



**Australian Government**

**Department of Education, Employment and Workplace Relations**

# **CPCBC4009B Apply legal requirements to building and construction projects**

**Release: 1**

## **CPCBC4009B Apply legal requirements to building and construction projects**

### **Modification History**

Not Applicable

### **Unit Descriptor**

#### **Unit descriptor**

This unit of competency specifies the outcomes required to apply legal requirements to building and construction projects of residential and low rise commercial buildings. ('Low rise' licensing classification with reference to 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). Application of legal requirements includes the capacity to ensure compliance with all contractual requirements. A thorough knowledge of the application of current legal and regulatory requirements is essential.

### **Application of the Unit**

#### **Application of the unit**

This unit of competency supports the needs of builders, site managers, forepersons, estimators and other construction industry personnel responsible for applying legal requirements to residential and low rise commercial building and construction projects.

### **Licensing/Regulatory Information**

Refer to Unit Descriptor

## Pre-Requisites

**Prerequisite units** Nil

## Employability Skills Information

**Employability skills** This unit contains employability skills.

## Elements and Performance Criteria Pre-Content

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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. Apply the laws relating to builder licensing or registration.	1.1. <b>Licensing or registration legislation</b> relevant to the region is researched and identified. 1.2. Classifications for builders, supervisors and managers are applied.
2. Apply OHS legislation and provisions on site.	2.1. Main provisions of <b>OHS legislation</b> and regulations are researched and identified and local legislative requirements are met. 2.2. Regulations and codes applicable to on-site construction are identified, applied and monitored. 2.3. Site safety signage requirements are identified and applied.
3. Apply the codes, Acts, regulations and standards relevant to construction.	3.1. Current <b>codes, Acts, regulations and standards</b> applicable to a particular building and construction project are researched. 3.2. Construction process is carried out in accordance with codes, Acts, regulations and standards concerning construction, insurance, sustainability, environmental matters and appropriate by-laws.
4. Comply with insurance and regulatory requirements for housing construction.	4.1. <b>Insurance cover</b> is arranged in accordance with legal requirements. 4.2. Contract law is applied in accordance with common law principles, relevant state or territory laws and regulations, and fair trading legislation.
5. Apply legislation to financial transactions.	5.1. Payroll systems are set up and administered in compliance with current legislative requirements. 5.2. GST systems are set up and administered in compliance with current legislation.
6. Meet building contract obligations.	6.1. Correct form of contract is selected for the project. 6.2. Contracted work is carried out in accordance with the contractual obligations applicable to both parties. 6.3. Conditions of the contract, including approvals and financial matters are met.
7. Apply industrial relations policies and obligations relevant to housing construction.	7.1. Relevant <b>industrial relations policies and obligations</b> are researched, identified and applied. 7.2. Subcontract companies that comply with company policy and obligations under subcontract agreements are identified and contracted. 7.3. Relevant awards are applied to contracts. 7.4. Workplace agreements are used in accordance with company policy. 7.5. Proactive measures are taken to ensure discrimination and harassment are not practised in

ELEMENT	PERFORMANCE CRITERIA
8. Apply dispute resolution processes.	<p>the workplace.</p> <p>7.6. Provisions of training agreements are identified and applied.</p> <p>7.7. Reference material on access to industrial relations or legal information is made available to employees.</p> <p>8.1. Organisational dispute resolution processes are applied.</p> <p>8.2. Customer complaints are dealt with according to company policy.</p> <p>8.3. Disputes are documented and outcomes recorded and maintained.</p>

## 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 research, access and interpret complex documents
- communication skills to:
  - communicate with local or regulatory authorities on matters relating to site conditions or approvals and to negotiate on matters concerning industrial relations by telephone, or face to face
  - use language and concepts appropriate to cultural differences
  - use and interpret non-verbal communication
  - written skills to communicate by memo, letter, facsimile or email with subcontractors, staff, clients and regulatory authorities
- interpersonal skills relevant to the supervision and monitoring of work processes
- numeracy skills to apply calculations.

#### Required knowledge

Required knowledge for this unit is:

- building and construction industry contracts
- OHS frameworks and obligations under federal, state and territory legislation and regulation
- organisational policies and procedures related to discrimination and harassment
- reasonable understanding of federal, state or territory anti-discrimination and equal

## REQUIRED SKILLS AND KNOWLEDGE

- employment opportunity legislation
- risk management processes and practices and the planning required to develop plans
- state or territory building and construction codes, standards and government regulations
- workplace safety requirements.

## Evidence Guide

### EVIDENCE GUIDE

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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 by the preparation of a portfolio of the legislative requirements for one residential and one low rise commercial building and construction project case study. ('Low rise' licensing classification with reference to 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 unit of competency can 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:

- understand appropriate registration, licensing or compliance requirements of state or territory registration authorities
- meet appropriate business registration requirements
- identify and specify appropriate insurance documentation, citing protection that meets local industry requirements
- identify and specify requirements for

## EVIDENCE GUIDE

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	<p>compliance with:</p> <ul style="list-style-type: none"><li>• OHS legislation</li><li>• legislation pertaining to financial transactions, including payment of wages and subcontractor and supplier invoices</li><li>• relevant building and construction codes, Acts, regulations and standards</li><li>• sustainability and environmental legislation</li><li>• industrial relations laws</li><li>• legal obligations of contractual agreements.</li></ul>
<b>Context of and specific resources for assessment</b>	<p>This competency is to be assessed using standard and authorised work practices, safety requirements and environmental constraints.</p> <p>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.</p> <p>Resource implications for assessment include:</p> <ul style="list-style-type: none"><li>• documentation that should normally be available in either a building or construction office</li><li>• relevant codes, standards and government regulations</li><li>• office equipment, including calculators, photocopiers and telephone systems</li><li>• technical reference library with current publications on measurement, design, building construction and manufacturer's product literature</li><li>• a suitable work area appropriate to the construction process.</li></ul> <p>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.</p>
<b>Method of assessment</b>	<p>Assessment methods must:</p> <ul style="list-style-type: none"><li>• satisfy the endorsed Assessment Guidelines of the Construction, Plumbing and Services Training Package</li><li>• include direct observation of tasks in real or</li></ul>

## EVIDENCE GUIDE

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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 a reasonable inference that competency is not only verified under the particular assessment circumstance, but is 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 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 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

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## RANGE STATEMENT

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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.

***Licensing or registration legislation*** includes state laws such as:

- Builders Registration Act 1939 and the Home Building Contracts Act 1991 in Western Australia
- Home Building Act and Regulations 1989 in New South Wales.

***OHS legislation*** includes state laws such as:

- Occupational Health and Safety Act 1983 in New South Wales
- Occupational Health and Safety Act 1984 in Western Australia
- Occupational Health and Safety Act 1985 in Victoria
- Occupational Health and Safety Act 1986 in South Australia
- WorkCover Queensland Act 1996.

***Codes, Acts, regulations and standards*** include:

- latest editions of:
  - AS1720 Timber structures
  - AS3600 Concrete structures
  - AS4100 Steel structures
- relevant Australian building and construction standards
- relevant state or territory fair trading Acts and regulations
- relevant state, territory and local authority planning and other approval requirements
- Timber Framing Code of Australia.

***Insurance cover*** includes:

- home owner's warranty
- superannuation
- workers' compensation.

***Industrial relations policies and obligations*** include:

- federal and state industrial instruments
- federal and state industrial legislation.

## Unit Sector(s)

**Unit sector**                      Construction

## **Co-requisite units**

**Co-requisite units**              Nil

## **Functional area**

**Functional area**