



INFORMATION FOR SUBCONTRACTORS IF YOU ARE NOT BEING PAID

If you are a subcontractor and find yourself in a situation where you are not being paid or are being paid late by a head contractor, acting quickly to determine your options is the vital first step. This is important if you want to ensure that all of the appropriate options to resolve the matter are available to you.

For claims against the builder in relation to a building project

The Building Commission is a good place to start for advice on the rapid adjudication process available under the *Construction Contracts Act 2004*. You can contact the Building Commission on **1300 489 099** or **bcinfo@commerce.wa.gov.au**

What is the *Construction Contracts Act 2004*?

Taking legal action to recover money can be expensive and time consuming. The *Construction Contracts Act 2004* provides an alternative and quick mechanism for those involved in building and construction work to take a disputed payment claim to an independent adjudicator for review. Claims for the rapid adjudication process must be made within 28 days of a payment dispute arising.

For more information, refer to **www.commerce.wa.gov.au/building-commission/payment-disputes-and-construction-contracts-act**.

The Small Business Development Corporation can also advise on alternative options for dispute resolution on **13 12 49** or **www.smallbusiness.wa.gov.au/adr**

Information for Subcontractors



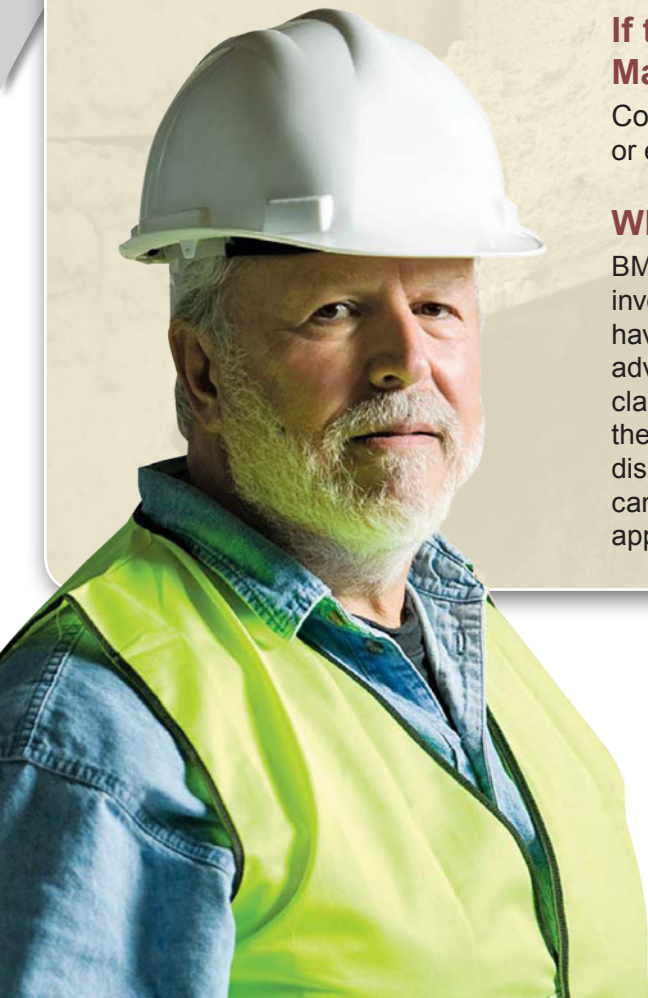
Department of Finance
Western Australia

If the project is being managed by Building Management and Works (BMW)

Contact BMW Complaints and Feedback Officer on (08) **6551 1888** or email **BMWcomplaintsandfeedback@finance.wa.gov.au**

What will BMW do?

BMW will ask you to provide evidence to support your claim prior to investigating with the head contractor and assessing whether they have breached their obligations under the head contract. BMW will advise you of the outcome of the investigation relevant to your payment claim. BMW will refer you to the Building Commission for advice on the *Construction Contracts Act 2004* if the payment issue is due to a dispute over the quality of work, or other works-related issues. BMW cannot force the contractor to pay you. You should still pursue your own appropriate recovery actions.



Department of Finance

Building Management and Works

BMW Complaints and Feedback Officer

Locked Bag 44, Cloisters Square, Western Australia 6850

Phone: (08) **6551 1888**

Website: **www.finance.wa.gov.au**

Email: **BMWcomplaintsandfeedback@finance.wa.gov.au**

PLEASE NOTE: This information is not a substitute for legal advice