



Frequently asked questions - Subcontractors



Western Australian Building and Construction Industry Code of Conduct 2016 (BCI Code)

Subcontractors

Q I am tendering for State Building Work or Private Covered Building Work, what does this mean?

A The BCI Code was developed to ensure that, when spending public funds on building works, the State of Western Australia contracts with Building Contractors who conduct themselves in a reputable, fair, safe and responsible manner, both in dealing with the State of Western Australia, and within the building and construction industry more generally.

Building Contractors must comply with the BCI Code in order to successfully tender for State Building Work. The BCI Code largely reiterates obligations that exist under State and Commonwealth legislation.

Building Contractors are required to pass on the requirement to comply with the BCI Code to all Subcontractors through contract documentation. Subcontractors are required to comply with the BCI Code from the time they enter into the contract with their principal. Please see the fact sheet 'BCI Code – When Am I Covered?' for further information.

Q Who is responsible for ensuring that Subcontractors engaged on State Building Work or Private Covered Building Work are compliant?

A The Building Contractor is required to comply with the BCI Code and ensure any Subcontractor they engage complies.

Q Do I need to write a Workplace Relations Management Plan (WRMP)?

A No. Only Building Contractors who are head contractors in relation to a contract with a value exceeding \$10 million for State Building Work are required to create a WRMP.

Nevertheless, all Subcontractors must comply with the head contractor's WRMP.

Q Do I need to get or have a new industrial agreement?

A Parties are not required to have a new industrial agreement to comply with the BCI Code.

The BCI Code prohibits Building Contractors from requiring or attempting to unduly influence a Subcontractor to have particular workplace arrangements in place.

Q Am I required to have union membership?

A No. Union membership is a matter of individual choice.

Q I am a Subcontractor; do I have to call the Building and Construction Code Monitoring Unit (BCCMU) if I suspect a possible breach of the BCI Code?

A You are required to notify the BCCMU of a breach or suspected breach of the BCI Code as soon as practicable and by no later than 24 hours after becoming aware.



However, the BCCMU encourages you to also report the breach or suspected breach to the head contractor at the same time or as soon as possible after the BCCMU has been notified.

How do I cooperate with the BCCMU?

-  While working on a BCI Code covered project, if requested by the BCCMU, you will be required to:
- provide the BCCMU with access to your business premises and any other place where records, documents or information is kept;
 - assist the BCCMU to locate and access records;
 - allow the BCCMU to interview your company, your employees or contractors;
 - allow the BCCMU to take copies of any record, document, information or other evidence;
 - respond to requests for information by the BCCMU; and
 - not obstruct the BCCMU.

Model tender and contract clauses are available to assist Building Contractors and Subcontractors ensure compliance through their contract management procedures.



This fact sheet should be read in conjunction with the BCI Code and information provided in the Implementation Guidelines.

For further information please visit the Building and Construction Code Monitoring Unit website at:
www.commerce.wa.gov.au/bccmu

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