



Australian Government

Department of Education, Employment and Workplace Relations

BCGSV5008A Apply building control legislation to building surveying

Release: 1

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Modification History

Not applicable.

Unit Descriptor

This unit specifies the competency 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.

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Application of the Unit

Not applicable.

Licensing/Regulatory Information

Not applicable.

Pre-Requisites

Not applicable.

Employability Skills Information

Not applicable.

Elements and Performance Criteria Pre-Content

Not applicable.

Elements and Performance Criteria

Elements and Performance Criteria

Element	Performance Criteria
1 Analyse the Australian administrative legal system	1.1 Differences between common law, statute law, delegated legislation and local government law are analysed and documented. 1.2 Civil law and examples of civil action relevant to building control are identified and analysed. 1.3 Administrative law relevant to building control is determined and interpreted.
2 Evaluate administrative law applicable to building control activities	2.1 Individual elements of judicial review legislation are evaluated and documented. 2.2 Natural justice is identified and evaluated as it relates to decision making through the building control process.
3 Describe the procedures and benefits of enforcing the law	3.1 Legislative benefits and examples from building control enforcement are investigated and documented. 3.2 Major regulatory enforcement strategies are identified and recorded. 3.3 Powers of entry are identified and analysed. 3.4 Warrants and the legal considerations in obtaining a warrant are identified and documented. 3.5 Types of evidence and the gathering of evidence for the purposes of investigating and proving a breach of legislation are identified and documented. 3.6 Offences are identified and the process for drafting and issuing a notice is evaluated and documented.
4 Analyse the impact of other legislation on State and Territory building/development control legislation	4.1 Implications of Commonwealth legislation on State and Territory building/development control legislation are examined and documented. 4.2 Implications of other State and Territory legislation on building/development control legislation is examined and documented.

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| 5 Analyse the professional code of conduct and ethics applicable to building control | 5.1 Concepts regarding conflict of interest as specified by relevant legislation are identified and recorded. |
| | 5.2 Concepts regarding duty of care as it relates to common law are evaluated and documented. |
| 6 Analyse the concepts of liability and responsibility of building practitioners as detailed in legislation | 6.1 Liability of building practitioners as specified by relevant legislation is evaluated and documented. |
| | 6.2 Responsibilities and statutory duties of building practitioners as specified by relevant legislation evaluated and documented. |

Required Skills and Knowledge

Not applicable.

Evidence Guide

The Evidence Guide identifies the critical aspects, knowledge and skills to be demonstrated to confirm competency for this unit. This is an integral part of the assessment of competency and should be read in conjunction with the Performance Criteria and Range Statement.

What critical aspects of evidence are required to demonstrate competency in this unit?

Compliance with occupational health and safety regulations applicable to workplace operations.

Application of organisational management policies and procedures including quality assurance requirements where applicable.

Performance of research, interpretation, analysis and reporting of findings for at least one (1) administrative law case relating to building control activities, at least one (1) Commonwealth legislation case impacting on building/development control legislation, at least one (1) other legislation case impacting on building/development control legislation, all in accordance with the professional code of conduct and ethics applicable to building control.

Provision of reports to appropriate body/individual as determined by the project brief.

Application of strategic plans, workplace policies and procedures.

Are there any other units which should be assessed with this unit or which relate directly to this unit?

There are no specified relationships.

Holistic assessment should be applied where appropriate to form a complete work function.

What specific knowledge is required to achieve the performance criteria?

Building policy and legislation.

Australian legal system.

Relevant national, State/Territory legislation and local government policy and procedures.

Codes of conduct and ethics.

Research processes and strategies.

Consultation methods including cultural considerations.

Applications of law and legal principles in building surveying.

Legal terminology, definitions, processes and procedures used in standard court operations.

Processes for the administration and preparation of documentation.

What specific underpinning skills are required to achieve the performance criteria?

These include a number of processes that are learned throughout work and life, which are required in most jobs. Some of these are covered by the national key competencies, although others may be added. The questions below highlight how these processes are applied in this competency unit. The number in brackets indicates the level to which the key competency needs to be demonstrated where (1) working within set conditions and processes, (2) management or facilitation of conditions or processes are exercised, and (3) design and/or development of conditions or process are required.

How will the candidate apply the following key competency in this unit?

The candidate will need to:

Collect, analyse and organise information

Research, analyse, evaluate, interpret and report information related to building control legislation and how it impacts on building surveyors. **Level 2**

Communicate ideas and information

Communicate and negotiate ideas and information to enable interpretation of building control legislation and how other laws and legislation impact upon it. **Level 2**

Plan and organise activities

Plan and organise activities including the planning of analytical processes, the establishment of research criteria and the interpretation of building control legislation in respect of common law and other impacting legislations. **Level 2**

Work with others and in a team

Work with others and in a team by recognising dependencies and using co-operative approaches to optimise satisfaction and productivity. **Level 1**

Solve problems

Establish analytical processes, including diagnostic processes, which anticipate and allow for risks, cater for both direct and indirect evidence, avoid or minimise reworking and avoid wastage. **Level 2**

Use mathematical ideas and techniques

Use mathematical ideas and techniques to correctly complete measurements, calculate analytical requirements, establish realistic sample criteria, quantify, survey and present analytical results. **Level 1**

Use technology

Use workplace technology related to information gathering and analysis, diagnosis, information research, report writing, administration and management procedures. **Level 2**

In what context should assessment occur?

Competency is demonstrated by performance of all stated criteria, including paying particular attention to the critical aspects and the knowledge and skills elaborated in the Evidence Guide and within the scope defined by the Range Statement.

Assessment must take account of the endorsed assessment guidelines in the Construction Training Package.

What methods of assessment should apply?

Assessment of this competency is most likely to be project related under real or simulated conditions and require portfolios or other forms of indirect evidence of process. Direct evidence may include certification of compliance on the final outcome or authorisation for commencement by a competent authority.

Assessment must confirm the inference that competency is able not only to be satisfied under the particular circumstance, but is able to be transferred to other circumstances.

Assessment should reinforce the integration of the key competencies.

What are the specific resource requirements for this unit?

A situation, real or realistically simulated, requiring research analysis, evaluation, interpretation and reporting of building control legislation activities relating to building projects.

The learner and trainer should have access to appropriate documentation and resources normally used in the workplace.

The Evidence Guide identifies the critical aspects, knowledge and skills to be demonstrated to confirm competency for this unit. This is an integral part of the assessment of competency and should be read in conjunction with the Performance Criteria and Range Statement.

What critical aspects of evidence are required to demonstrate competency in this unit?

Compliance with occupational health and safety regulations applicable to workplace operations.

Application of organisational management policies and procedures including quality assurance requirements where applicable.

Performance of research, interpretation, analysis and reporting of findings for at least one (1) administrative law case relating to building control activities, at least one (1) Commonwealth legislation case impacting on building/development control legislation, at least one (1) other legislation case impacting on building/development control legislation, all in accordance with the professional code of conduct and ethics applicable to building control.

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Application of strategic plans, workplace policies and procedures.

Are there any other units which should be assessed with this unit or which relate directly to this unit?

There are no specified relationships.

Holistic assessment should be applied where appropriate to form a complete work function.

What specific knowledge is required to achieve the performance criteria?

Building policy and legislation.

Australian legal system.

Relevant national, State/Territory legislation and local government policy and procedures.

Codes of conduct and ethics.

Research processes and strategies.

Consultation methods including cultural considerations.

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What are the specific resource requirements for this unit?

A situation, real or realistically simulated, requiring research analysis, evaluation, interpretation and reporting of building control legislation activities relating to building projects.

The learner and trainer should have access to appropriate documentation and resources normally used in the workplace.

Range Statement

The Range Statement provides advice to interpret the scope and context of this unit of competency allowing for differences between enterprises and workplaces. It relates to the unit as a whole and facilitates holistic assessment. The following variables may be present for this particular unit:

Unit scope

Input to the research, interpretation and analysis of building control legislation is to include but not be limited to domestic scale buildings and structures.

Investigation of laws is to include but not be limited to the Australian common law system, laws applicable to building surveying and the professional code of ethics required for the assessment and inspection of buildings.

Types of evidence may include but not be limited to oral, documented, real, direct, secondary, hearsay and admissible and inadmissible evidence.

Implications of Commonwealth legislation may include but not be limited to the Disability Discrimination Act.

Implications of other State and Territory legislation may include but not be limited to environmental health, planning, occupational health and safety and local government by-laws. Reporting systems must be in accordance with organisational and legislative quality assurance procedures and may include desk and site based assessment.

Unit context

Competency requires the demonstration of research, interpretation, analysis, evaluation and reporting skills within the context of common law, relevant legislation, the Building Code of Australia and Australian Standards.

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Unit Sector(s)

Not applicable.