

# Building and Construction Industry

## Security of Payment Act 1999

Adjudication Activity Statistics

Quarterly Report - No. 4

April to June 2021

**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	357	1050
Determinations released	271	662
Determinations pending release	11	26
Determinations not released	75	384

Application by Section	Number (Quarter)	YTD
S17(1)(a)(i)	267	598
S17(1)(a)(ii)	3	25
S17(1)(b)	87	427
<b>Total Number</b>	<b>357</b>	<b>1050</b>

Reason for determination not being released	Number (Quarterly)	YTD
Withdrawn	18	89
Settled Privately	18	70
Invalid Application	2	56
Timed Out	13	51
Jurisdiction	0	9
Not yet determined	14	116
Adjudicator conflict of Interest	1	1
Fees not paid	2	3
Other	0	1

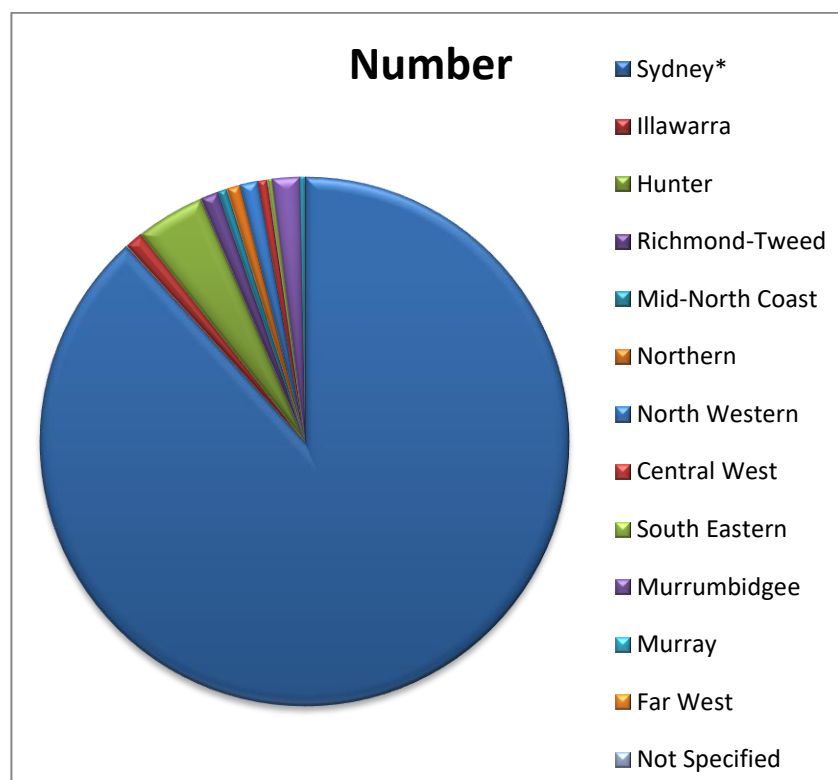
## Applications by Region

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

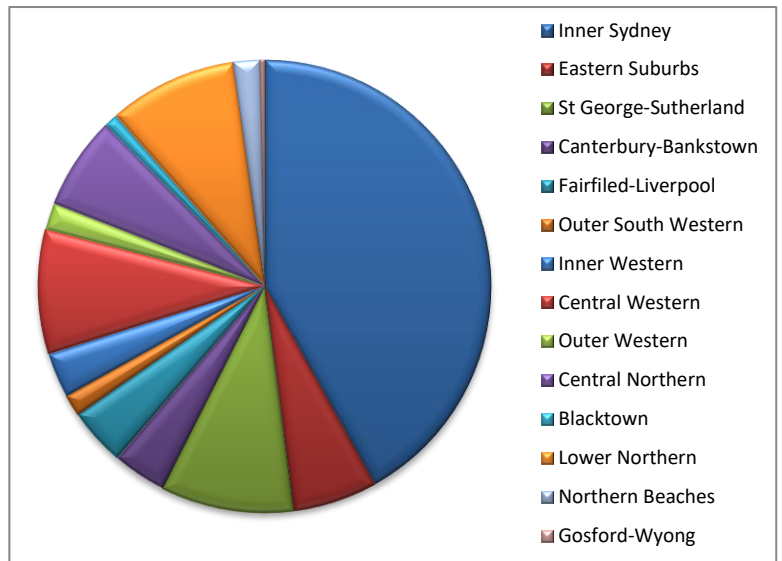
Region (State-wide)	Number (Quarter)	% of Total
Sydney*	315	88.2%
Illawarra	4	1.1%
Hunter	15	4.2%
Richmond-Tweed	4	1.1%
Mid-North Coast	2	0.6%
Northern	3	0.8%
North Western	4	1.1%
Central West	2	0.6%
South Eastern	1	0.3%
Murrumbidgee	6	1.7%
Murray	1	0.3%
Far West	0	0.0%
Not Specified	0	0.0%

\* See Sydney Distribution table



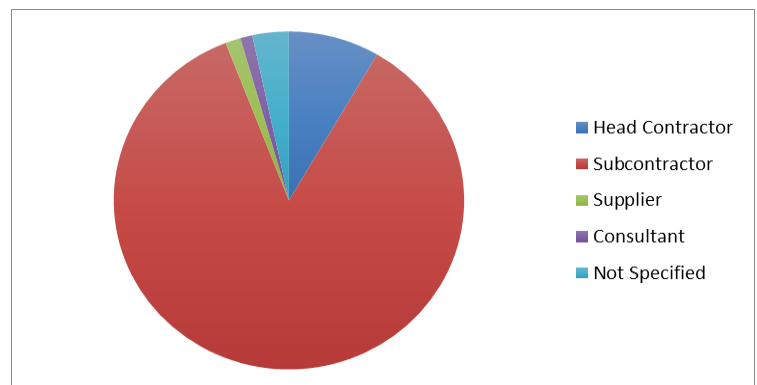
## Sydney Distribution

Region (Sydney)	Number (Quarter)	% of Total
Inner Sydney	132	41.9%
Eastern Suburbs	19	6.0%
St George-Sutherland	30	9.5%
Canterbury-Bankstown	12	3.8%
Fairfield-Liverpool	13	4.1%
Outer South Western	5	1.6%
Inner Western	10	3.2%
Central Western	28	8.9%
Outer Western	6	1.9%
Central Northern	21	6.7%
Blacktown	3	1.0%
Lower Northern	29	9.2%
Northern Beaches	6	1.9%
Gosford-Wyong	1	0.3%



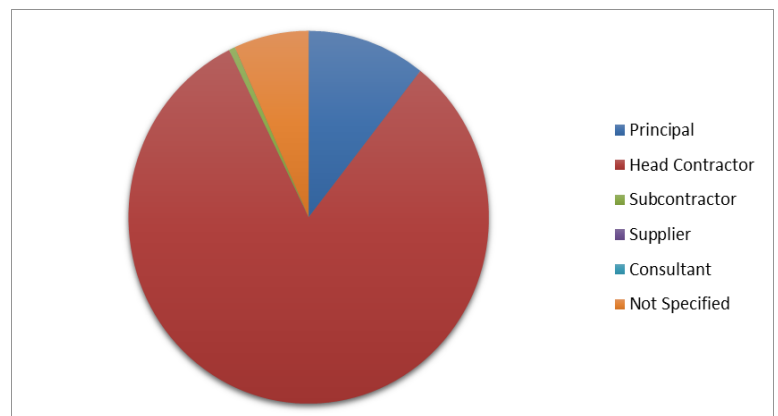
## Application by Claimant Type

Claimant Distribution	Number (Quarter)	% of Total
Head Contractor	30	8.4%
Subcontractor	306	85.7%
Supplier	5	1.4%
Consultant	4	1.1%
Not Specified	12	3.4%
<b>Total Number</b>	<b>357</b>	



## Application by Respondent Type

Respondent Distribution	Number (Quarter)	% of Total
Principal	38	10.6%
Head Contractor	293	82.1%
Subcontractor	2	0.6%
Supplier	0	0.0%
Consultant	0	0.0%
Not Specified	24	6.7%
<b>Total Number</b>	<b>357</b>	



## CLAIMED AMOUNTS

### Claimed Amount and Adjudicated Amount Statistics

Claimed Amount v Adjudicated Amount Statistics	Quarter (\$)	YTD (\$)
Total Value Claimed Amounts	\$136,745,017	\$471,540,299
Total Value Claimed Amounts (Determinations released)	\$106,352,095	\$247,363,978
Total Value Adjudicated Amounts (Determinations Released)	\$27,654,334	\$74,298,623
Average Claimed Amount	\$383,039	
Average Adjudicated Amount (Determinations Released)	\$102,046	
Maximum Claim Amount	\$56,215,355	
Maximum Adjudicated Amount (Determinations Released)	\$12,867,182	
Minimum Claimed Amount	\$53	
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	161	\$200,552	\$1,246	1
\$5,000 - \$9,999	22	\$154,612	\$7,028	2
\$10,000 - \$24,999	26	\$452,223	\$17,393	1
\$25,000 - \$39,999	8	\$251,638	\$31,455	1
\$40,000 - \$99,999	25	\$1,691,379	\$67,655	0
\$100,000 - \$249,999	9	\$1,524,761	\$169,418	0
\$250,000 - \$499,999	6	\$1,905,728	\$317,621	0
\$500,000 - \$749,999	2	\$1,328,212	\$664,106	0
\$750,000 - \$999,999	2	\$1,864,899	\$932,450	0
≥\$1,000,000	10	\$31,380,360	\$3,138,036	0

^ Determinations released

## Determinations by Adjudicated Amounts

Claimed Amount (\$)	Number (Quarter)^	Cumulative Adjudicated Amount (\$)	Average Adjudicated Amount (\$)
< \$5000	170	\$194,670	\$1,145
\$5,000 - \$9,999	25	\$179,806	\$7,192
\$10,000 - \$24,999	26	\$454,058	\$17,464
\$25,000 - \$39,999	7	\$215,790	\$30,827
\$40,000 - \$99,999	21	\$1,287,342	\$61,302
\$100,000 - \$249,999	8	\$1,375,594	\$171,949
\$250,000 - \$499,999	2	\$561,901	\$280,950
\$500,000 - \$749,999	5	\$3,007,651	\$601,530
\$750,000 - \$999,999	2	\$1,770,682	\$885,341
≥\$1,000,000	5	\$18,606,839	\$3,721,368

^ Determinations released

## Adjudication Certificates Issued by Adjudicated Amounts

Adjudicated Amount (\$)	Number (Quarter)^	Number of Certificates Issued	% of Certificates Issued
< \$5000*	170	2	1.2%
\$5,000 - \$9,999	25	5	20.0%
\$10,000 - \$24,999	26	6	23.1%
\$25,000 - \$39,999	7	1	14.3%
\$40,000 - \$99,999	21	7	33.3%
\$100,000 - \$249,999	8	4	50.0%
\$250,000 - \$499,999	2	0	0.0%
\$500,000 - \$749,999	5	0	0.0%
\$750,000 - \$999,999	2	1	50.0%
≥\$1,000,000	5	0	0.0%

^ 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	161	\$67,300	\$418	\$308	\$110	33.6%	73.8%	26.2%
\$5,000 - \$9,999	22	\$15,283	\$695	\$567	\$127	9.9%	81.7%	18.3%
\$10,000 - \$24,999	26	\$37,901	\$1,458	\$1,192	\$266	8.4%	81.8%	18.2%
\$25,000 - \$39,999	8	\$22,741	\$2,843	\$2,538	\$304	9.0%	89.3%	10.7%
\$40,000 - \$99,999	25	\$101,127	\$4,045	\$3,059	\$986	6.0%	75.6%	24.4%
\$100,000 - \$249,999	9	\$80,624	\$8,958	\$5,711	\$3,247	5.3%	63.8%	36.3%
\$250,000 - \$499,999	6	\$37,284	\$6,214	\$4,074	\$2,140	2.0%	65.6%	34.4%
\$500,000 - \$749,999	2	\$24,492	\$12,246	\$10,094	\$2,152	1.8%	82.4%	17.6%
\$750,000 - \$999,999	2	\$37,665	\$0	\$0	\$0	0.0%	0.0%	0.0%
>\$1,000,000	10	\$386,632	\$38,663	\$25,984	\$12,679	1.2%	67.2%	32.8%

^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)

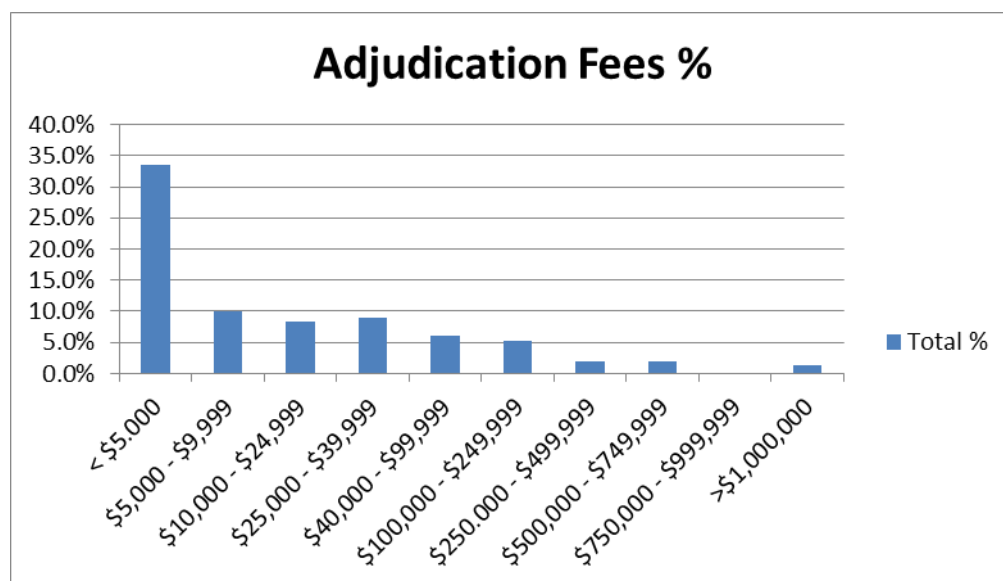
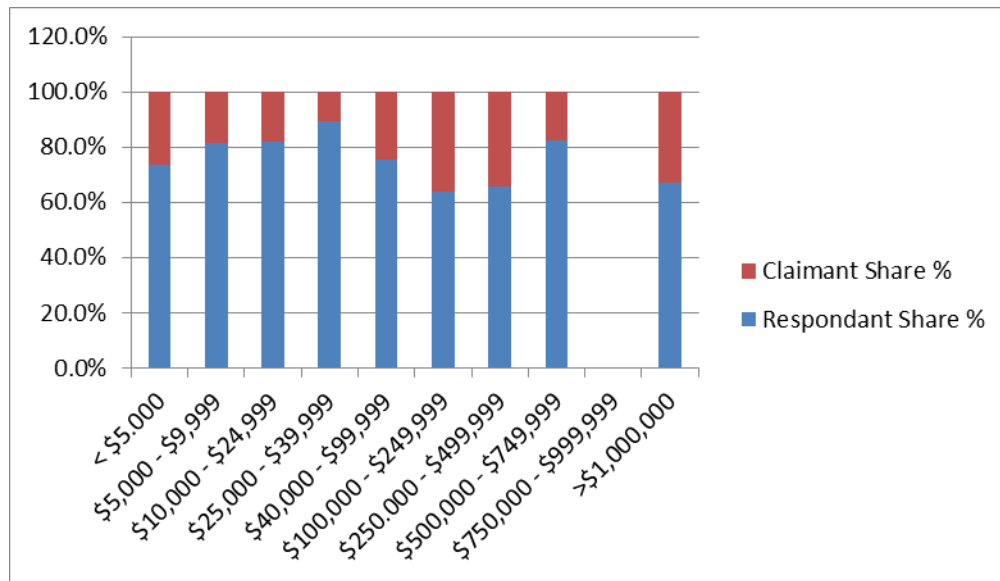


Figure 2: Parties Share of Adjudication Fees expressed as a % of Average Adjudication Fees (by Claim Range for this Quarter)



## FEES

### ANA fees by Claim Range

Claimed Amount (\$)	Number (Quarter) <sup>^</sup>	Total	Average	Respondent Share	Claimant Share	Total <sup>(1)</sup>	Respondent Share <sup>(2)</sup>	Claimant Share <sup>(3)</sup>
< \$5,000	161	\$18,013	\$112	\$31	\$81	9.0%	27.5%	72.5%
\$5,000 - \$9,999	22	\$4,701	\$214	\$107	\$107	3.0%	50.2%	49.8%
\$10,000 - \$24,999	26	\$11,126	\$428	\$243	\$185	2.5%	56.7%	43.3%
\$25,000 - \$39,999	8	\$7,385	\$923	\$676	\$247	2.9%	73.2%	26.8%
\$40,000 - \$99,999	25	\$29,645	\$1,186	\$716	\$470	1.8%	60.4%	39.6%
\$100,000 - \$249,999	9	\$23,975	\$2,664	\$1,558	\$1,106	1.6%	58.5%	41.5%
\$250,000 - \$499,999	6	\$0	\$0	\$0	\$0	0.0%	0.0%	0.0%
\$500,000 - \$749,999	2	\$8,208	\$4,104	\$2,773	\$1,331	0.6%	67.6%	32.4%
\$750,000 - \$999,999	2	\$12,555	\$0	\$0	\$0	0.0%	0.0%	0.0%
> \$1,000,000	10	\$76,160	\$7,616	\$3,259	\$4,357	0.2%	42.8%	57.2%

<sup>^</sup>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)

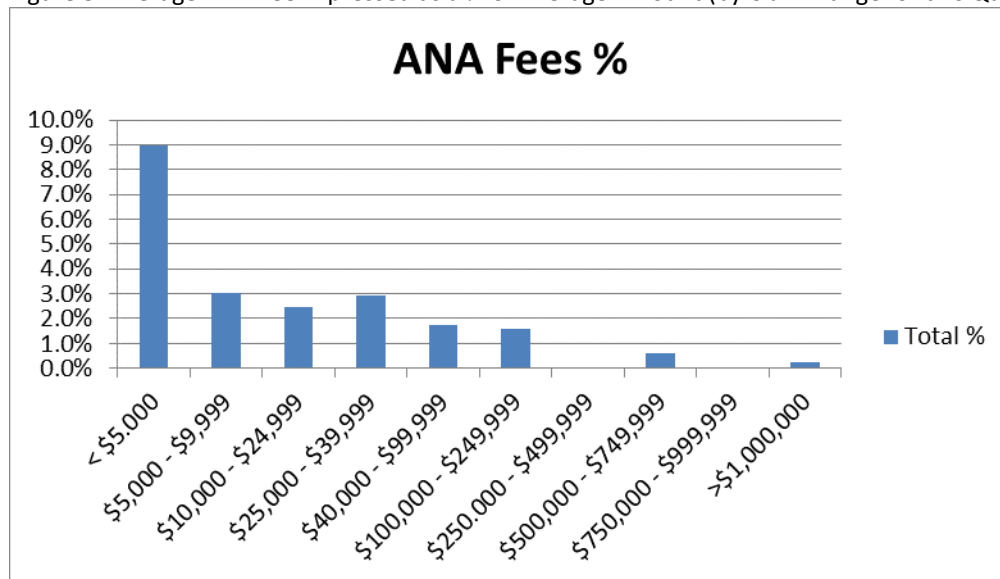
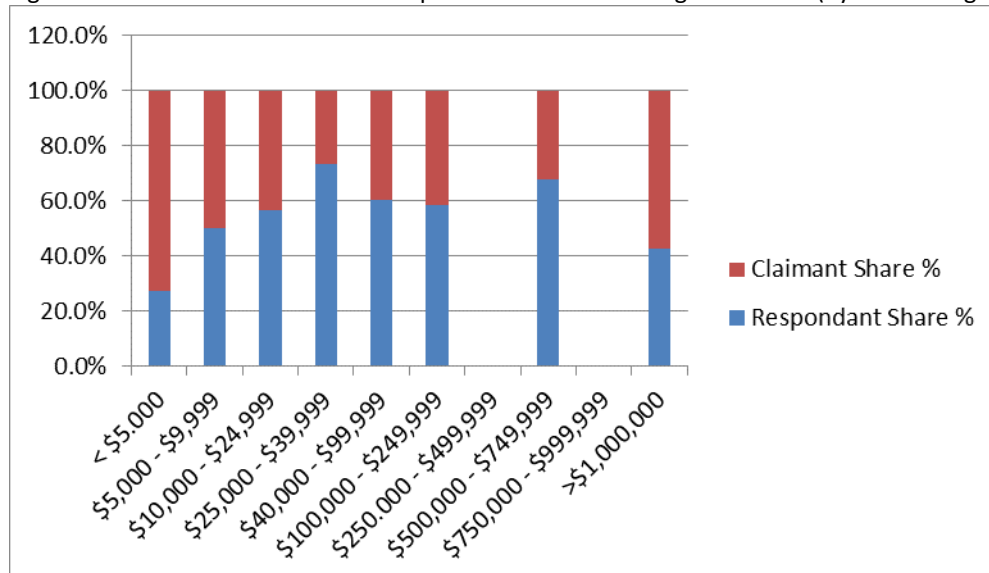


Figure 4: Parties Share of ANA Fees expressed as a % of Average ANA Fees (by Claim Range for this Quarter)



### Adjudicator versus ANA Fees

Adjudicator v ANA Fees^	Quarter \$	YTD \$	% of Total Fees
Adjudicator	\$608,201	\$2,185,700	75.0%
ANA	\$202,349	\$875,009	25.0%
<b>Total Fees</b>	<b>\$810,549</b>	<b>\$3,060,708</b>	

^Determinations released

Total Adjudication Fees^	Quarter \$	YTD (\$)
Total Fees*	\$811,049	\$3,044,135
Average Total Fee	\$2,993	\$21,293
Max Total Fee	\$194,698	\$343,363
Min Total Fee	\$0.00	\$0.00

^Determinations released

## ADDITIONAL STATISTICS

Additional Claimed Amount Statistics	Quarter (\$)	YTD (\$)
Total (Determinations Released and Not Yet Released)	\$2,247,513	\$25,966,200
Total Value Adjudicated Amounts (Determinations Not Released)	\$1,434,596	\$13,619,598
Average Adjudicated Amounts (Determinations Not Released)	\$130,418	
Maximum Adjudicated Amounts (Determinations Not Released)	\$1,217,066	
Minimum Adjudicated Amounts (Determinations Not Released)	\$0	

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