



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@dmirs.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 90 days of a payment dispute arising.

For more information, refer to www.commerce.wa.gov.au/building-commission/dispute-resolution

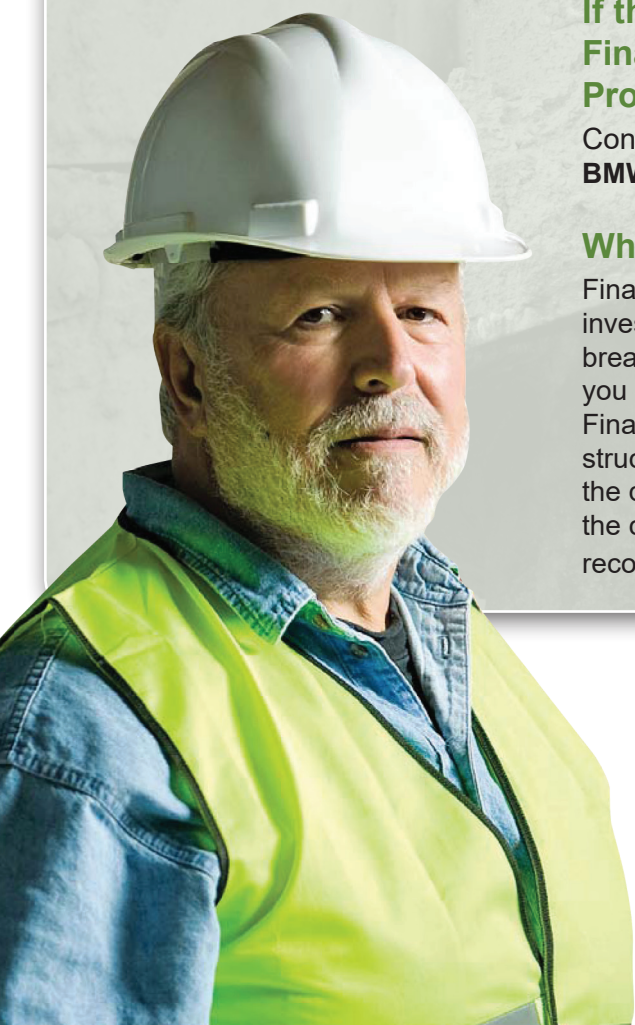
The Small Business Development Corporation can also advise on alternative options for dispute resolution. You can contact the Small Business Development Corporation on **133 140** or www.smallbusiness.wa.gov.au/adr

If the project is being managed by the Department of Finance's Building Management and Works or Strategic Projects

Contact the BMW Feedback Officer on (08) **6551 1888** or email BMWindustryliason@finance.wa.gov.au

What will Finance do?

Finance 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. Finance will advise you of the outcome of the investigation relevant to your payment claim. Finance 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. Finance cannot force the contractor to pay you. You should still pursue your own appropriate recovery actions.



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NOTE: This information is not a substitute for legal advice