



Fair
Trading

Building and Construction Industry Security of Payment Act 1999

Adjudication Activity Statistics

Quarterly Report - No. 2

1 October 2019 to 31 December 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	271	527
Determinations released	118	284
Determinations pending release	22	27
Determinations not release	131	216

Application by Section	Number (Quarter)	YTD
S17(1)(a)(i)	153	297
S17(1)(a)(ii)	3	10
S17(1)(b)	115	220
Total Number	271	527

Reason for determination not being released	Number (Quarterly)	YTD
Withdrawn	14	24
Settled Privately	36	63
Invalid Application	19	37
Timed Out	7	14
Jurisdiction	0	2
Not yet determined	2	19
Adjudicator conflict of Interest	0	0
Fees not paid	0	1
Other	2	5

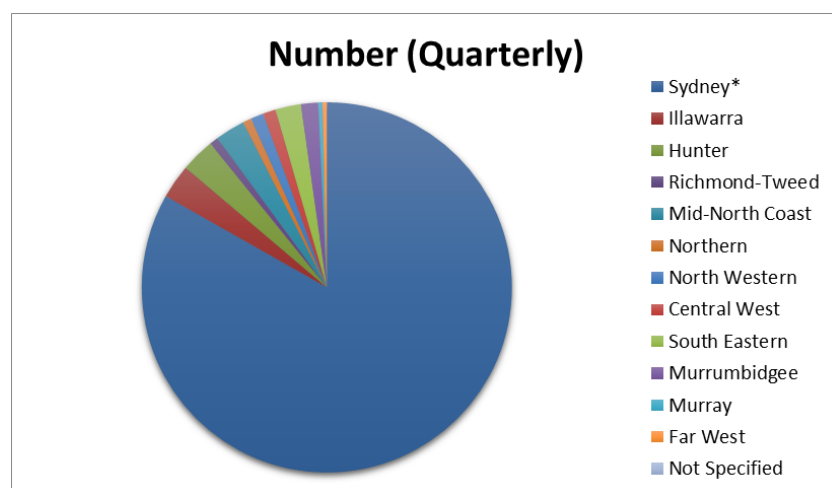
Applications by Region

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

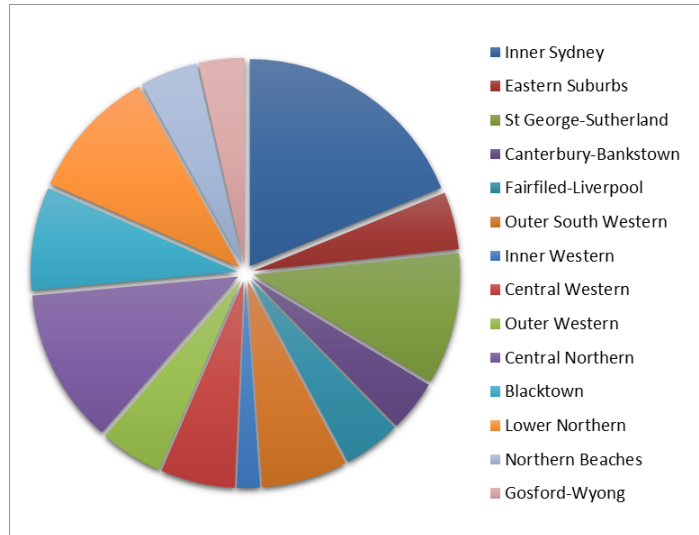
Region (State-wide)	Number (Quarter)	% of Total
Sydney*	223	83.2%
Illawarra	8	3.7%
Hunter	8	8.6%
Richmond-Tweed	2	3.4%
Mid-North Coast	7	3.7%
Northern	2	5.6%
North Western	3	1.5%
Central West	3	4.9%
South Eastern	6	4.1%
Murrumbidgee	4	10.1%
Murray	1	6.7%
Far West	1	8.6%
Not Specified	0	3.0%

* See Sydney Distribution table



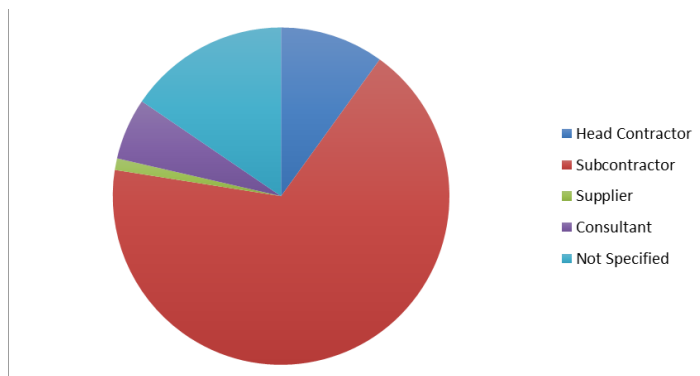
Sydney Distribution

Region (Sydney)	Number (Quarter)	% of Total
Inner Sydney	42	18.8%
Eastern Suburbs	10	4.5%
St George-Sutherland	23	10.3%
Canterbury-Bankstown	9	4.0%
Fairfield-Liverpool	10	4.5%
Outer South Western	15	6.7%
Inner Western	4	1.8%
Central Western	13	5.8%
Outer Western	11	4.9%
Central Northern	27	12.1%
Blacktown	18	8.1%
Lower Northern	23	10.3%
Northern Beaches	10	4.5%
Gosford-Wyong	8	3.6%



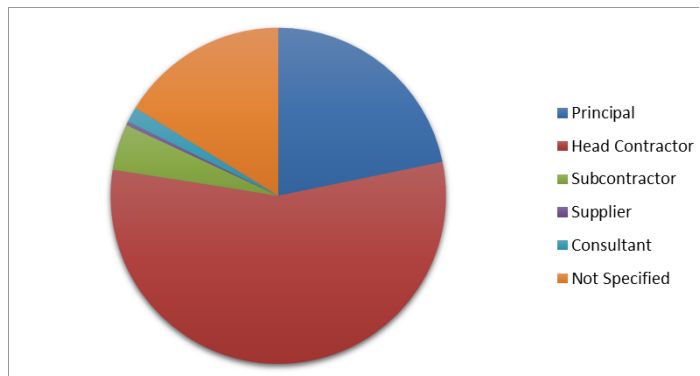
Application by Claimant Type

Claimant Distribution	Number (Quarter)	% of Total
Head Contractor	27	10.0%
Subcontractor	183	67.5%
Supplier	3	1.1%
Consultant	16	5.9%
Not Specified	42	15.5%
Total Number	271	



Application by Respondent Type

Respondent Distribution	Number (Quarter)	% of Total
Principal	59	21.8%
Head Contractor	151	55.7%
Subcontractor	12	4.4%
Supplier	1	0.4%
Consultant	4	1.5%
Not Specified	44	16.2%
Total Number	271	



CLAIMED AMOUNTS

Claimed Amount and Adjudicated Amount Statistics

Claimed Amount v Adjudicated Amount Statistics	Quarter (\$)	YTD (\$)
Total Value Claimed Amounts	\$143,531,175	\$256,284,809
Total Value Claimed Amounts (Determinations released)	\$36,329,123	\$122,967,826
Total Value Adjudicated Amounts (Determinations Released)	\$19,676,798	\$54,772,391
Average Claimed Amount	\$529,635	
Average Adjudicated Amount (Determinations Released)	\$174,131	
Maximum Claim Amount	\$31,783,233	
Maximum Adjudicated Amount (Determinations Released)	\$2,346,346	
Minimum Claimed Amount	\$1,232	
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	3	\$13,409	\$4,470	2
\$5,000 - \$9,999	13	\$90,495	\$6,961	9
\$10,000 - \$24,999	16	\$266,256	\$16,641	11
\$25,000 - \$39,999	18	\$578,921	\$32,162	9
\$40,000 - \$99,999	21	\$1,321,944	\$62,950	8
\$100,000 - \$249,999	21	\$3,415,747	\$162,655	9
\$250,000 - \$499,999	5	\$1,943,134	\$388,627	0
\$500,000 - \$749,999	6	\$3,303,332	\$550,555	0
\$750,000 - \$999,999	2	\$1,720,071	\$860,036	0
≥\$1,000,000	13	\$36,329,123	\$2,794,548	0

[^] Determinations released

Determinations by Adjudicated Amounts

Claimed Amount (\$)	Number (Quarter)^	Cumulative Adjudicated Amount (\$)	Average Adjudicated Amount (\$)
< \$5000	18	\$9,409	\$523
\$5,000 - \$9,999	11	\$73,209	\$6,655
\$10,000 - \$24,999	18	\$299,834	\$16,657
\$25,000 - \$39,999	17	\$536,570	\$31,563
\$40,000 - \$99,999	14	\$850,858	\$60,776
\$100,000 - \$249,999	15	\$2,273,760	\$151,584
\$250,000 - \$499,999	7	\$2,372,873	\$338,982
\$500,000 - \$749,999	5	\$2,986,105	\$597,221
\$750,000 - \$999,999	4	\$3,726,968	\$931,742
≥\$1,000,000	4	\$6,547,212	\$1,636,803

^ Determinations released

Adjudication Certificates Issued by Adjudicated Amounts

Adjudicated Amount (\$)	Number (Quarter)^	Number of Certificates Issued	% of Certificates Issued
< \$5000*	18	1	5.6%
\$5,000 - \$9,999	11	6	54.5%
\$10,000 - \$24,999	18	6	33.3%
\$25,000 - \$39,999	17	7	41.2%
\$40,000 - \$99,999	14	4	28.6%
\$100,000 - \$249,999	15	2	13.3%
\$250,000 - \$499,999	7	1	14.3%
\$500,000 - \$749,999	5	1	20.0%
\$750,000 - \$999,999	4	1	25.0%
≥\$1,000,000	4	2	50.0%

^ Determinations released

*Adjudicated amounts of \$nil not counted

ADJUDICATION FEES

Adjudication fees by Claim Range

Claimed Amount (\$)	Number (Quarter)^A	Total	Average	Respondent Share	Claimant Share	Total (1)	Respondent Share (2)	Claimant Share (3)
< \$5,000	3	\$1,969	\$656	\$438	\$219	14.7%	66.7%	33.3%
\$5,000 - \$9,999	13	\$12,888	\$991	\$847	\$144	14.2%	85.5%	14.5%
\$10,000 - \$24,999	16	\$25,317	\$1,582	\$1,372	\$211	9.5%	86.7%	13.3%
\$25,000 - \$39,999	18	\$40,958	\$2,275	\$1,805	\$470	7.1%	79.3%	20.7%
\$40,000 - \$99,999	21	\$87,600	\$4,171	\$3,073	\$1,098	6.6%	73.7%	26.3%
\$100,000 - \$249,999	21	\$151,763	\$7,227	\$5,544	\$1,683	4.4%	76.7%	23.3%
\$250,000 - \$499,999	5	\$72,864	\$14,573	\$10,201	\$4,372	3.7%	70.0%	30.0%
\$500,000 - \$749,999	6	\$45,265	\$7,544	\$5,922	\$1,622	1.4%	78.5%	21.5%
\$750,000 - \$999,999	2	\$26,224	\$13,112	\$9,572	\$3,540	1.5%	73.0%	27.0%
>\$1,000,000	13	\$262,265	\$20,174	\$11,158	\$9,016	0.7%	55.3%	44.7%

^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)

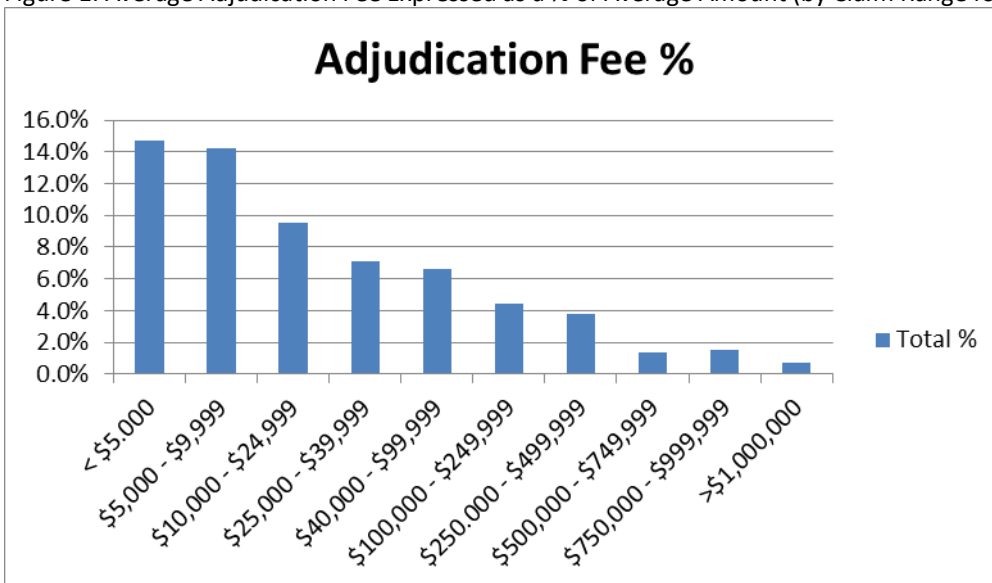
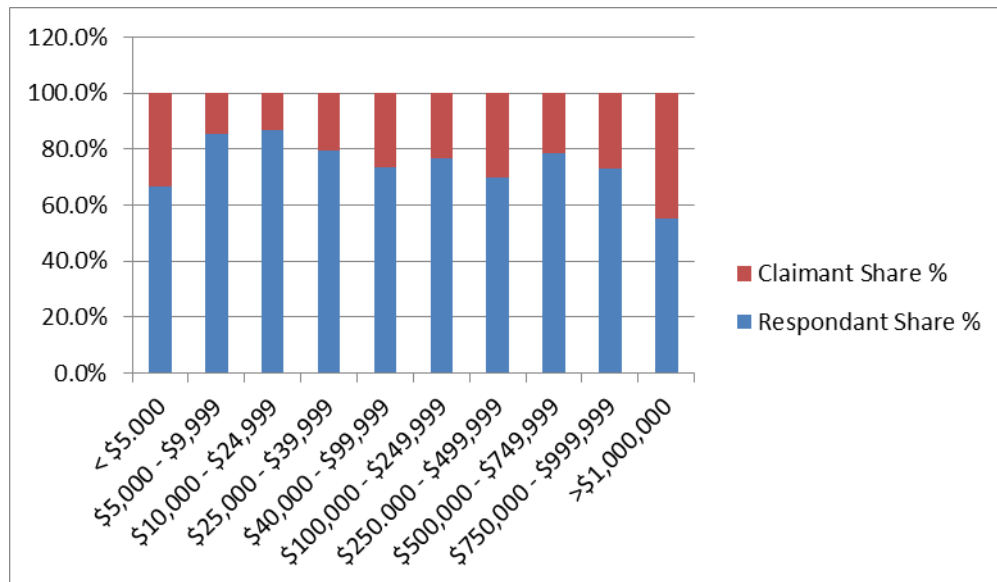


Figure 2: Parties Share of Adjudication Fees expressed as a % of Average Adjudication Fees (by Claim Range for this Quarter)



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	3	\$748	\$249	\$166	\$83	5.6%	66.7%	33.3%
\$5,000 - \$9,999	13	\$4,403	\$339	\$257	\$81	4.9%	76.0%	24.0%
\$10,000 - \$24,999	16	\$8,546	\$534	\$405	\$130	3.2%	75.7%	24.3%
\$25,000 - \$39,999	18	\$15,166	\$843	\$642	\$200	2.6%	76.2%	23.8%
\$40,000 - \$99,999	21	\$29,005	\$1,381	\$956	\$426	2.2%	69.2%	30.8%
\$100,000 - \$249,999	21	\$46,391	\$2,209	\$1,461	\$748	1.4%	66.1%	33.9%
\$250,000 - \$499,999	5	\$22,935	\$4,587	\$3,211	\$1,376	1.2%	70.0%	30.0%
\$500,000 - \$749,999	6	\$10,929	\$1,821	\$1,302	\$520	0.3%	71.5%	28.5%
\$750,000 - \$999,999	2	\$7,051	\$3,526	\$949	\$2,576	0.4%	26.9%	73.1%
>\$1,000,000	13	\$68,554	\$5,273	\$1,950	\$3,323	0.2%	37.0%	63.0%

[^]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)

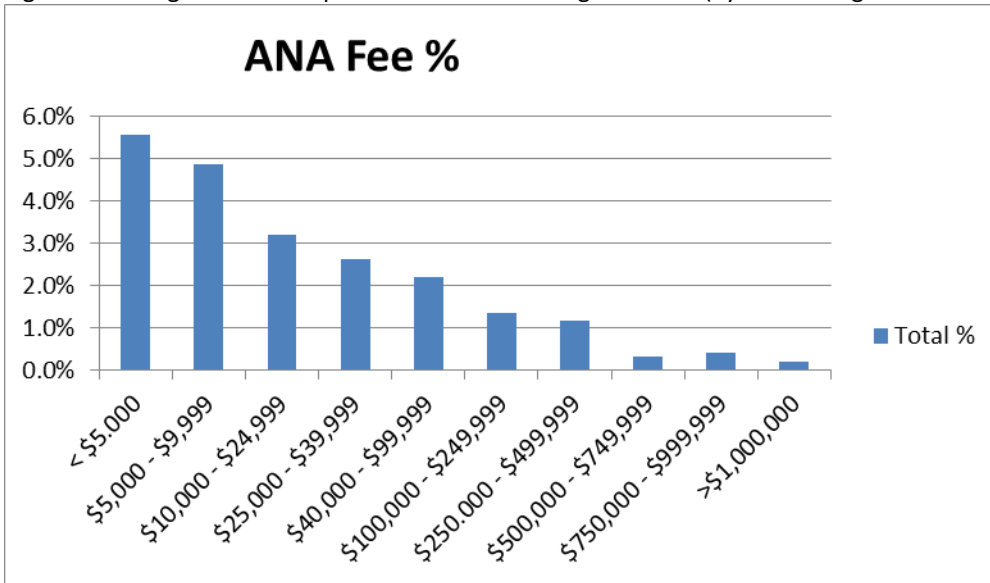
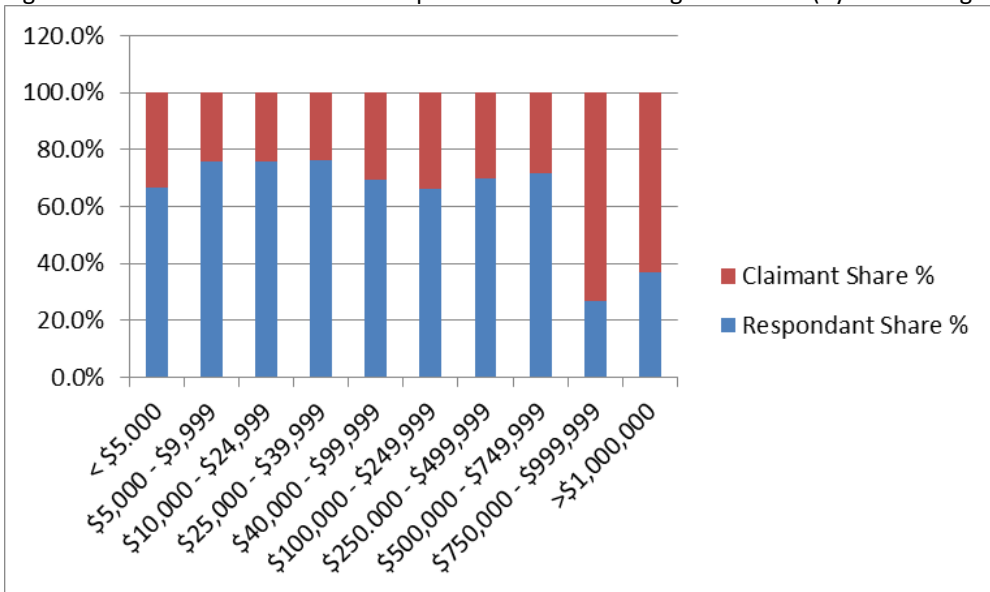


Figure 4: Parties Share of ANA Fees expressed as a % of Average ANA Fees (by Claim Range for this Quarter)



Adjudicator versus ANA Fees

Adjudicator v ANA Fees [^]	Quarter \$	YTD \$	% of Total Fees
Adjudicator	\$513,385	\$1,336,072	70.6%
ANA	\$213,728	\$579,880	29.4%
Total Fees	\$727,112	\$1,915,952	

[^]Determinations released

Total Adjudication Fees [^]	Quarter \$	YTD (\$)
Total Fees*	\$727,112	\$1,915,952
Average Total Fee	\$6,162	\$13,324
Max Total Fee	\$38,698	\$98,824
Min Total Fee	\$0	\$0

[^]Determinations released

ADDITIONAL STATISTICS

Additional Claimed Amount Statistics	Quarter (\$)	YTD (\$)
Total (Determinations Released and Not Yet Released)	\$13,498,489	\$13,892,321
Total Value Adjudicated Amounts (Determinations Not Released)	\$1,651,278	\$1,734,091
Average Adjudicated Amounts (Determinations Not Released)	\$75,058	
Maximum Adjudicated Amounts (Determinations Not Released)	\$829,102	
Minimum Adjudicated Amounts (Determinations Not Released)	\$0	

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