



Australian Government

Department of Education, Employment and Workplace Relations

CPCCSV5008A Apply building control legislation to building surveying

Release: 1

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Modification History

Not Applicable

Unit Descriptor

Unit descriptor

This unit of competency specifies the outcomes required to research, interpret and apply building control legislation for use in building surveying activities relating to domestic scale buildings and structures.

It includes the evaluation of the Australian common law system and the various sources of law applicable to building surveying activities and the identification and application of the professional code of ethics required for the assessment and inspection of buildings.

Application of the Unit

Application of the unit

This unit of competency supports the attainment of the understanding and skills to apply building control legislation to building surveying within the context of common law, relevant legislation, the Building Code of Australia (BCA) and Australian standards.

Licensing/Regulatory Information

Not Applicable

Pre-Requisites

Prerequisite units

Nil

Employability Skills Information

Employability skills This unit contains employability skills.

Elements and Performance Criteria Pre-Content

Elements describe the essential outcomes of a unit of competency.

Performance criteria describe the performance needed to demonstrate achievement of the element. Where bold italicised text is used, further information is detailed in the required skills and knowledge section and the range statement. Assessment of performance is to be consistent with the evidence guide.

Elements and Performance Criteria

ELEMENT	PERFORMANCE CRITERIA
1. Analyse the Australian administrative legal system.	<p>1.1. Differences between <i>Australian common law</i>, statute law, delegated legislation and local government law are analysed and documented.</p> <p>1.2. Civil law and examples of civil action relevant to <i>building control legislation</i> are identified and analysed.</p> <p>1.3. Administrative law relevant to building control is determined and interpreted.</p>
2. Evaluate administrative law applicable to building control activities.	<p>2.1. Individual elements of judicial review legislation are evaluated and documented.</p> <p>2.2. Natural justice is identified and evaluated as it relates to decision making through the building control process.</p>
3. Analyse the procedures and benefits of enforcing the law.	<p>3.1. Legislative benefits and examples from building control enforcement are investigated and documented.</p> <p>3.2. Major regulatory enforcement strategies are identified and recorded.</p> <p>3.3. Powers of entry are identified and analysed.</p> <p>3.4. Warrants and legal considerations in obtaining a warrant are identified and documented.</p> <p>3.5. Types of <i>evidence</i> and the gathering of evidence for the purposes of investigating and proving a breach of legislation are identified and documented.</p> <p>3.6. Offences are identified and the process for drafting and issuing a notice is evaluated and documented.</p>
4. Analyse the impact of other legislation on state and territory building and development control legislation.	<p>4.1. Implications of <i>federal legislation</i> on state and territory building and development control legislation are examined and documented.</p> <p>4.2. Implications of other <i>state and territory legislation</i> on building and development control legislation are examined and documented.</p>
5. Analyse the professional code of conduct and ethics applicable to building control.	<p>5.1. Concepts regarding conflict of interest as specified by relevant legislation are identified and recorded.</p> <p>5.2. Concepts regarding duty of care as it relates to common law are evaluated and documented.</p>
6. Analyse the concepts of liability and responsibility of	<p>6.1. Liability of building practitioners as specified by relevant legislation is evaluated and documented.</p> <p>6.2. Responsibilities and statutory duties of building</p>

ELEMENT	PERFORMANCE CRITERIA
building practitioners as detailed in legislation.	practitioners as specified by relevant legislation are evaluated and documented.

Required Skills and Knowledge

REQUIRED SKILLS AND KNOWLEDGE

This section describes the skills and knowledge required for this unit.

Required skills

Required skills for this unit are:

- ability to respond to change and contribute to workplace responsibilities, such as current work site environmental and sustainability frameworks or management systems
- communication skills to:
 - enable clear and direct communication, using questioning to identify and confirm requirements, share information, listen and understand
 - read and interpret:
 - enforcement strategies
 - legislation
 - reports
 - other relevant documentation
 - use and interpret non-verbal communication
 - use language and concepts appropriate to cultural differences
 - written skills to record and evaluate building control legislation to evaluation of own actions to make judgements about performance and necessary improvements
- technological skills to:
 - complete documentation and calculations
 - enable information gathering and analysis.

Required knowledge

Required knowledge for this unit is:

- access requirements for people with a disability and requirements of the Disability Discrimination Act (DDA) with regard to access
- applications of law and legal principles in building surveying
- Australian legal system

REQUIRED SKILLS AND KNOWLEDGE

- building policy and legislation
- legal terminology, definitions, processes and procedures used in standard court operations
- processes for the administration and preparation of documentation
- relevant federal, state or territory legislation and local government policy and procedures
- research processes and strategies.

Evidence Guide

EVIDENCE GUIDE

The evidence guide provides advice on assessment and must be read in conjunction with the performance criteria, required skills and knowledge, range statement and the Assessment Guidelines for the Training Package.

Overview of assessment

This unit of competency could be assessed in the workplace or a close simulation of the workplace environment, provided that simulated or project-based assessment techniques fully replicate construction workplace conditions, materials, activities, responsibilities and procedures.

Critical aspects for assessment and evidence required to demonstrate competency in this unit

A person who demonstrates competency in this unit must be able to provide evidence of the ability to:

- comply with OHS regulations applicable to workplace operations
- apply organisational management policies and procedures, including quality assurance requirements where applicable
- perform research, interpretation, analysis and reporting of findings for at least one administrative law case relating to building control activities, at least one federal legislation case impacting on building and development control legislation, at least one other legislation case impacting on building and development control legislation, all in accordance with the professional code of conduct and ethics applicable to building control
- provide reports to appropriate body/individual as determined by the project brief.

Context of and specific resources for assessment

This competency is to be assessed using standard and authorised work practices, safety requirements and environmental constraints.

Assessment of essential underpinning knowledge will usually be conducted in an off-site context.

Assessment is to comply with relevant regulatory or Australian standards' requirements.

Resource implications for assessment include:

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- an induction procedure and requirement
- realistic tasks or simulated tasks covering the mandatory task requirements
- relevant specifications and work instructions
- tools and equipment appropriate to applying safe work practices
- support materials appropriate to activity
- workplace instructions relating to safe work practices and addressing hazards and emergencies
- material safety data sheets
- research resources, including industry related systems information.

Reasonable adjustments for people with disabilities must be made to assessment processes where required. This could include access to modified equipment and other physical resources, and the provision of appropriate assessment support.

Method of assessment

Assessment methods must:

- satisfy the endorsed Assessment Guidelines of the Construction, Plumbing and Services Training Package
- include direct observation of tasks in real or simulated work conditions, with questioning to confirm the ability to consistently identify and correctly interpret the essential underpinning knowledge required for practical application
- reinforce the integration of employability skills with workplace tasks and job roles
- confirm that competency is verified and able to be transferred to other circumstances and environments.

Validity and sufficiency of evidence requires that:

- competency will need to be demonstrated over a period of time reflecting the scope of the role and the practical requirements of the workplace
- where the assessment is part of a structured learning experience the evidence collected must relate to a number of performances assessed at different points in time and

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separated by further learning and practice, with a decision on competency only taken at the point when the assessor has complete confidence in the person's demonstrated ability and applied knowledge

- all assessment that is part of a structured learning experience must include a combination of direct, indirect and supplementary evidence.

Assessment processes and techniques should as far as is practical take into account the language, literacy and numeracy capacity of the candidate in relation to the competency being assessed.

Supplementary evidence of competency may be obtained from relevant authenticated documentation from third parties, such as existing supervisors, team leaders or specialist training staff.

Range Statement

RANGE STATEMENT

The range statement relates to the unit of competency as a whole. It allows for different work environments and situations that may affect performance. Bold italicised wording, if used in the performance criteria, is detailed below. Essential operating conditions that may be present with training and assessment (depending on the work situation, needs of the candidate, accessibility of the item, and local industry and regional contexts) may also be included.

Australian common law includes:

- professional code of ethics required for the assessment and inspection of buildings
- system and laws applicable to building surveying.

Building control legislation includes:

- domestic scale buildings and structures.

Evidence includes:

- oral, documented, real, direct, secondary, hearsay and admissible and inadmissible evidence.

Federal legislation includes:

- DDA.

RANGE STATEMENT

State and territory legislation
includes:

- environmental health
- local government by-laws
- OHS
- planning.

Unit Sector(s)

Unit sector Construction

Co-requisite units

Co-requisite units Nil

Functional area

Functional area