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Attorney-General John Quigley promises laws to protect subcontractors' pay

Helen Shield, Commercial Property Editor | The West Australian

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John Quigley is set to embrace the east coast model for nationally consistent pay rules. Picture: The West Australian



There is a light at the end of the tunnel for tens of thousands of duded

subcontractors after Attorney-General John Quigley pledged to introduce legislation to protect their pay before the end of the year.

Mr Quigley, who took over the Commerce and Industrial Relations portfolio from Bill Johnston in December, yesterday declared he was “quietly determined” to legislate for pay protection.

He said he intended to adopt barrister John Fiocco’s recommendations to embrace the east coast model for nationally consistent pay rules.

They include a 15-day pay or explain-why-not deadline, cascading statutory trusts to protect payments down the food chain, and “an efficient and quick adjudication system”.

He said he had read Subcontractor WA chairwoman Louise Stewart’s opinion piece in The West Australian “which was saying, fast, fast, fast” but did not want to rush legislation with unintended consequences.

“We are going to work through this together,” Mr Quigley told a joint Consult Australia, Society of Construction Law and Master Builders WA event.

“Construction ... is too important to our economy, it’s a \$20 billion industry employing about 140,000 West Australians.

“The situation that has existed in WA ... where when there is an insolvency subcontractors are the ones who feel the pain so badly ... can no longer continue.

“The time has come ... to have equity across the sector.”

Mr Quigley, who later revealed he had spent the summer break reading barrister Mr Fiocco’s review, said his reform laws would be a comprehensive package.

The new rules will address:

Adjudicator competency, training, appointment and cost: “I’m really keen to cap the fees.”

Phoenixing, where companies that go insolvent start fresh.

“I want to legislate (against) that.”

Penalising companies which don't pay promptly on adjudication or a court ruling with a potential demerit point system.

“We have legislation across a couple of different portfolios but I want to reassure everyone I am quietly determined to see this through ... to bring in both security of payments legislation and the cascading trusts,” Mr Quigley said.

In the decades since cascading statutory trusts were first proposed and now, he said, “we have had difficulties ... with insolvencies, subcontractors suffering when large contractors become insolvent and they are left swinging in the breeze”.

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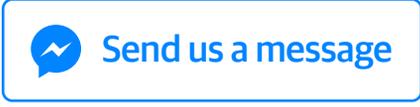
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