

Building and Construction Industry Security of Payment Act 1999 Quarter 4 2023

Adjudication Activity Statistics

Document number: Quarterly report no. 4 Date: 19 October 2023



Contents

1	Applications.....	1
1.1	Applications by region.....	2
1.1.1	State-wide distribution	2
1.1.2	Sydney distribution.....	3
1.1.3	Application by claimant type.....	4
1.1.4	Application by respondent type.....	5
2	Claimed amounts.....	6
2.1	Claimed amount and Adjudicated Amount Statistics.....	6
3	Determinations.....	7
3.1	Determinations by claim range.....	7
3.2	Determinations by adjudicated amounts.....	8
3.3	Adjudication certificates issued by adjudicated amounts.....	9
4	Adjudication fees.....	10
4.1	Adjudication fees by claim range.....	10
5	Fees	12
5.1	ANA fees by claim range.....	12
5.1.1	Adjudicator versus ANA Fees.....	14
6	Additional statistics.....	15

1

Applications

Number and status	Number (Quarterly)	Year to date (YTD)
Applications lodged	301	937
Determinations released	154	501
Determinations pending	9	40
Determinations not released	138	404

Application by Section	Number (Quarter)	Year to date (YTD)
S17(1)(a)(i)	167	472
S17(1)(a)(ii)	5	31
S17(1)(b)	129	434
Total Number	301	937

Reason for determination not being released	Number (Quarterly)	YTD
Withdrawn	60	184
Settled Privately	1	7
Invalid Application	0	0
Timed Out	11	37
Jurisdiction	1	3
Not yet determined	62	132
Adjudicator conflict of Interest	0	0
Fees not paid	1	4
Other	0	2

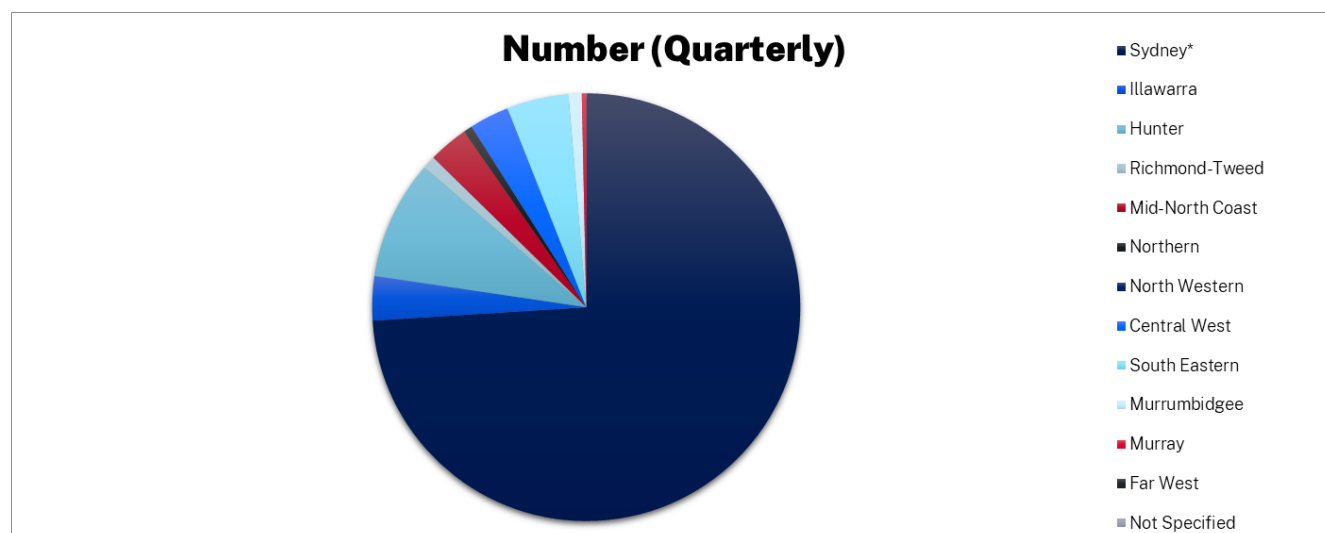
1.1 Applications by region

Region classification based on the Australian Standards Geographical Classification (ASGC) for NSW and Sydney (Statistical Division and Statistical Subdivisions, ABS Cat. No 1216.0) and determined using project address postcode information.

1.1.1 State-wide distribution

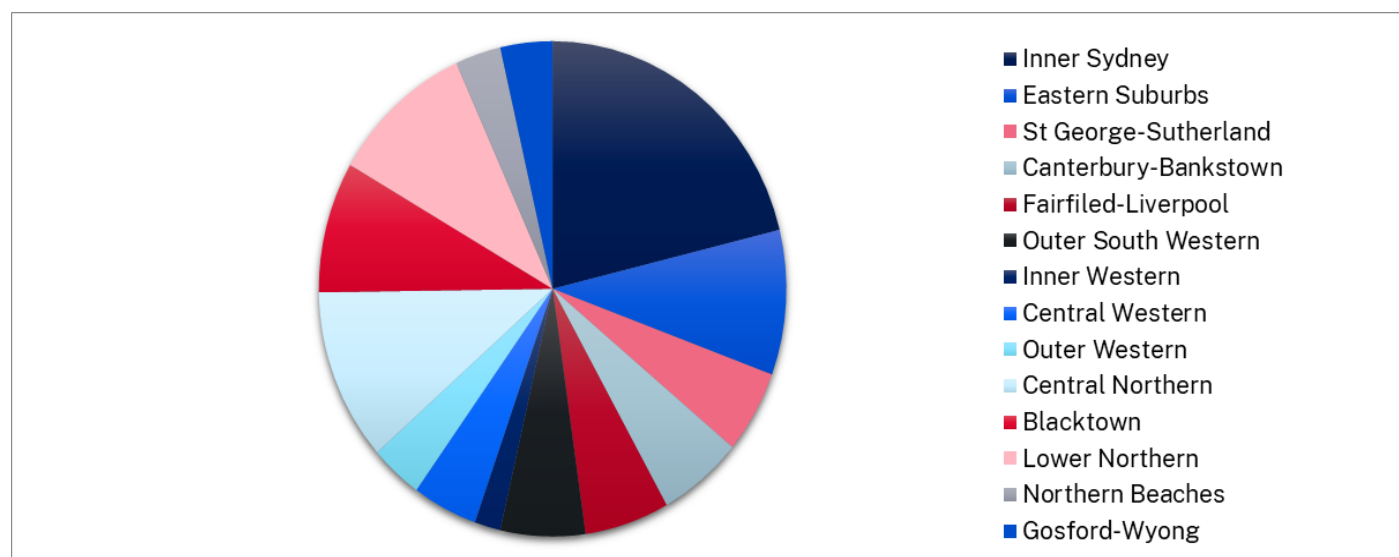
Region (State-wide)	Number (Quarter)	% of Total
Sydney*	222	74.0%
Illawarra	10	3.3%
Hunter	28	9.0%
Richmond-Tweed	3	1.0%
Mid-North Coast	9	3.0%
Northern	2	0.7%
North Western	0	0.0%
Central West	9	3.0%
South Eastern	14	4.7%
Murrumbidgee	3	1.0%
Murray	1	0.3%
Far West	0	0.0%
Not Specified	0	0.0%

* See Sydney distribution table



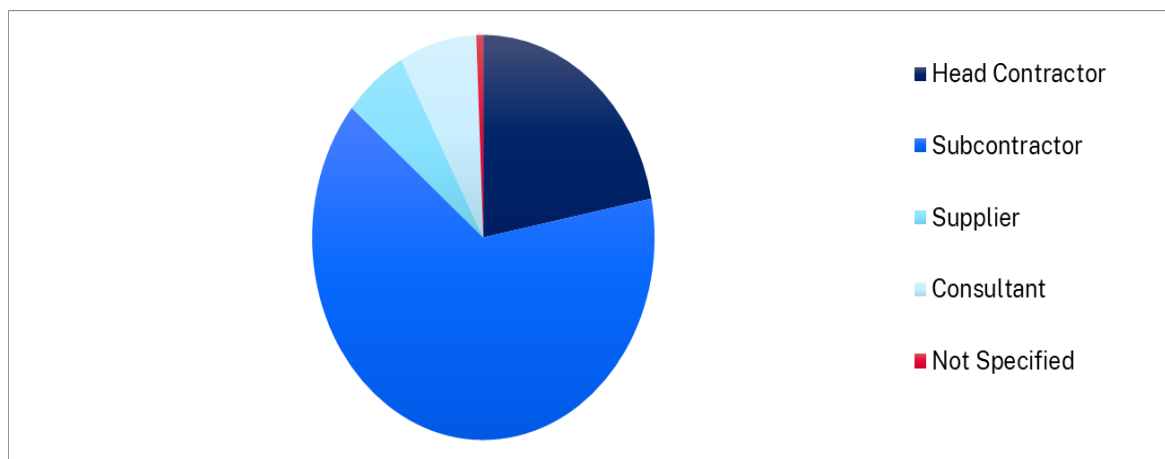
1.1.2 Sydney distribution

Region (Sydney)	Number (Quarter)	% of Total
Inner Sydney	47	21.2%
Eastern Suburbs	21	9.5%
St George-Sutherland	12	5.4%
Canterbury-Bankstown	13	5.9%
Fairfield-Liverpool	13	5.9%
Outer South Western	13	5.9%
Inner Western	4	1.8%
Central Western	10	4.5%
Outer Western	8	3.6%
Central Northern	25	11.3%
Blacktown	19	8.6%
Lower Northern	22	9.9%
Northern Beaches	7	3.2%
Gosford-Wyong	8	3.6%



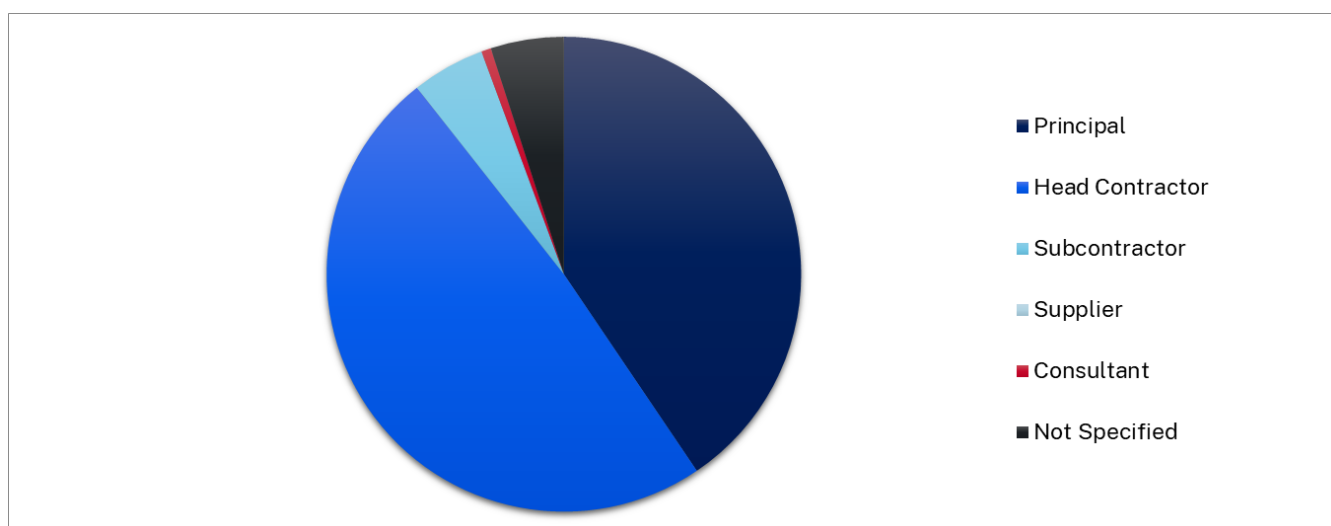
1.1.3 Application by claimant type

Claimant Distribution	Number (Quarterly)	% of Total
Head Contractor	66	21.9%
Subcontractor	193	64.1%
Supplier	18	6.0%
Consultant	22	7.3%
Not Specified	2	0.7%
Total Number	301	100%



1.1.4 Application by respondent type

Respondent Distribution	Number (Quarterly)	% of Total
Principal	122	40.55
Head Contractor	147	48.8%
Subcontractor	15	5.0%
Supplier	0	0.0%
Consultant	2	0.7%
Not Specified	15	5.0%
Total Number	301	100%



2

Claimed amounts.

2.1 Claimed amount and Adjudicated Amount Statistics

Claimed Amount Statistics	Quarter (\$)	YTD (\$)
Total Value Claimed Amounts	\$171,604,018	\$889,544,144
Total Value Claimed Amounts (Determinations Released)	\$96,459,180	\$683,851,171
Total Value Adjudicated Amounts (Determinations Released)	\$66,521,598	\$329,741,377
Average Claimed Amount	\$570,113	
Average Adjudicated Amount (Determinations Released)	\$443,477	
Maximum Claim Amount	\$34,575,578	
Maximum Adjudicated Amount (Determinations Released)	\$17,374,106	
Minimum Claimed Amount	\$0	
Minimum Adjudicated Amount (Determinations Released)	\$0	

3

Determinations

3.1 Determinations by claim range

Claimed Amount (\$)	Number (Quarter) [^]	Cumulative Claimed Amount (\$)	Average Claimed Amount (\$)	Number awarded 100% of claimed amount
< \$5000	6	\$15,670	\$2,612	0
\$5,000 - \$9,999	19	\$136,861	\$7,203	2
\$10,000 - \$24,999	22	\$361,550	\$16,434	0
\$25,000 - \$39,999	15	\$461,512	\$30,767	0
\$40,000 - \$99,999	32	\$2,128,571	\$66,518	0
\$100,000 - \$249,999	22	\$3,782,243	\$171,920	0
\$250,000 - \$499,999	16	\$5,779,224	\$361,202	1
\$500,000 - \$749,999	7	\$4,615,743	\$659,392	0
\$750,000 - \$999,999	4	\$3,233,874	\$808,469	0
≥\$1,000,000	11	\$39,947,639	\$3,631,604	0

[^] Determinations released

3.2 Determinations by adjudicated amounts

Claimed Amount (\$)	Number (Quarter) [^]	Cumulative Adjudicated Amount (\$)	Average Adjudicated Amount (\$)
< \$5000	22	\$38,919	\$1,769
\$5,000 - \$9,999	15	\$113,580	\$7,572
\$10,000 - \$24,999	26	\$447,553	\$17,214
\$25,000 - \$39,999	13	\$409,644	\$31,511
\$40,000 - \$99,999	30	\$2,037,979	\$67,933
\$100,000 - \$249,999	20	\$3,376,640	\$168,832
\$250,000 - \$499,999	12	\$3,862,077	\$321,840
\$500,000 - \$749,999	3	\$1,871,898	\$623,966
\$750,000 - \$999,999	0	\$0	\$0
≥\$1,000,000	9	\$54,363,307	\$6,040,367

[^] Determinations released

3.3 Adjudication certificates issued by adjudicated amounts

Adjudicated Amount (\$)	Number (Quarter)^	Number of Certificates Issued	% of Certificates Issued
< \$5000*	22	4	18.2%
\$5,000 - \$9,999	15	6	40.0%
\$10,000 - \$24,999	26	7	26.9%
\$25,000 - \$39,999	13	6	46.2%
\$40,000 - \$99,999	30	13	43.3%
\$100,000 - \$249,999	20	7	35.0%
\$250,000 - \$499,999	12	5	41.7%
\$500,000 - \$749,999	3	1	33.3%
\$750,000 - \$999,999	0	0	0.0%
≥\$1,000,000	9	2	22.2%

^ Determinations released

*Adjudicated amounts of \$nil not counted

4

Adjudication fees

4.1 Adjudication fees by claim range

Claimed Amount (\$)	Number (Quarter) [^]	Total	Average	Respondent Share	Claimant Share	Total (1)	Respondent Share (2)	Claimant Share (3)
< \$5,000	6	\$4,770	\$795	\$751	\$44	30.4%	94.5%	5.5%
\$5,000 - \$9,999	19	\$24,614	\$1,295	\$1,020	\$275	18.0%	78.7%	21.3%
\$10,000 - \$24,999	22	\$47,476	\$2,158	\$1,994	\$164	13.1%	92.4%	7.6%
\$25,000 - \$39,999	15	\$63,055	\$4,204	\$3,615	\$589	13.7%	86.0%	14.0%
\$40,000 - \$99,999	32	\$144,277	\$4,509	\$3,696	\$813	6.8%	82.0%	18.0%
\$100,000 - \$249,999	22	\$154,715	\$7,032	\$6,246	\$786	4.1%	88.8%	11.2%
\$250,000 - \$499,999	16	\$175,779	\$10,986	\$9,613	\$1,373	3.0%	87.5%	12.5%
\$500,000 - \$749,999	7	\$110,893	\$15,842	\$13,579	\$2,263	2.4%	85.7%	14.3%
\$750,000 - \$999,999	4	\$92,138	\$0	\$0	\$0	0.0%	0.0%	0.0%
>\$1,000,000	11	\$406,632	\$36,967	\$29,607	\$7,360	1.0%	80.1%	19.9%

[^]Determinations released

(1) Average Adjudication Fee expressed as a percentage of the Average Claimed Amount.

(2) Average Respondent share expressed as a percentage of the Average Adjudication Fee.

(3) Average Claimant share expressed as a percentage of the Average Adjudication Fee.

Figure 1: Average Adjudication Fee Expressed as a % of Average Amount (by Claim Range for this Quarter)

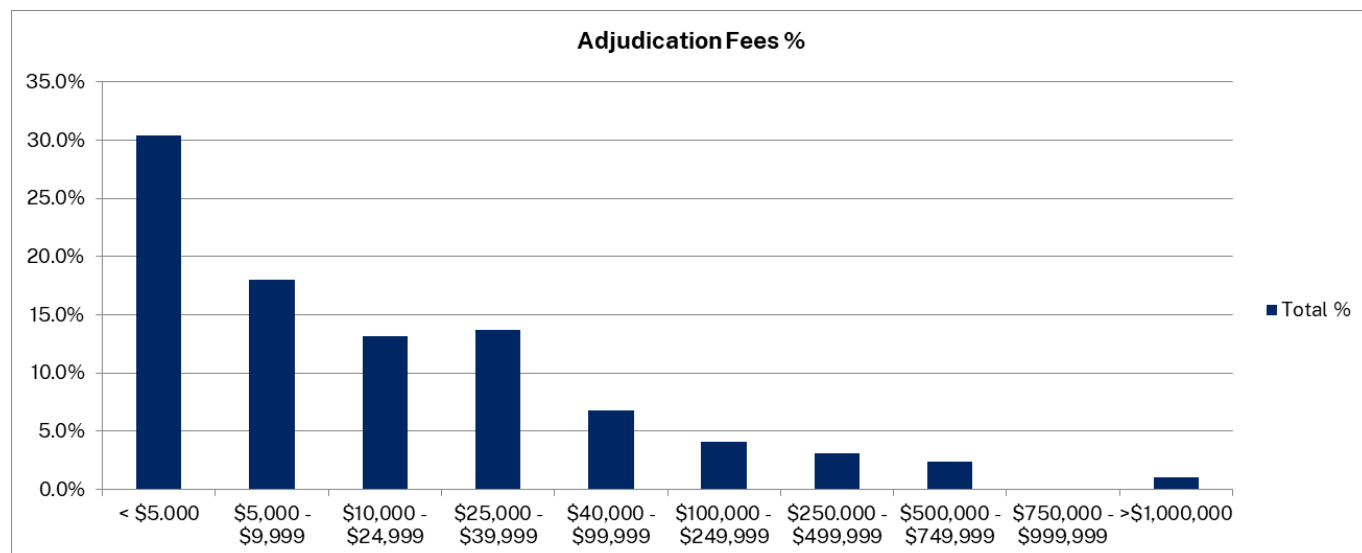
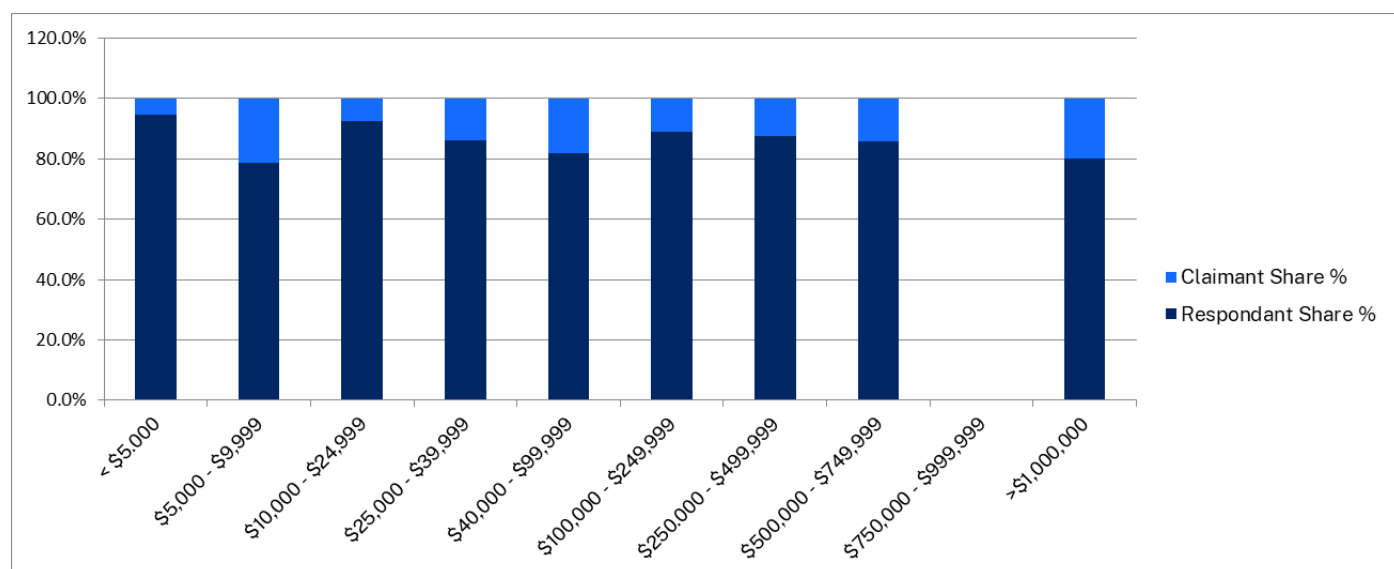


Figure 2: Parties Share of Adjudication Fees expressed as a % of Average Adjudication Fees (by Claim Range for this Quarter)



5 Fees

5.1 ANA fees by claim range

Claimed Amount (\$)	Number (Quarter) [^]	Total	Average	Respondent Share	Claimant Share	Total (1)	Respondent Share (2)	Claimant Share (3)
< \$5,000	6	\$1,266	\$211	\$152	\$59	8.1%	72.2%	27.8%
\$5,000 - \$9,999	19	\$8,095	\$426	\$292	\$134	5.9%	68.6%	31.4%
\$10,000 - \$24,999	22	\$14,836	\$674	\$572	\$102	4.1%	84.9%	15.1%
\$25,000 - \$39,999	15	\$19,986	\$1,332	\$942	\$391	4.3%	70.7%	29.3%
\$40,000 - \$99,999	32	\$44,041	\$1,376	\$1,044	\$332	2.1%	75.8%	24.2%
\$100,000 - \$249,999	22	\$39,257	\$1,784	\$1,471	\$313	1.0%	82.5%	17.5%
\$250,000 - \$499,999	16	\$0	\$0	\$0	\$0	0.0%	0.0%	0.0%
\$500,000 - \$749,999	7	\$31,985	\$4,569	\$3,917	\$653	0.7%	85.7%	14.3%
\$750,000 - \$999,999	4	\$30,713	\$0	\$0	\$0	0.0%	0.0%	0.0%
>\$1,000,000	11	\$121,251	\$11,023	\$7,405	\$3,618	0.3%	67.2%	32.8%

[^]Determinations released

(1) Average ANA Fee expressed as a percentage of the Average Claimed Amount.

(2) Average Respondent share expressed as a percentage of the ANA Fee.

(3) Average Claimant share expressed as a percentage of the ANA Fee.

Figure 3: Average ANA Fee Expressed as a % of Average Amount (by Claim Range for this Quarter)

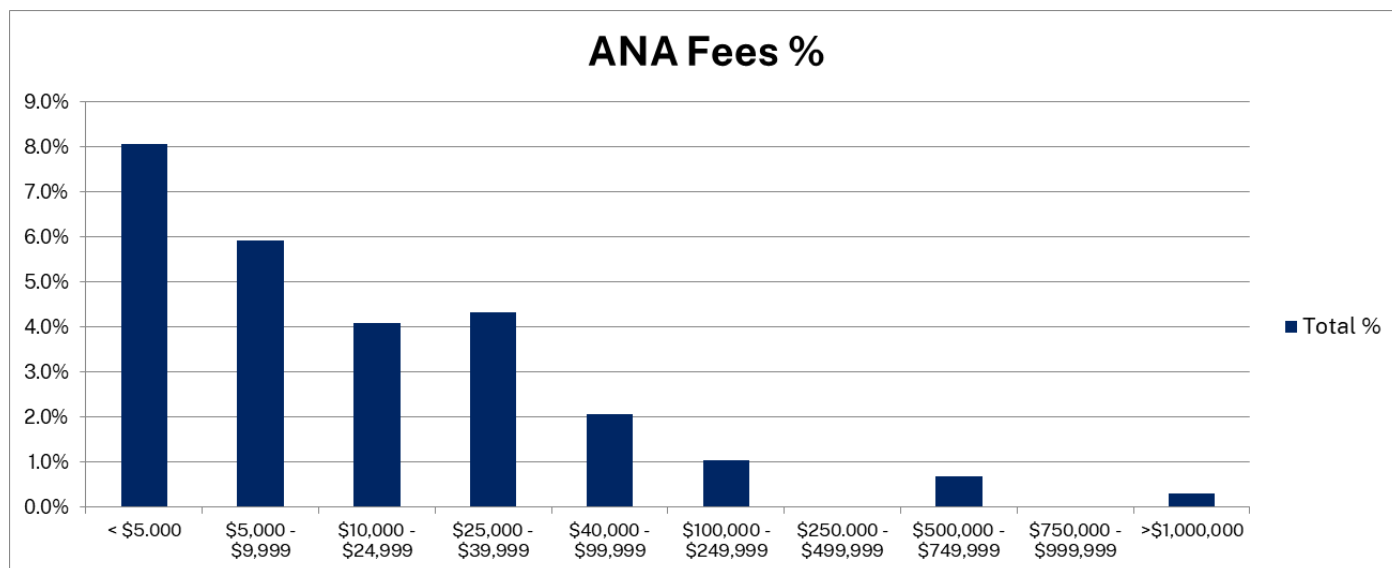
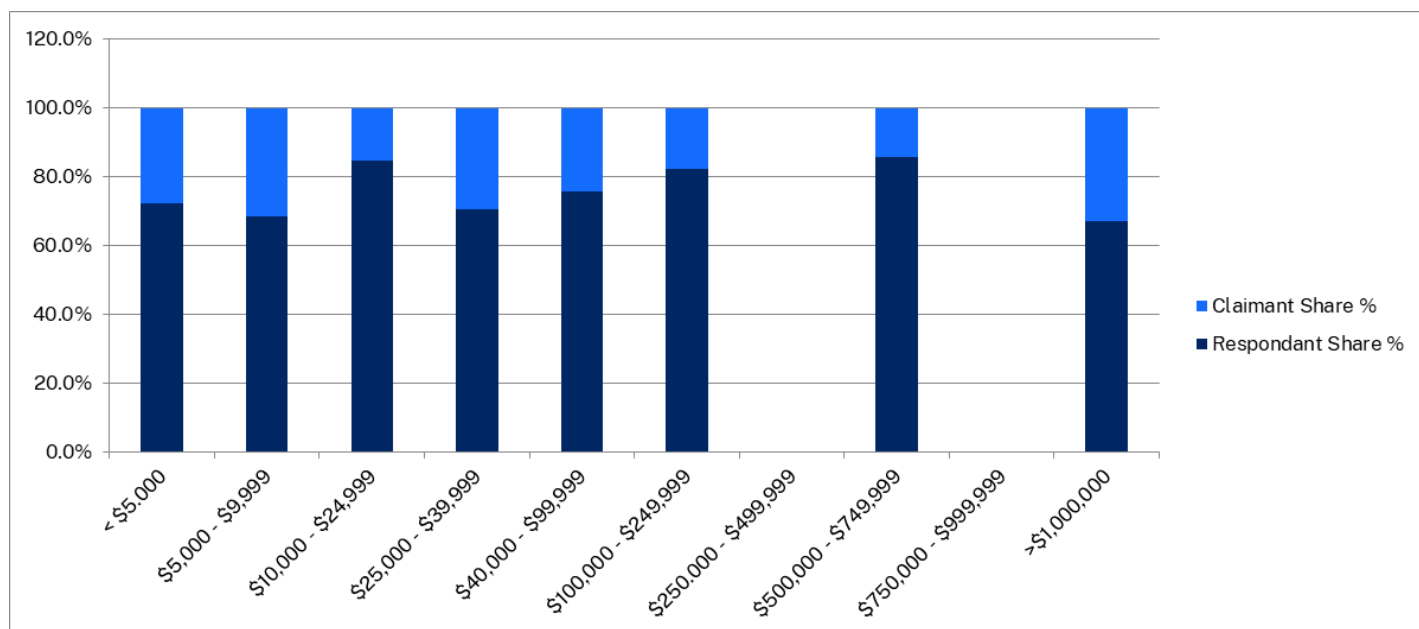


Figure 4: Parties Share of ANA Fees expressed as a % of Average ANA Fees (by Claim Range for this Quarter)

Parties Share of ANA Fees expressed as a % of Average ANA Fees (by Claim Range for this Quarter) less than \$5,000 to greater than 1 million dollars



5.1.1 Adjudicator versus ANA Fees

Adjudicator Versus ANA fee	Quarter \$	YTD \$	% of total fees
Adjudicator	\$859,077	\$2,727,357	70.2%
ANA	\$365,272	\$1,099,540	29.8%
Total Fees	\$1,224,348	\$3,826,897	100%

Total Adjudication Fees^	Quarter \$	YTD (\$)
Total Fees*	\$1,224,348	\$3,869,838
Average Total Fee	\$7,950	\$30,751
Max Total Fee	\$108,000	\$306,809
Min Total Fee	\$423	\$1,627

^Determinations released

6

Additional statistics

Additional Claimed Amount Statistics	Quarter (\$)	YTD (\$)
Total Value Claimed Amounts (Determinations Not Released)	\$4,253,906	\$34,630,418
Total Value Adjudicated Amounts (Determinations Not Released)	\$1,110,437	\$8,062,830
Average Adjudicated Amount (Determinations Not released)	\$123,382	
Maximum Adjudicated Amount (Determinations Not Released)	\$559,190	
Minimum Adjudicated Amount (Determinations Not Released)	\$0	

Department of Customer Service

Disclaimer – The statistics presented in this publication are based on data provided by the Authorised Nominating Authorities to NSW Fair Trading. The State of New South Wales disclaims any liability (including for negligence) to any person in respect of anything and the consequences of anything done or not done by any such person in reliance upon or omitted in these statistics.

© Crown in right New South Wales through the Department of Customer Service 2021

Quarterly reports represent the data presented as a snapshot in time. Subsequently, there may be discrepancies in totals, specifically in year to date (YTD) totals as a small percentage of applications are received but not yet determined within any given quarter. The 4th quarter report will show the most accurate YTD as it is compiled using updated quarterly data supplied by the Authorised Nominating Authorities.

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

NSW Fair Trading
Parramatta NSW 2124

PO Box 972
Parramatta NSW 2124

Phone: 13 32 20

