

Building and Construction Industry Security of Payment Act 1999

Adjudication Activity Statistics

Document number: Quarterly report no.4 Date: Tuesday, August 23, 2022



Table of contents

Adju	Adjudication activity statistics			
1.	Appli	Applications		
	1.1	Applications by Region	3	
		1.1.1 State-wide distribution	3	
		1.1.2 Sydney distribution	3	
		1.1.3 Application by claimant type	4	
		1.1.4 Application by respondent type	5	
2.	Clain	med amounts	7	
	2.1	Claimed amount and adjudicated amount statistics	8	
3.	Deter	rminations	9	
	3.1	Determinations by claim range	9	
	3.2	Determinations by adjudicated amounts	9	
	3.3	Adjudication certificates issued by adjudicated amounts	10	
4.	Adju	dication fees	11	
	4.1	Adjudication fees by claim range	11	
5.	Fees		13	
	5.1	ANA fees by claim range	13	
		5.1.1 Adjudicator versus ANA Fees	15	
6	Δddit	tional statistics	16	

1. Applications

Number and status	Number (Quarterly)	Year to date (YTD)
Applications lodged	174	678
Determinations released	101	373
Determinations pending	7	36
Determinations not released	66	281

Application by Section	Number (Quarter)	Year to date (YTD)
S17(1)(a)(i)	102	353
S17(1)(a)(ii)	2	37
S17(1)(b)	70	288
Total Number	174	678

Reason for determination not being released	Number (Quarterly)	YTD
Withdrawn	34	121
Settled Privately	0	15
Invalid Application	0	56
Timed Out	1	21
Jurisdiction	0	2
Not yet determined	31	103
Adjudicator conflict of Interest	0	0
Fees not paid	0	4
Other	0	2

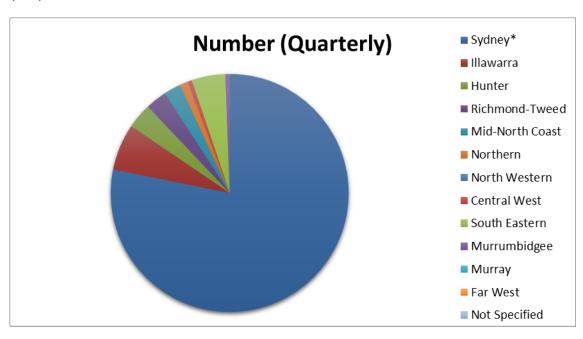
1.1 Applications by region

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

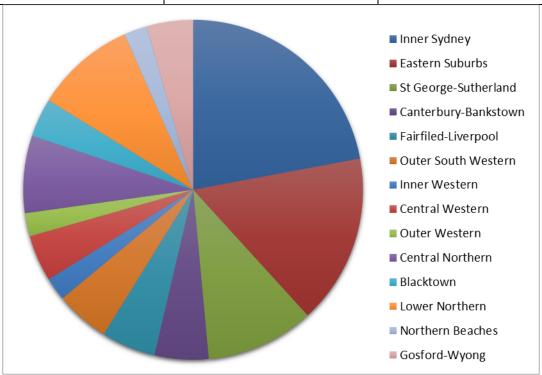
Region (State-wide)	Number (Quarter)	% of Total
Sydney*	136	78.2%
Illawarra	11	6.3%
Hunter	6	3.4%
Richmond-Tweed	5	2.9%
Mid-North Coast	4	2.3%
Northern	2	1.1%
North Western	0	0.0%
Central West	1	0.6%
South Eastern	8	4.6%
Murrumbidgee	1	0.6%
Murray	0	0.0%
Far West	0	0.0%
Not Specified	0	0.0%

^{*} See Sydney distribution table



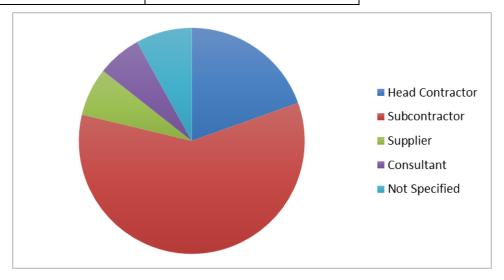
1.1.2 Sydney distribution

Region (Sydney)	Number (Quarter)	% of Total
Inner Sydney	30	22.1%
Eastern Suburbs	22	16.2%
St George-Sutherland	14	10.3%
Canterbury-Bankstown	7	5.1%
Fairfield-Liverpool	7	5.1%
Outer South Western	7	5.1%
Inner Western	3	2.2%
Central Western	6	4.4%
Outer Western	3	2.2%
Central Northern	10	7.4%
Blacktown	5	3.7%
Lower Northern	13	9.6%
Northern Beaches	3	2.2%
Gosford-Wyong	6	4.4%



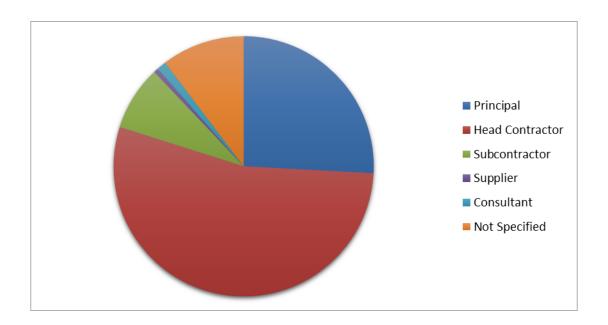
1.1.3 Application by claimant type

Claimant Distribution	Number (Quarter)	% of Total
Head Contractor	34	19.5%
Subcontractor	103	59.2%
Supplier	12	6.9%
Consultant	11	6.3%
Not Specified	14	8.0%
Total Number	174	



Application by respondent type

Respondent Distribution	Number (Quarter)	% of Total
Principal	45	25.9%
Head Contractor	94	54.0%
Subcontractor	14	8.0%
Supplier	1	0.6%
Consultant	2	1.1%
Not Specified	18	10.3%
Total Number	174	



2. Claimed amounts

2.1 Claimed amount and Adjudicated Amount Statistics

Claimed Amount vs Adjudicated Amount Statistics	Quarter (\$)	YTD (\$)
Total Value Claimed Amounts	\$61,648,822	\$511,056,794
Total Value Claimed Amounts (Determinations released)	\$41,058,243	\$146,822,536
Total Value Adjudicated Amounts (Determinations Released)	\$17,194,465	\$46,553,818
Average Claimed Amount	\$354,304	
Average Adjudicated Amount (Determinations Released)	\$186,896	
Maximum Claim Amount	\$7,115,989	
Maximum Adjudicated Amount (Determinations Released)	\$6,180,456	
Minimum Claimed Amount	\$1,540	
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	7	\$23,714	\$3,388	1
\$5,000 - \$9,999	8	\$55,822	\$6,978	0
\$10,000 - \$24,999	12	\$205,978	\$17,165	1
\$25,000 - \$39,999	8	\$263,155	\$32,894	0
\$40,000 - \$99,999	18	\$1,220,547	\$67,808	2
\$100,000 - \$249,999	22	\$3,374,602	\$153,391	0
\$250,000 - \$499,999	11	\$4,002,400	\$363,855	1
\$500,000 - \$749,999	4	\$2,648,603	\$662,151	0
\$750,000 - \$999,999	3	\$2,534,868	\$844,956	0
≥\$1,000,000	8	\$41,058,243	\$5,132,280	0

[^] Determinations released

3.2 Determinations by adjudicated amounts

Claimed Amount (\$)	Number (Quarter)^	Cumulative Adjudicated Amount (\$)	Average Adjudicated Amount (\$)
< \$5000	19	\$13,984	\$736
\$5,000 - \$9,999	8	\$55,831	\$6,979
\$10,000 - \$24,999	10	\$165,725	\$16,572
\$25,000 - \$39,999	9	\$297,310	\$33,034

\$40,000 - \$99,999	18	\$1,125,434	\$62,524
\$100,000 - \$249,999	16	\$2,533,606	\$158,350
\$250,000 - \$499,999	7	\$2,645,310	\$377,901
\$500,000 - \$749,999	1	\$681,864	\$681,864
\$750,000 - \$999,999	1	\$816,468	\$816,468
≥\$1,000,000	3	\$8,858,934	\$2,952,978

[^] Determinations released

3.3 Adjudication certificates issued by adjudicated amounts

Adjudicated Amount (\$)	Number (Quarter)^	Number of Certificates Issued	% of Certificates Issued
< \$5000*	19	3	15.8%
\$5,000 - \$9,999	8	4	50.0%
\$10,000 - \$24,999	10	5	50.0%
\$25,000 - \$39,999	9	4	44.4%
\$40,000 - \$99,999	18	4	22.2%
\$100,000 - \$249,999	16	6	37.5%
\$250,000 - \$499,999	7	2	28.6%
\$500,000 - \$749,999	1	0	0.0%
\$750,000 - \$999,999	1	0	0.0%
≥\$1,000,000	3	0	0.0%

[^] 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	7	\$6,914	\$988	\$589	\$399	29.2%	59.6%	40.4%
\$5,000 - \$9,999	8	\$8,356	\$1,045	\$872	\$172	15.0%	83.5%	16.5%
\$10,000 - \$24,999	12	\$20,706	\$1,725	\$1,610	\$115	10.1%	93.3%	6.7%
\$25,000 - \$39,999	8	\$25,894	\$3,237	\$2,792	\$445	9.8%	86.3%	13.8%
\$40,000 - \$99,999	18	\$78,574	\$4,365	\$3,031	\$1,334	6.4%	69.4%	30.6%
\$100,000 - \$249,999	22	\$159,545	\$7,252	\$4,444	\$2,809	4.7%	61.3%	38.7%
\$250.000 - \$499,999	11	\$154,030	\$14,003	\$11,839	\$2,164	3.8%	84.5%	15.5%
\$500,000 - \$749,999	4	\$51,914	\$12,979	\$3,245	\$9,734	2.0%	25.0%	75.0%
\$750,000 - \$999,999	3	\$35,366	\$0	\$0	\$0	0.0%	0.0%	0.0%
>\$1,000,000	8	\$236,290	\$29,536	\$17,500	\$12,036	0.6%	59.3%	40.8%

[^]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)

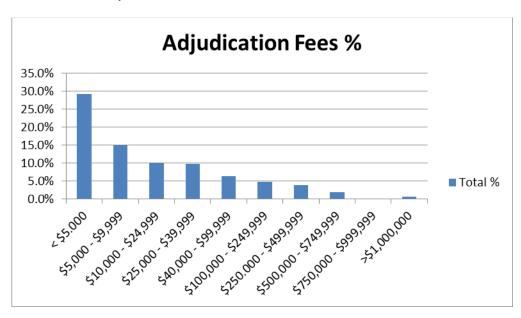
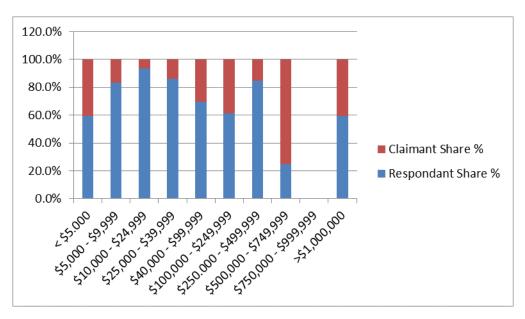


Figure 2: Parties Share of Adjudication Fees expressed as a % of Average Adjudication Fees (by Claim Range for this Quarter)



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	7	\$2,260	\$323	\$177	\$146	9.5%	54.7%	45.3%
\$5,000 - \$9,999	8	\$2,801	\$350	\$277	\$74	5.0%	79.0%	21.0%
\$10,000 - \$24,999	12	\$6,028	\$502	\$452	\$50	2.9%	90.0%	10.0%
\$25,000 - \$39,999	8	\$8,433	\$1,054	\$804	\$250	3.2%	76.3%	23.8%
\$40,000 - \$99,999	18	\$24,801	\$1,378	\$880	\$498	2.0%	63.9%	36.1%
\$100,000 - \$249,999	22	\$43,793	\$1,991	\$1,133	\$858	1.3%	56.9%	43.1%
\$250,000 - \$499,999	11	\$0	\$0	\$0	\$0	0.0%	0.0%	0.0%
\$500,000 - \$749,999	4	\$15,090	\$3,773	\$943	\$2,829	0.6%	25.0%	75.0%
\$750,000 - \$999,999	3	\$12,866	\$0	\$0	\$0	0.0%	0.0%	0.0%
>\$1,000,000	8	\$60,321	\$7,540	\$3,544	\$3,996	0.1%	47.0%	53.0%

[^]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)

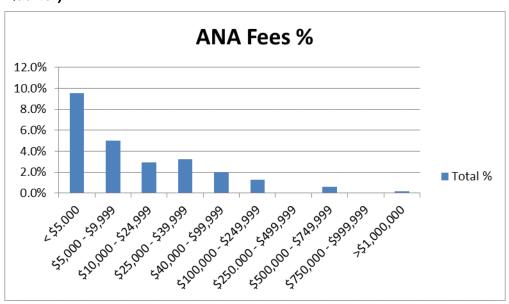
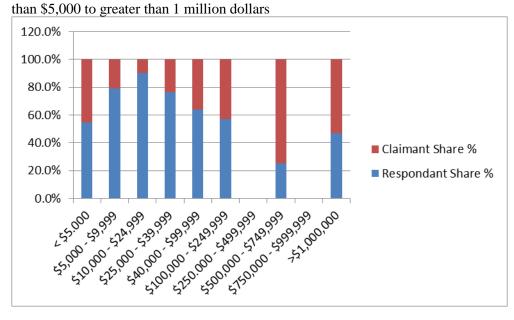


Figure 4: Parties Share of ANA Fees expressed as a % of Average ANA Fees (by Claim Range for this Quarter)

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



5.1.1 Adjudicator versus ANA Fees

Adjudicator v ANA Fees^	Quarter \$	YTD\$	% of Total Fees
Adjudicator	\$560,037	\$1,836,408	72.0%
ANA	\$217,552	\$779,053	28.0%
Total Fees	\$777,589	\$2,615,460	

[^]Determinations released

Total Adjudication Fees^	Quarter \$	YTD (\$)
Total Fees*	\$777,589	\$2,615,460
Average Total Fee	\$7,699	\$29,136
Max Total Fee	\$43,560	\$212,636
Min Total Fee	\$211	\$586

[^]Determinations released

6. Additional statistics

Additional Claimed Amount Statistics	Quarter (\$)	YTD (\$)
Total (Determinations Released and Not Yet Released)	\$967,825	\$261,849,616
Total Value Adjudicated Amounts (Determinations Not Released)	\$736,702	\$10,449,025
Average Adjudicated Amounts (Determinations Not Released)	\$105,243	
Maximum Adjudicated Amounts (Determinations Not Released)	\$315,945	
Minimum Adjudicated Amounts (Determinations Not Released)	\$4,155	

NSW Fair Trading

PO Box 972

Parramatta NSW 2124

Phone: 13 32 20 | TTY: 1300 301 181

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.