



**ABCB**

## **Independent third party review**

Model guidance on BCR recommendation 17

2021

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# Preface

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The [Building Confidence Report](#) (BCR), published in April 2018, made 24 recommendations to Building Ministers to address systemic issues in the Australian building industry. Building Ministers established the BCR Implementation Team within the Office of the Australian Building Codes Board (ABCB) to work with governments and industry to respond to the recommendations with a focus on national consistency where possible.

The BCR Implementation Team's work aims to establish national best-practice models in response to BCR recommendations. If implemented, the responses will strengthen compliance with the National Construction Code (NCC), better protecting the interests of people who own, work in, live in and use Australian buildings.

All responses to BCR recommendations have been developed in accordance with the [Building Confidence National Framework](#) with input from industry and governments. Figure 1 lists the outputs developed under the Framework, and where to find them.

State and territory governments have agreed to consider implementation of all BCR endorsed responses. This process will take time depending on each government's regulatory reform agenda, and may be undertaken in stages.

The model guidance for *Independent Third Party Review* represents a nationally agreed response to BCR recommendation 17. This recommendation states “that each jurisdiction requires genuine independent third party review for specified components of designs and/or certain types of buildings”.

The BCR notes that building surveyors do not always hold specialist expertise in all aspects of building design. For this reason they may not be sufficiently competent to confirm compliance for all aspects of all building design documentation, particularly for complex and high risk fire safety and structural designs. In the case where the building surveyor doesn't have specialist competence, they may rely on the competence of the designer, with no independent review of the design. This is the current situation in most states and territories. This process introduces the potential for significant risk of non-compliance with the NCC, particularly for more complex building designs.

In most states and territories the building regulatory system allows independent review of design documents by persons other than the *statutory building* surveyor as part of the *building approval* process. However, the decision to require a review is at the discretion of the *statutory building surveyor* and the practice of requiring an independent review varies from jurisdiction to jurisdiction and between building surveyors.

It is understood that some building surveyors rely on the designer's self-certification of complex and high risk building designs assuming it will give them a level of immunity. Not only is this unlikely to be the case, but the consequences for self-certification are that there is no substantive review of the design by an independent person with sufficient skill to determine whether the design is adequate, acceptable and complies with the NCC.

In some jurisdictions, fire authorities review fire engineering designs as part of a referral process contained within legislation. Fire authorities do not provide an independent or holistic review of the complete design and generally focus on matters impacting fire brigade intervention. Fire authorities may also not have the necessary expertise or staff to undertake a holistic review.

Responses from stakeholders have informed the development of this model guidance, which will be provided to state and territory governments for consideration and implementation as appropriate. The nationally consistent adoption of this model, requiring independent third party review, would provide significant benefit to a national building industry and assist those practitioners who already work or plan to work across borders.

Defined terms used in this document are shown in italics. The definitions can be found in the [Building Confidence Glossary](#).

Figure 1 – Building Confidence Implementation Framework - Outputs



### Next Steps

#### Implementation by state and territory governments

Governments have agreed to consider implementation of the responses. Contact the building authority in your jurisdiction for information on progress.

Each of the outputs listed in Figure 1 can be accessed on the [ABCB website](#).

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## Adoption of model guidance

As a model, this guidance does not have any force until adopted by a jurisdiction. States and territories may have regard to the content of the model. This may include amending or adopting the model for application in their jurisdiction.

The model guidance needs to be read in conjunction with the relevant legislation in a jurisdiction. It is written in generic terms and is not intended to override legislative requirements.

## Purpose

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*Independent Third Party Review (ITPR)* should be considered as part of any *building approval* process. Its purpose is to ensure a more robust, transparent and independent review of building designs. ITPR is a powerful tool in maintaining and enhancing the quality of design work. It is an important check to ensure appropriate processes, assumptions and decisions are made, and aims to improve the overall regulatory compliance of the building design.

This Framework has been developed to provide national model guidance on ITPR. The Framework consists of nine Principles, which address matters described in the BCR.

This Framework outlines the objective and context for each Principle and provides model guidance on appropriate legislative provisions, with further commentary as necessary.

# Principles

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## Principles for Independent Third Party Review (ITPR)

- 1 The statutory building surveyor is responsible for the ITPR process
- 2 ITPR is informed by risk
- 3 Structural and fire safety designs are independently reviewed for high and very high building complexity levels
- 4 The building approval applicant is responsible for engaging a qualified, competent and registered independent third party reviewer
- 5 The statutory building surveyor confirms the extent of review
- 6 ITPR must be completed at the end of the design stage
- 7 The statutory building surveyor is responsible for resolving any ITPR issues or disputes
- 8 A certificate of design compliance is provided by the independent third party reviewer for each ITPR
- 9 The cost of ITPR is borne by the building approval applicant

## Principle 1 – Role of statutory building surveyor

The statutory building surveyor is responsible for the ITPR process

### Objective

That the *statutory building surveyor* is responsible for oversight and approvals associated with the ITPR process.

### Context

ITPR is central to the *building approval* process. The *statutory building surveyor* is responsible for overseeing the ITPR process and using the proposed NCC definition of building complexity.<sup>1</sup> The *statutory building surveyor* should provide advice on which level of complexity a building falls into prior to the commencement of any ITPR, to determine if mandatory ITPR is required and inform the *independent third party reviewer*. Additionally, the *statutory building surveyor* should be able to request ITPR of any part of the design regardless of the building's complexity level. The client can also request ITPR of any part of the building design.

The *statutory building surveyor* must ensure the *independent third party reviewer* (independent reviewer) is registered and competent.<sup>2</sup> The independent reviewer is required to review the design and issue a *certificate of design compliance* that the *statutory building surveyor* can rely on in good faith. While the *statutory building surveyor* may rely on a *certificate of design compliance*, decisions associated with the overall process of ITPR remain the responsibility of the statutory building surveyor.

The *statutory building surveyor* must not personally undertake reviews that are regulated as part of the ITPR process. It is considered an offence, a breach of the *statutory building surveyor's* duty of care and code of conduct<sup>3</sup>, to undertake regulated

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<sup>1</sup> A definition of building complexity is being considered for inclusion in the 2022 edition of the National Construction Code (NCC). The proposed definition was made publicly available for comment, including in the [NCC 2022 Public Comment Draft Stage 1](#). A final decision on the definition phrasing, and whether it is included in the NCC, will be made in mid-2022.

<sup>2</sup> BCR recommendations 1 and 2: [National Registration Framework](#)

<sup>3</sup> BCR recommendation 10: [Code of Conduct for Building Surveyors](#)

ITPR's. It is also an offence as a licensed practitioner and their professional indemnity insurance if they undertake reviews when they are not competent to do so or fail to implement any legislated review process.

The role of an independent reviewer must not replace the statutory role and responsibilities of the *statutory building surveyor*. The *statutory building surveyor* must conduct the statutory work with due diligence, and holds ultimate accountability and responsibility for the overall *building approval* process.<sup>4</sup>

## Legislative provisions

It is recommended that:

1. The *statutory building surveyor* is responsible for overseeing the ITPR process.
2. The *statutory building surveyor* must advise which level of complexity a building falls into using the NCC definition of building complexity.
3. The *statutory building surveyor* can refuse to accept a *certificate of design compliance* if they are not satisfied that the process has been adequately undertaken or completed, or the independent reviewer is not registered and competent.<sup>5</sup>
4. It is an offence, and a breach of the *statutory building surveyor's* statutory duty of care and code of conduct to undertake regulated ITPRs.

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<sup>4</sup> The statutory building surveyor holds ultimate accountability for the ITPR process excluding the scope of the design review undertaken by an independent reviewer who holds a portion of the liability (See Principle 4)

<sup>5</sup> See BCR recommendations 1 and 2: [National Registration Framework](#)

## Principle 2 – ITPR determined by risk analysis

ITPR is informed by risk level

### Objective

That only those designs presenting a higher level of risk are subject to ITPR.

### Context

ITPR should be initiated where due to the complexity of the design it would be inappropriate for the designer to self-certify. The ITPR process increases the probability that design issues are identified and rectified early in the *building approval* process, resulting in lower costs for the end user and enhanced public confidence. Due to free market pressures and the need for consistency and certainty in the approvals process, the trigger for ITPR should be regulated and not left to the discretion of the building surveyor.

Although there is inherent value in any ITPR, its application must be balanced to ensure it meets the overall objective of life safety without being overly burdensome to the *building approval* process. The use of a risk framework will ensure that the application of the process is targeted at those buildings where NCC non-compliance would present an increased health or life safety risk.

A risk based approach should be used to ensure the right level of resources, time, effort and costs are directed to those buildings or aspects of design that require ITPR. It is recommended that the ABCB's proposed NCC definition of 'building complexity' be used as the risk framework that initiates ITPR. At the time of publication the definition was in the process of being considered for inclusion in NCC 2022.<sup>6</sup> It is proposed that any building of high or very high complexity should be subject to ITPR (Figure 2).

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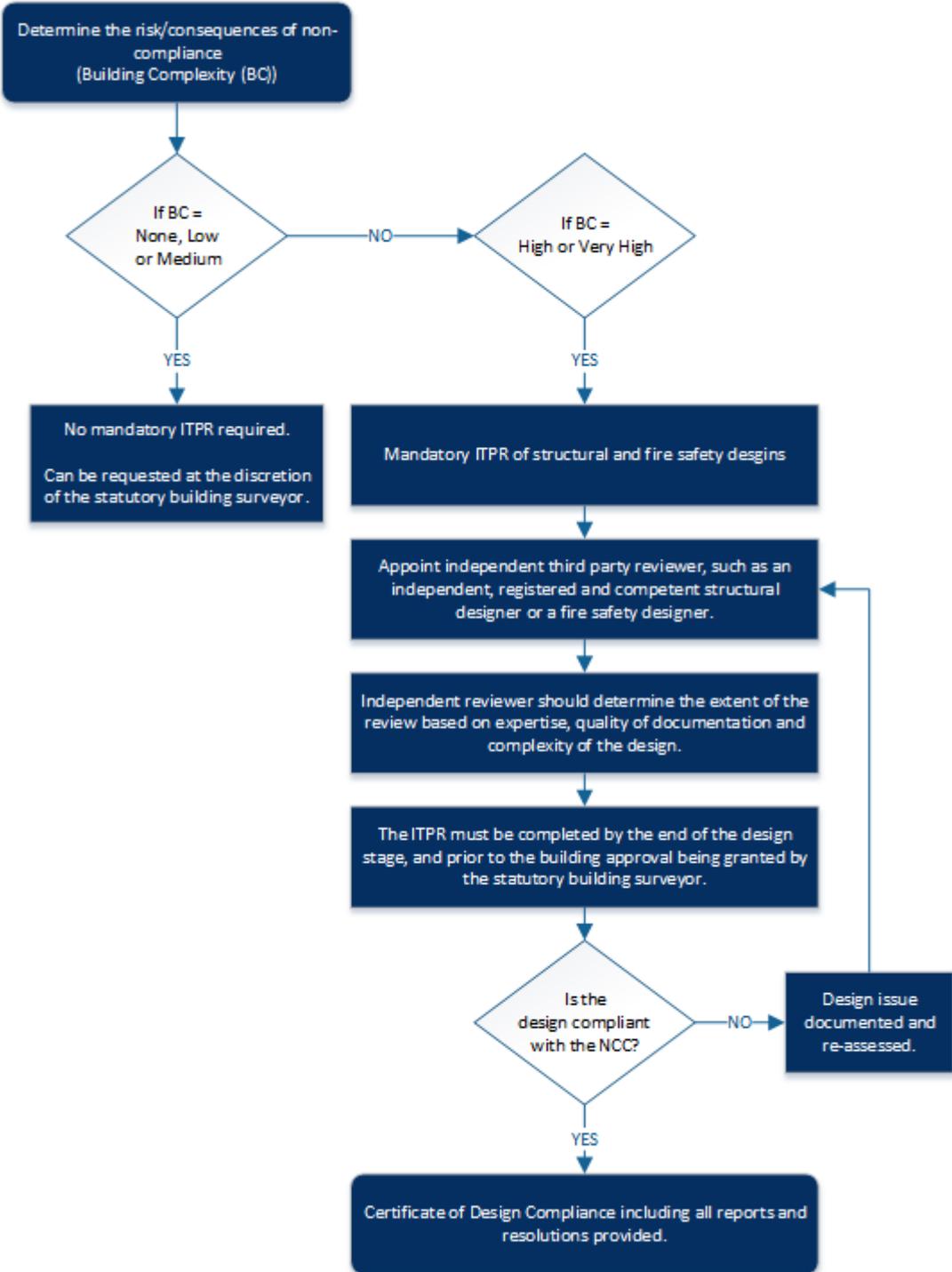
<sup>6</sup> A definition of building complexity is being considered for inclusion in the 2022 edition of the National Construction Code (NCC). The proposed definition was made publicly available for comment, including in the [NCC 2022 Public Comment Draft Stage 1](#). A final decision on the definition phrasing, and whether it is included in the NCC, will be made in mid-2022.

## Legislative provisions

It is recommended that:

1. The NCC building complexity definition be used to determine a building's risk profile.
2. Mandatory ITPR be required for all buildings of high and very high complexity levels.
3. ITPR is mandated and not left to the discretion of the *statutory building surveyor* for high and very high complexity levels.

Figure 2 - Risk model for ITPR



## Principle 3 – ITPR for structural and fire safety designs

Structural and fire safety designs are independently reviewed for high and very high building complexity levels

### Objective

That all structural and *fire safety designs* require mandatory ITPR for buildings assessed as high and very high building complexity levels.

### Context

Structural integrity and fire safety are specific attributes contributing to a building's complexity and overall safety.

The discussion paper on ITPR considered the merits of mandatory ITPR for structural, fire safety, energy efficiency, disability access and façade designs. Although independent review of all these design elements were considered to offer benefit in achieving higher levels of NCC compliance, there was limited support for a mandatory requirement beyond structural and *fire safety design*.

Mandatory ITPR of structural and *fire safety design* is recommended for high and very high building complexity levels. Structural and *fire safety designs* should be subject to a holistic assessment and ITPR should not only be undertaken on specific elements of the design without consideration of its impact on the whole building. The *statutory building surveyor* should have the flexibility to include other design elements for ITPR where they are considered to present a high risk of non-compliance and where the *statutory building surveyor* does not have adequate skills and competency to confirm compliance of all aspects of the design. It is at the discretion of the *statutory building surveyor* whether they require the design to be independently reviewed for non-mandatory elements of the design.

## Legislative provisions

It is recommended that:

1. ITPR of structural and *fire safety designs* be undertaken for all buildings of high and very high complexity levels.
2. Structural and *fire safety designs* must be assessed holistically.
3. The *statutory building surveyor* has the ability to require ITPR of other building design elements beyond structural and fire safety.

## Principle 4 – Role of independent third party reviewer

The building approval applicant is responsible for engaging a qualified, competent and registered independent third party reviewer

### Objective

That the *building approval applicant* is responsible for engaging appropriately qualified, competent and registered practitioners to undertake the ITPR.

### Context

The *building approval applicant* is responsible for engaging appropriately qualified practitioners to undertake the ITPR. The *statutory building surveyor* should be satisfied that the person nominated by the *building approval applicant* to undertake the ITPR is independent and competent.<sup>7</sup>

The individual practitioners must be registered in their jurisdictions and hold the necessary qualifications and experience<sup>8</sup> to perform independent reviews. It is a requirement that the independent reviewer has not been involved in the design to ensure a transparent, robust and independent process.

The independent reviewer must act in the public interest and be accountable to a jurisdiction's building regulator. They must consider their ethical obligations to maintain honesty, objectivity and integrity. The independent reviewer assumes a portion of the liability in undertaking the ITPR process. The portion of liability can only be determined through legislation and regulatory process in each state and territory. It is expected that the independent reviewer is professional and respectful, and promotes a sense of collaboration.

A single independent reviewer can review multiple features of the design (e.g. structural and fire) provided the reviewer is registered in those disciplines and holds

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<sup>7</sup> See BCR recommendations 1 and 2: [National Registration Framework](#), and BCR recommendation 10: [Code of Conduct for Building Surveyors](#).

<sup>8</sup> See BCR recommendations 1 and 2: [National Registration Framework](#)

the pre-requisite qualifications and experience requirements<sup>9</sup>, or multiple independent reviewers may be involved based on the features of the design, building complexity and where Performance Solutions have been used. The *statutory building surveyor*, when satisfied, accepts the independent reviewers' *certificate(s) of design compliance* and includes as part of the *building approval* documentation. The independent reviewer must be fully accountable for their *certificate of compliance* relevant to the scope of review.

## Legislative provisions

It is recommended that:

1. The *building approval applicant* is responsible for engaging appropriately qualified, competent and registered practitioners to undertake the ITPR.
2. The independent reviewer must be registered and competent with the required skills, knowledge and experience to undertake the review and meet the education, competency and experience requirements as prescribed in the [National Registration Framework](#) for BCR recommendations 1 and 2.
3. The independent reviewer must undertake ongoing continuous professional development.
4. The independent reviewer must declare they are independent of the originating designer including by not having participated in any component of the original design or in the process of design decisions.
5. The independent reviewer should declare any real or potential conflict of interest with the *statutory building surveyor*.
6. The independent reviewer must be responsible for independently reviewing and validating the relevant design, reports, calculations and documentation as meeting the requirements of the NCC.

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<sup>9</sup> See BCR recommendations 1 and 2: [National Registration Framework](#)

7. The independent reviewer is accountable for design compliance and must provide a *certificate of design compliance* to the *statutory building surveyor* when satisfied that the design complies with the NCC.
8. The independent reviewer assumes a portion of the liability for the design through the ITPR process, determined through legislation and regulatory process in each state and territory.
9. The independent reviewer must act in the public interest, have no pecuniary or other interest in the outcome of the review, and perform the review without bias.
10. The independent reviewer must agree to maintain confidentiality of the work being reviewed. This includes any information relating to the work that emerges during the review process.
11. An independent reviewer can undertake multiple design reviews (e.g. structural and fire) if they are independent, registered and competent in the relevant categories.
12. The *statutory building surveyor* must not refuse a registered and competent practitioner as per the NRF<sup>10</sup> unless the practitioner does not meet the competency requirements and is not registered.
13. The *statutory building surveyor* must not perform the role of an independent reviewer for mandated ITPR's.

## Further comment

Governments can choose to be involved in ITPR through:

- Requiring a form of statement or declaration as to independence on the ITPR form.
- Conditioning or endorsing registration so that only some registered people can undertake ITPR.
- Government appointed reviewers are reserved for only very high risk buildings.

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<sup>10</sup> See BCR recommendations 1 and 2: [National Registration Framework](#)

## Principle 5 – Extent of ITPR

The statutory building surveyor confirms the extent of review

### Objective

That the *statutory building surveyor* is responsible for confirming the extent of the design to be reviewed as part of an ITPR.

### Context

The *statutory building surveyor*, in consultation with the independent reviewer, is responsible for confirming the extent of the ITPR. The extent of review should be based on expert judgement, the quality of documentation and the complexity of the design. It is expected that all reviews are undertaken holistically and do not focus on individual design elements.

### Legislative provisions

It is recommended that:

1. The *statutory building surveyor* is responsible for confirming the extent of the ITPR in consultation with the independent reviewer.

## Principle 6 – Timing of ITPR

ITPR must be completed at the end of the design stage
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### Objective

That the ITPR must be undertaken on the final design, including any variations to the design that takes place after the *building approval* is issued.

### Context

The ITPR must be completed at the end of the design stage and there should be no outstanding issues with the design prior to the *statutory building surveyor* issuing the *building approval*. Future design changes (variations) or changes to the *building approval* application documentation, impacting the reviewed design, must be resubmitted for ITPR and approval by the *statutory building surveyor*.

### Legislative provisions

It is recommended that:

1. ITPR is completed before *building approval* is granted by the *statutory building surveyor* at the end of the design stage.
2. Subsequent changes to the design may be subject to additional ITPR. This must be determined by the *statutory building surveyor*.

## Principle 7 – Dispute resolution

The statutory building surveyor is responsible for resolving any ITPR issues or disputes

### Objective

That the *statutory building surveyor* maintains overall responsibility for the ITPR process and does not grant *building approval* until satisfied that all issues with the building design have been resolved.

### Context

The *statutory building surveyor* is responsible for accepting the *certificate of design compliance* from the ITPR reviewer as part of the *building approval* process. If disputes about the design arise between the designer and the reviewer, the *statutory building surveyor* must provide direction to resolve the outstanding matters. The *statutory building surveyor* must not issue a *building approval* until all matters associated with the ITPR are resolved. It is important, for these reasons, that a record of all discussions and documentation is maintained by the independent reviewer and submitted to the *statutory building surveyor*.

The *statutory building surveyor* is required to resolve issues where they exist between the designer and the reviewer, and be the ultimate decision maker, as accountability for issuing a *building approval* ultimately rests with the *statutory building surveyor*. The *statutory building surveyor* must use their judgement and be able to justify their decisions.

### Legislative provisions

It is recommended that:

1. The *statutory building surveyor* is the ultimate decision maker where disputes arise between the designer and independent reviewer.
2. The *statutory building surveyor* must document their justification for decisions and steps taken to reconcile issues.

3. The *statutory building surveyor's* decisions can be subject to a merits review and can be appealed.
4. The *statutory building surveyor* must not issue a *building approval* until all issues associated with the ITPR have been resolved.

## Further comment

All decisions of the *statutory building surveyor* can be subject to a merit review which is addressed in [BCR Recommendation 9](#), Principle 7, pertaining to the controls in place for building surveyors. [BCR Recommendation 9](#) provides that an owner should have rights of appeal against decisions of the *statutory building surveyor*. This reflects the fact that the decisions made by the *statutory building surveyor* affect the rights of the owner, are administrative in nature (given they relate to a statutory process) and should be subject to due process and review. It also supports the proposal, in response to [BCR Recommendation 9](#), that the *statutory building surveyor* should not be easy to disengage, enabling the *statutory building surveyor* to make independent and impartial decisions that the owner may not agree with.

## Principle 8 – Documentation for ITPR

A certificate of design compliance is provided by the independent reviewer for each ITPR

### Objective

That the independent reviewer provides a *certificate of design compliance* when satisfied that the design complies with all relevant codes and standards, including the NCC.

### Context

There are two types of documents provided by a designer. The *declaration of design compliance* is provided by a registered building practitioner responsible for the design work, stating that the design work complies with the requirements of the NCC and any other prescribed requirements. The details of *declaration of design compliance* are addressed in [BCR recommendations 13-16](#).

The *certificate of design compliance* is a document provided by an appropriately registered person who has examined and assessed a component of design work for compliance with the NCC stating that the component complies with stated performance requirements of the NCC and any other prescribed requirements (Figure 3). The *certificate of design compliance* is provided by an independent reviewer for the ITPR process. It is recommended that the *certificate of design compliance* sets out the:

- details of the date/s of review and who conducted the review
- scope of the review with details of any specific inclusions and exclusions
- compliance assessment process including details of all issues identified by the reviewer, and assumptions, calculations or verification work undertaken to assess compliance (e.g. with NCC and referenced standards), and
- outcomes of the review, including decisions, recommendations, resolutions and issues, any amendments that were made to the design as a result.

Once the design has been reviewed and is deemed compliant, a *certificate of design compliance* is issued to the applicant and the *statutory building surveyor* by the reviewer, and recorded as part of the *building approval* documentation. This gives

owners, future owners and any other individuals, transparency about who assessed which parts of the design. This will improve confidence in the building design and compliance with the NCC. This also helps to maintain a record of any issues that were raised and rectified during the design stage. It also provides accountability to those who participated in the review.

The *statutory building surveyor* does not need to review aspects of a design that has been independently reviewed. The *certificate of design compliance* may be relied upon by the *statutory building surveyor* in good faith and the *statutory building surveyor* should be provided with immunity if design errors have occurred.

## Legislative provisions

It is recommended that:

1. The independent reviewer must provide a *certificate of design compliance*.
2. The independent reviewer must document all details and decisions of the ITPR.
3. The *certificate of design compliance* forms part of the *building approval* documentation.
4. The *statutory building surveyor* be provided with immunity relating to any design errors associated with the design documentation forming part of the *certificate of design compliance*.

Figure 3 - Declarations and certificates

Document	Declaration of Compliance		Certificate of Compliance	
	Design	Construction / Installation	Design	Construction / Installation
Definition	<p>Is a document that:</p> <p>(a) is provided by the <i>registered</i> person who is responsible for the design work; and</p> <p>(b) states the design complies with the NCC and other prescribed requirements.</p>	<p>Is a document that:</p> <p>(a) is provided by the <i>registered</i> person who is responsible for the construction or installation work; and</p> <p>(b) states the construction or installation work complies with the <i>building approval</i> documentation and other prescribed requirements.</p>	<p>Is a document that:</p> <p>(a) is provided by an appropriately <i>registered</i> and, where necessary, independent, person who has examined and assessed design work; and</p> <p>(b) states that the design complies with the NCC and other prescribed requirements.</p>	<p>Is a document that:</p> <p>(a) is provided by an appropriately <i>registered</i> and, where necessary, independent person who has examined and assessed construction or installation work; and</p> <p>(b) states that their examination and assessment confirms the construction or installation work complies with the <i>building approval</i> documentation, the NCC, and other prescribed requirements.</p>
Who provides?	A <i>registered</i> building practitioner responsible for the work.		A <i>registered</i> building practitioner at an appropriate level in the relevant occupation. Legislation may require an <i>assessment</i> to be undertaken by a <i>registered</i> practitioner who is independent to the design or construction process.	
Who receives?	A person who contracted the work or who will rely on the work.		A person who contracted the <i>assessment</i> or who will rely on the <i>assessment</i> . <sup>1</sup>	
How recorded?	Must be provided to the <i>building approval authority</i> <sup>2</sup> when seeking a <i>building approval</i> or <i>occupancy approval</i> and kept as part of the building records <sup>3</sup> .		Must be recorded by the <i>statutory building surveyor</i> or other person relying on the certificate to make a statutory assessment of building compliance <sup>4</sup> .	
Legal effect?	Holds the person responsible for the work liable for its compliance.		Holds an expert liable for advice. Indemnifies the <i>building surveyor</i> or other person relying on the advice.	

**Notes on figure**

1. A *statutory building surveyor* making a statutory *assessment* may rely on a Certificate of Compliance. A *statutory building surveyor* may choose not to rely on a Certificate of Compliance if not satisfied.
2. The legal entity that issues the *building approval*. This may be a private *building surveyor*, a local government or other body, depending on each jurisdiction's relevant legislation.
3. The building records may be kept by a different legal entity from the *building approval authority*. In most jurisdictions the building records are kept by the relevant local, state or territory government.
4. *Building approval* legislation in each jurisdiction will state whether the *statutory building surveyor* keeps the *assessment* records or includes them in the building records.

## Principle 9 – Cost of ITPR

The cost of ITPR is borne by the building approval applicant
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### Objective

That the *building approval applicant* pays all costs associated with the ITPR.

### Context

The independent reviewer is to be engaged by the *building approval applicant* and the cost of the ITPR is to borne by the applicant. The fee for independent review should be market driven and not set by government. If the *statutory building surveyor* requests a review that is not mandatory, the cost is also to be borne by the applicant recognising that the decision for independent review can be appealed by the applicant. The need for additional non-mandatory third party reviews should be identified by the *statutory building surveyor*, however, the extent of the review should be decided in consultation with the independent reviewer once they are engaged.

### Legislative provisions

It is recommended that:

1. The cost of ITPR is borne by the *building approval applicant*.
2. The cost of ITPR is market driven and not set by government.
3. The *statutory building surveyor* must advise which parts of the design will be subject to independent third party review.

# Process for independent review

Figure 4 Process for independent third party review

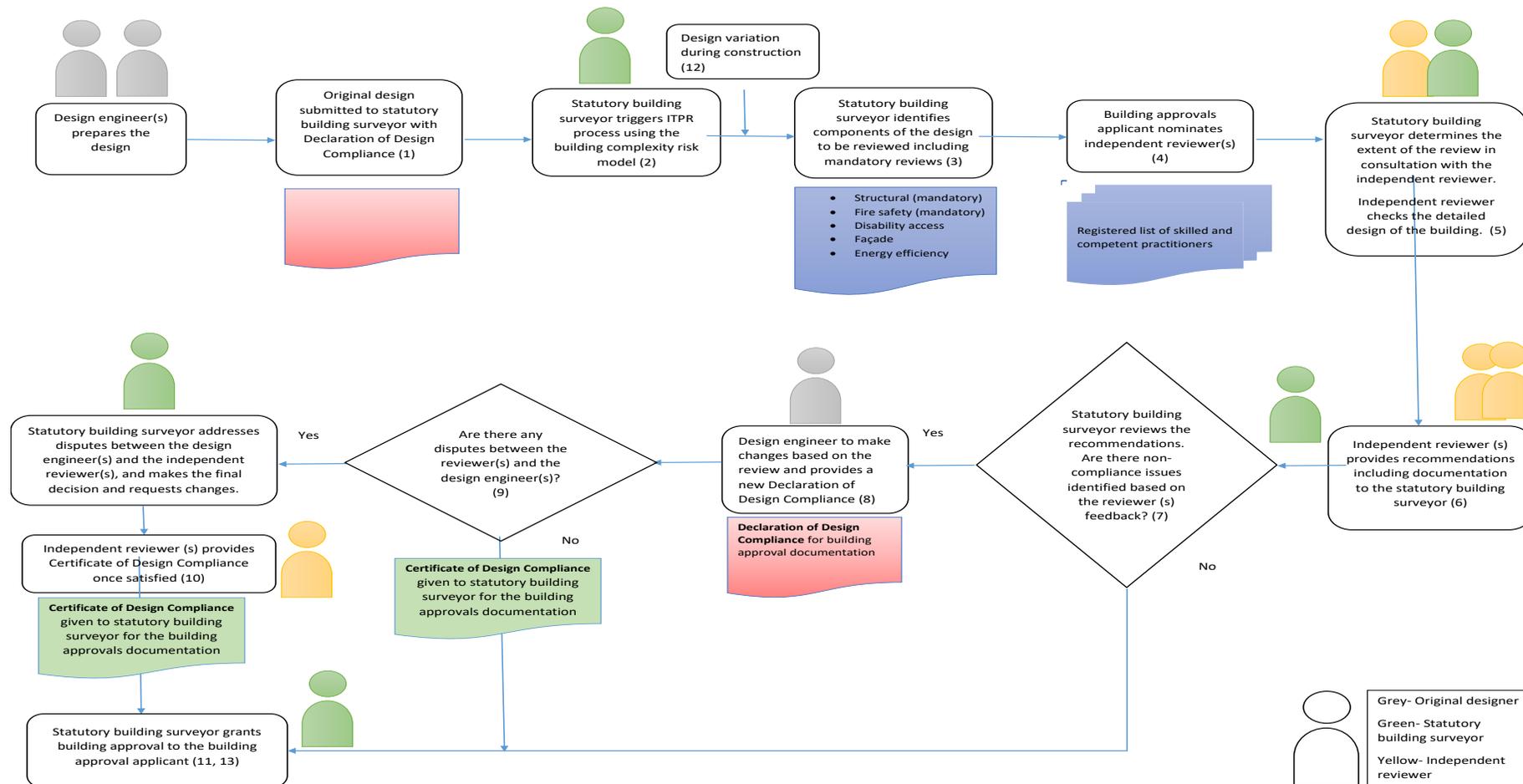


Figure 4 describes the ITPR process as follows:

1. The designer prepares the design and provides a *declaration of design compliance* stating that the design work complies with the requirements of the NCC and any other prescribed requirements, which forms part of the *building approval* documentation.
2. All buildings are subject to a risk assessment. The *statutory building surveyor* uses the risk model in Figure 2 to determine if ITPR is required. A client can also request an ITPR.
  - a. There are simple designs (e.g. Class 1a single dwelling), including low and medium building complexity levels that do not require a mandatory ITPR. Additionally, the *statutory building surveyor* can request any part of the design to be reviewed by an independent reviewer and provide a *certificate of design compliance*, and
  - b. All other buildings that fall into building complexity levels high and very high (Figure 2) require mandatory ITPR.
3. The *statutory building surveyor* determines which elements of the building design needs to be reviewed in addition to those that are stipulated as mandatory.
  - a. Structural and *fire safety design* reviews are mandatory for high and very high building complexity levels.
  - b. Other reviews, such as disability access, facade and energy efficiency reviews, can be determined based on design risk or where the design relies on a Performance Solution(s). It is recommended these designs are reviewed for very-high building complexity level.
4. All buildings that fall into building complexity levels high and very high require a registered independent reviewer. The *building approval applicant* nominates a registered independent reviewer(s) through a registered list of individual practitioners who possess the experience and capability required for the design.
5. The *statutory building surveyor* in consultation with the engaged independent reviewer(s) determines the extent of the design review. The independent

reviewer checks the detailed design of the building. The independent reviewer should keep a record of the queries and responses between themselves and the designer.

6. The independent reviewer provides recommendations to the *statutory building surveyor* including documentation, resolutions and any resolutions on key issues that cannot be reached.
7. The *statutory building surveyor* reviews the recommendations from the independent reviewer and can request a change to the design based on non-compliance issues identified by the independent reviewer.
8. The designer makes the proposed changes to the design and provides a new *declaration of design compliance*.
9. If there are disputes between the independent reviewer and the designer, and a resolution cannot be reached, the *statutory building surveyor* is expected to resolve the issues and make the final determination, with full documentation justifying the decision.
10. The independent reviewer(s) provides a *certificate of design compliance* to the *statutory building surveyor* once satisfied that the design complies with the NCC.
11. The *statutory building surveyor* grants *building approval* to the *building approval applicant*.
12. If changes to the design occur during construction, the *statutory building surveyor* may require additional ITPR (step 3 onwards).
13. The documentation supporting the *building approval* must record details of all decisions, reports and *declarations of design compliance* and *certificates of design compliance* provided by all parties in the design and ITPR process.
14. The cost for the ITPR process is the responsibility of the *building approval applicant*.