



Australian Government

CPCCBS6003 Apply legal and ethical requirements to building surveying functions

Release: 1

CPCCBS6003 Apply legal and ethical requirements to building surveying functions

Modification History

Release 1.

This version first released with CPC Construction, Plumbing and Services Training Package Version 1.

Application

This unit of competency specifies the outcomes required to access, interpret and apply building control legislation, as well as industry and organisational codes of practice, to building surveying activities and communications. The unit supports identifying and applying the requirements of particular geographic and climatic areas, local planning schemes and codes. It also involves carrying out the building surveying function with consideration for the legal and ethical responsibilities of the role.

The unit supports the work of municipal and private building surveyors who operate in a highly regulated environment.

Licensing, legislative, regulatory or certification requirements apply to this unit in some States. Relevant state and territory regulatory authorities should be consulted to confirm those requirements.

Pre-requisite Unit

Nil

Competency Field

Building surveying

Unit Sector

Construction

Elements and Performance Criteria

Elements describe the essential outcomes.

Performance criteria describe the performance needed to demonstrate achievement of the element. Where bold italicised text is used, further information is detailed in the range of conditions.

1. Identify and apply scope of legal and ethical

- 1.1. Organisational code of conduct is accessed and individual responsibilities are clarified and followed when engaging in building surveying activities and

responsibilities.	client communications.
	1.2. Potential conflicts of interest are identified prior to undertaking building surveying projects, and checked against legislative and regulatory requirements, and industry and organisational codes of practice.
	1.3. Contractual requirements entered into with clients are identified and confirmed as consistent with legislative and regulatory requirements specified in building control and other relevant legislation.
	1.4. Individual authority to undertake building surveying activities is researched and confirmed, and appropriate licence to operate is obtained and maintained.
2. Review and undertake building surveying activities in line with relevant legislation, codes and standards.	2.1. State or territory building control legislation and regulations for activities being undertaken are researched, confirmed and applied.
	2.2. Requirements of the National Construction Code (NCC) and Australian standards referenced by the NCC for the activities being undertaken are confirmed and applied.
	2.3. State or territory and local authority planning constraints are researched, confirmed and applied to activities.
	2.4. Legal and ethical standards are applied during building surveying activities, including in client and stakeholder communications.
3. Comply with administrative procedures of relevant authorities.	3.1. Timelines, documentation and compliance requirements of relevant authorities are researched and followed according to nature of building surveying task being undertaken.
	3.2. Exemption requests are submitted according to relevant legislative and regulatory procedures.
	3.3. Problems, or potential for problems, in meeting administrative requirements of relevant authorities are managed and where necessary referred elsewhere for advice.
	3.4. Record-keeping processes are implemented and maintained according to legislative and regulatory

requirements.

- | | | |
|--|------|--|
| 4. Communicate building surveying legal requirements to clients or applicants. | 4.1. | Need for compliant documentation and adherence to legislative and regulatory procedures is explained to clients or applicants. |
| | 4.2. | Availability and scope of internal and external dispute resolution processes are communicated to clients or applicants. |
| | 4.3. | Client or applicant disputes or complaints are managed professionally and ethically to completion according to workplace procedures. |
| 5. Carry out enforcement procedures. | | |
| | 5.1. | Advice or complaints regarding non-compliant or unsafe building works are received and processed according to workplace standards. |
| | 5.2. | Site inspections of properties and buildings are arranged and conducted to assess extent of non-compliance and risk to public health and safety, and observations are noted on site and documented in detail. |
| | 5.3. | Consultation with specialist consultants is undertaken where necessary to identify and assess the extent of non-compliance or risk to public health and safety. |
| | 5.4. | Building orders or notices are issued to relevant parties in the event of properties or buildings being found to be non-compliant or posing a risk to public health and safety. |
| | 5.5. | Statutory enforcement procedures are followed to ensure required remedies to building works are completed within specified timeframes and to required standards of compliance. |
| | 5.6. | Accurate, detailed and current records and findings are used when representing clients or other stakeholders. |

Foundation Skills

This section describes the language, literacy, numeracy and employment skills essential to performance in this unit but not explicit in the performance criteria.

Skill	Performance feature
Learning skills to:	- independently access and interpret a range of complex technical information relating to building compliance requirements, including planning schemes and codes for different states and territories and local authorities - maintain current knowledge of legal requirements applicable to the building surveying role through, for example, email alerts, conferences or subscriptions to relevant journals.
Numeracy skills to:	identify, interpret and apply timelines specified in legal documents and associated administrative procedures.
Oral communication skills to:	- determine client requirements through open-ended questioning, active listening, paraphrasing and summarising - provide clear explanations to clients of legal requirements in different situations, using appropriate construction industry vocabulary - understand and use vocabulary used in building control legislation and regulations.
Reading skills to:	- understand sometimes complex vocabulary used in building control legislation and regulations - synthesise relevant compliance requirements, information and procedures from several sources - use different reading approaches to locate compliance requirements in a range of resources, including the National Construction Code (NCC) - monitor own understanding of texts and apply a range of strategies to ensure correct interpretation of compliance requirements, including re-reading or obtaining clarification from another source.
Writing skills to:	- use specialised construction industry vocabulary in written communications with clients and specialist personnel - take legible notes describing observations of buildings during on-site visits.

Range of Conditions

This section specifies work environments and conditions that may affect performance. Essential operating conditions that may be present (depending on the work situation, needs of the candidate, accessibility of the item, and local industry and regional contexts) are included. Bold italicised wording, if used in the performance criteria, is detailed below.

Legislative and regulatory requirements must include:

- checking and verifying that building contractor holds appropriate licence, insurances and registration for the building class and type
- exercising a duty of care to client and subsequent building owners
- holding and maintaining current and sufficient professional liability insurance cover.

Noted on site must include:

- details of inspection conducted, including:
 - date, location and time
 - names of those who conducted and participated in the inspection, including other specialist experts or consultants
 - property identification details
- documents sighted or provided at the inspection
- interviews or discussions held on site
- observations made during inspection.

Unit Mapping Information

No equivalent unit.

Links

Companion Volume implementation guides are found in VETNet -

<https://vetnet.gov.au/Pages/TrainingDocs.aspx?q=7e15fa6a-68b8-4097-b099-030a5569b1ad>

Assessment Requirements for CPCCBS6003 Apply legal and ethical requirements to building surveying functions

Modification History

Release 1.

This version first released with CPC Construction, Plumbing and Services Training Package Version 1.

Performance Evidence

A person demonstrating competency in this unit must satisfy all of the elements, performance criteria and foundation skills of this unit. The person must perform building surveying tasks according to relevant legal requirements and ethical standards on three different building surveying projects. Projects must involve buildings up to three storeys and include the following class buildings as defined in the Building Code of Australia (BCA):

- one building must be from class 1
- two buildings must be from classes 2 to 9.

For each building surveying project, the person must:

- identify and access relevant codes, regulations and legislation applicable to each building project, documenting the applicable sections of each and providing written evidence of how the principles of the organisational or industry code of practice were applied to each project
- research and document the administrative procedures required to ensure completion of each project
- provide evidence of having handled a minimum of three disputes or complaints from different clients, using relevant dispute-handling procedures and according to organisational or industry code of conduct.

Knowledge Evidence

A person demonstrating competency in this unit must demonstrate knowledge of:

- dispute-resolution procedures available to property owners and community members in relevant jurisdictions
- nature of admissible evidence that may be presented in arbitration hearings or court proceedings relating to building disputes
- principles of contract law that apply to building surveying contractual agreements with clients or applicants
- principles of negotiation and conflict resolution applicable to professional relationships
- processes for representing clients in arbitration hearings and court proceedings relating to building disputes

- relevant compliance requirements for buildings in different climatic, geographic and planning zones, including:
 - building control legislation and regulations
 - National Construction Code (NCC)
 - Australian standards referenced by building control legislation and regulations and the NCC
 - state, territory or local authority planning policies
- scope and limitations of the statutory enforcement authority regulating building surveyors in relevant states or territories
- legislative and regulatory requirements for professional conduct in communications with building contractors.

Assessment Conditions

Suitable assessment of performance requires:

- equipment:
 - computer with internet access and business software currently in use in building surveying practices
- materials:
 - access to organisational and industry codes of conduct and, where appropriate, building surveying professional standards
- specifications:
 - access to relevant and current building control legislation, regulations, codes and standards and state, territory or local authority planning policies.

Assessor requirements

Assessors must satisfy the assessor requirements in the *Standards for Registered Training Organisations* (RTOs) current at the time of assessment.

In addition, assessors must also demonstrate current membership of a relevant industry association and have current registration on the National Building Professionals Register in the Building Industry Control category (level 1) or be accredited under the Australian Institute of Building Surveyors (AIBS) National Accreditation Scheme at Building Surveyor level.

Links

Companion Volume implementation guides are found in VETNet -

<https://vetnet.gov.au/Pages/TrainingDocs.aspx?q=7e15fa6a-68b8-4097-b099-030a5569b1ad>