



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	214	695
Determinations released	133	455
Determinations pending release	15	57
Determinations not release	58	175

Application by Section	Number (Quarter)	YTD
S17(1)(a)(i)	110	383
S17(1)(a)(ii)	6	12
S17(1)(b)	98	300
Total Number	110	383

Reason for determination not being released	Number (Quarterly)	YTD
Withdrawn	8	22
Settled Privately	32	98
Invalid Application	10	32
Timed Out	7	15
Jurisdiction	6	14
Not yet determined	0	0
Adjudicator conflict of Interest	0	1
Fees not paid	2	7
Other	1	2

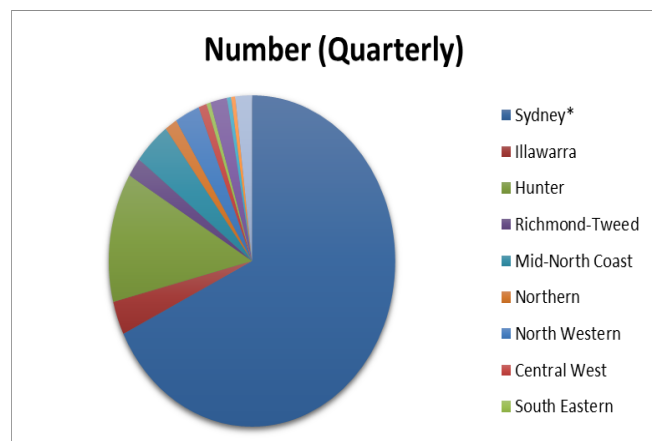
Applications by Region

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

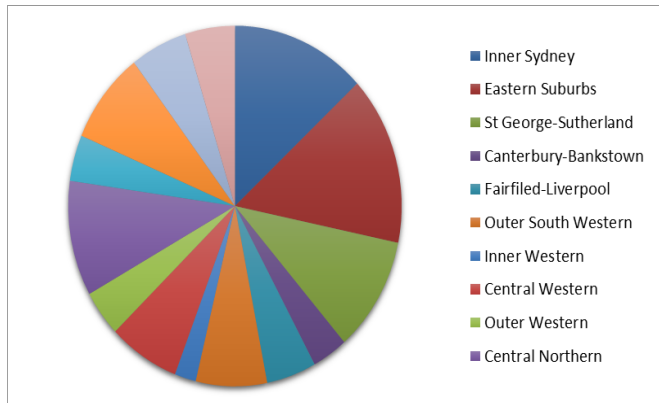
Region (State-wide)	Number (Quarter)	% of Total
Sydney*	145	67.8%
Illawarra	7	3.3%
Hunter	27	12.6%
Richmond-Tweed	4	1.9%
Mid-North Coast	9	4.2%
Northern	3	1.4%
North Western	6	2.8%
Central West	2	0.9%
South Eastern	1	0.5%
Murrumbidgee	4	1.9%
Murray	1	0.5%
Far West	1	0.5%
Not Specified	4	1.9%

* See Sydney Distribution table



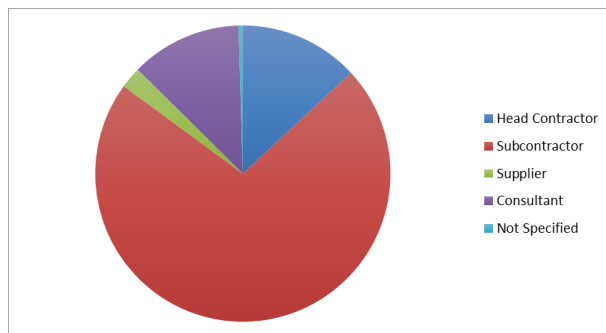
Sydney Distribution

Region (Sydney)	Number (Quarter)	% of Total
Inner Sydney	19	13.1%
Eastern Suburbs	22	15.2%
St George-Sutherland	15	10.3%
Canterbury-Bankstown	5	3.4%
Fairfield-Liverpool	7	4.8%
Outer South Western	10	6.9%
Inner Western	3	2.1%
Central Western	10	6.9%
Outer Western	6	4.1%
Central Northern	15	10.3%
Blacktown	6	4.1%
Lower Northern	12	8.3%
Northern Beaches	8	5.5%
Gosford-Wyong	7	4.8%



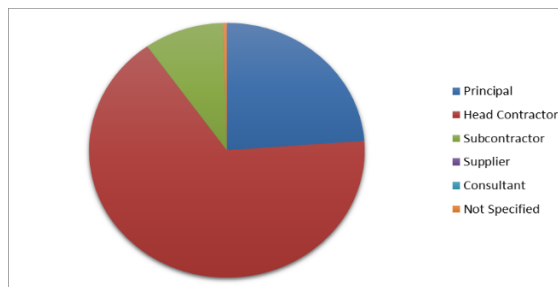
Application by Claimant Type

Claimant Distribution	Number (Quarter)	% of Total
Head Contractor	28	13.1%
Subcontractor	154	72.0%
Supplier	5	2.3%
Consultant	26	12.1%
Not Specified	1	0.5%
Total Number	214	



Application by Respondent Type

Respondent Distribution	Number (Quarter)	% of Total
Principal	51	23.8%
Head Contractor	142	66.4%
Subcontractor	20	9.3%
Supplier	0	0.0%
Consultant	0	0.0%
Not Specified	1	0.5%
Total Number	214	



CLAIMED AMOUNTS

Claimed Amount and Adjudicated Amount Statistics

Claimed Amount v Adjudicated Amount Statistics	Quarter (\$)	YTD (\$)
Total Value Claimed Amounts	\$94,568,840	\$294,447,663
Total Value Claimed Amounts (Determinations released)	\$50,494,554	\$165,305,341
Total Value Adjudicated Amounts (Determinations Released)	\$21,234,582	\$62,602,979
Average Claimed Amount	\$441,910	
Average Adjudicated Amount (Determinations Released)	\$159,659	
Maximum Claim Amount	\$22,871,822	
Maximum Adjudicated Amount (Determinations Released)	\$7,435,519	
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	8	\$20,078	\$2,510	2
\$5,000 - \$9,999	12	\$85,549	\$7,129	6
\$10,000 - \$24,999	22	\$358,615	\$16,301	10
\$25,000 - \$39,999	16	\$481,353	\$30,085	9
\$40,000 - \$99,999	30	\$1,804,359	\$60,145	11
\$100,000 - \$249,999	25	\$4,271,437	\$170,857	7
\$250,000 - \$499,999	11	\$4,107,282	\$373,389	2
\$500,000 - \$749,999	3	\$1,949,065	\$649,688	0
\$750,000 - \$999,999	1	\$901,947	\$901,947	0
≥\$1,000,000	5	\$27,622,732	\$5,524,546	0

^ Determinations released

Determinations by Adjudicated Amounts

Claimed Amount (\$)	Number (Quarter)^	Cumulative Adjudicated Amount (\$)	Average Adjudicated Amount (\$)
< \$5000	38	\$20,826	\$548
\$5,000 - \$9,999	10	\$70,818	\$7,082
\$10,000 - \$24,999	15	\$222,825	\$14,855
\$25,000 - \$39,999	14	\$427,325	\$30,523
\$40,000 - \$99,999	27	\$1,540,599	\$57,059
\$100,000 - \$249,999	17	\$2,748,039	\$161,649
\$250,000 - \$499,999	7	\$2,741,935	\$391,705
\$500,000 - \$749,999	1	\$579,502	\$579,502
\$750,000 - \$999,999	1	\$796,354	\$796,354
≥\$1,000,000	3	\$12,086,361	\$4,028,787

^ Determinations released

Adjudication Certificates Issued by Adjudicated Amounts

Adjudicated Amount (\$)	Number (Quarter) [^]	Number of Certificates Issued	% of Certificates Issued
< \$5000*	38	4	10.5%
\$5,000 - \$9,999	10	5	50.0%
\$10,000 - \$24,999	15	3	20.0%
\$25,000 - \$39,999	14	9	64.3%
\$40,000 - \$99,999	27	17	63.0%
\$100,000 - \$249,999	17	10	58.8%
\$250,000 - \$499,999	7	4	57.1%
\$500,000 - \$749,999	1	0	0.0%
\$750,000 - \$999,999	1	0	0.0%
≥\$1,000,000	3	1	33.3%

[^] 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	8	\$6,848	\$856	\$535	\$321	34.1%	62.5%	37.5%
\$5,000 - \$9,999	12	\$13,188	\$1,099	\$887	\$212	15.4%	80.7%	19.3%
\$10,000 - \$24,999	22	\$37,147	\$1,688	\$1,017	\$672	10.4%	60.2%	39.8%
\$25,000 - \$39,999	16	\$52,939	\$3,309	\$2,649	\$660	11.0%	80.1%	19.9%
\$40,000 - \$99,999	30	\$117,963	\$3,932	\$3,282	\$650	6.5%	83.5%	16.5%
\$100,000 - \$249,999	25	\$140,286	\$5,611	\$3,749	\$1,863	3.3%	66.8%	33.2%
\$250,000 - \$499,999	11	\$84,094	\$7,645	\$5,560	\$2,085	2.0%	72.7%	27.3%
\$500,000 - \$749,999	3	\$22,688	\$7,563	\$2,521	\$5,042	1.2%	33.3%	66.7%
\$750,000 - \$999,999	1	\$21,978	\$21,978	\$21,978	\$0	2.4%	100.0%	0.0%
>\$1,000,000	5	\$146,745	\$29,349	\$23,479	\$5,870	0.5%	80.0%	20.0%

[^]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)

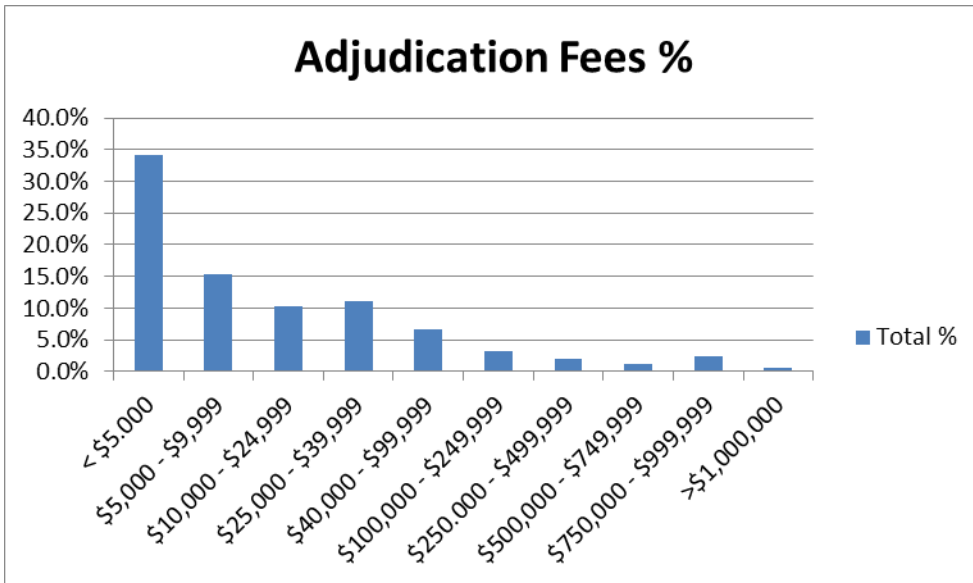
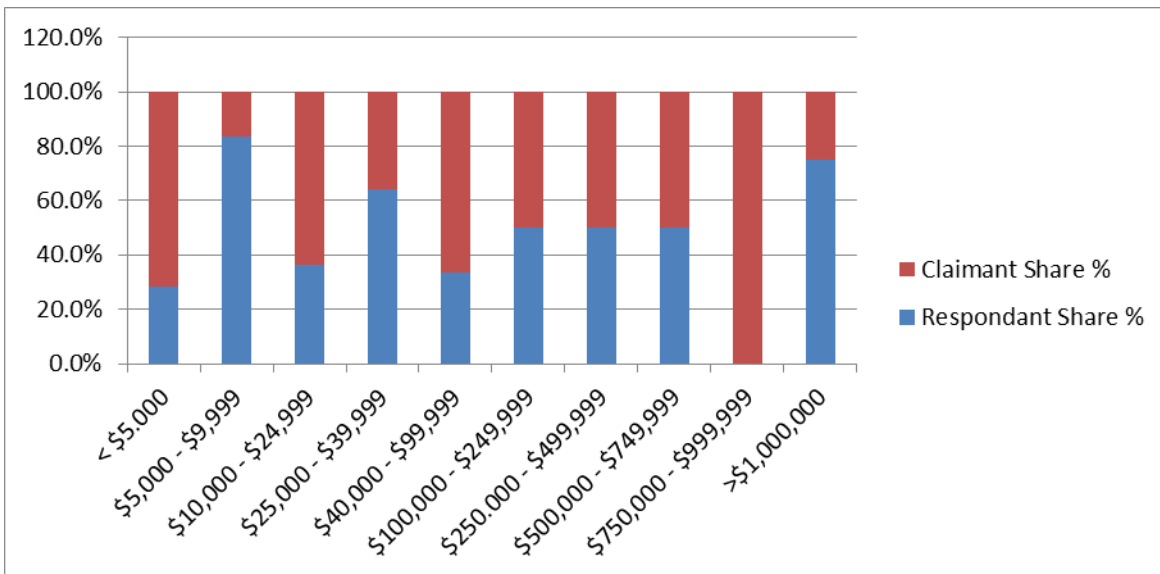


Figure 2: Parties Share of Adjudication Fees expressed as a % of Average Adjudication Fees (by Claim Range for this Quarter)



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	8	\$2,692	\$336	\$210	\$126	13.4%	62.5%	37.5%
\$5,000 - \$9,999	12	\$4,753	\$396	\$308	\$89	5.6%	77.6%	22.4%
\$10,000 - \$24,999	22	\$11,478	\$522	\$314	\$207	3.2%	60.2%	39.8%
\$25,000 - \$39,999	16	\$15,458	\$966	\$676	\$290	3.2%	69.9%	30.1%
\$40,000 - \$99,999	30	\$41,499	\$1,383	\$1,105	\$278	2.3%	79.9%	20.1%
\$100,000 - \$249,999	25	\$46,796	\$1,872	\$1,220	\$652	1.1%	65.2%	34.8%
\$250,000 - \$499,999	11	\$31,462	\$2,860	\$2,080	\$780	0.8%	72.7%	27.3%
\$500,000 - \$749,999	3	\$7,200	\$2,400	\$800	\$1,600	0.4%	33.3%	66.7%
\$750,000 - \$999,999	1	\$7,722	\$7,722	\$7,722	\$0	0.9%	100.0%	0.0%
>\$1,000,000	5	\$52,101	\$10,420	\$8,336	\$2,084	0.2%	80.0%	20.0%

[^]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)

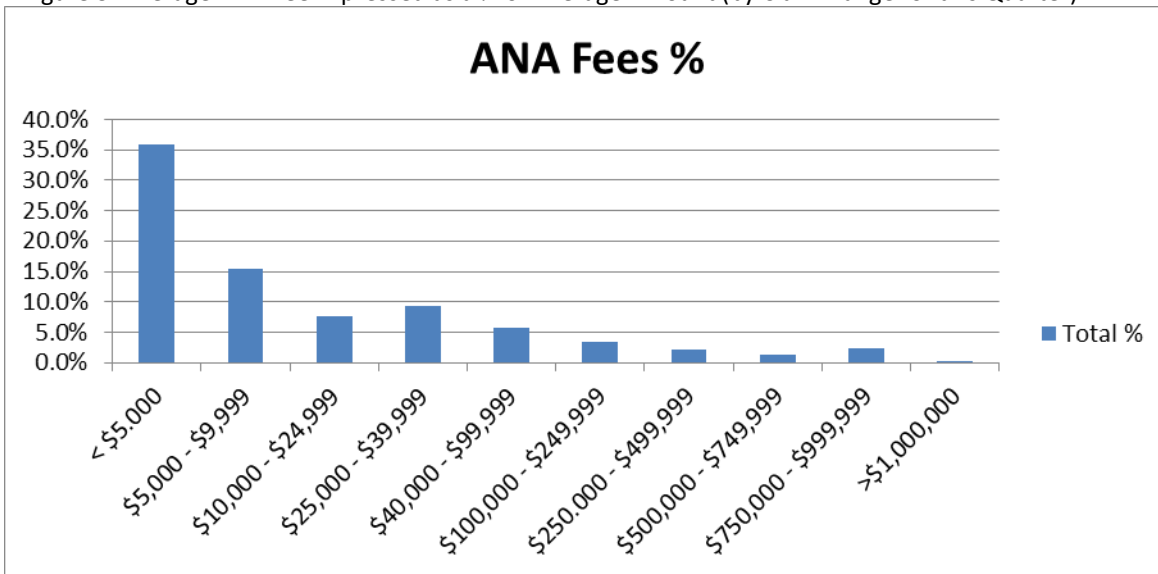
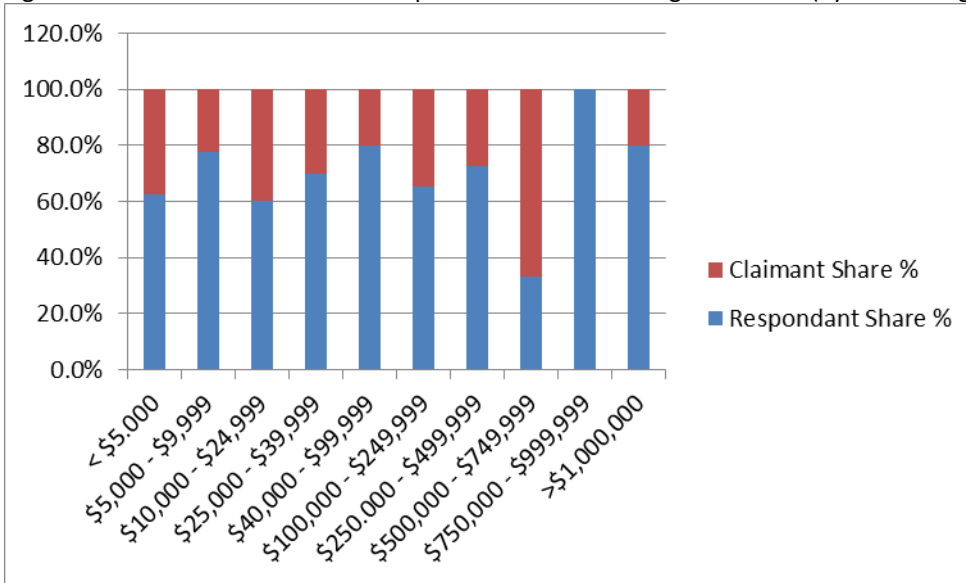


Figure 4: Parties Share of ANA Fees expressed as a % of Average ANA Fees (by Claim Range for this Quarter)



Adjudicator versus ANA Fees

Adjudicator v ANA Fees [^]	Quarter \$	YTD \$	% of Total Fees
Adjudicator	\$422,716	\$1,685,734	65.7%
ANA	\$221,160	\$824,802	34.3%
Total Fees	\$643,877	\$2,510,536	

[^]Determinations released

Total Adjudication Fees [^]	Quarter \$	YTD (\$)
Total Fees*	\$643,877	\$2,510,536
Average Total Fee	\$4,841	\$16,516
Max Total Fee	\$60,868	\$150,848
Min Total Fee	\$0	\$0

[^]Determinations released

ADDITIONAL STATISTICS

Additional Claimed Amount Statistics	Quarter (\$)	YTD (\$)
Total (Determinations Released and Not Yet Released)	\$33,005,203	\$66,655,473
Total Value Adjudicated Amounts (Determinations Not Released)	\$3,883,000	\$12,692,833
Average Adjudicated Amounts (Determinations Not Released)	\$323,583	
Maximum Adjudicated Amounts (Determinations Not Released)	\$2,879,011	
Minimum Adjudicated Amounts (Determinations Not Released)	\$0	

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