

Building and Construction Industry

Security of Payment Act 2002

# Adjudication Activity Statistics

2015-2016 FINANCIAL YEAR

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**Disclaimer** – The statistics presented in this publication are based on data provided to the Victorian Building Authority by Authorised Nominating Authorities. The Victorian Building Authority disclaims any liability (including for negligence) to any person in respect of anything done or not done by any person in reliance upon anything included or omitted in these statistics.

## Notes:

**Rounding** – Where figures have been rounded, discrepancies may occur between sums of the component items and totals shown.

**GST** – All amounts are GST exclusive.

**Applications** – There were 297 applications managed in this reporting period including four (4) review applications. This report provides detailed statistical reporting on the 293 standard applications and separate statistical reporting on the four review applications lodged during the reporting period.

# Building and Construction Industry Security of Payment Act 2002

The *Building and Construction Industry Security of Payment Act 2002* (the SOP Act) provides contractors with a quick, inexpensive and non-legalistic way to recover money owed to them and to resolve payment disputes through adjudication. It applies to construction contracts for work carried out in Victoria.

Adjudicators are nominated by Authorised Nominating Authorities (ANAs). ANAs are authorised to perform this service by the Victorian Building Authority (VBA) under section 42 of the SOP Act.

The functions of an ANA include nominating adjudicators for the purposes of the SOP Act, receiving and referring adjudication applications to adjudicators and providing information to the VBA in accordance with the SOP Act.

## ADJUDICATION ACTIVITY STATISTICS REPORT

This report provides tabulated and graphical representations of adjudication data for the 2015-2016 Financial Year. The information in this report is based on data provided to the VBA by ANAs.

## PROVISION OF INFORMATION

ANAs must provide the VBA with information in relation to the activities of the ANA under the SOP Act. The information requested by the VBA may include information regarding the nomination of adjudicators and appointment of review adjudicators, the assessment of the eligibility of persons to be adjudicators, the fees charged by the ANA and the fees charged by adjudicators.

## PUBLICATION OF INFORMATION

The VBA may publish information in a determination if the information does not identify any person or body referred to in the determination or disclose the address or location of that person or body and the identity, address or location of any person or body referred to in the determination cannot reasonably be determined from the information.

## FOR MORE INFORMATION

Information on the SOP Act can be found on the VBA website at [www.vba.vic.gov.au](http://www.vba.vic.gov.au).

# Applications

## APPLICATION STATISTICS

### Applications lodged, determined, not determined

Applications	Jul-Dec	Jan-Jun	FY	%
Applications lodged	154	139	293	-
Applications determined	104	85	189	65%
Applications not determined	50	54	104	35%

Table 1: Application statistics

### Reason application not determined

Reason not determined	Jul-Dec	Jan-Jun	FY	%
Settled by parties	12	11	23	22%
Withdrawn by claimant	32	19	51	49%
No jurisdiction	3	8	11	11%
Timed out	3	1	4	4%
Adjudicator conflicted	-	1	1	1%
Not yet determined	-	14	14	13%
<b>Total</b>	<b>50</b>	<b>54</b>	<b>104</b>	<b>100%</b>

Table 2: Reason application not determined

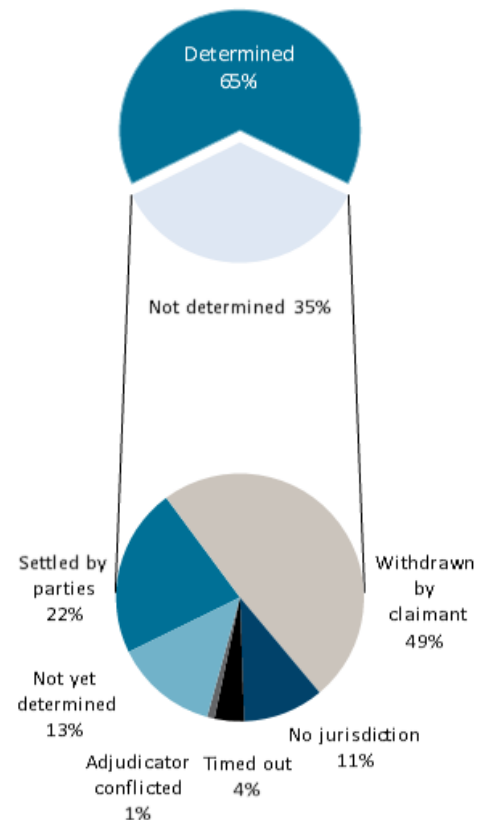


Figure 1: Applications determined vs not determined and reason application not determined

## APPLICATIONS BY SECTION

### Section of SOP Act under which application made

Section of SOP Act	Jul-Dec	Jan-Jun	FY	%
Section 18(1)(a)(i)	82	74	156	53%
Section 18(1)(a)(ii)	1	4	5	2%
Section 18(1)(b)	71	61	132	45%
<b>Total</b>	<b>154</b>	<b>139</b>	<b>293</b>	<b>100%</b>

Table 3: Applications by section of the SOP Act

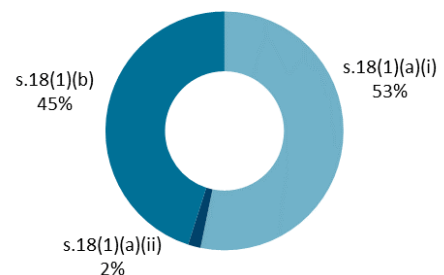


Figure 2: Section of SOP Act under which application made

### Section 18(2) notices

	Jul-Dec	Jan-Jun	FY
Section 18(2) notice issued	68	59	127

Table 4: Section 18(2) notices

## APPLICATIONS BY CLAIMANT AND RESPONDENT TYPE

### Claimant statistics

Claimant type	Jul-Dec	Jan-Jun	FY	%
Consultant	9	6	15	5%
Head contractor	26	21	47	16%
Major subcontractor	43	20	63	22%
Manufacturer of building materials or components	1	3	4	1%
Project manager	2	1	3	1%
Supplier	1	4	5	2%
Trade subcontractor	72	84	156	53%
<b>Total</b>	<b>154</b>	<b>139</b>	<b>293</b>	<b>100%</b>

Table 5: Claimant type

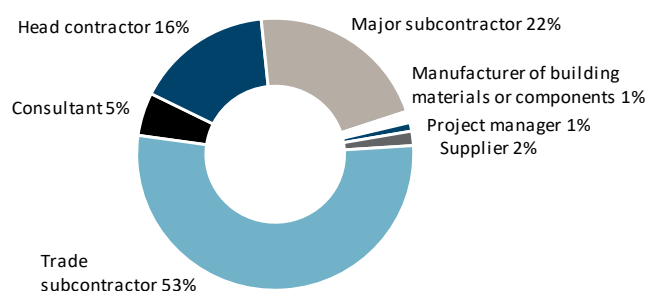


Figure 3: Claimant type

### Respondent statistics

Respondent type	Jul-Dec	Jan-Jun	FY	%
Consultant	2	-	2	1%
Developer	43	33	76	26%
Head contractor	90	83	173	59%
Major subcontractor	13	18	31	10%
Manufacturer of building materials or components	1	-	1	0%
Project manager	1	1	2	1%
Trade subcontractor	4	4	8	3%
<b>Total</b>	<b>154</b>	<b>139</b>	<b>293</b>	<b>100%</b>

Table 6: Respondent type

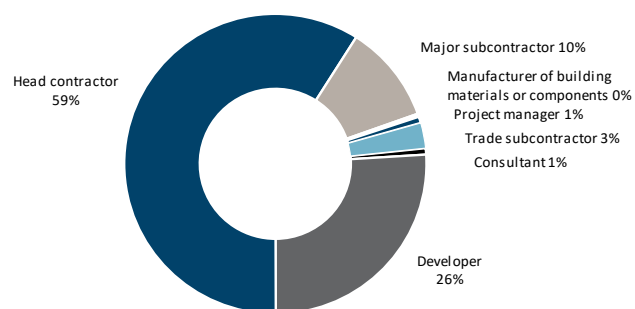


Figure 4: Respondent type

## APPLICATIONS BY REGION

Classifications are based on Australian Statistical Geography Standard (ASGS) 2011 Statistical Area Level 4 and Level 3 and determined using project site postcode information.

### State-wide distribution

Region	Jul-Dec	Jan-Jun	FY	%
Ballarat	3	1	4	1%
Bendigo	5	2	7	2%
Geelong	3	2	5	2%
Hume	3	4	7	2%
Latrobe - Gippsland	2	2	4	1%
Melbourne - Inner	41	28	69	24%
Melbourne - Inner East	32	24	56	19%
Melbourne - Inner South	11	22	33	11%
Melbourne - North East	6	8	14	5%
Melbourne - North West	6	7	13	4%
Melbourne - Outer East	15	11	26	9%
Melbourne - South East	8	15	23	8%
Melbourne - West	3	8	11	4%
Mornington Peninsula	5	1	6	2%
North West	1	1	2	1%
Various	10	3	13	4%
<b>Total</b>	<b>154</b>	<b>139</b>	<b>293</b>	<b>100%</b>

Table 7: State-wide distribution

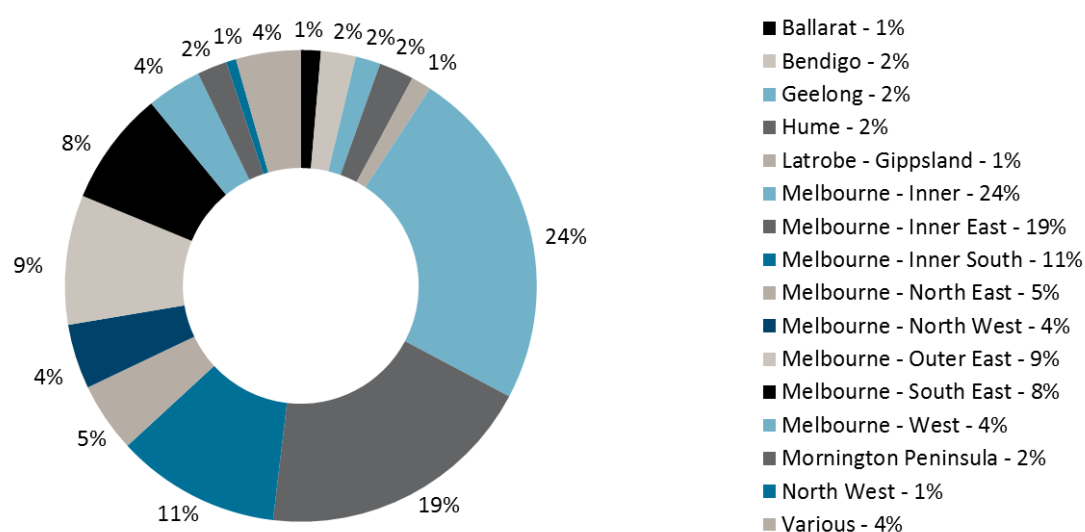


Figure 5: State-wide distribution

## Inner-Melbourne distribution

Inner-Melbourne	Jul-Dec	Jan-Jun	FY	%
Melbourne - Inner	41	28	69	44%
Brunswick - Coburg	1	-	1	1%
Darebin - South	4	-	4	3%
Essendon	1	3	4	3%
Melbourne City	20	12	32	20%
Port Phillip	2	2	4	3%
Stonnington - West	3	6	9	6%
Yarra	10	5	15	9%
Melbourne - Inner East	32	24	56	35%
Boroondara	21	16	37	23%
Manningham - West	8	3	11	7%
Whitehorse - West	3	5	8	5%
Melbourne - Inner South	11	22	33	21%
Bayside	3	10	13	8%
Glen Eira	6	9	15	9%
Kingston	1	2	3	2%
Stonnington - East	1	1	2	1%
<b>Total</b>	<b>84</b>	<b>74</b>	<b>158</b>	<b>100%</b>

Table 8: Inner-Melbourne distribution

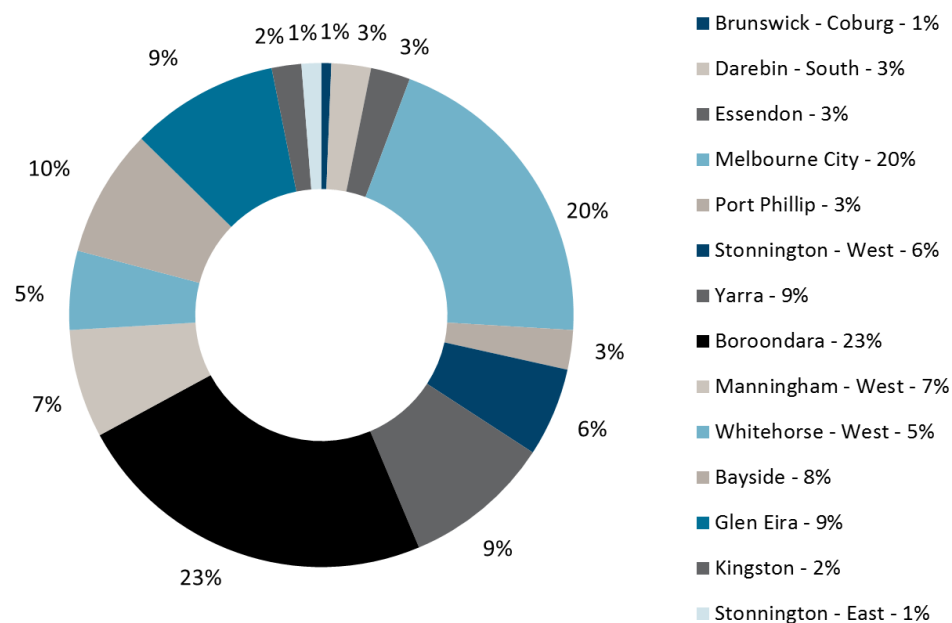


Figure 6: Inner-Melbourne distribution

# Claimed amounts

## Claimed amount statistics

Claimed amounts	Jul-Dec \$	Jan-Jun \$	FY \$
Sum of claimed amount	38,476,661.61	34,859,782.73	73,336,444.34
Maximum claimed amount	4,055,286.42	4,585,197.82	4,585,197.82
Minimum claimed amount	1,011.00	1,076.12	1,011.00
Average claimed amount	249,848.45	250,789.80	250,295.03

Table 9: Claimed amount statistics

## Number of claims by claim range

Range of claimed amounts (\$)	Jul-Dec	Jan-Jun	FY	%
<5,000	17	12	29	10%
5,000-9,999	19	12	31	11%
10,000-24,999	25	38	63	21%
25,000-39,999	12	10	22	8%
40,000-99,999	35	20	55	19%
100,000-249,999	18	21	39	13%
250,000-499,999	11	11	22	8%
500,000-749,999	5	2	7	2%
750,000-999,999	-	5	5	1%
1,000,000-4,999,999	12	8	20	7%
<b>Total</b>	<b>154</b>	<b>139</b>	<b>293</b>	<b>100%</b>

Table 10: Number of claims by claim range

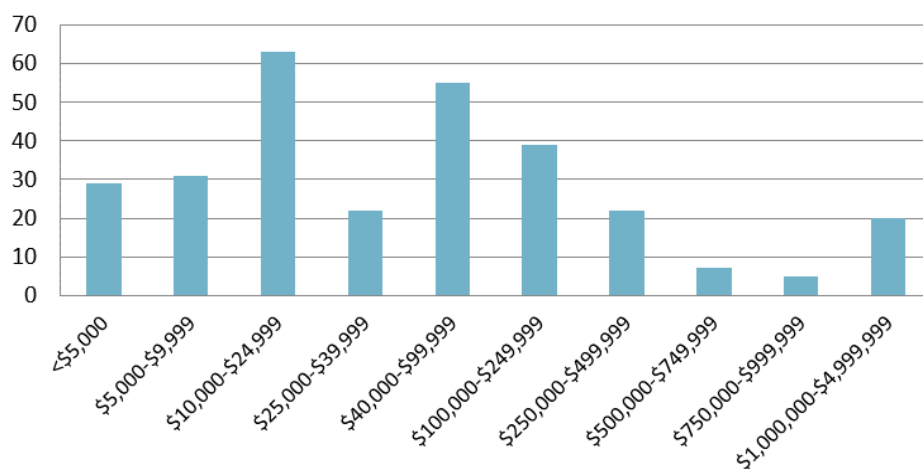


Figure 7: Number of claims by claim range



## Claimed amount by claim range

Range of claimed amounts (\$)	Jul-Dec	Jan-Jun	FY	%
<5,000	41,930	34,524	76,454	0.1%
5,000-9,999	145,921	93,287	239,208	0.3%
10,000-24,999	409,143	591,973	1,001,116	1.4%
25,000-39,999	407,350	327,770	735,120	1.0%
40,000-99,999	2,187,954	1,346,271	3,534,225	4.8%
100,000-249,999	2,688,717	2,940,737	5,629,454	7.7%
250,000-499,999	3,683,881	3,757,306	7,441,188	10.1%
500,000-749,999	2,999,828	1,221,156	4,220,984	5.8%
750,000-999,999	-	4,385,413	4,385,413	6.0%
1,000,000-4,999,999	25,911,938	20,161,345	46,073,283	62.8%
<b>Total</b>	<b>38,476,662</b>	<b>34,859,783</b>	<b>73,336,444</b>	<b>100%</b>

Table 11: Claimed amounts by claim range

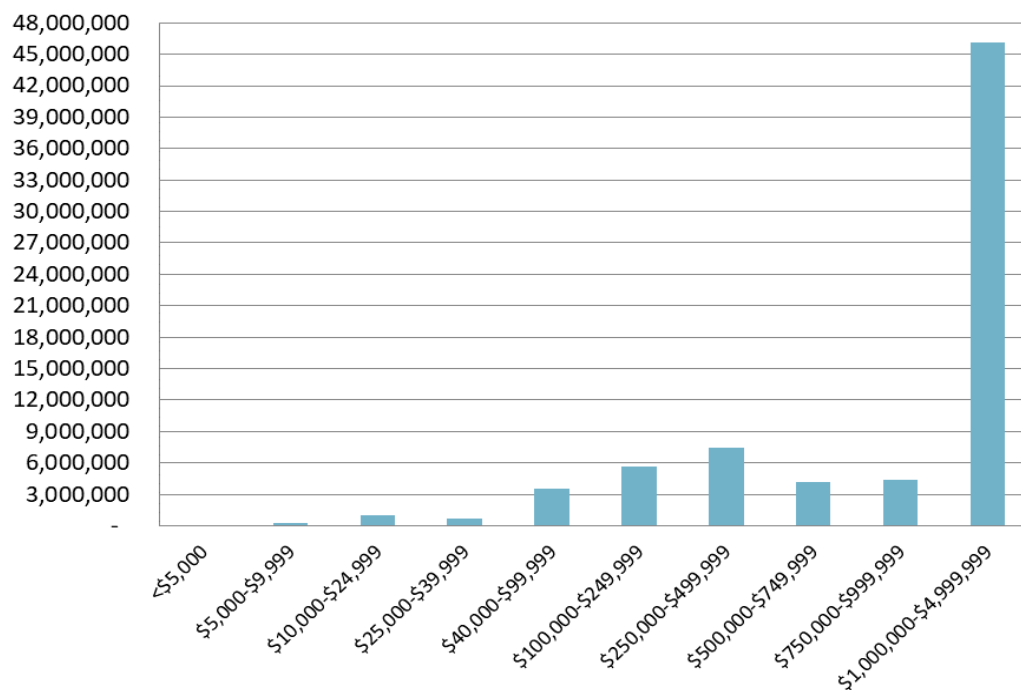


Figure 8: Total claimed amounts by claim range

# Adjudicated amounts

## Adjudicated amount statistics

Adjudicated amounts	Jul-Dec \$	Jan-Jun \$	FY \$
Sum of adjudicated amounts	10,872,834.16	9,367,768.78	20,240,602.94
Maximum adjudicated amount	2,824,384.17	2,824,384.17	2,824,384.17
Minimum adjudicated amount	0.00	0.00	0.00
Average adjudicated amount	108,728.34	110,209.04	109,408.66

Table 12: Adjudicated amount statistics

## Number of adjudicated amounts by adjudicated amount range

Range of adjudicated amounts (\$)	Jul-Dec	Jan-Jun	FY	%
<5,000	20	19	39	21%
5,000-9,999	17	11	28	15%
10,000-24,999	13	23	36	19%
25,000-39,999	11	5	16	8%
40,000-99,999	23	9	32	17%
100,000-249,999	13	7	20	11%
250,000-499,999	3	8	11	6%
500,000-749,999	2	1	3	2%
750,000-999,999	-	-	-	0%
1,000,000-4,999,999	2	2	4	2%
<b>Total</b>	<b>104</b>	<b>85</b>	<b>189</b>	<b>100%</b>

Table 13: Number of adjudicated amounts by adjudicated amount range

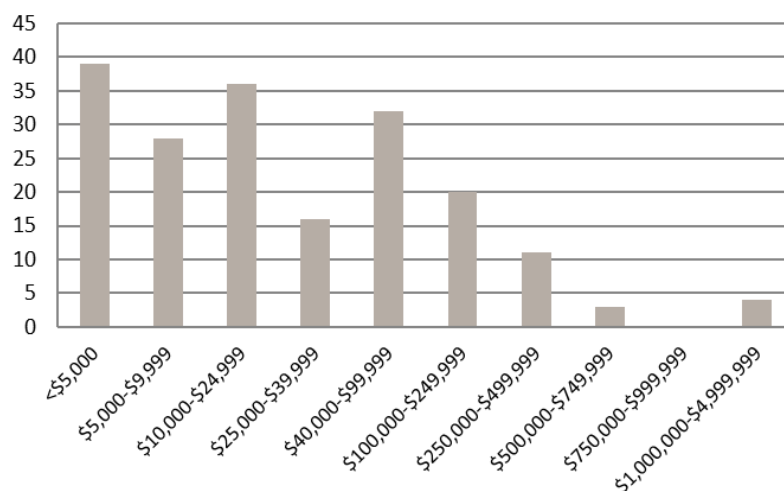


Figure 9: Number of adjudicated amounts by adjudicated amount range

## Adjudicated amount by adjudicated amount range

Range of adjudicated amounts (\$)	Jul-Dec	Jan-Jun	FY	%
<5,000	15,608	26,626	42,234	0.2%
5,000-9,999	130,502	84,000	214,501	1%
10,000-24,999	197,619	335,430	533,049	3%
25,000-39,999	370,665	158,764	529,429	3%
40,000-99,999	1,480,697	556,966	2,037,663	10%
100,000-249,999	2,348,207	1,050,748	3,398,955	17%
250,000-499,999	1,016,312	2,525,778	3,542,091	17%
500,000-749,999	1,233,518	585,343	1,818,861	9%
750,000-999,999	-	-	-	0%
1,000,000-4,999,999	4,079,707	4,044,114	8,123,820	40%
<b>Total</b>	<b>10,872,834</b>	<b>9,367,769</b>	<b>20,240,603</b>	<b>100%</b>

Table 14: Adjudicated amounts by adjudicated amount range

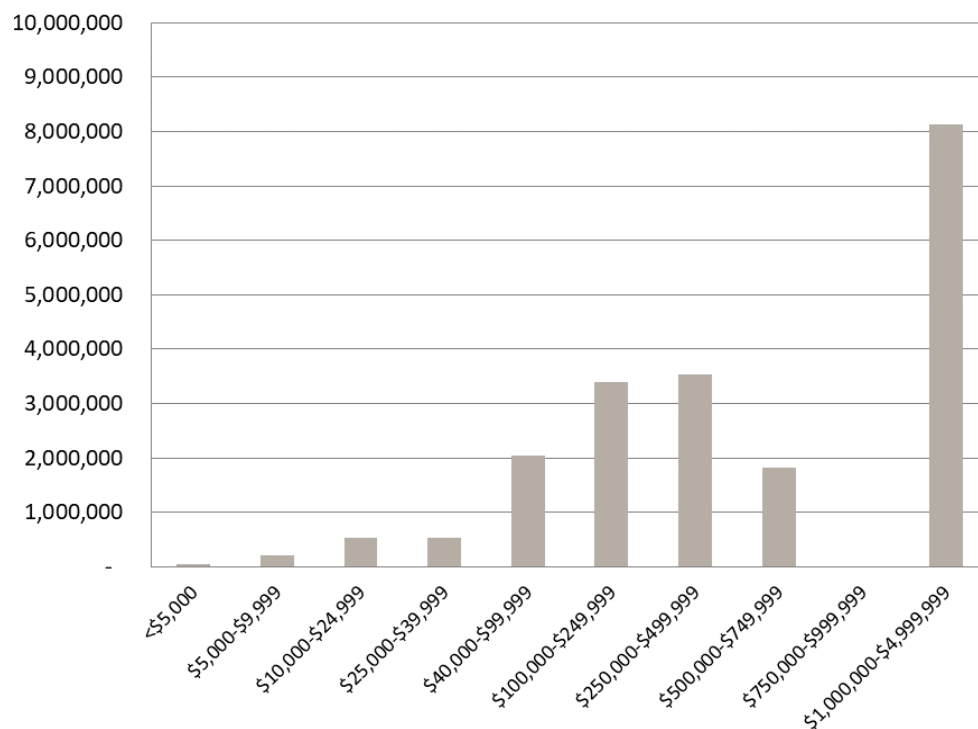


Figure 10: Total adjudicated amounts by adjudicated amount range

# Claimed amounts versus adjudicated amounts

## Claimed versus adjudicated amounts: numbers

Range of amounts (\$)	Jul-Dec		Jan-Jun		FY	
	Claimed amount	Adjudicated amount	Claimed amount	Adjudicated amount	Claimed amount	Adjudicated amount
<5,000	17	20	12	19	29	39
5,000-9,999	19	17	12	11	31	28
10,000-24,999	25	13	38	23	63	36
25,000-39,999	12	11	10	5	22	16
40,000-99,999	35	23	20	9	55	32
100,000-249,999	18	13	21	7	39	20
250,000-499,999	11	3	11	8	22	11
500,000-749,999	5	2	2	1	7	3
750,000-999,999	-	-	5	-	5	-
1,000,000-4,999,999	12	2	8	2	20	4
<b>Total</b>	<b>154</b>	<b>104</b>	<b>139</b>	<b>85</b>	<b>293</b>	<b>189</b>

Table 15: Claimed amounts vs adjudicated amounts: numbers

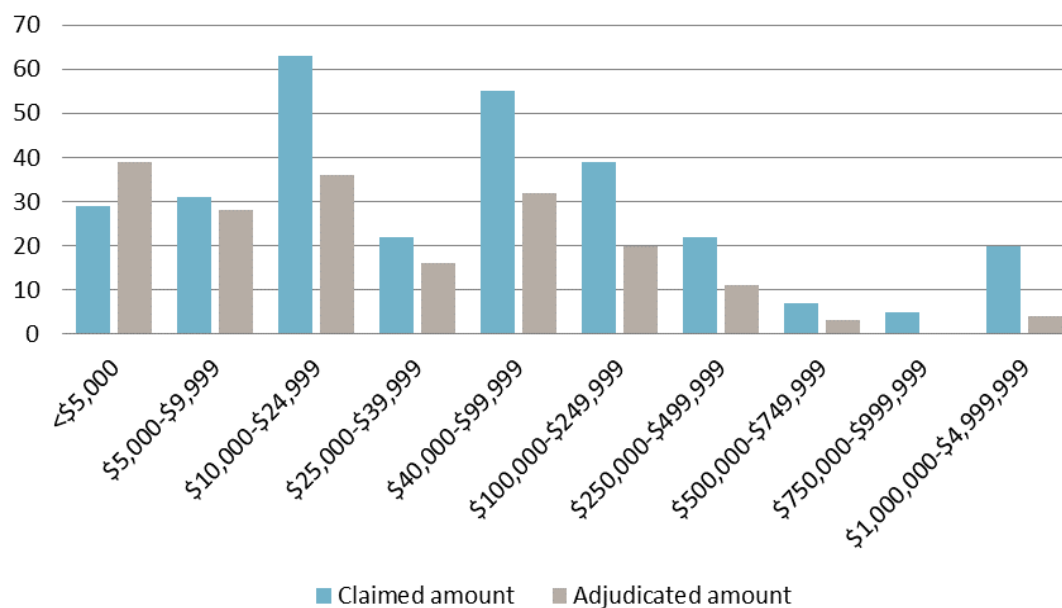


Figure 11: Claimed amounts versus adjudicated amounts: numbers

## Claimed versus adjudicated amounts – amounts

	Jul-Dec		Jan-Jun		FY	
Range of amounts (\$)	Claimed amount	Adjudicated amount	Claimed amount	Adjudicated amount	Claimed amount	Adjudicated amount
<5,000	41,930	15,608	34,524	26,626	76,454	42,234
5,000-9,999	145,921	130,502	93,287	84,000	239,208	214,501
10,000-24,999	409,143	197,619	591,973	335,430	1,001,116	533,049
25,000-39,999	407,350	370,665	327,770	158,764	735,120	529,429
40,000-99,999	2,187,954	1,480,697	1,346,271	556,966	3,534,225	2,037,663
100,000-249,999	2,688,717	2,348,207	2,940,737	1,050,748	5,629,454	3,398,955
250,000-499,999	3,683,881	1,016,312	3,757,306	2,525,778	7,441,188	3,542,091
500,000-749,999	2,999,828	1,233,518	1,221,156	585,343	4,220,984	1,818,861
750,000-999,999	-	-	4,385,413	-	4,385,413	-
1,000,000-4,999,999	25,911,938	4,079,707	20,161,345	4,044,114	46,073,283	8,123,820
<b>Total</b>	<b>38,476,662</b>	<b>10,872,834</b>	<b>34,859,783</b>	<b>9,367,769</b>	<b>73,336,444</b>	<b>20,240,603</b>

Table 16: Claimed amounts vs adjudicated amounts: amounts

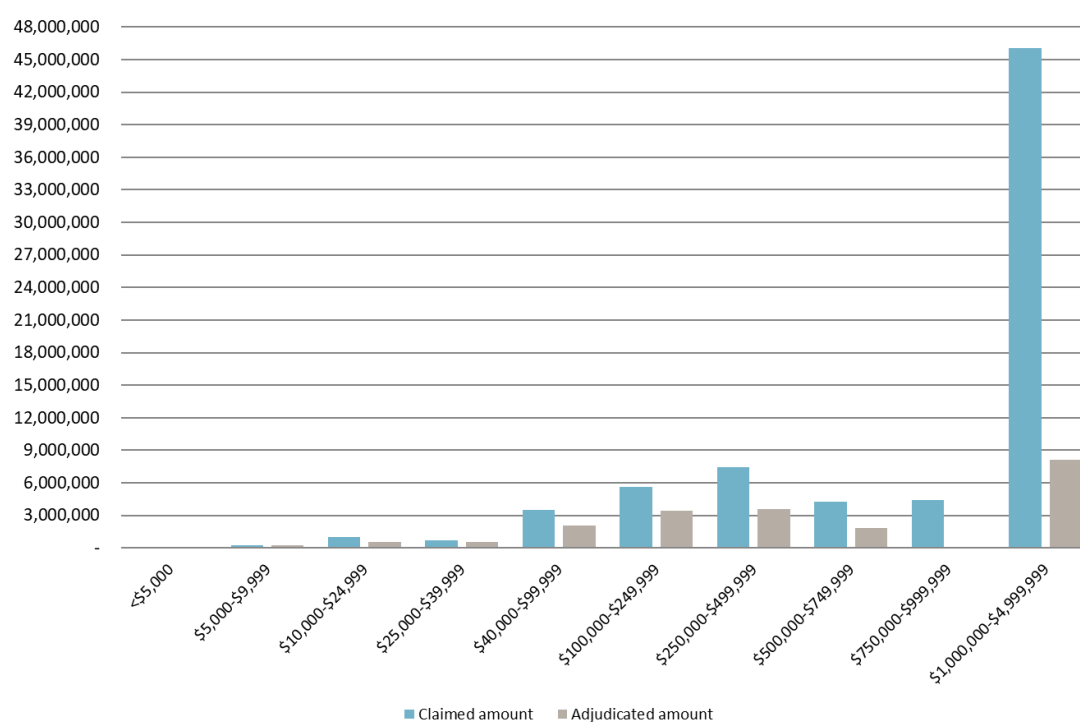


Figure 12: Claimed amounts versus adjudicated amounts: amounts

# Adjudicated amount as a percentage of claimed amount

Adjudicated amount as a percentage of claimed amount

Range of claimed amounts (\$)	Number of applications	Number of determined applications	Number of adjudicated amounts equal to the claimed amount	% of adjudicated amounts equal to the claimed amount	Average claimed amount (\$)	Average determined amount (\$)
<5,000	29	13	13	100%	2,792	2,792
5,000-9,999	31	24	16	67%	7,710	7,178
10,000-24,999	63	44	23	52%	15,618	11,635
25,000-39,999	22	15	7	47%	33,212	24,356
40,000-99,999	55	37	18	49%	65,896	49,541
100,000-249,999	39	24	5	21%	146,452	88,619
250,000-499,999	22	12	2	17%	346,934	236,625
500,000-749,999	7	5	1	20%	608,018	338,717
750,000-999,999	5	2	-	0%	828,257	233,000
1,000,000-4,999,999	20	13	1	8%	2,244,341	804,835
<b>Total</b>	<b>293</b>	<b>189</b>	<b>86</b>	<b>-</b>	<b>-</b>	<b>-</b>

Table 17: Adjudicated amount as a percentage of claimed amount

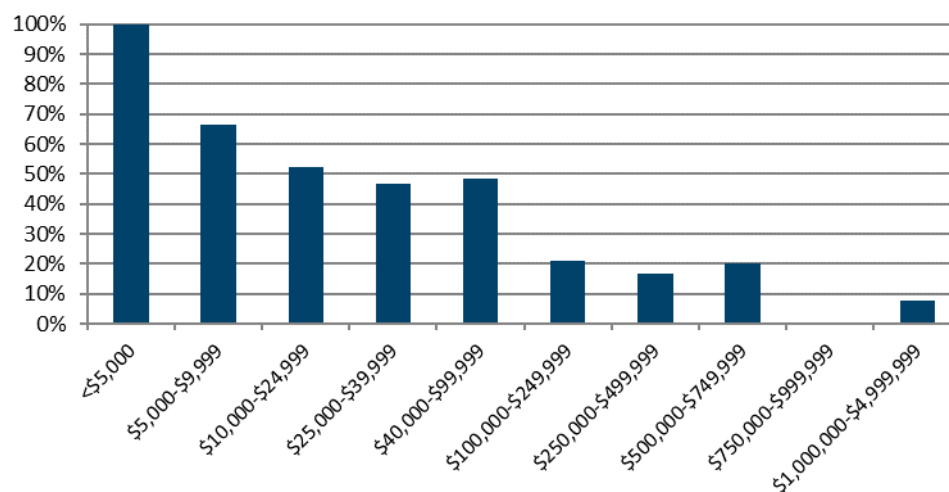


Figure 13: Adjudicated amount as a percentage of claimed amount

# Adjudication fees

## Total adjudication fees (excluding administration and adjudication certificate fees)

Adjudication Fees	Jul-Dec	Jan-Jun	FY	%
Application fees	1,820.00	2,690.00	4,510.00	0.39%
Adjudicator fees	573,126.25	592,743.60	1,165,869.85	99.61%
Adjudicator share	437,537.69	473,798.00	911,335.69	78%
ANA share	135,588.56	118,945.60	254,534.16	22%
<b>Total</b>	<b>574,946.25</b>	<b>595,433.60</b>	<b>1,170,379.85</b>	<b>100%</b>

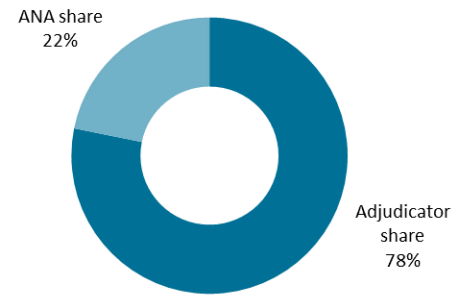


Table 18: Total adjudication fees (excluding administration and adjudication certificate fees)

Figure 14: Distribution of Adjudicator fees between Adjudicator and ANA

## Average adjudicator fee as a percentage of the average claimed amount

Range of claimed amounts (\$)	Number of claimed amounts	Average claimed amount (\$)	Average adjudicator fee (\$)	Average payable by claimant (\$)	Average payable by respondent (\$)	Average fee as a % of the average claimed amount (\$)	Average payable by claimant (%)	Average payable by respondent (%)
<\$5,000	13	2,792	757	-	757	27.1%	0%	100%
\$5,000-\$9,999	24	7,710	1,231	85	1,146	16.0%	7%	93%
\$10,000-\$24,999	44	15,618	1,757	309	1,448	11.3%	18%	82%
\$25,000-\$39,999	15	33,212	2,645	478	2,167	8.0%	18%	82%
\$40,000-\$99,999	37	65,896	4,627	981	3,646	7.0%	21%	79%
\$100,000-\$249,999	24	146,452	7,109	2,265	4,844	4.9%	32%	68%
\$250,000-\$499,999	12	346,934	19,056	5,169	13,887	5.5%	27%	73%
\$500,000-\$749,999	5	608,018	10,465	2,902	7,564	1.7%	28%	72%
\$750,000-\$999,999	2	828,257	20,488	2,750	17,738	2.5%	13%	87%
\$1,000,000-\$4,999,999	13	2,244,341	24,900	10,263	14,637	1.1%	41%	59%
<b>Total</b>	<b>189</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>

Table 19: Average adjudicator fee as a percentage of the average claimed amount (determined applications only)

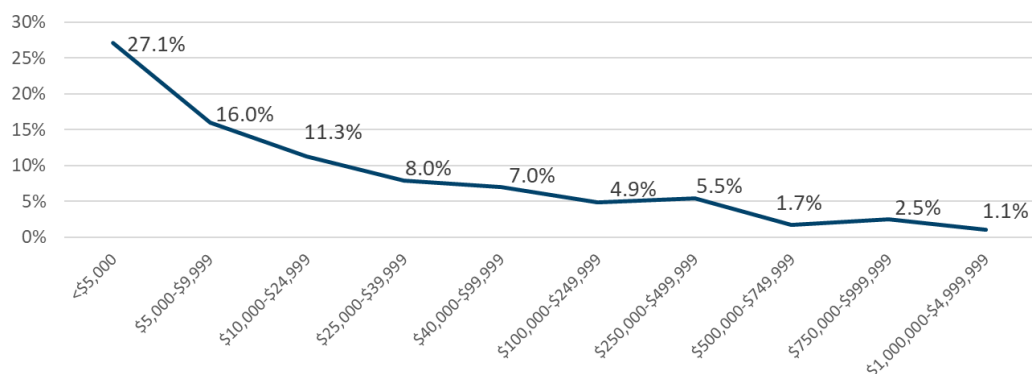


Figure 15: Average adjudicator fee as a percentage of the average claimed amount

# Adjudicator fees

## Adjudicator fees

Range of claimed amounts (\$)	Number	Total	Average	Minimum	Maximum
<5,000	27	9,847	365	0	1,110
5,000-9,999	30	28,307	976	0	3,300
10,000-24,999	61	73,808	1,251	0	5,400
25,000-39,999	22	39,681	1,804	0	4,440
40,000-99,999	53	171,548	3,237	0	15,471
100,000-249,999	37	174,205	4,708	0	24,000
250,000-499,999	20	226,355	11,913	0	48,800
500,000-749,999	7	52,676	7,525	0	16,016
750,000-999,999	4	43,045	10,761	0	22,000
1,000,000-4,999,999	18	346,399	19,244	0	68,200
<b>Total</b>	<b>279</b>	<b>1,165,870</b>	<b>-</b>	<b>-</b>	<b>-</b>

Table 20: Adjudicator fees by claimed amounts (completed applications)

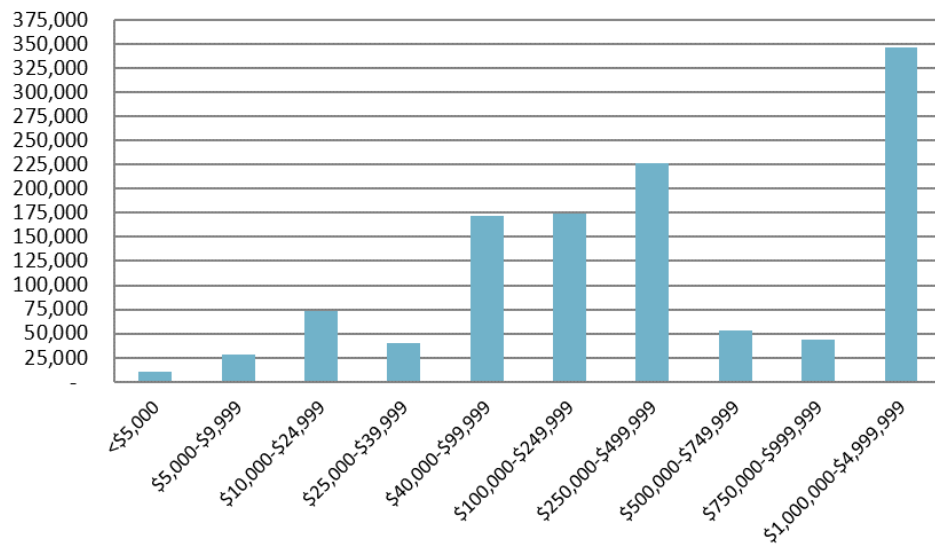


Figure 16: Total adjudicator fees by claimed amounts (completed applications)



## Apportionment of adjudicator fees between claimants and respondents

Range of claimed amounts (\$)	Number	Total adjudicator fee	Total payable by claimant	Total payable by respondent	Average payable by claimant	Average payable by respondent
<5,000	27	9,847	-	9,847	-	365
5,000-9,999	30	28,307	1,950	26,357	67	909
10,000-24,999	61	73,808	12,982	60,826	220	1,031
25,000-39,999	22	39,681	7,175	32,506	326	1,478
40,000-99,999	53	171,548	36,634	134,914	691	2,546
100,000-249,999	37	174,205	56,155	118,050	1,518	3,191
250,000-499,999	20	226,355	64,783	161,572	3,410	8,504
500,000-749,999	7	52,676	14,858	37,818	2,123	5,403
750,000-999,999	4	43,045	7,570	35,475	1,893	8,869
1,000,000-4,999,999	18	346,399	145,113	201,287	8,062	11,183
<b>Total</b>	<b>279</b>	<b>1,165,870</b>	<b>347,219</b>	<b>818,651</b>	<b>-</b>	<b>-</b>

Table 21: Adjudicator fees payable by claimant and respondent (completed applications)

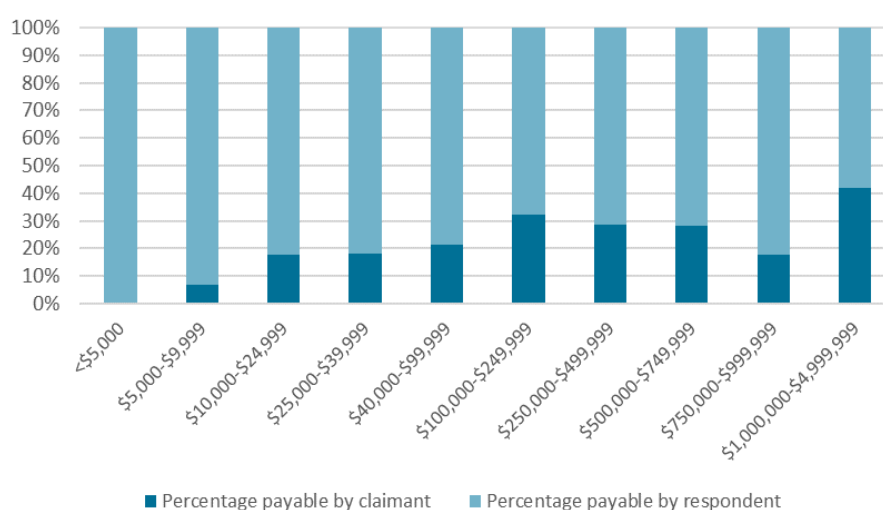


Figure 17: Proportion of adjudicator fees payable by claimant and respondent

# Adjudication certificates

## Adjudication certificates issued versus determinations

Adjudication certificates issued	Jul-Dec	Jan-Jun	FY
Applications determined	104	85	189
Adjudication certificates issued	50	24	74
Certificates issued versus determinations	48%	28%	39%

Table 22: Adjudication certificates issued

## Adjudication certificates issued by adjudicated amount

Range of adjudicated amounts (\$)	Jul-Dec	Jan-Jun	FY	%
<5,000	5	7	12	16%
5,000-9,999	13	5	18	24%
10,000-24,999	7	8	15	20%
25,000-39,999	6	1	7	9%
40,000-99,999	11	-	11	15%
100,000-249,999	6	1	7	9%
250,000-499,999	-	1	1	1%
500,000-749,999	2	-	2	3%
750,000-999,999	-	-	-	0%
1,000,000-4,999,999	-	1	1	1%
<b>Total</b>	<b>50</b>	<b>24</b>	<b>74</b>	<b>100%</b>

Table 23: Adjudication certificates by adjudicated amount

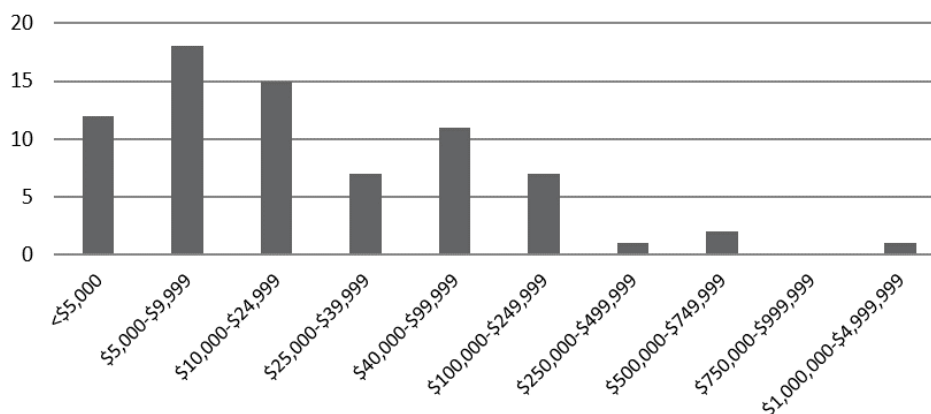


Figure 18: Number of adjudication certificates issued by adjudicated amount

# Review application statistics

This report includes reporting on the four (4) review applications lodged during the reporting period and the activity related to those applications in the reporting period and the following financial year.

## REVIEW APPLICATION STATISTICS

### Review applications lodged, determined, not determined

Review applications	2015-16	2016-17	Total
Review applications lodged	4	-	4
Review applications determined	1	1	2
Review applications not determined	1	1	2

Table 24: Review application statistics

### Reason application not determined

Reason not determined	2015-16	2016-17	Total
No jurisdiction – failure to meet statutory preconditions	1	-	1
No jurisdiction – invalid application	-	1	1
<b>Total</b>	<b>1</b>	<b>1</b>	<b>2</b>

Table 25: Reason application not determined

## APPLICATIONS BY SECTION

### Section of SOP Act under which review application made

Section of SOP Act	2015-16	2016-17	Total
Section 28B	3	-	3
Section 28C	1	-	1
<b>Total</b>	<b>4</b>	<b>-</b>	<b>4</b>

Table 26: Applications by section of the SOP Act

## APPLICATIONS BY REVIEW APPLICANT TYPE

### Review applicant type

Review applicant type	2015-16	2016-17	Total
Claimant in original application	1	-	1
Respondent in original application	3	-	3
<b>Total</b>	<b>4</b>	<b>-</b>	<b>4</b>

Table 27: Review applicant type

## RESULTS OF REVIEW APPLICATIONS

### Decision of review adjudicator

Result of review application	2015-16	2016-17	Total
No jurisdiction	1	1	2
Determination substituted	-	1	1
Determination confirmed	1	-	1
<b>Total</b>	<b>2</b>	<b>2</b>	<b>4</b>

Table 28: Decision of review adjudicator

### Decision by review applicant type

Decision by review applicant type	No jurisdiction	Determination substituted	Determination confirmed	Total
Claimant in original application (Applicant in review application)	-	-	1	1
Respondent in original application (Applicant in review application)	2	1	-	3
<b>Total</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>4</b>

Table 29: Decision by review applicant type

## REVIEW APPLICATION FEES

### Total review adjudicator fees

Review application fees	2015-16	2016-17	Total	%
Application fees	8,000	-	8,000	42%
Adjudicator fees	6,300	4,800	11,100	58%
Adjudicator share	4,200	3,114	7,314	38%
ANA share	2,100	1,686	3,786	20%
<b>Total</b>	<b>14,300</b>	<b>4,800</b>	<b>19,100</b>	<b>100%</b>

Table 30: Total review application fees

### Apportionment of review adjudicator fees

Result of review application	Adjudicator fees payable by applicant in review application	Adjudicator fees payable by defendant in review application
No jurisdiction	0%	0%
Determination substituted	0%	100%
Determination confirmed	100%	0%

Table 31: Apportionment of review adjudicator fees

## List of Authorised Nominating Authorities

The organisations below were authorised as Authorised Nominating Authorities under section 42 of the SOP Act during the reporting period.

Able Adjudication Pty Ltd

Adjudicate Today Pty Limited

Australian Solutions Centre Pty Ltd

Building Adjudication Victoria Inc.

Resolution Institute (Combining LEADR & IAMA)

Rialto Adjudications Pty Ltd

RICS Dispute Resolution Service

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