



**Australian Government**

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

# **CPPACC6003A Apply unjustifiable hardship principles to Alternative Building Solutions for access**

**Release: 1**

## **CPPACC6003A Apply unjustifiable hardship principles to Alternative Building Solutions for access**

### **Modification History**

Not Applicable

### **Unit Descriptor**

#### **Unit descriptor**

This unit specifies the competency required to apply the principles of unjustifiable hardship to the legislative requirements for existing buildings undergoing building work. It requires an assessment of any unjustifiable hardship component of a proposed Building Upgrade Plan, Alternative Building Solution or application for an exception from a requirement of the Building Code of Australia (BCA).

The assessment is tested against the principles of unjustifiable hardship as set out in the Process to Administer Access to Buildings (The Protocol) and the Disability Discrimination Act (DDA) Premises Standard. The assessment may result in the preparation of a report describing the processes for reaching approval of the proposed alternative solution or application for exception.

The unit requires the ability to communicate with members of the state or territory Access Panel on the interpretation and implementation of the DDA, the DDA Premises Standard, the BCA and The Protocol.

The access consultant may either work alone or as a member of a team.

### **Application of the Unit**

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

This unit of competency supports the access consulting service of serving on a BCA Access Panel. It involves the application of analysis, planning and evaluation to complex technical issues.

### **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.

## Elements and Performance Criteria

ELEMENT	PERFORMANCE CRITERIA
<b>1 Assess the proposal from the building control authority.</b>	<p>1.1 The nature of the proposal documentation is classified as a <i>Building Upgrade Plan</i>, an <i>Alternative Building Solution</i> or an <i>application for exception from a requirement of the BCA</i>.</p> <p>1.2 Access issues raised by the building control authority are identified, clarified and documented.</p> <p>1.3 The grounds for a request for unjustifiable hardship are identified from within the proposal documentation.</p>
<b>2 Apply unjustifiable hardship principles to the assessment of the Building Upgrade Plan.</b>	<p>2.1 Key access components of the Building Upgrade Plan are identified.</p> <p>2.2 A technical assessment of the issues identified in the Building Upgrade Plan is conducted in accordance with the Process to Administer Access to Buildings.</p> <p>2.3 The level of access resulting from the Building Upgrade Plan is determined in accordance with <i>legislative requirements</i>.</p> <p>2.4 The appropriateness of the timeframes proposed by the Building Upgrade Plan is assessed and the findings are documented in accordance with <i>unjustifiable hardship considerations</i>.</p>
<b>3 Apply unjustifiable hardship principles to the assessment of the Alternative Building Solution.</b>	<p>3.1 The performance of the Alternative Building Solution for providing access outcomes equivalent to the Deemed-to-Satisfy provisions of the relevant legislative requirements is assessed.</p> <p>3.2 A technical assessment of the issues identified in the application for Alternative Building Solution is conducted in accordance with the Process to Administer Access to Buildings.</p> <p>3.3 The ability of the Alternative Building Solution to provide access is assessed in accordance with unjustifiable hardship considerations.</p> <p>3.4 Unjustifiable hardship considerations are assessed and the findings are documented in accordance with the objectives of the DDA and state and territory anti-discrimination legislation.</p>
<b>4 Apply unjustifiable hardship principles to the assessment of the application for exception from a requirement of the</b>	<p>4.1 The issues nominated in the proposal as preventing the provision of access are identified.</p> <p>4.2 A technical assessment of the issues identified in the application for exception is conducted in accordance with the Process to Administer Access to Buildings.</p> <p>4.3 The validity of the issues presented in the</p>

## **ELEMENT**

**BCA.**

## **PERFORMANCE CRITERIA**

application for exception from a requirement of the BCA is assessed against unjustifiable hardship considerations.

4.4 Unjustifiable hardship decisions are assessed and the findings are documented in accordance with the objectives of the DDA and state and territory anti-discrimination legislation.

## **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:**

- anthropometric principles of accessible building design and fitout
- commonwealth, state and territory anti-discrimination legislation and regulations
- commonwealth, state and territory Heritage Acts
- design, structural and construction principles of buildings
- disability awareness
- environmental issues impacting on material selection
- ergonomic principles
- functional systems of the human body
- industry codes of practice and ethics
- international standards on building access
- limitations of work role, responsibility and professional abilities
- nature of building materials and effect of performance
- occupational health and safety (OHS) policies and procedures
- processes for interpreting reports, working drawings and specifications
- processes for recording data, administering records and preparing reports
- relevant commonwealth, state and territory building legislation, local government regulations and Australian standards
- research methodology and analytical processes
- role, responsibilities and powers of building certifiers
- state and territory Planning and Development Acts
- relevant terminology and definitions in hazard identification.

#### **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
  - apply unjustifiable hardship principles to arguments presented in applications for an exception to a requirement of the BCA

- interpret and analyse routine and non-routine situations to establish suitable methods of reporting
- application skills to:
  - apply relevant anti-discrimination and building legislation
  - apply industry building codes of practice and ethics and other legislative requirements to work processes
  - apply disability awareness to work processes
  - apply current Australian and international building codes, standards, regulations and practices
- communication skills to:
  - discuss unjustifiable hardship principles, their interpretation and application
  - seek alternative advice from other experts within own field
  - seek advice from experts in areas outside own expertise
- literacy skills to:
  - assess and use workplace information
  - read and interpret plans, specifications and structural drawings
  - read and use anatomical and medical terminology
  - read and use building and construction terminology
  - read and comprehend case documentation associated with claims for unjustifiable hardship
- organisational skills to:
  - confirm that all relevant case documentation is provided
  - research, reference, store and retrieve data for use in decision-making processes
- interpersonal skills to:
  - relate to people from a range of social, cultural and ethnic backgrounds and with a range of physical and mental abilities
  - seek and obtain information in a sensitive and appropriate manner
  - facilitate change for greater awareness of disability access
  - analyse own work practices and process outcomes critically
  - engage colleagues and share disability access knowledge
  - adapt to new workplace situations
- personal attributes relating to:
  - impartiality
  - fairness
  - independence
  - objectivity
  - confidentiality
  - respect
- research skills to:
  - initiate searches for information relevant to claims for unjustifiable hardship
  - source, analyse and evaluate building legislative requirements
  - source, analyse and evaluate legislative requirements for the provision of access
- technical skills to:
  - participate in decision-making processes.
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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
  - applying disability awareness to the provision of access for people with disabilities
  - interpreting and applying the unjustifiable hardship provisions of the BCA to Building Upgrade Plans, Alternative Building Solutions and applications for exception from a requirement of the BCA
  - conducting a technical assessment of Building Upgrade Plans, Alternative Building Solutions and applications for exception in accordance with the Process to Administer Access to Buildings (The Protocol)
  - complying with OHS regulations applicable to workplace operations
  - reporting assessment findings within the context of the relevant legislation, BCA and Australian standards
  - applying organisational management policies and procedures, including quality assurance requirements.

#### Context of and specific

- Resource implications for assessment include:
  - a registered provider of assessment services

## resources for assessment

- 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.

***Building Upgrade Plan***  
means:

- a plan for upgrading the accessibility of an existing building over time.

***Alternative Building Solution*** means:

- a building solution that complies with BCA performance requirements, other than by reason of satisfying the Deemed-to-Satisfy provisions.



***An application for exception from a requirement of the BCA*** refers to:

- a process under the Building Access Regulatory Compliance Process that allows applicants to seek an exception from a requirement of the BCA.

***Legislative requirements*** may include:

- DDA
- commonwealth, state and territory anti-discrimination legislation and regulations
- DDA Premises Standard
- BCA
- Australian standards
- international codes and standards
- Process to Administer Access to Buildings (The Protocol).

***Unjustifiable hardship considerations*** may include:

- the financial viability of a project
- the involvement of public funds in the building work
- the extent of the benefit from providing access
- the significance of any heritage value of features in a building that may be affected by the provision of access
- technical limits
- topographical restrictions or other site constraints
- any relevant safety or health factors
- the requirements of other legislation.

## **Unit Sector(s)**

**Unit sector**

Access consulting