



Fair  
Trading

# Building and Construction Industry Security of Payment Act 1999

Adjudication Activity Statistics

Quarterly Report - No. 1

1 July 2019 to 30 September 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	256	256
Determinations released	166	166
Determinations pending release	5	5
Determinations not release	85	85

Application by Section	Number (Quarter)	YTD
S17(1)(a)(i)	144	144
S17(1)(a)(ii)	7	7
S17(1)(b)	105	105
<b>Total Number</b>	<b>256</b>	<b>256</b>

Reason for determination not being released	Number (Quarterly)	YTD
Withdrawn	10	10
Settled Privately	27	27
Invalid Application	18	18
Timed Out	7	7
Jurisdiction	2	2
Not yet determined	0	0
Adjudicator conflict of Interest	0	0
Fees not paid	1	1
Other	0	0

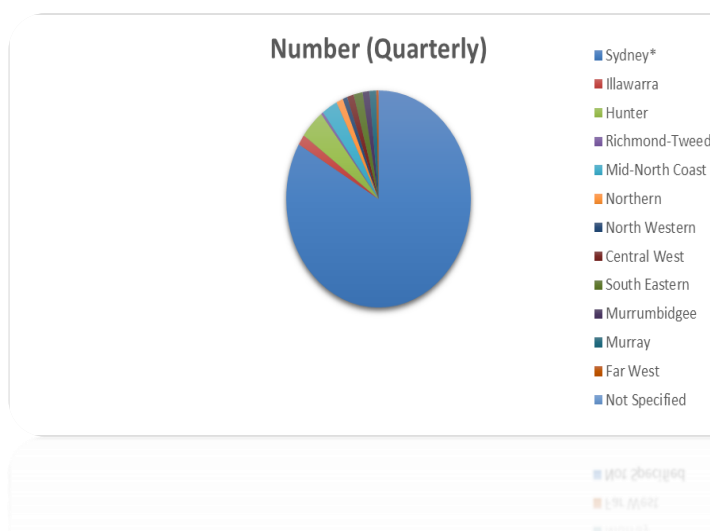
## Applications by Region

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

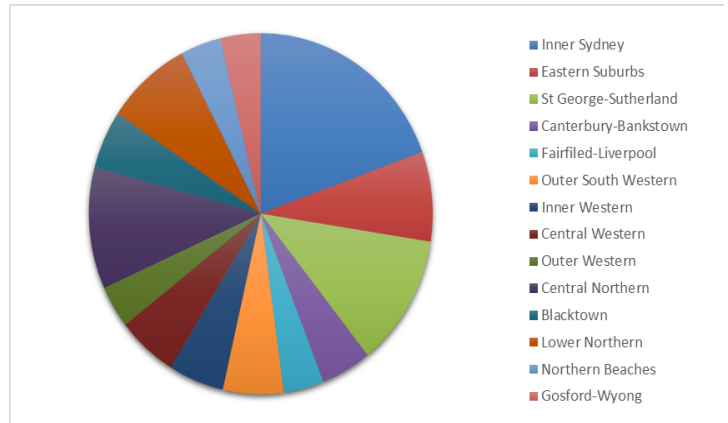
Region (State-wide)	Number (Quarter)	% of Total
Sydney*	211	83.4%
Illawarra	4	1.6%
Hunter	11	4.3%
Richmond-Tweed	1	0.4%
Mid-North Coast	7	2.8%
Northern	3	1.2%
North Western	2	0.8%
Central West	3	1.2%
South Eastern	4	1.6%
Murrumbidgee	3	1.2%
Murray	3	1.2%
Far West	1	0.4%
Not Specified	0	0.0%

\* See Sydney Distribution table



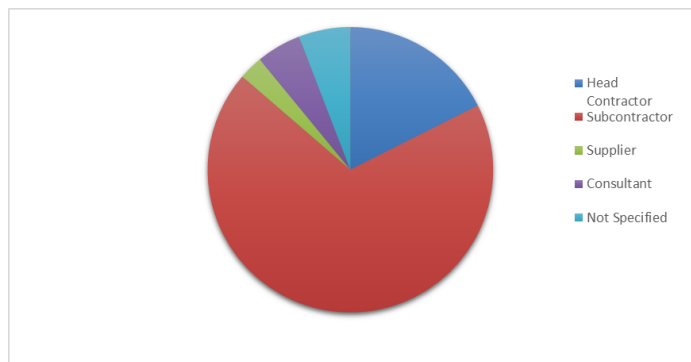
## Sydney Distribution

Region (Sydney)	Number (Quarter)	% of Total
Inner Sydney	41	19.4%
Eastern Suburbs	17	8.1%
St George-Sutherland	25	11.8%
Canterbury-Bankstown	10	4.7%
Fairfield-Liverpool	8	3.8%
Outer South Western	12	5.7%
Inner Western	11	5.2%
Central Western	12	5.7%
Outer Western	8	3.8%
Central Northern	23	10.9%
Blacktown	11	5.2%
Lower Northern	17	8.1%
Northern Beaches	8	3.8%
Gosford-Wyong	8	3.8%



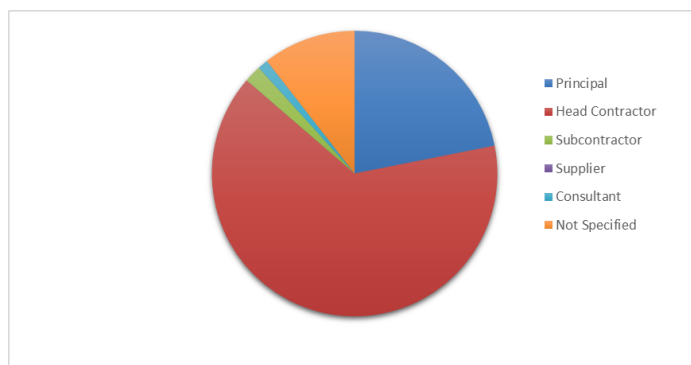
## Application by Claimant Type

Claimant Distribution	Number (Quarter)	% of Total
Head Contractor	45	17.6%
Subcontractor	176	68.8%
Supplier	7	2.7%
Consultant	13	5.1%
Not Specified	15	5.9%
<b>Total Number</b>	<b>256</b>	



## Application by Respondent Type

Respondent Distribution	Number (Quarter)	% of Total
Principal	56	21.9%
Head Contractor	165	64.5%
Subcontractor	5	2.0%
Supplier	0	0.0%
Consultant	3	1.2%
Not Specified	27	10.5%
<b>Total Number</b>	<b>256</b>	



## CLAIMED AMOUNTS

### Claimed Amount and Adjudicated Amount Statistics

Claimed Amount v Adjudicated Amount Statistics	Quarter (\$)	YTD (\$)
Total Value Claimed Amounts	\$112,753,634	\$112,753,634
Total Value Claimed Amounts (Determinations released)	\$86,638,703	\$86,638,703
Total Value Adjudicated Amounts (Determinations Released)	\$35,095,594	\$35,095,594
Average Claimed Amount	\$440,444	
Average Adjudicated Amount (Determinations Released)	\$222,124	
Maximum Claim Amount	\$13,276,064	
Maximum Adjudicated Amount (Determinations Released)	\$4,266,323	
Minimum Claimed Amount	\$396	
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	9	\$18,451	\$2,050	9
\$5,000 - \$9,999	14	\$98,168	\$7,012	7
\$10,000 - \$24,999	31	\$554,753	\$17,895	22
\$25,000 - \$39,999	19	\$569,806	\$29,990	5
\$40,000 - \$99,999	27	\$1,700,263	\$62,973	12
\$100,000 - \$249,999	27	\$3,977,803	\$147,326	10
\$250,000 - \$499,999	13	\$4,396,572	\$338,198	2
\$500,000 - \$749,999	5	\$2,885,994	\$577,199	3
\$750,000 - \$999,999	2	\$1,672,814	\$836,407	0
≥\$1,000,000	19	\$70,764,079	\$3,724,425	1

^ Determinations released

## Determinations by Adjudicated Amounts

Claimed Amount (\$)	Number (Quarter) <sup>^</sup>	Cumulative Adjudicated Amount (\$)	Average Adjudicated Amount (\$)
< \$5000	28	\$22,614	\$808
\$5,000 - \$9,999	14	\$93,684	\$6,692
\$10,000 - \$24,999	34	\$610,538	\$17,957
\$25,000 - \$39,999	15	\$458,413	\$30,561
\$40,000 - \$99,999	23	\$1,455,366	\$63,277
\$100,000 - \$249,999	20	\$2,913,483	\$145,674
\$250,000 - \$499,999	8	\$2,491,171	\$311,396
\$500,000 - \$749,999	4	\$2,286,608	\$571,652
\$750,000 - \$999,999	0	\$0	\$0
≥\$1,000,000	12	\$24,763,716	\$2,063,643

<sup>^</sup> Determinations released

## Adjudication Certificates Issued by Adjudicated Amounts

Adjudicated Amount (\$)	Number (Quarter) <sup>^</sup>	Number of Certificates Issued	% of Certificates Issued
< \$5000*	28	1	3.6%
\$5,000 - \$9,999	14	4	28.6%
\$10,000 - \$24,999	34	13	38.2%
\$25,000 - \$39,999	15	7	46.7%
\$40,000 - \$99,999	23	7	30.4%
\$100,000 - \$249,999	20	7	35.0%
\$250,000 - \$499,999	8	4	50.0%
\$500,000 - \$749,999	4	4	100.0%
\$750,000 - \$999,999	0	0	0%
≥\$1,000,000	12	3	25.0%

<sup>^</sup> Determinations released

\*Adjudicated amounts of \$nil not counted

## ADJUDICATION FEES

### 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	9	\$6,459	\$718	\$686	\$32	35.0%	95.6%	4.4%
\$5,000 - \$9,999	14	\$15,648	\$1,118	\$878	\$240	15.9%	78.6%	21.4%
\$10,000 - \$24,999	31	\$53,860	\$1,737	\$1,572	\$165	9.7%	90.5%	9.5%
\$25,000 - \$39,999	19	\$68,978	\$3,630	\$2,765	\$866	12.1%	76.2%	23.8%
\$40,000 - \$99,999	27	\$108,434	\$4,016	\$2,914	\$1,102	6.4%	72.6%	27.4%
\$100,000 - \$249,999	27	\$200,328	\$7,420	\$5,787	\$1,632	5.0%	78.0%	22.0%
\$250,000 - \$499,999	13	\$164,318	\$12,640	\$8,226	\$4,414	3.7%	65.1%	34.9%
\$500,000 - \$749,999	5	\$76,735	\$15,347	\$14,488	\$859	2.7%	94.4%	5.6%
\$750,000 - \$999,999	2	\$18,878	\$9,439	\$5,616	\$3,823	1.1%	59.5%	40.5%
>\$1,000,000	19	\$475,202	\$25,011	\$18,245	\$6,766	0.7%	72.9%	27.1%

^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)

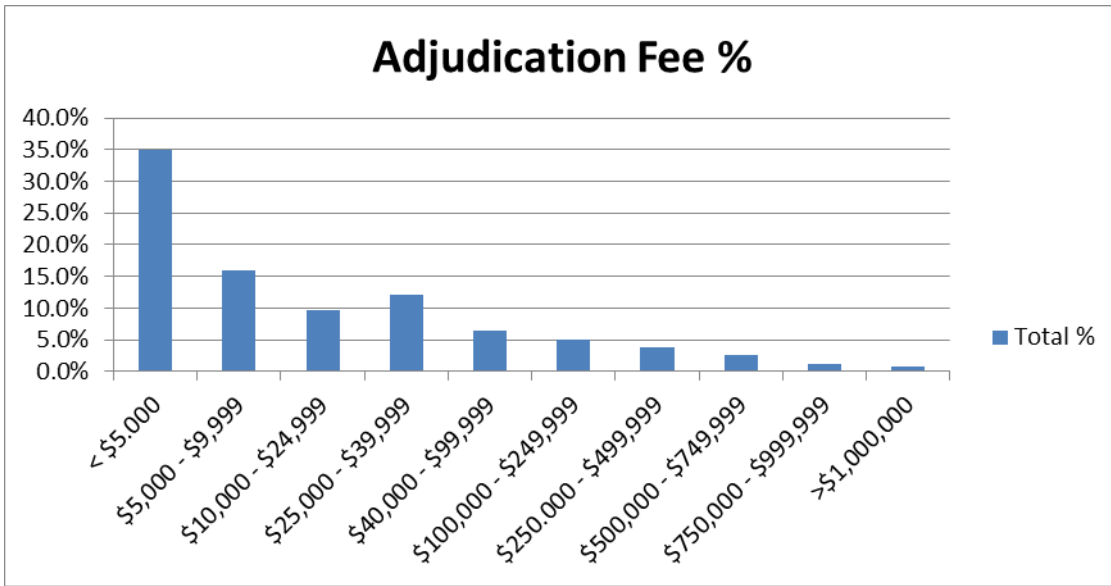
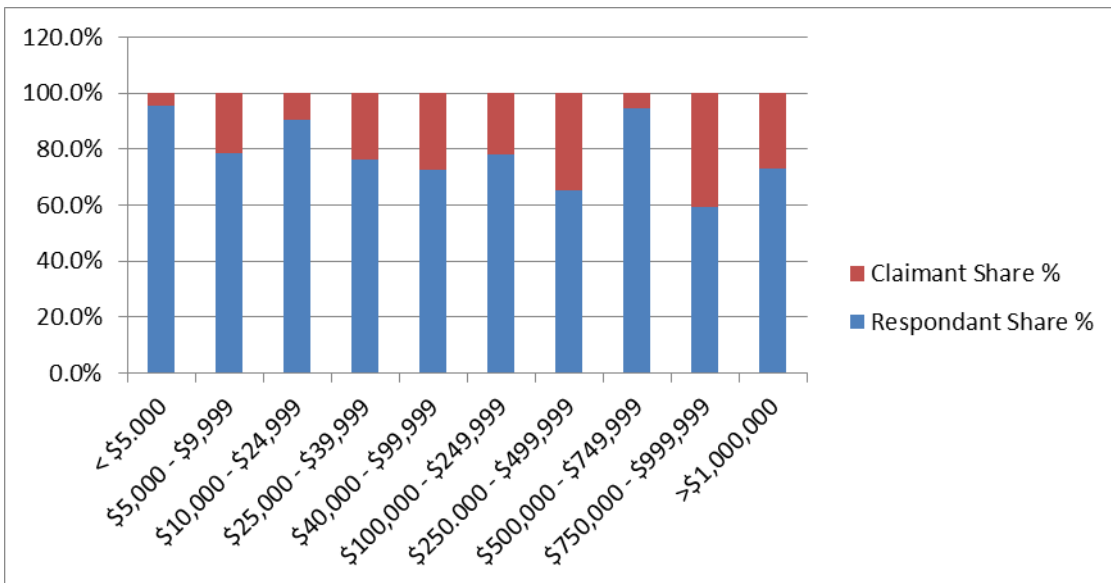


Figure 2: Parties Share of Adjudication Fees expressed as a % of Average Adjudication Fees (by Claim Range for this Quarter)





## 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	9	\$1,900	\$211	\$197	\$14	10.3%	93.3%	6.7%
\$5,000 - \$9,999	14	\$4,892	\$349	\$275	\$75	5.0%	78.6%	21.4%
\$10,000 - \$24,999	31	\$17,989	\$580	\$505	\$76	3.2%	87.0%	13.0%
\$25,000 - \$39,999	19	\$22,921	\$1,206	\$859	\$347	4.0%	71.2%	28.8%
\$40,000 - \$99,999	27	\$35,168	\$1,303	\$840	\$462	2.1%	64.5%	35.5%
\$100,000 - \$249,999	27	\$64,178	\$2,377	\$1,755	\$622	1.6%	73.8%	26.2%
\$250,000 - \$499,999	13	\$51,931	\$3,995	\$2,317	\$1,677	1.2%	58.0%	42.0%
\$500,000 - \$749,999	5	\$27,338	\$5,468	\$4,685	\$783	0.9%	85.7%	14.3%
\$750,000 - \$999,999	2	\$6,129	\$3,064	\$1,244	\$1,820	0.4%	40.6%	59.4%
>\$1,000,000	19	\$133,705	\$7,037	\$3,010	\$4,027	0.2%	42.8%	57.2%

<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)

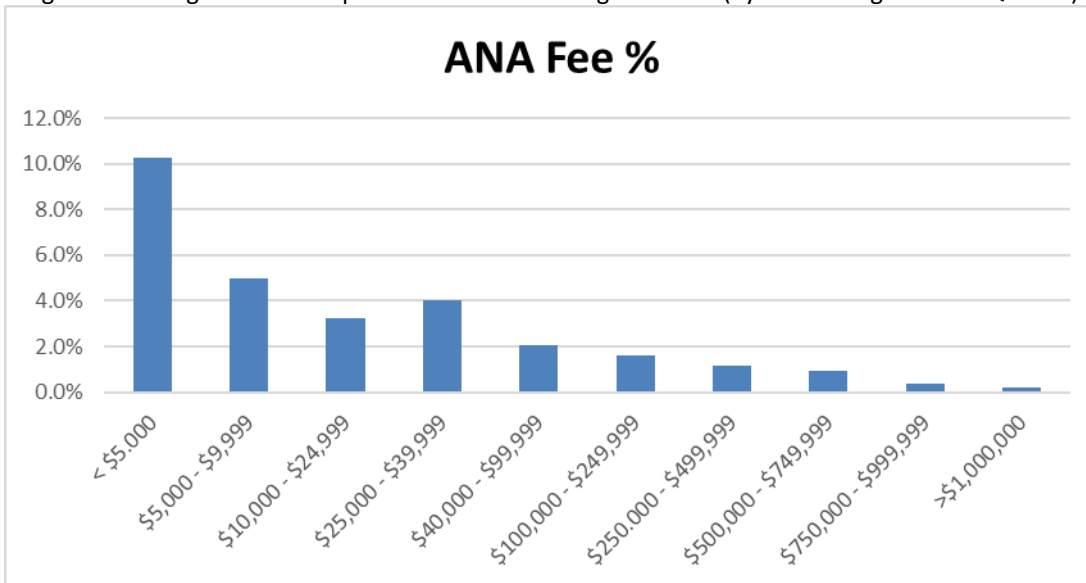
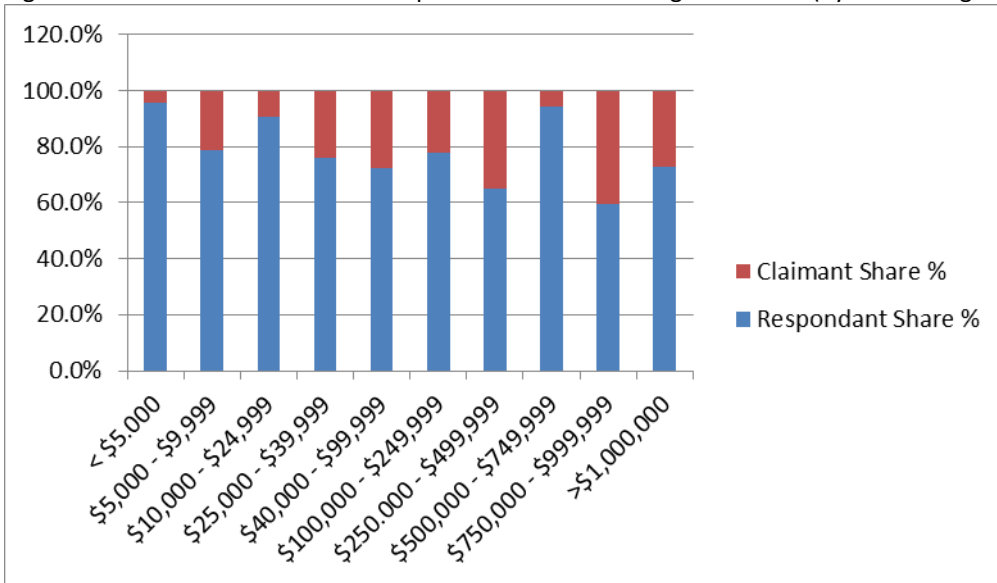


Figure 4: Parties Share of ANA Fees expressed as a % of Average ANA Fees (by Claim Range for this Quarter)



### Adjudicator versus ANA Fees

Adjudicator v ANA Fees <sup>^</sup>	Quarter \$	YTD \$	% of Total Fees
Adjudicator	\$822,687	\$822,687	69.2%
ANA	\$366,152	\$366,152	30.8%
<b>Total Fees</b>	<b>\$1,188,839</b>	<b>\$1,188,839</b>	

<sup>^</sup>Determinations released

Total Adjudication Fees <sup>^</sup>	Quarter \$	YTD (\$)
Total Fees*	\$1,188,839	\$1,188,839
Average Total Fee	\$7,162	\$7,162
Max Total Fee	\$60,126	\$60,126
Min Total Fee	\$0	\$0

<sup>^</sup>Determinations released

## ADDITIONAL STATISTICS

<b>Additional Claimed Amount Statistics</b>	<b>Quarter (\$)</b>	<b>YTD (\$)</b>
Total (Determinations Released and Not Yet Released)	\$393,833	\$393,833
Total Value Adjudicated Amounts (Determinations Not Released)	\$82,813	\$82,813
Average Adjudicated Amounts (Determinations Not Released)	\$16,563	
Maximum Adjudicated Amounts (Determinations Not Released)	\$29,022	
Minimum Adjudicated Amounts (Determinations Not Released)	\$0	

## **NSW Fair Trading**

PO Box 972

Parramatta NSW 2124

Phone: 13 32 20 | TTY: 1300 301 181

**Department of Customer Service**

[www.fairtrading.nsw.gov.au](http://www.fairtrading.nsw.gov.au)

