



Fair  
Trading

# Building and Construction Industry Security of Payment Act 1999

Adjudication Activity Statistics

Quarterly Report - No. 3

1 January 2017 to 31 March 2017



**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 January 2017 and ending on 31 March 2017.

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	155	563
Determinations released	109	326
Determinations pending release	5	28
Applications not completed	16	50
Application completed but not determined	25	159

Table 1(b)

Application by Section	Number (Quarter)	YTD
s.17(1)(a)(i)	80	286
s.17(1)(a)(ii)	3	11
s.17(1)(b)	72	266
<b>Total Number</b>	<b>155</b>	<b>563</b>

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

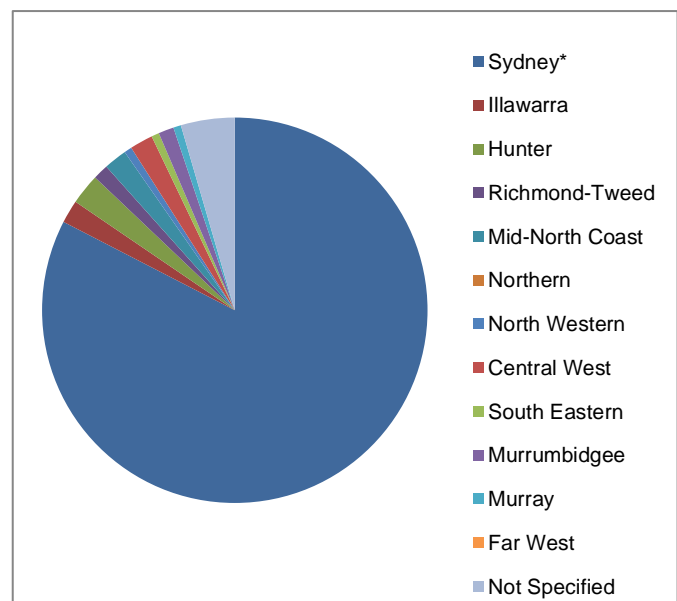
## Applications by Region

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*	128	82.6%
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%
<b>Total Number</b>	<b>218</b>	<b>100.0%</b>

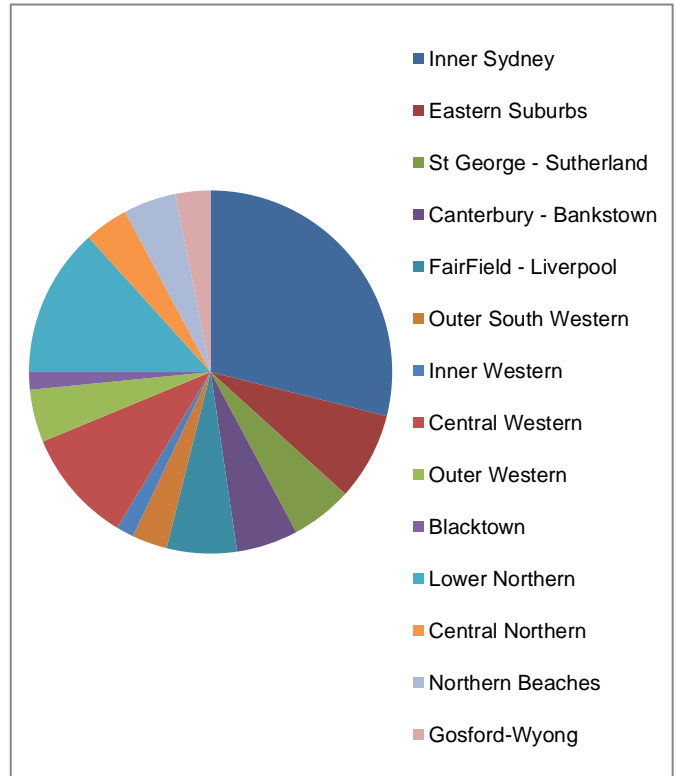


\*See 'Sydney Distribution' Table 2(b) on page 3

## Sydney Distribution

Table 2(b)

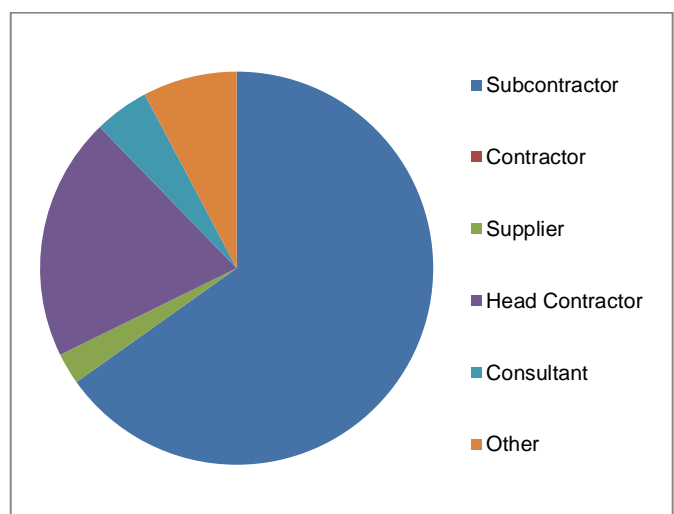
Region (Sydney)	Number (Quarter)	% of Total
Inner Sydney	37	28.9%
Eastern Suburbs	10	7.8%
St George-Sutherland	7	5.5%
Canterbury- Bankstown	7	5.5%
Fairfield - Liverpool	8	6.3%
Outer South Western	4	3.1%
Inner Western	2	1.6%
Central Western	13	10.2%
Outer Western	6	4.7%
Blacktown	2	1.6%
Lower Northern	17	13.3%
Central Northern	5	3.9%
Northern Beaches	6	4.7%
Gosford-Wyong	4	3.1%
<b>Total Number</b>	<b>128</b>	<b>100.0%</b>



## Application by Claimant Type

Table 3(a)

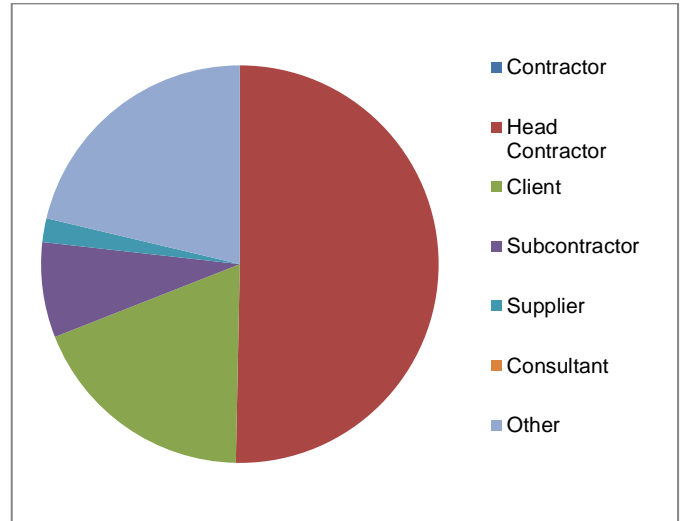
Claimant Distribution	Number (Quarter)	% of Total
Subcontractor	101	65.2%
Contractor	nil	nil
Supplier	4	2.6%
Head Contractor	31	20.0%
Consultant	7	4.5%
Other	12	7.7%
<b>Total Number</b>	<b>155</b>	<b>100.0%</b>



## Application by Respondent Type

Table 3(b)

Respondent Distribution	Number (Quarter)	% of Total
Contractor	nil	nil
Head Contractor	78	50.3%
Client	29	18.7%
Subcontractor	12	7.7%
Supplier	3	1.9%
Consultant	nil	nil
Other	33	21.3%
<b>Total Number</b>	<b>155</b>	<b>100.0%</b>



## CLAIMED AMOUNT

### Claimed Amount Statistics

Table 4

Claimed Amount Statistics	Quarter (\$)	YTD (\$)
Total value claimed amounts	\$51,944,779	\$145,791,432
Total value claimed amounts (Determinations Released)	\$43,722,320	\$107,800,853
Av. claimed Amount	\$335,127	
Av. claimed Amount (Determination Released)	\$401,122	
Max Claim Amount	\$17,786,023	
Max Claim Amount (Determination Released)	\$17,786,023	
Min claimed amount	\$700	
Min claimed amount (Determination Released)	\$1,365	

# DETERMINATIONS

## Claimed versus Adjudicated Amounts

Table 5

Claimed v. Adjudicated Amounts	Quarter (\$)	YTD (\$)
Total value claimed amounts (Determinations released)*	\$43,722,320	\$107,800,853
Total Value of Adjudicated Amount (Determinations released)*	\$12,850,920	\$58,943,026

\* 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	10	\$3,265	\$3,265 (100.0%)	10 (100.0%)
\$5,000 - \$9,999	11	\$7,603	\$6,842 (89.9%)	8 (72.7%)
\$10,000 - \$24,999	22	\$16,392	\$14,644 (89.3%)	12 (54.5%)
\$25,000 - \$39,999	11	\$30,552	\$24,178 (79.1%)	5 (45.5%)
\$40,000 - \$99,999	24	\$68,587	\$51,464 (75.3%)	13 (54.2%)
\$100,000 - \$249,999	8	\$154,958	\$88,270 (57.0%)	3 (37.5%)
\$250,000 - \$499,999	6	\$349,625	\$169,587 (48.5%)	2 (33.3%)
\$500,000 - \$749,999	6	\$598,929	\$83,177 (13.9%)	nil
\$750,000 - \$999,999	5	\$804,397	\$456,121 (56.7%)	nil
≥ \$1,000,000	6	\$5,051,703	\$1,067,378 (21.1%)	nil
<b>Total Number</b>	<b>109</b>			<b>53 (48.6%)</b>

^ Determinations released

## Adjudication Certificates Issued by Adjudicated Amounts

Table 7

Adjudicated Amount (\$)	Number (Quarter)^	Number of Certificates Issued (% of Number)
< \$5000*	10	2 (20.0%)
\$5,000 - \$9,999	14	3 (21.4%)
\$10,000 - \$24,999	24	9 (37.5%)
\$25,000 - \$39,999	9	2 (22.2%)
\$40,000 - \$99,999	22	6 (27.2%)
\$100,000 - \$249,999	6	1 (16.6%)
\$250,000 - \$499,999	6	2 (33.3%)
\$500,000 - \$749,999	2	nil
\$750,000 - \$999,999	1	nil
≥\$1,000,000	3	1 (33.3%)
<b>Total Number</b>	<b>97</b>	<b>26 (26.8%)</b>

^Determinations released

\*Adjudicated amounts of \$nil not counted (n=12)

## ADJUDICATION FEES

### Adjudication fees by Claim Range

Table 8

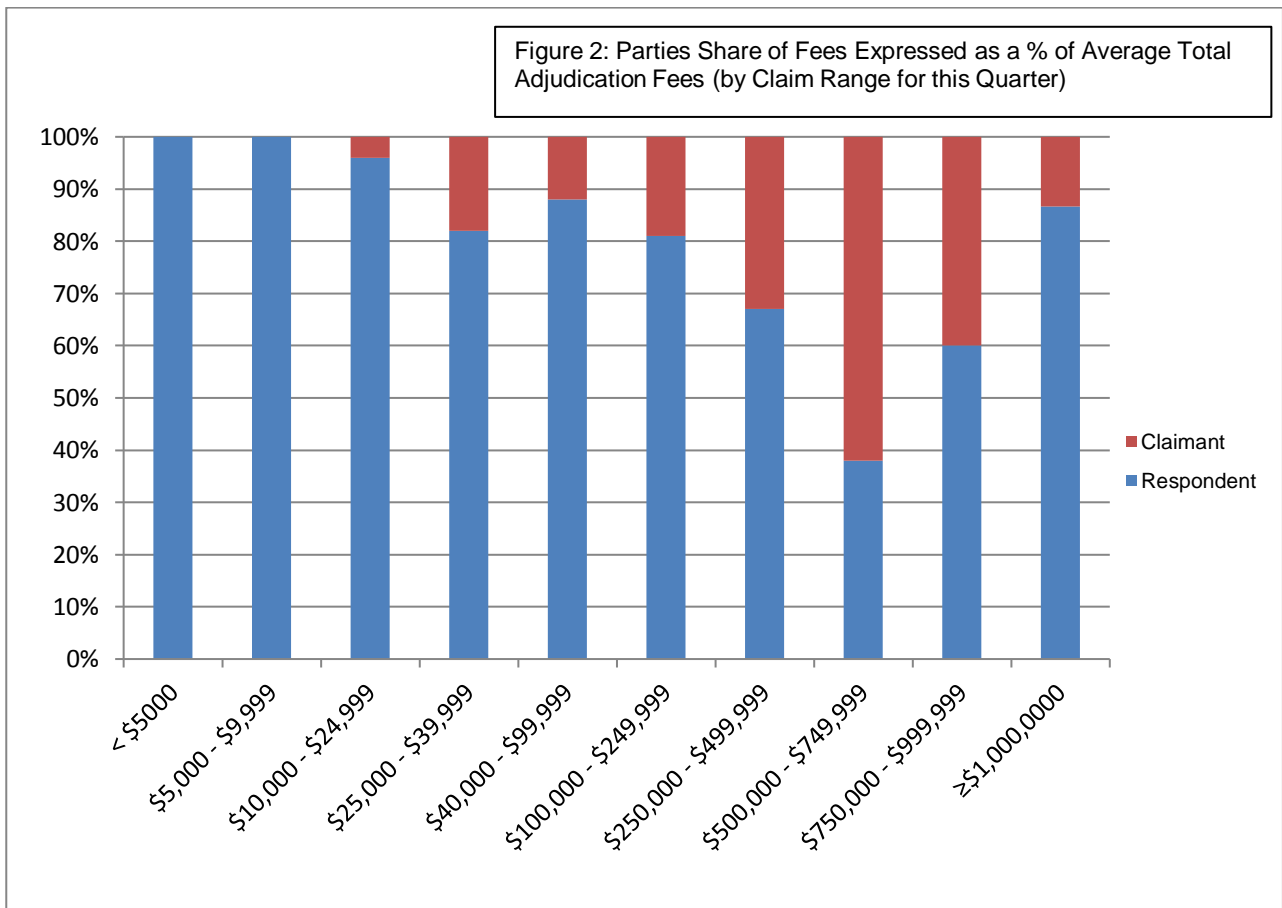
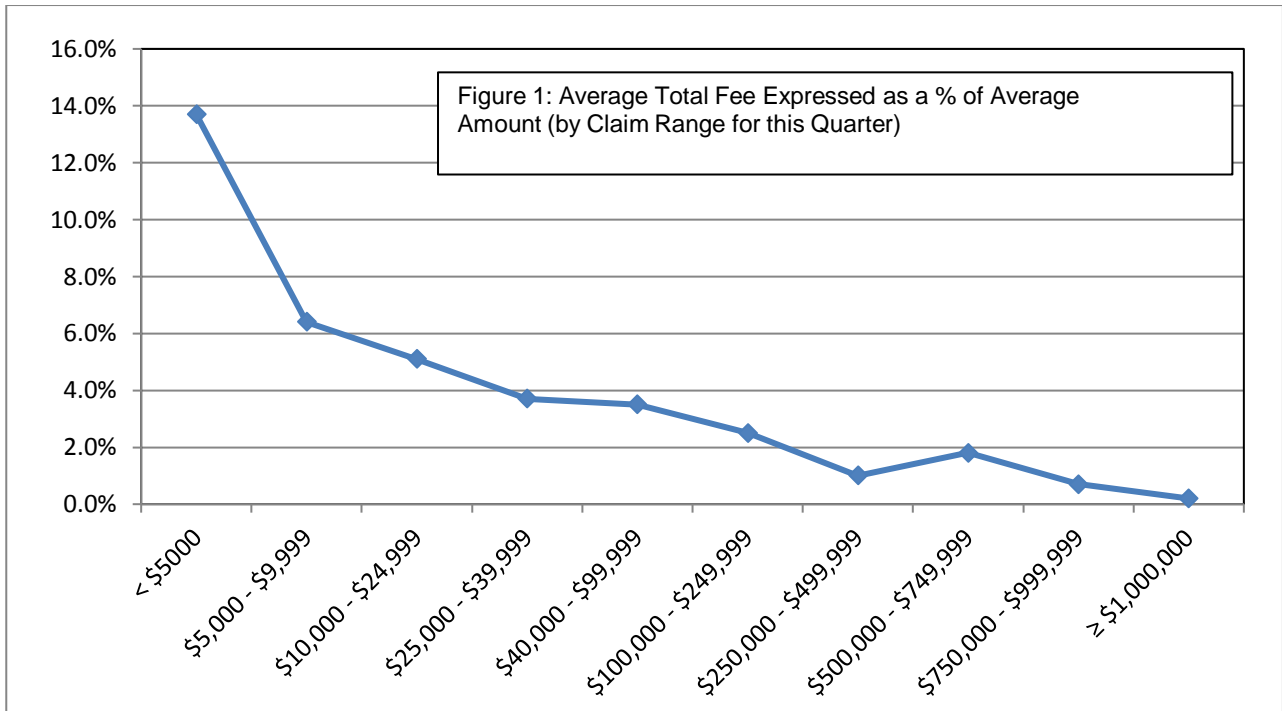
Claimed Amount (\$)	Number (Quarter)^	Average Fees (\$)			Average Fees %		
		Total	Respondent Share	Claimant Share	Total (1)	Respondent Share (2)	Claimant Share (3)
< \$5000	10	\$448	\$448	\$0	13.7%	100.0%	nil
\$5,000 - \$9,999	11	\$490	\$490	\$0	6.4%	100.0%	nil
\$10,000 - \$24,999	22	\$842	\$808	\$34	5.1%	96.0%	4.0%
\$25,000 - \$39,999	11	\$1,140	\$935	\$205	3.7%	82.0%	18.0%
\$40,000 - \$99,999	24	\$2,417	\$2,127	\$290	3.5%	88.0%	12.0%
\$100,000 - \$249,999	8	\$3,940	\$3,191	\$749	2.5%	81.0%	19.0%
\$250,000 - \$499,999	6	\$3,398	\$2,277	\$1,121	1.0%	67.0%	33.0%
\$500,000 - \$749,999	6	\$10,549	\$4,009	\$6,540	1.8%	38.0%	62.0%
\$750,000 - \$999,999	5	\$5,785	\$3,471	\$2,314	0.7%	60.0%	40.0%
≥ \$1,000,000	6	\$11,747	\$9,163	\$2,584	0.2%	78.0%	12.0%
<b>Total Number</b>	<b>109</b>						

^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 <sup>^</sup>	Quarter \$	YTD \$	% of Total Fees
Adjudicator	\$441,962	\$1,228,536	71.0%
ANA	\$182,931	\$504,047	29.0%
<b>Total Adjudication Fee</b>	<b>\$624,893</b>	<b>\$1,732,583</b>	<b>100%</b>

<sup>^</sup>Determinations released

## Adjudication Fees Statistics

Table 10

Adjudication Fee Statistics <sup>^</sup>	Quarter \$
Total Adjudication Fees*	\$624,893
Average Total Adjudication Fee	\$2,893
Max Total Adjudication Fee	\$56,000
Min Total Adjudication Fee	\$495

<sup>^</sup>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](http://www.fairtrading.nsw.gov.au)

