



Fair
Trading

- Building and Construction Industry

Security of Payment Act 1999

Adjudication Activity Statistics

Quarterly Report - No. 2

1 October 2016 to 31 December 2016



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 2017

Coverage of this Report: This progress report contains adjudication statistics for the period commencing 1 October 2016 and ending on 31 December 2016.

Rounding: Where figures have been rounded, discrepancies may occur between sums of the component items and the totals shown,

APPLICATIONS

Applications by Number, Status & Section

Table1(a)

| Number and Status | Number (Quarter) | YTD |
|--|------------------|-----|
| Applications lodged | 218 | 408 |
| Determinations released | 104 | 217 |
| Determinations pending release | 17 | 23 |
| Applications not completed | 34 | 34 |
| Application completed but not determined | 63 | 134 |

Table 1(b)

| Application by Section | Number (Quarter) | YTD |
|------------------------|------------------|------------|
| s.17(1)(a)(i) | 118 | 206 |
| s.17(1)(a)(ii) | 0 | 8 |
| s.17(1)(b) | 100 | 194 |
| Total Number | 218 | 408 |

Note: 'Application completed but not determined is an application where the determination has not been released and is not pending release.'

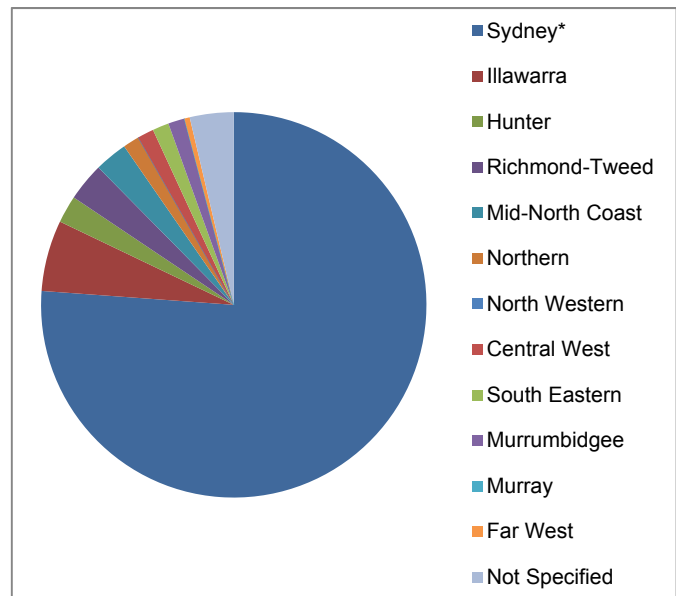
Applications by Region

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

Table 2(a)

| Region (State-wide) | Number (Quarter) | % of Total |
|---------------------|------------------|---------------|
| Sydney* | 166 | 76.1% |
| Illawarra | 13 | 6.0% |
| Hunter | 5 | 2.3% |
| Richmond-Tweed | 7 | 3.2% |
| Mid-North Coast | 6 | 2.8% |
| Northern | 3 | 1.4% |
| North Western | nil | nil |
| Central West | 3 | 1.4% |
| South Eastern | 3 | 1.4% |
| Murrumbidgee | 3 | 1.4% |
| Murray | nil | nil |
| Far West | 1 | 0.5% |
| Not Specified | 8 | 3.7% |
| Total Number | 218 | 100.0% |

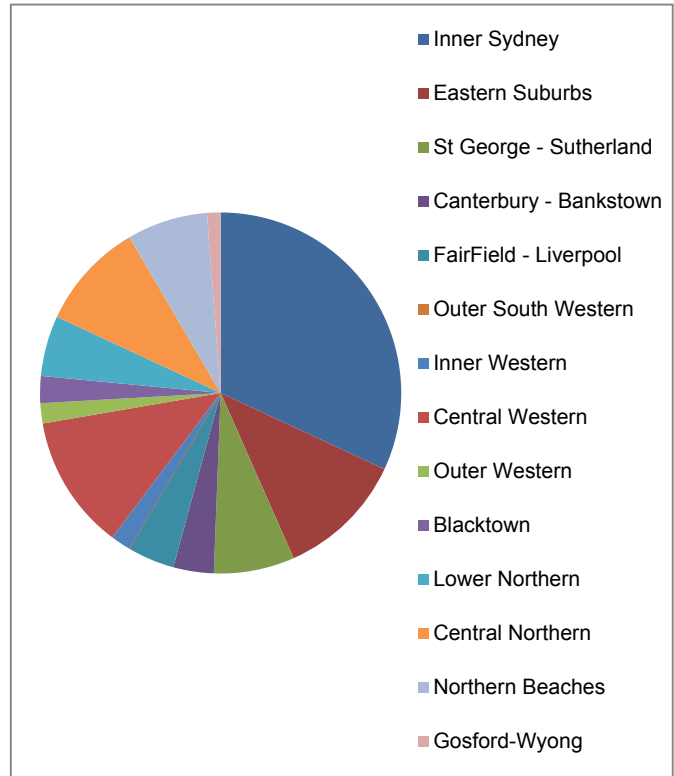


*See 'Sydney Distribution' Table 2(b) on page 3

Sydney Distribution

Table 2(b)

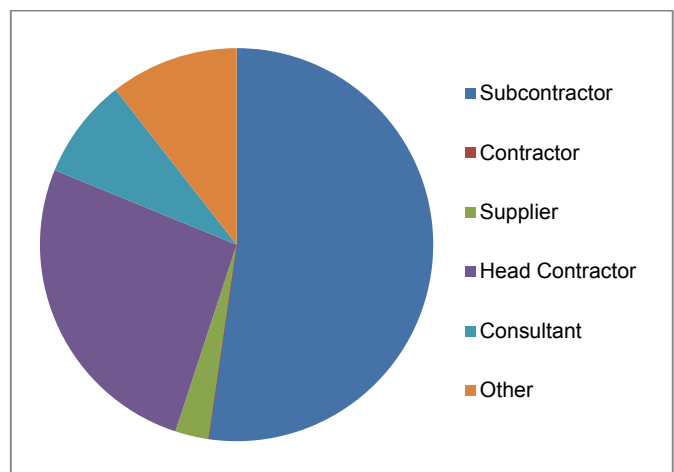
| Region (Sydney) | Number (Quarter) | % of Total |
|-----------------------|------------------|---------------|
| Inner Sydney | 53 | 31.9% |
| Eastern Suburbs | 19 | 11.4% |
| St George-Sutherland | 12 | 7.2% |
| Canterbury- Bankstown | 6 | 3.6% |
| Fairfield - Liverpool | 7 | 4.2% |
| Outer South Western | nil | nil |
| Inner Western | 3 | 1.8% |
| Central Western | 20 | 12.0% |
| Outer Western | 3 | 1.8% |
| Blacktown | 4 | 2.4% |
| Lower Northern | 9 | 5.4% |
| Central Northern | 16 | 9.6% |
| Northern Beaches | 12 | 7.2% |
| Gosford-Wyong | 2 | 1.2% |
| Total Number | 166 | 100.0% |



Application by Claimant Type

Table 3(a)

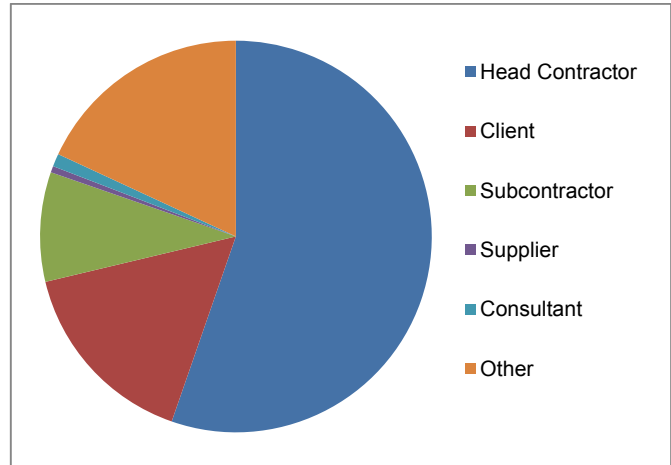
| Claimant Distribution | Number (Quarter) | % of Total |
|-----------------------|------------------|---------------|
| Subcontractor | 114 | 53.3% |
| Contractor | nil | Nil |
| Supplier | 6 | 2.8% |
| Head Contractor | 57 | 26.1% |
| Consultant | 18 | 8.3% |
| Other | 23 | 10.6% |
| Total Number | 218 | 100.0% |



Application by Respondent Type

Table 3(b)

| Respondent Distribution | Number (Quarter) | % of Total |
|-------------------------|------------------|---------------|
| Head Contractor | 100 | 45.9% |
| Client | 43 | 19.7% |
| Subcontractor | 17 | 7.8% |
| Supplier | nil | nil |
| Consultant | 10 | 4.6% |
| Other | 48 | 22.0% |
| Total Number | 218 | 100.0% |



CLAIMED AMOUNT

Claimed Amount Statistics

Table 4

| Claimed Amount Statistics | Quarter (\$) | YTD (\$) |
|--|--------------|--------------|
| Total value of claimed amounts | \$63,296,760 | \$93,846,653 |
| Total value of claimed amounts (Determinations Released) | \$42,788,986 | \$64,078,533 |
| Average claimed amount | \$290,352 | |
| Average claimed amount (Determination Released) | \$411,432 | |
| Maximum claim amount | \$15,095,927 | |
| Maximum claim amount (Determination Released) | \$15,095,927 | |
| Minimum claimed amount | \$380 | |
| Minimum claimed amount (Determination Released) | \$440 | |

DETERMINATIONS

Claimed versus Adjudicated Amounts

Table 5

| Claimed v. Adjudicated Amounts | Quarter (\$) | YTD (\$) |
|--|--------------|--------------|
| Total value of claimed amounts (Determinations released)* | \$42,788,986 | \$64,078,533 |
| Total value of adjudicated amounts (Determinations released) | \$33,671,988 | \$46,092,106 |

* Shown in Table 4

Determinations by Claim Range

Table 6

| Claimed Amount (\$) | Number (Quarter) [^] | Average Claimed Amount (\$) | Average Determined (\$) (% of Average Claimed Amount) | Number awarded 100% of claimed amount (% of Number) |
|-----------------------|-------------------------------|-----------------------------|--|--|
| < \$5000 | 12 | \$3,071 | \$1,939 (63%) | 11 (92%) |
| \$5,000 - \$9,999 | 7 | \$8,106 | \$7,971 (98%) | 5 (71%) |
| \$10,000 - \$24,999 | 25 | \$17,639 | \$17,362 (98%) | 20 (80%) |
| \$25,000 - \$39,999 | 8 | \$31,096 | \$33,942 (109%) | 3 (38%) |
| \$40,000 - \$99,999 | 18 | \$62,777 | \$60,044 (96%) | 11 (61%) |
| \$100,000 - \$249,999 | 14 | \$159,310 | \$163,271 (102%) | 10 (71%) |
| \$250,000 - \$499,999 | 8 | \$356,010 | \$342,147 (96%) | 3 (38%) |
| \$500,000 - \$749,999 | 5 | \$648,225 | \$519,125 (80%) | nil |
| \$750,000 - \$999,999 | 2 | \$831,776 | nil | nil |
| ≥\$1,000,000 | 5 | \$6,178,507 | \$12,920,021 (209%) | 1 (20%) |
| Total Number | 104 | | | 64 (62%) |

[^] Determinations released

Adjudication Certificates Issued by Adjudicated Amounts

Table 7

| Adjudicated Amount (\$) | Number (Quarter) [^] | Number of Certificates Issued (% of Number) |
|-------------------------|-------------------------------|---|
| < \$5000* | 12 | 2 (17%) |
| \$5,000 - \$9,999 | 9 | 1 (11%) |
| \$10,000 - \$24,999 | 26 | 11 (42%) |
| \$25,000 - \$39,999 | 6 | 1 (17%) |
| \$40,000 - \$99,999 | 17 | 8 (47%) |
| \$100,000 - \$249,999 | 15 | 4 (27%) |
| \$250,000 - \$499,999 | 9 | 2 (22%) |
| \$500,000 - \$749,999 | 1 | 1 (100%) |
| \$750,000 - \$999,999 | nil | nil |
| ≥\$1,000,000 | 2 | 1 (50%) |
| Total Number | 97 | 31 (32%) |

[^]Determinations released

*Adjudicated amounts of \$nil not counted (n=7)

ADJUDICATION FEES

Adjudication fees by Claim Range

Table 8

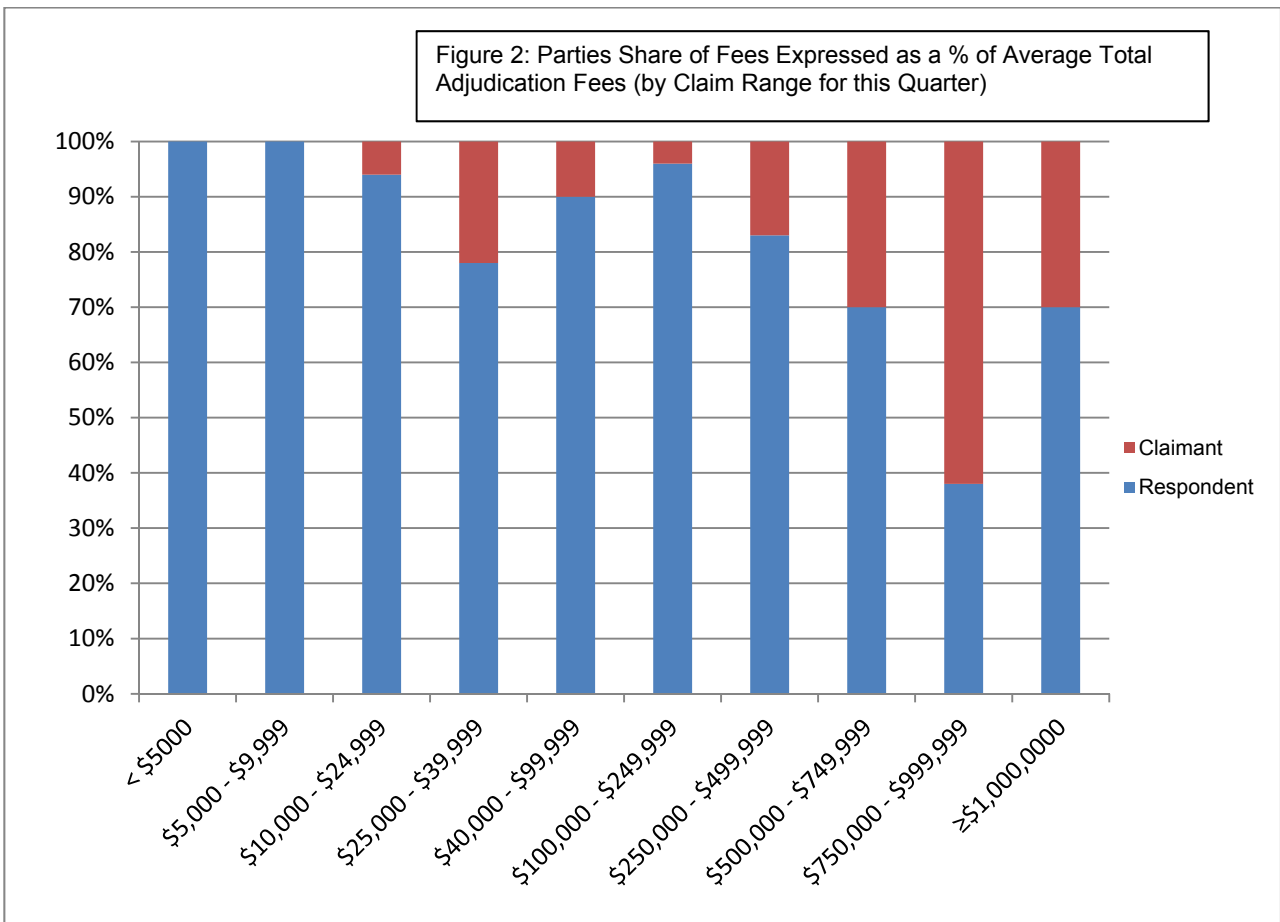
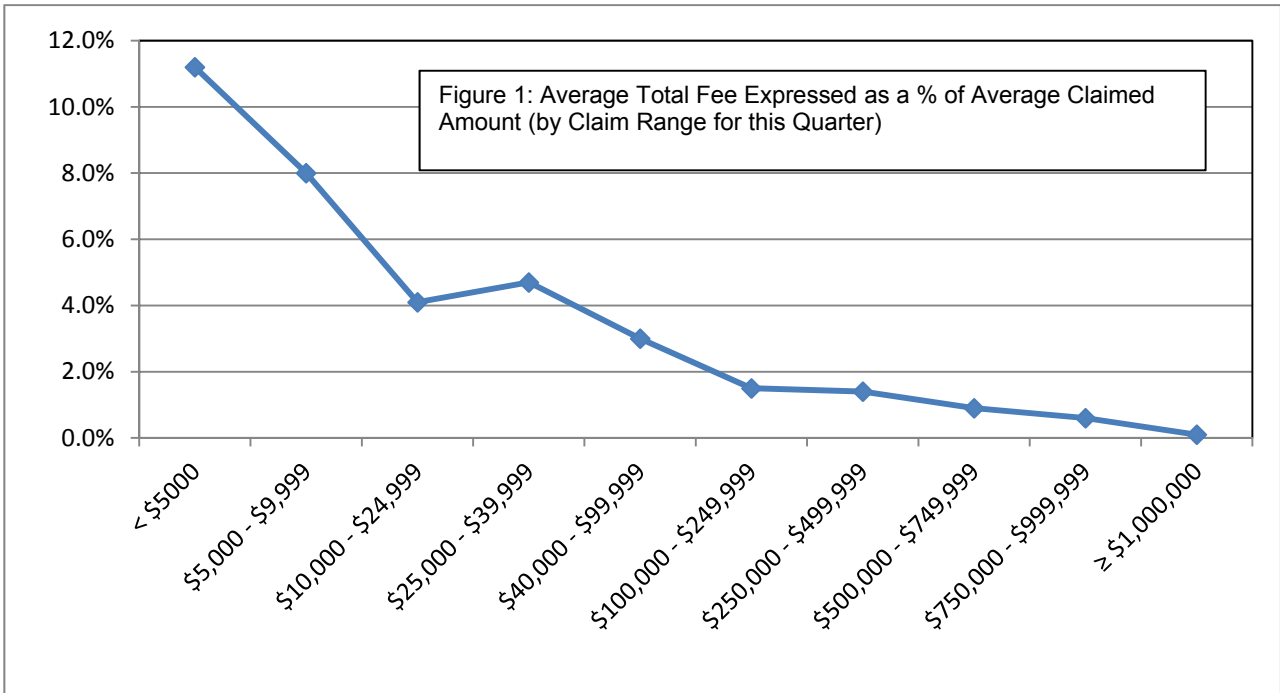
| Claimed Amount (\$) | Number (Quarter) [^] | Average Fees (\$) | | | Average Fees % | | |
|-----------------------|-------------------------------|-------------------|------------------|----------------|----------------|----------------------|--------------------|
| | | Total | Respondent Share | Claimant Share | Total (1) | Respondent Share (2) | Claimant Share (3) |
| < \$5000 | 12 | \$343 | \$343 | \$0 | 11.2% | 100.0% | 0.0% |
| \$5,000 - \$9,999 | 7 | \$648 | \$648 | \$0 | 8.0% | 100.0% | 0.0% |
| \$10,000 - \$24,999 | 25 | \$732 | \$688 | \$44 | 4.1% | 94.0% | 6.0% |
| \$25,000 - \$39,999 | 8 | \$1,468 | \$1,145 | \$323 | 4.7% | 78.0% | 22.0% |
| \$40,000 - \$99,999 | 18 | \$1,891 | \$1,701 | \$190 | 3.0% | 90.0% | 10.0% |
| \$100,000 - \$249,999 | 14 | \$2,462 | \$2,363 | \$99 | 1.5% | 96.0% | 4.0% |
| \$250,000 - \$499,999 | 8 | \$5,120 | \$4,249 | \$871 | 1.4% | 83.0% | 17.0% |
| \$500,000 - \$749,999 | 5 | \$5,758 | \$4,030 | \$1,728 | 0.9% | 70.0% | 30.0% |
| \$750,000 - \$999,999 | 2 | \$5,122 | \$1,946 | \$3,176 | 0.6% | 38.0% | 62.0% |
| ≥\$1,000,000 | 5 | \$8,026 | \$5,618 | \$2,408 | 0.1% | 70.0% | 30.0% |
| Total Number | 104 | | | | | | |

[^]Determinations released

(1) Average Total Adjudication Fee expressed as a percentage of the Average Claimed Amount shown in Table 6 on page 5.

(2) Average Respondent share expressed as a percentage of the Average Total Adjudication Fee.

(3) Average Claimant share expressed as a percentage of the Average Total Adjudication Fee.



Adjudicator versus ANA Fees

Table 9

| Adjudicator V. ANA Fees [^] | Quarter \$ | YTD \$ | % of Total Fees |
|--------------------------------------|------------------|--------------------|-----------------|
| Adjudicator | \$313,056 | \$786,574 | 71.0% |
| ANA | \$141,684 | \$321,116 | 29.0% |
| Total Adjudication Fee | \$454,740 | \$1,107,690 | 100% |

[^]Determinations released

Adjudication Fees Statistics

Table 10

| Adjudication Fee Statistics [^] | Quarter \$ |
|--|------------|
| Total Adjudication Fees* | \$454,740 |
| Average Total Adjudication Fee | \$4,372 |
| Max Total Adjudication Fee | \$24,862 |
| Min Total Adjudication Fee | \$0 |

[^]Determinations released

*Shown in Table 9 above

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

