



Responsibility for compliance by Building Contractors and Subcontractors

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

Role of Building Contractors

Building Contractors must ensure that they and all Subcontractors they engage to perform work on a Covered Contract comply with the BCI Code.

For all Covered Contracts, Building Contractors must:

- act in accordance with their tender response;
- require all their Subcontractors to comply with the BCI Code; and
- report all suspected breaches of the BCI Code to the Building and Construction Code Monitoring Unit (BCCMU).

In addition, for Covered Contracts exceeding \$10 million in value involving State Building Work, Building Contractors who are head contractors must:

- have in place a Workplace Relations Management Plan (WRMP) prior to commencing that work; and
- require all their Subcontractors to comply with its WRMP in relation to that State Building Work.

Building Contractors must also:

- provide the BCCMU access to the site of State Building Work, the site of Private Covered Building Work, the Building Contractor's business premises and any other places where records, documents or information is kept;
- assist the BCCMU in locating and accessing any record, document or information, whether in hard copy or electronic format;
- allow the BCCMU to speak with or interview its employees or contractors;
- allow the BCCMU to take copies of any record, document, information or other evidence whether in hard copy or electronic format;
- respond to requests for information made by the BCCMU; and
- not obstruct the BCCMU.

Building Contractors must take all reasonable steps to ensure that their Subcontractors allow the BCCMU to monitor and investigate compliance by ensuring that Subcontractors:

- provide access to the Subcontractor's business premises and any other place where records, documents or information is kept by the Subcontractor;
- assist to locate and access any record, document or information, whether in hard copy or electronic format;
- allow the BCCMU to take copies of any record, document, information or any other evidence whether in hard copy or electronic format;
- allow the BCCMU to speak to the Subcontractor's employees or contractors;
- respond to requests for information by the BCCMU; and
- not obstruct the BCCMU.

Role of Subcontractors on site:

Subcontractors must:

- comply with the BCI Code and the head contractor's WRMP (if applicable);
- ensure their Subcontractors comply with the BCI Code and the head contractor's WRMP (if applicable); and
- adhere to the contractual requirements passed on by the Building Contractor to allow the BCCMU to monitor and investigate compliance with the BCI Code.



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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