



Fair
Trading

Building and Construction Industry Security of Payment Act 1999

Adjudication Activity Statistics

Quarterly Report - No. 2

1 October 2018 to 31 December 2018



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 Finance, Services and Innovation 2018

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	259	481
Determinations released	180	322
Determinations pending release	21	42
Determinations not released	58	117

Application by Section	Number (Quarter)	YTD
s.17(1)(a)(i)	157	273
s.17(1)(a)(ii)	5	6
s.17(1)(b)	97	202
Total Number	157	273

Reason for determination not being released	Number (Quarterly)	YTD
Withdrawn	8	14
Settled Privately	34	66
Invalid Application	7	22
Timed Out	4	8
Jurisdiction	7	8
Not yet determined	0	0
Adjudicator conflict of Interest	0	1
Fees not paid	4	5
Other	1	1

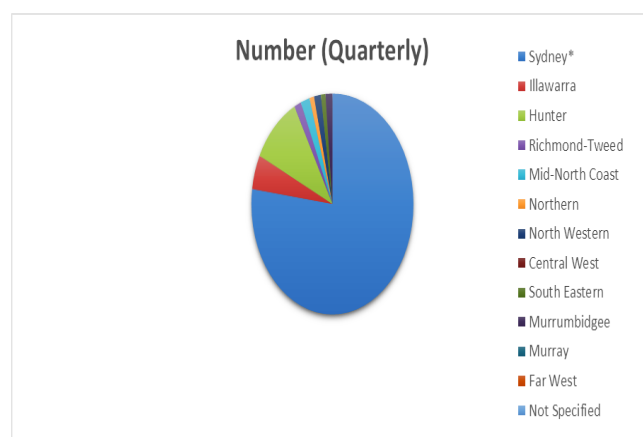
Applications by Region

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

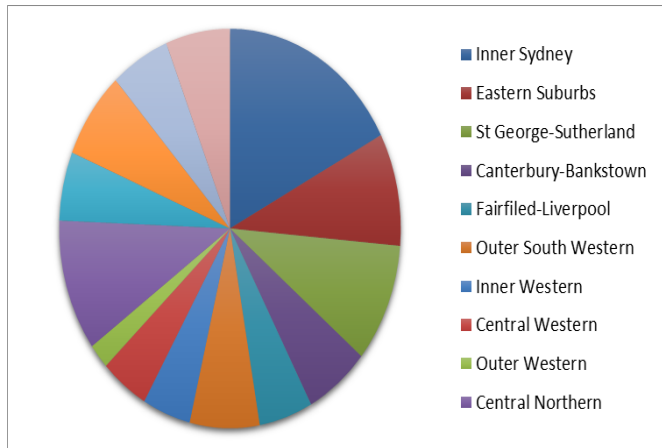
Region (State-wide)	Number (Quarter)	% of Total
Sydney*	197	76.1%
Illawarra	13	6.9%
Hunter	14	7.3%
Richmond-Tweed	3	4.6%
Mid-North Coast	2	3.9%
Northern	2	5.0%
North Western	6	3.5%
Central West	10	3.5%
South Eastern	4	1.5%
Murrumbidgee	1	8.1%
Murray	0	4.2%
Far West	0	5.4%
Not Specified	7	4.6%

* See Sydney Distribution table



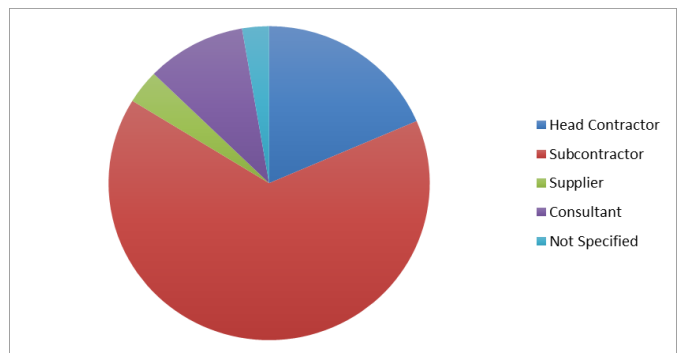
Sydney Distribution

Region (Sydney)	Number (Quarter)	% of Total
Inner Sydney	34	17.3%
Eastern Suburbs	18	9.1%
St George-Sutherland	19	9.6%
Canterbury-Bankstown	12	6.1%
Fairfield-Liverpool	10	5.1%
Outer South Western	13	6.6%
Inner Western	9	4.6%
Central Western	9	4.6%
Outer Western	4	2.0%
Central Northern	21	10.7%
Blacktown	11	5.6%
Lower Northern	14	7.1%
Northern Beaches	11	5.6%
Gosford-Wyong	12	6.1%



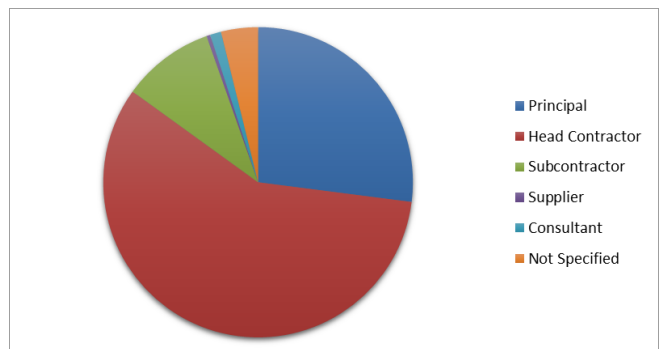
Application by Claimant Type

Claimant Distribution	Number (Quarter)	% of Total
Head Contractor	48	18.5%
Subcontractor	169	65.3%
Supplier	9	3.5%
Consultant	26	10.0%
Not Specified	7	2.7%
Total Number	259	



Application by Respondent Type

Respondent Distribution	Number (Quarter)	% of Total
Principal	70	27.0%
Head Contractor	150	57.9%
Subcontractor	25	9.7%
Supplier	1	0.4%
Consultant	3	1.2%
Not Specified	10	3.9%
Total Number	259	



CLAIMED AMOUNTS

Claimed Amount and Adjudicated Amount Statistics

Claimed Amount v Adjudicated Amount Statistics	Quarter (\$)	YTD (\$)
Total Value Claimed Amounts	\$99,834,099	\$199,878,823
Total Value Claimed Amounts (Determinations released)	\$58,279,738	\$114,810,787
Total Value Adjudicated Amounts (Determinations Released)	\$22,932,532	\$41,368,397
Average Claimed Amount	\$385,460	
Average Adjudicated Amount (Determinations Released)	\$128,115	
Maximum Claim Amount	\$6,773,075	
Maximum Adjudicated Amount (Determinations Released)	\$3,462,311	
Minimum Claimed Amount	\$429	
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	19	\$51,518	\$2,711	13
\$5,000 - \$9,999	17	\$128,837	\$7,579	14
\$10,000 - \$24,999	29	\$508,762	\$17,544	21
\$25,000 - \$39,999	21	\$705,971	\$33,618	11
\$40,000 - \$99,999	31	\$1,995,411	\$64,368	5
\$100,000 - \$249,999	28	\$4,481,100	\$160,039	9
\$250,000 - \$499,999	10	\$3,590,407	\$359,041	2
\$500,000 - \$749,999	3	\$1,758,187	\$586,062	1
\$750,000 - \$999,999	2	\$1,900,136	\$950,068	0
≥\$1,000,000	20	\$58,279,738	\$2,913,987	0

^ Determinations released

Determinations by Adjudicated Amounts

Claimed Amount (\$)	Number (Quarter)^	Cumulative Adjudicated Amount (\$)	Average Adjudicated Amount (\$)
< \$5000	52	\$43,601	\$838
\$5,000 - \$9,999	19	\$143,547	\$7,555
\$10,000 - \$24,999	30	\$513,334	\$17,111
\$25,000 - \$39,999	19	\$623,300	\$32,805
\$40,000 - \$99,999	23	\$1,534,139	\$66,702
\$100,000 - \$249,999	16	\$2,609,264	\$163,079
\$250,000 - \$499,999	7	\$2,162,937	\$308,991
\$500,000 - \$749,999	5	\$3,178,800	\$635,760
\$750,000 - \$999,999	2	\$1,657,044	\$828,522
≥\$1,000,000	6	\$10,466,565	\$1,744,427

^ Determinations released

Adjudication Certificates Issued by Adjudicated Amounts

Adjudicated Amount (\$)	Number (Quarter) [^]	Number of Certificates Issued	% of Certificates Issued
< \$5000*	52	8	15.4%
\$5,000 - \$9,999	19	7	36.8%
\$10,000 - \$24,999	30	15	50.0%
\$25,000 - \$39,999	19	11	57.9%
\$40,000 - \$99,999	23	12	52.2%
\$100,000 - \$249,999	16	11	68.8%
\$250,000 - \$499,999	7	3	42.9%
\$500,000 - \$749,999	5	1	20.0%
\$750,000 - \$999,999	2	0	0.0%
≥\$1,000,000	6	1	16.7%

[^] 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	19	\$18,700	\$984	\$710	\$275	36.3%	72.1%	27.9%
\$5,000 - \$9,999	17	\$18,365	\$1,080	\$932	\$148	14.3%	86.3%	13.7%
\$10,000 - \$24,999	29	\$52,468	\$1,809	\$1,442	\$367	10.3%	79.7%	20.3%
\$25,000 - \$39,999	21	\$64,661	\$3,079	\$2,553	\$526	9.2%	82.9%	17.1%
\$40,000 - \$99,999	31	\$114,667	\$3,699	\$2,372	\$1,327	5.7%	64.1%	35.9%
\$100,000 - \$249,999	28	\$174,976	\$6,249	\$4,441	\$1,808	3.9%	71.1%	28.9%
\$250,000 - \$499,999	10	\$117,220	\$11,722	\$7,010	\$4,712	3.3%	59.8%	40.2%
\$500,000 - \$749,999	3	\$51,282	\$17,094	\$11,966	\$5,128	2.9%	70.0%	30.0%
\$750,000 - \$999,999	2	\$18,722	\$9,361	\$4,681	\$4,681	1.0%	50.0%	50.0%
>\$1,000,000	20	\$358,465	\$17,923	\$10,297	\$7,626	0.6%	57.5%	42.6%

[^]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)

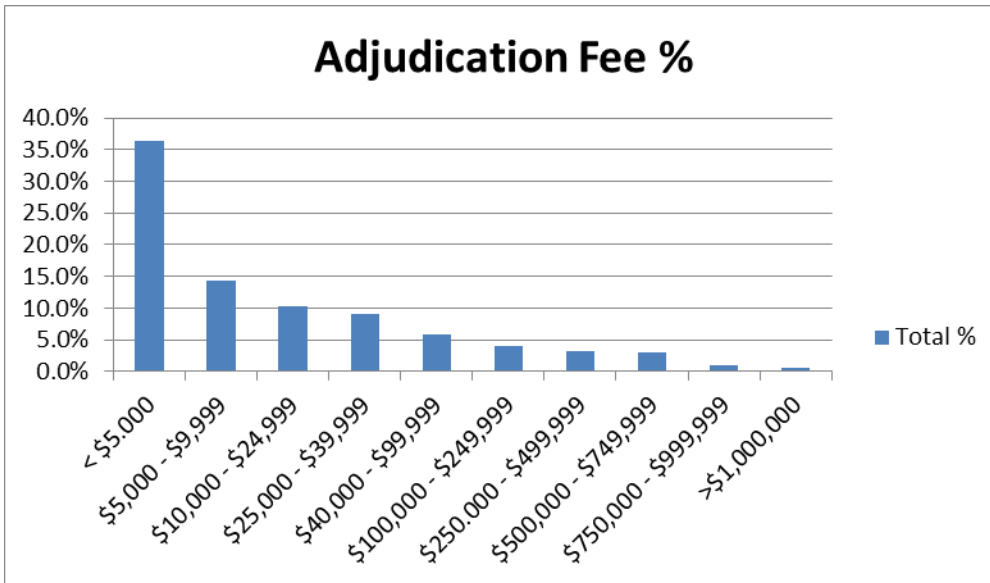
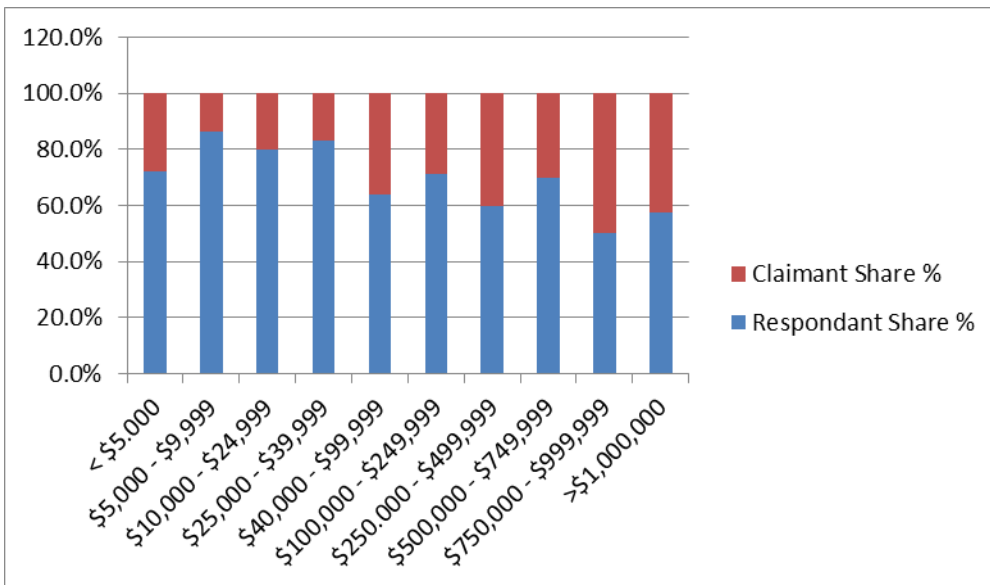


Figure 2: Parties Share of Adjudication Fees expressed as a % of Average Adjudication Fees (by Claim Range for this Quarter)



FEES

ANA fees by Claim Range

Claimed Amount (\$)	Number (Quarter) [^]	Total	Average	Respondent Share	Claimant Share	Total (1)	Respondent Share (2)	Claimant Share (3)
< \$5,000	19	\$6,397	\$337	\$218	\$119	12.4%	64.7%	35.3%
\$5,000 - \$9,999	17	\$6,375	\$375	\$316	\$59	4.9%	84.3%	15.7%
\$10,000 - \$24,999	29	\$18,416	\$635	\$479	\$156	3.6%	75.4%	24.6%
\$25,000 - \$39,999	21	\$21,848	\$1,040	\$847	\$194	3.1%	81.4%	18.6%
\$40,000 - \$99,999	31	\$40,645	\$1,311	\$800	\$511	2.0%	61.0%	39.0%
\$100,000 - \$249,999	28	\$57,437	\$2,051	\$1,400	\$651	1.3%	68.3%	31.8%
\$250,000 - \$499,999	10	\$32,959	\$3,296	\$1,655	\$1,641	0.9%	50.2%	49.8%
\$500,000 - \$749,999	3	\$18,018	\$6,006	\$4,204	\$1,802	1.0%	70.0%	30.0%
\$750,000 - \$999,999	2	\$6,578	\$3,289	\$1,645	\$1,645	0.3%	50.0%	50.0%
>\$1,000,000	20	\$105,172	\$5,259	\$2,895	\$2,364	0.2%	55.1%	45.0%

[^]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)

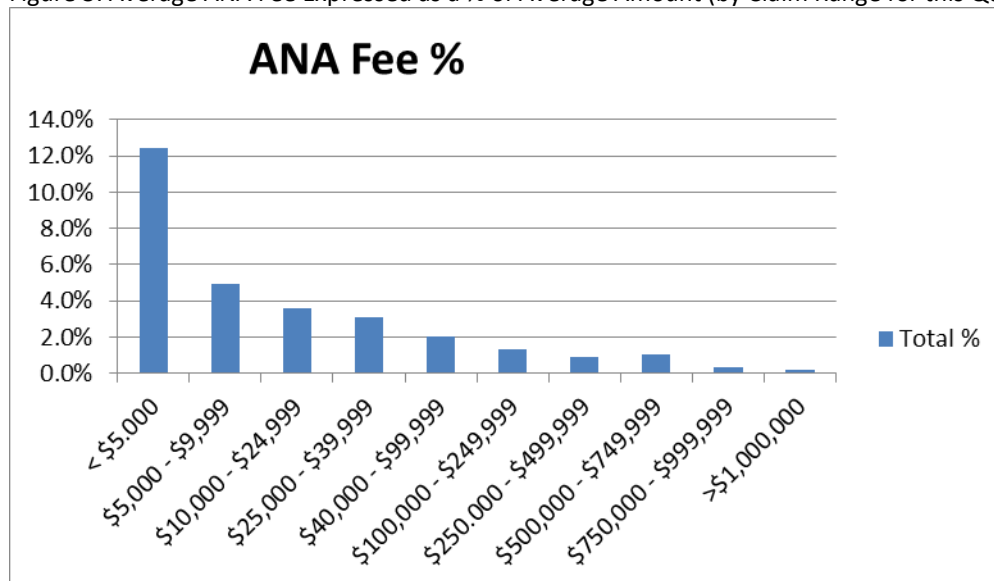
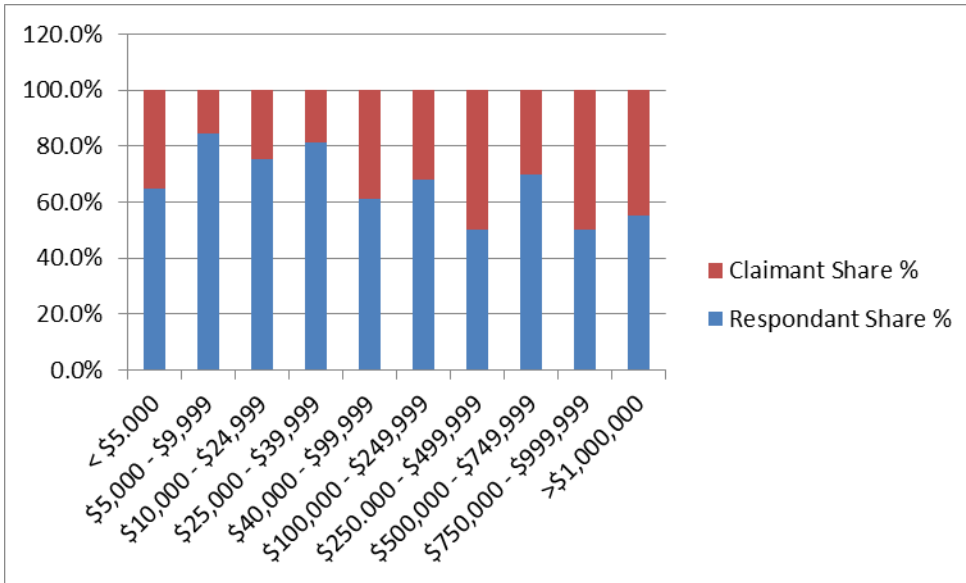


Figure 4: Parties Share of ANA Fees expressed as a % of Average ANA Fees (by Claim Range for this Quarter)



Adjudicator versus ANA Fees

Adjudicator v ANA Fees^	Quarter \$	YTD \$	% of Total Fees
Adjudicator	\$675,681	\$1,263,018	68.3%
ANA	\$313,847	\$603,642	31.7%
Total Fees	\$989,527	\$1,866,660	

^Determinations released

Total Adjudication Fees^	Quarter \$	YTD (\$)
Total Fees*	\$989,527	\$1,866,659
Average Total Fee	\$5,497	\$11,674
Max Total Fee	\$38,665	\$89,980
Min Total Fee	\$0	\$0

^Determinations released

ADDITIONAL STATISTICS

Additional Claimed Amount Statistics	Quarter (\$)	YTD (\$)
Total (Determinations Released and Not Yet Released)	\$20,022,648	\$33,650,270
Total Value Adjudicated Amounts (Determinations Not Released)	\$4,903,746	\$8,809,833
Average Adjudicated Amounts (Determinations Not Released)	\$245,187	
Maximum Adjudicated Amounts (Determinations Not Released)	\$1,309,727	
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 Finance, Services and Innovation

www.fairtrading.nsw.gov.au

