discretion. In Queensland, as at 2019-20, the threshold amount is \$25,000

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 ☐ Assessor's discretion. Should reference A New Tax System (Goods and Services Tax) Act 1999 (Cth), Division 23.

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

Answer ☐ Assessor's discretion. In Australia, as at 2019, the threshold amount is \$75,000.

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

Answer ☐ Assessor's discretion. May include: Independent Contractors Act 2006 (Cth); 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 ☐ Assessor's discretion. In Queensland, the following may be used: QBCC Level 1 contract, Master Builders Queensland Basic Works contract, 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 ☐ Assessor's discretion. In Queensland, the following may be used:

- 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 Assessor's discretion. In Queensland, refer to the Planning Act 2016 (Qld), specifically 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

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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

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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

☒	True
☐	False

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Q31. Identify two (2) awards that may apply to those working in the building and construction industry.

Answer Assessor's discretion. May include: Architects Award 2010, Joinery and Building Trades Award 2010, Plumbing and Fire Sprinklers Award 2010 ☐

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

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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

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

Answer

Assessor's discretion. In Queensland, a licence must be held for plumbing, drainage, gasfitting, termite management, fire protection and where work is for a completed building inspection.

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

Answer

Assessor's discretion. May include:

- Having a strong and unambiguous equal opportunity policy
- Ensuring everyone understands the policy
- Establishing a process for resolving complaints

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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

Section of Act	Requirements
Section 9	Direct discrimination: 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. Indirect discrimination: It is unlawful if a person is to comply with a term, condition or requirement which is not reasonable, they cannot comply; and the requirement comply is based on race, colour, descent or national or ethnic origin.



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
Section 28A	A person sexually harasses another person if: - The person makes an unwelcome sexual advance, or an unwelcome request for sexual favours, to the person harassed; or - Engages in other unwelcome conduct of a sexual nature Which a reasonable person would have anticipated the person harassed would be offended, humiliated or intimidated.



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

Answer

Assessor's discretion. In Queensland, refer to the Industrial Relations Act 2016 (Qld), specifically Section 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

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

Answer

Assessor's discretion. In Queensland, refer to the Work Health and Safety Act 2011 (Qld), specifically Section 47.

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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

Assessor's discretion. May include: Electronic communication, meetings, newsletter, training sessions.

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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

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Q44. When handling a dispute, what document should you refer to for details on the obligations of each party to an agreement?

Answer

Contract

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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

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

Answer

☒	True
☐	False

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

Answer

Assessor discretion. May include: It will help you identify any trends or issues. It can provide guidance on solutions for future disputes.

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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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