



Fair  
Trading

# Building and Construction Industry Security of Payment Act 1999

Adjudication Activity Statistics

Quarterly Report - No. 3

1 January 2019 to 31 March 2019



**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.

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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,

## APPLICATIONS

Number and Status	Number (Quarterly)	YTD
Applications Lodged	204	717
Determinations released	80	286
Determinations pending release	32	140
Determinations not release	77	231

Application by Section	Number (Quarter)	YTD
S17(1)(a)(i)	107	398
S17(1)(a)(ii)	6	13
S17(1)(b)	91	306
<b>Total Number</b>	<b>204</b>	<b>717</b>

Reason for determination not being released	Number (Quarterly)	YTD
Withdrawn	8	24
Settled Privately	31	95
Invalid Application	10	42
Timed Out	7	15
Jurisdiction	13	15
Not yet determined	2	32
Adjudicator conflict of Interest	0	2
Fees not paid	2	7
Other	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.

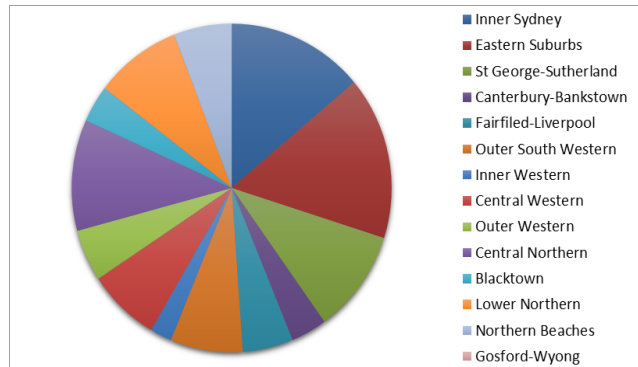
### State-wide Distribution

Region (State-wide)	Number (Quarter)	% of Total
Sydney*	137	68.5%
Illawarra	6	3.0%
Hunter	27	13.5%
Richmond-Tweed	4	2.0%
Mid-North Coast	9	4.5%
Northern	2	1.0%
North Western	5	2.5%
Central West	3	1.5%
South Eastern	1	0.5%
Murrumbidgee	4	2.0%
Murray	1	0.5%
Far West	1	0.5%
Not Specified	0	0.0%

\* See Sydney Distribution table

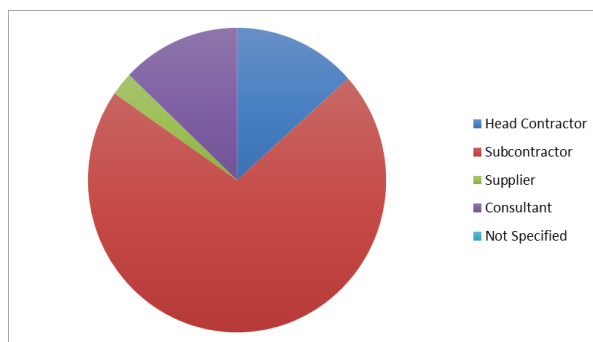
## Sydney Distribution

Region (Sydney)	Number (Quarter)	% of Total
Inner Sydney	19	13.9%
Eastern Suburbs	22	16.1%
St George-Sutherland	14	10.2%
Canterbury-Bankstown	5	3.6%
Fairfield-Liverpool	7	5.1%
Outer South Western	10	7.3%
Inner Western	3	2.2%
Central Western	10	7.3%
Outer Western	7	5.1%
Central Northern	15	10.9%
Blacktown	5	3.6%
Lower Northern	12	8.8%
Northern Beaches	8	5.8%
Gosford-Wyong	0	0.0%



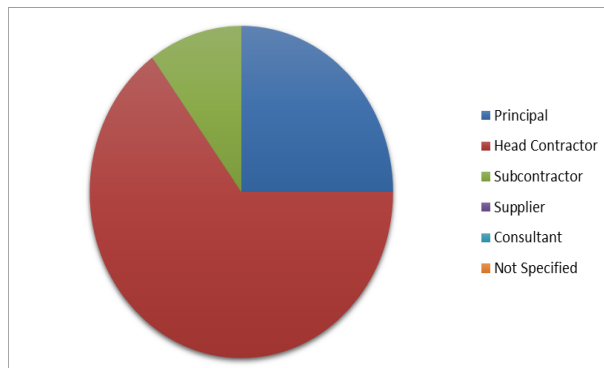
## Application by Claimant Type

Claimant Distribution	Number (Quarter)	% of Total
Head Contractor	27	13.4%
Subcontractor	144	71.3%
Supplier	5	2.5%
Consultant	26	12.9%
Not Specified	0	0.0%
<b>Total Number</b>	<b>202</b>	



## Application by Respondent Type

Respondent Distribution	Number (Quarter)	% of Total
Principal	50	25.0%
Head Contractor	130	65.0%
Subcontractor	20	10.0%
Supplier	0	0.0%
Consultant	0	0.0%
Not Specified	0	0.0%
<b>Total Number</b>	<b>200</b>	



## CLAIMED AMOUNTS

### Claimed Amount and Adjudicated Amount Statistics

Claimed Amount v Adjudicated Amount Statistics	Quarter (\$)	YTD (\$)
Total Value Claimed Amounts	\$94,240,867	\$312,514,092
Total Value Claimed Amounts (Determinations released)	\$21,026,562	\$87,868,583
Total Value Adjudicated Amounts (Determinations Released)	\$9,142,118	\$35,000,784
Average Claimed Amount	\$442,445	
Average Adjudicated Amount (Determinations Released)	\$184,033	
Maximum Claim Amount	\$22,871,822	
Maximum Adjudicated Amount (Determinations Released)	\$2,664,328	
Minimum Claimed Amount	\$605	
Minimum Adjudicated Amount (Determinations Released)	\$0	

## DETERMINATIONS

### Determinations by Claim Range

Claimed Amount (\$)	Number (Quarter)^	Cumulative Claimed Amount (\$)	Average Claimed Amount (\$)	Number awarded 100% of claimed amount
< \$5000	7	\$16,083	\$2,298	2
\$5,000 - \$9,999	6	\$39,727	\$6,621	3
\$10,000 - \$24,999	13	\$210,518	\$16,194	5
\$25,000 - \$39,999	7	\$213,085	\$30,441	2
\$40,000 - \$99,999	15	\$858,376	\$57,225	5
\$100,000 - \$249,999	18	\$3,174,929	\$176,385	4
\$250,000 - \$499,999	8	\$3,024,366	\$378,046	2
\$500,000 - \$749,999	2	\$1,373,244	\$686,622	0
\$750,000 - \$999,999	1	\$901,947	\$901,947	0
≥\$1,000,000	3	\$21,026,562	\$7,008,854	0

^ Determinations released

### Determinations by Adjudicated Amounts

Claimed Amount (\$)	Number (Quarter)^	Cumulative Adjudicated Amount (\$)	Average Adjudicated Amount (\$)
< \$5000	21	\$14,658	\$698
\$5,000 - \$9,999	6	\$39,818	\$6,636
\$10,000 - \$24,999	7	\$84,730	\$12,104
\$25,000 - \$39,999	6	\$174,035	\$29,006
\$40,000 - \$99,999	12	\$679,577	\$56,631
\$100,000 - \$249,999	11	\$1,777,441	\$161,586
\$250,000 - \$499,999	6	\$2,331,674	\$388,612
\$500,000 - \$749,999	1	\$579,502	\$579,502
\$750,000 - \$999,999	1	\$796,354	\$796,354
≥\$1,000,000	1	\$2,664,328	\$2,664,328

^ Determinations released

## Adjudication Certificates Issued by Adjudicated Amounts

Adjudicated Amount (\$)	Number (Quarter) <sup>^</sup>	Number of Certificates Issued	% of Certificates Issued
< \$5000*	5	3	60.0%
\$5,000 - \$9,999	6	1	16.7%
\$10,000 - \$24,999	7	0	0.0%
\$25,000 - \$39,999	0	3	0.0%
\$40,000 - \$99,999	12	3	25.0%
\$100,000 - \$249,999	11	4	36.4%
\$250,000 - \$499,999	6	1	16.7%
\$500,000 - \$749,999	1	0	0.0%
\$750,000 - \$999,999	1	0	0.0%
≥\$1,000,000	1	0	0.0%

<sup>^</sup> Determinations released

\*Adjudicated amounts of \$nil not counted

## ADJUDICATION FEES

### Adjudication fees by Claim Range

Claimed Amount (\$)	Number (Quarter) <sup>^</sup>	Total	Average	Respondent Share	Claimant Share	Total (1)	Respondent Share (2)	Claimant Share (3)
< \$5,000	7	\$2,329	\$333	\$95	\$238	14.5%	28.6%	71.4%
\$5,000 - \$9,999	6	\$2,121	\$353	\$295	\$59	5.3%	83.3%	16.7%
\$10,000 - \$24,999	13	\$5,565	\$428	\$156	\$272	2.6%	36.5%	63.5%
\$25,000 - \$39,999	7	\$5,980	\$854	\$549	\$305	2.8%	64.3%	35.7%
\$40,000 - \$99,999	15	\$17,724	\$1,182	\$394	\$788	2.1%	33.3%	66.7%
\$100,000 - \$249,999	18	\$35,869	\$1,993	\$996	\$996	1.1%	50.0%	50.0%
\$250,000 - \$499,999	8	\$24,473	\$3,059	\$1,530	\$1,530	0.8%	50.0%	50.0%
\$500,000 - \$749,999	2	\$5,957	\$2,978	\$1,489	\$1,489	0.4%	50.0%	50.0%
\$750,000 - \$999,999	1	\$7,722	\$7,722	\$0	\$7,722	0.9%	0.0%	100.0%
>\$1,000,000	3	\$21,021	\$7,007	\$5,255	\$1,752	0.1%	75.0%	25.0%

<sup>^</sup> 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)

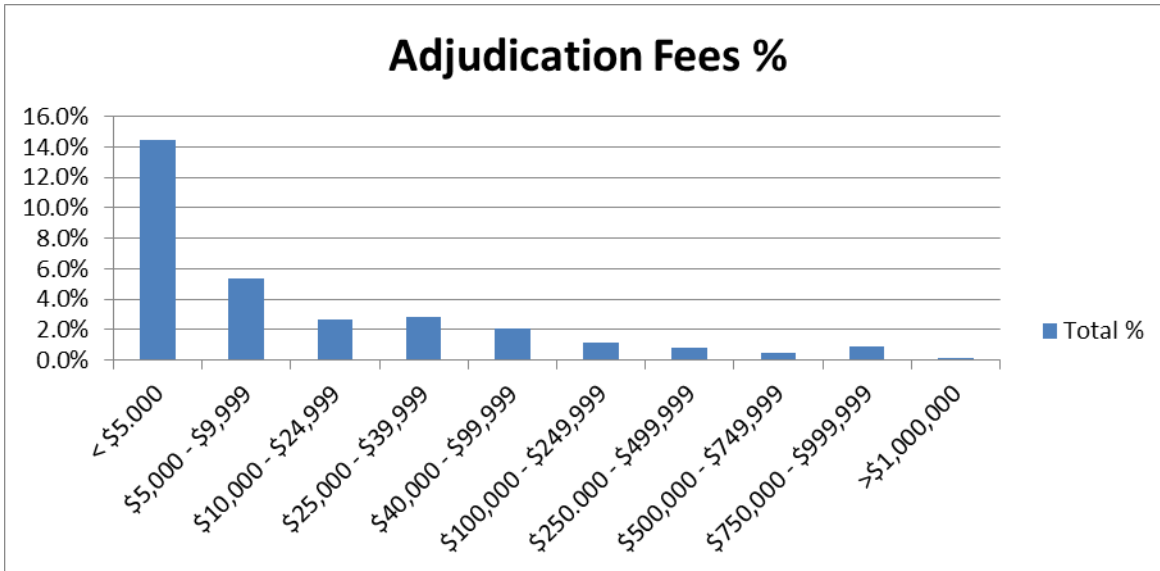
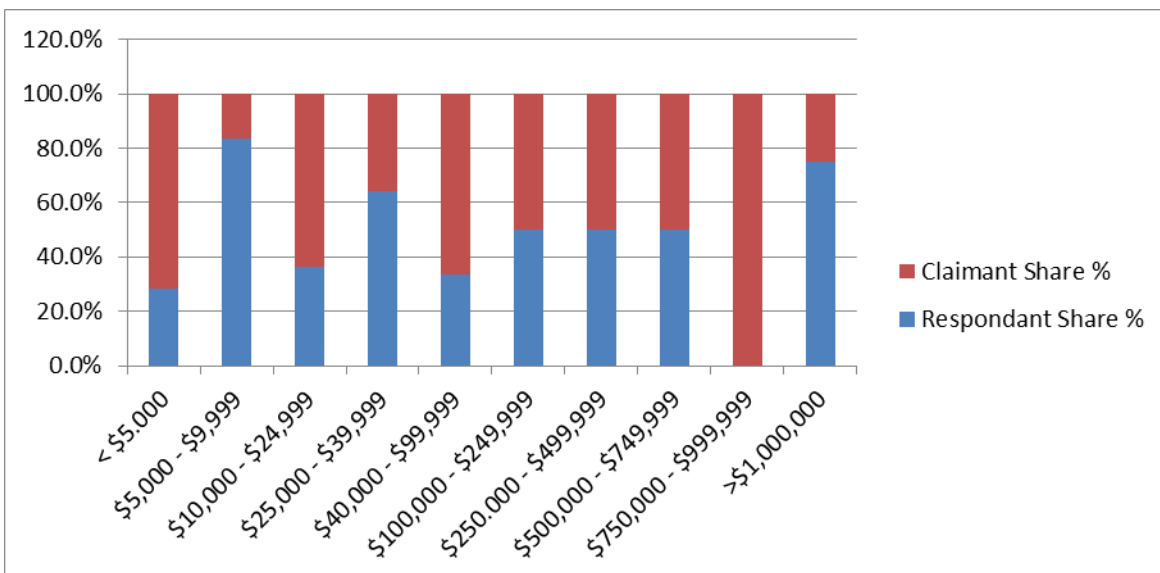


Figure 2: Parties Share of Adjudication Fees expressed as a % of Average Adjudication Fees (by Claim Range for this Quarter)





## FEES

### ANA fees by Claim Range

Claimed Amount (\$)	Number (Quarter) <sup>^</sup>	Total	Average	Respondent Share	Claimant Share	Total <sup>(1)</sup>	Respondent Share <sup>(2)</sup>	Claimant Share <sup>(3)</sup>
< \$5,000	7	\$5,759	\$823	\$470	\$353	35.8%	57.1%	42.9%
\$5,000 - \$9,999	6	\$6,158	\$1,026	\$855	\$171	15.5%	83.3%	16.7%
\$10,000 - \$24,999	13	\$15,981	\$1,229	\$638	\$591	7.6%	51.9%	48.1%
\$25,000 - \$39,999	7	\$19,961	\$2,852	\$1,833	\$1,018	9.4%	64.3%	35.7%
\$40,000 - \$99,999	15	\$49,366	\$3,291	\$2,413	\$878	5.8%	73.3%	26.7%
\$100,000 - \$249,999	18	\$106,490	\$5,916	\$3,780	\$2,136	3.4%	63.9%	36.1%
\$250,000 - \$499,999	8	\$67,483	\$8,435	\$6,326	\$2,109	2.2%	75.0%	25.0%
\$500,000 - \$749,999	2	\$16,825	\$8,412	\$4,206	\$4,206	1.2%	50.0%	50.0%
\$750,000 - \$999,999	1	\$21,978	\$21,978	\$21,978	\$0	2.4%	100.0%	0.0%
>\$1,000,000	3	\$59,829	\$19,943	\$13,295	\$6,648	0.3%	66.7%	33.3%

<sup>^</sup>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)

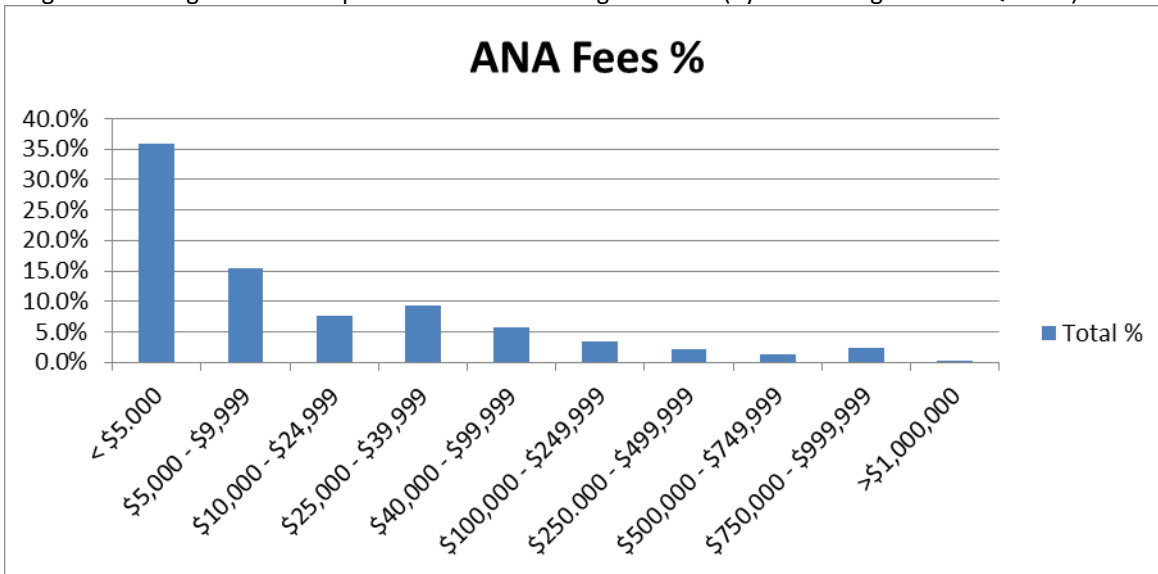
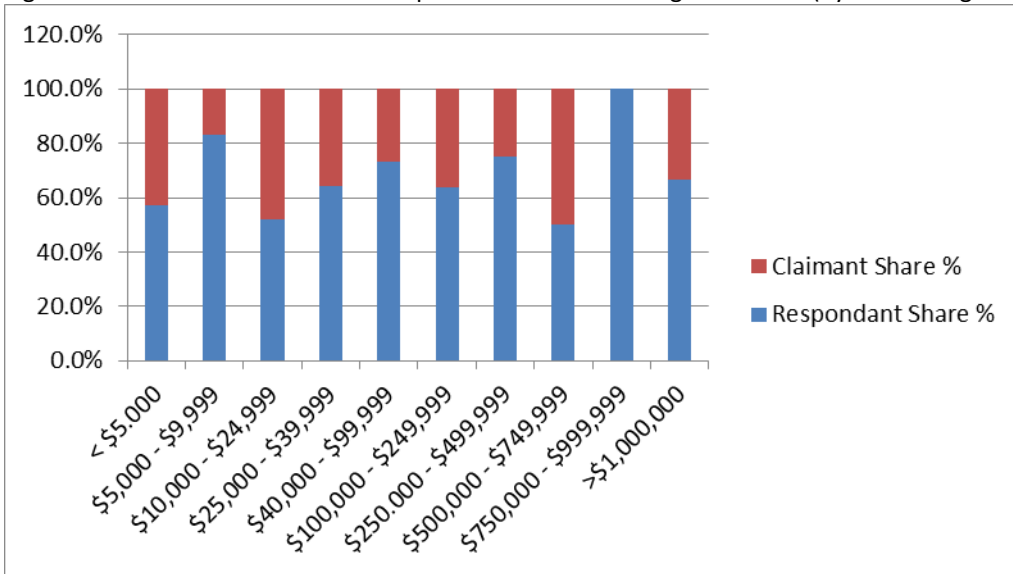


Figure 4: Parties Share of ANA Fees expressed as a % of Average ANA Fees (by Claim Range for this Quarter)



### Adjudicator versus ANA Fees

Adjudicator v ANA Fees <sup>^</sup>	Quarter \$	YTD \$	% of Total Fees
Adjudicator	\$128,760	\$917,124	34.5%
ANA	\$244,006	\$648,839	65.5%
<b>Total Fees</b>	<b>\$372,766</b>	<b>\$1,565,964</b>	

<sup>^</sup>Determinations released

Total Adjudication Fees <sup>^</sup>	Quarter \$	YTD (\$)
Total Fees*	\$54	\$1,193,251
Average Total Fee	\$1	\$5,544
Max Total Fee	\$1	\$77,128
Min Total Fee	\$0	\$770

<sup>^</sup>Determinations released

### ADDITIONAL STATISTICS

Additional Claimed Amount Statistics	Quarter (\$)	YTD (\$)
Total (Determinations Released and Not Yet Released)	\$35,310,370	\$95,461,184
Total Value Adjudicated Amounts (Determinations Not Released)	\$5,152,914	\$20,783,622
Average Adjudicated Amounts (Determinations Not Released)	\$184,033	
Maximum Adjudicated Amounts (Determinations Not Released)	\$2,879,011	
Minimum Adjudicated Amounts (Determinations Not Released)	\$0	

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