



Australian Government

Department of Education, Employment and Workplace Relations

CPPACC5005A Interpret and apply building control legislation when assessing large-scale buildings for access

Release: 1

CPPACC5005A Interpret and apply building control legislation when assessing large-scale buildings for access

Modification History

Not Applicable

Unit Descriptor

Unit descriptor

This unit specifies the competency required to research, interpret and apply building accessibility legislation for use when assessing the accessibility of large-scale residential and commercial buildings.

It includes the evaluation of the Australian common law system and the various sources of law applicable to the accessibility of large-scale building developments and the analysis and application of the professional code of practice required for the assessment and inspection of buildings.

This unit is based on BCGSV5008A Applying building control legislation to building surveying.

Application of the Unit

Application of the unit

This unit of competency supports a number of access consulting services where there is a breadth, depth and complexity of tasks and often the requirement to make decisions and provide recommendations involving non-routine situations. These access consulting services include conducting building access audits, assessing building plans, providing advice on building renovations and serving on a Building Code of Australia Access Panel.

Licensing/Regulatory Information

Not Applicable

Pre-Requisites

Not Applicable

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

ELEMENT	PERFORMANCE CRITERIA
1 Analyse the Australian administrative legal system.	<p>1.1 Differences between common law, 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 building accessibility of large-scale buildings are researched and analysed.</p> <p>1.3 Administrative law relevant to building accessibility is researched and analysed.</p>
2 Evaluate administrative law applicable to building accessibility.	<p>2.1 Individual elements of judicial review legislation are evaluated and documented.</p> <p>2.2 Natural justice issues related to decision making through the building control process are identified and evaluated.</p>
3 Describe the procedures and benefits of enforcing the law.	<p>3.1 Legislative benefits and examples of building accessibility enforcement are researched, analysed and documented.</p> <p>3.2 Major regulatory enforcement strategies are identified and recorded.</p> <p>3.3 The powers of entry of building certifiers are identified and analysed.</p> <p>3.4 The legal considerations of a building certifier obtaining a warrant are identified and documented.</p> <p>3.5 The types of evidence required to investigate and prove a breach of legislation are identified, gathered and documented.</p> <p>3.6 Processes for addressing non-compliance issues are identified and appropriate documentation is prepared in a format suitable for review by a building certifier.</p>
4 Analyse the impact of any other legislation on state and territory legislation regarding building and development control and access.	<p>4.1 Implications of commonwealth legislation on access upon state and territory building and development control legislation are examined and documented.</p> <p>4.2 Implications of other state and territory legislation on building and development control legislation and access are examined and documented.</p>
5 Analyse the professional code of practice applicable to the assessment of accessible large-scale buildings.	<p>5.1 The <i>code of practice</i> required by building industry regulators is analysed and evaluated in accordance with <i>organisational requirements</i>.</p> <p>5.2 Concepts regarding working within own area of personal competence are evaluated and practised.</p> <p>5.3 Concepts regarding duty of care as it relates to</p>

ELEMENT

PERFORMANCE CRITERIA

6 Analyse the responsibilities and liabilities of access consultants and building certifiers and develop effective working relationships.

- common law are evaluated and documented.
- 5.4 Concepts regarding conflict of interest as specified by relevant legislation are identified and managed appropriately.
- 6.1 **Responsibilities** and liabilities of access consultants are evaluated and documented.
- 6.2 The statutory duties, responsibilities and liabilities of building certifiers as specified by relevant legislation are evaluated and documented.
- 6.3 Strategies for establishing and building effective working relationships between access consultants and building certifiers are developed and implemented.

Required Skills and Knowledge

REQUIRED SKILLS AND KNOWLEDGE

This section describes the essential skills and knowledge and their level, required for this unit.

Required knowledge and understanding include:

- Australian legal system
- building and construction terminology and definitions
- commonwealth, state and territory anti-discrimination legislation and regulations
- disability awareness
- industry codes of practice and ethics
- legal terminology and definitions
- limitations of work role, responsibility and professional abilities
- networking and building relationships
- organisational and professional procedures and business standards
- processes and procedures used in standard court operations
- processes for preparing and administering documentation
- relevant commonwealth, state and territory building legislation, local government regulations and Australian standards
- research methodologies and analytical processes

role, responsibilities and powers of building certifiers.

Required skills and attributes include:

- analytical skills to:
 - analyse, evaluate and apply legislative requirements pertaining to disability access
 - analyse and evaluate the impacts of the full range of disabilities and the limitations that each disability places on the individual's ability to access the environment
 - analyse and evaluate how environmental barriers impact on people with disabilities
 - analyse and evaluate examples of civil action relevant to the provision of access
 - evaluate the responsibilities and powers of building certifiers as specified by legislation
- application skills to:
 - apply relevant codes of practice and other legislative requirements to work processes
 - apply disability awareness to work processes
 - apply current Australian building codes, standards, regulations and practices
- communication skills to:
 - explain clearly information on issues relating to the provision of access
 - explain clearly information on legislation relating to the provision of access, and the relationship between the various pieces of legislation
 - consult effectively with clients and colleagues
 - impart knowledge and ideas through oral, written and visual means
 - develop and maintain professional relationships and networks
 - use workplace equipment and communication methods
- literacy skills to:

- assess and use workplace information
- locate and interpret legislation and legal cases on the provision of access
- organisational skills to:
 - prepare and manage documentation
 - develop and implement organisational policies and procedures
- interpersonal skills to:
 - adapt to new workplace situations
 - analyse own work practices and process outcomes critically
 - consult and provide advice in a sensitive and appropriate manner
 - facilitate change for greater awareness of disability access
 - relate to people from a range of social, cultural and ethnic backgrounds and with a range of physical and mental abilities
- research and evaluation skills to:
 - source, analyse and evaluate building legislative requirements
 - source, analyse and evaluate legislative requirements for the provision of access.
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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, the range statement and the Assessment Guidelines for this Training Package.

Overview of assessment

- This unit of competency could be assessed on its own or as part of an integrated assessment activity involving other competencies relevant to the job function.

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:
 - recognising the needs and desires of people with disabilities to engage fully in all aspects of society, and their right to do so
 - interpreting accurately the impacts of the full range of disabilities and the limitations that each disability places on the individual's ability to access the environment
 - interpreting accurately how the full range of environmental barriers impact on any of the impairments that people with disabilities might have
 - researching, analysing and evaluating building and anti-discrimination legislation for the provision of access to large-scale buildings
 - analysing the industry codes of practice and applying them to personal work situation

Context of and specific resources for assessment

- gathering appropriate evidence on non-compliance issues and preparing the relevant documentation for review by a building certifier
- researching and analysing the responsibilities of building certifiers to ensure the provision of access to large-scale buildings
- applying organisational management policies and procedures, including quality assurance requirements.
- Resource implications for assessment include:
 - a registered provider of assessment services
 - competency standards
 - assessment materials and tools
 - suitable assessment venue/equipment
 - workplace documentation
 - candidate special requirements
 - cost and time considerations.
- Validity and sufficiency of evidence requires that:
 - competency will need to be demonstrated over a period of time reflecting the scope of the role
 - 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 separated by further learning and practice with a decision of competence only taken at the point when the assessor has complete confidence in the person's competence
 - all assessment that is part of a structured learning experience must include a combination of direct, indirect and supplementary evidence
 - where assessment is for the purpose of recognition (RCC/RPL), the evidence provided will need to be current and show that it represents competency demonstrated over a period of time
 - assessment can be through simulated project-based activity and must include evidence relating to each of the elements in this unit.

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 in the performance criteria is detailed below. Add any 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.

Code of practice may relate to:

- maintaining confidentiality
- use of organisational property
- duty of care
- individual behaviour
- non-discriminatory practices
- ethical conduct
- clear communication of services offered and fee for services

clear negotiation of fees.

Organisational requirements may be outlined and reflected in:

- access and equity policy, principles and practices
- business and performance plans
- client service policies, procedures and standards
- codes of conduct and codes of practice
- communication channels and reporting procedures
- communication of services offered
- complaint and dispute resolution procedures
- compliance with legislation, codes and workplace standards
- continuous improvement processes and standards
- defined resource parameters
- duty of care
- employer and employee rights and responsibilities
- ethical standards
- legal policies and guidelines
- occupational health and safety policies, procedures and programs
- organisational mission statement, goals, objectives, plans, systems and processes
- policies and procedures relating to the setting of fees and the negotiation and management of contracts
- policies and procedures relating to own role, responsibilities and delegation
- quality assurance and procedures manuals
- privacy and confidentiality policies and procedures
- records and information management systems and

processes

style guides and other guides used to prepare documents.

Responsibilities may include:

- working within own areas of competence
- working within the law
- maintaining a duty of care at all times in professional dealings
- providing contracted services to the standard specified in a timely and professional manner
- adhering to and implementing relevant industry codes of practice and ethics

participating in continuous professional development programs.

Unit Sector(s)

Unit sector

Access consulting