

Reporting Authorities – Independent Review Engineers

Guidelines Relating to Independent Third Party Review of Structural Designs

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Acronyms	Full form
DBC	Director of Building Control
ITPR	Independent Third Party Review
NCC	National Construction Code
NT	Northern Territory

Glossary	
Act	<i>Building Act 1993</i>
Applicant	The owner (or their agent) making an application for a building permit pursuant to section 56 of the Act.
Building certifier	The registered building certifier who will decide the application made by the applicant.
Certifying engineer	The registered certifying engineer (structural) issuing a compliance certificate the certifier may rely on when deciding the application made by the applicant.
Independent Third Party Review (ITPR)	The report prepared by an independent review engineer engaged by the applicant to report on their application pursuant to Schedule 2 of the Regulations.
Regulations	<i>Building Regulations 1993</i>
Independent review engineer	As per regulation 15AC of the <i>Building Regulations 1993</i>

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1. Purpose

These guidelines are made by the Director of Building Control (DBC) pursuant to section 167B of the Act. They provide guidance to applicants, engineers, independent review engineers, and building certifiers relating to instances when a reporting authority is consulted about structural design work included in an application for a building permit.

2. What is Independent Third Party Review

The Act provides for reporting authorities to be consulted before building certifiers decide certain applications for building permits. Schedule 2 of the Regulations prescribes the instances when an independent review engineer must report on a specified scope of the structural design work included in an application for a building permit. That report and the associated process is referred to in these guidelines as independent third party review (ITPR).

A building certifier should allow the ITPR to assist them to reach a decision about the relevant application for a building permit. This decision will be based on reasonable grounds that the design complies with the requirements of the NCC.

3. Responsibilities

3.1. Applicant

The Act provides for an owner to enter into an agency relationship so that another person (e.g. a builder) can act on their behalf (including applying for a building permit). It is recommended that owners and their agents obtain legal advice about the nature of their relationship and the corresponding obligations and duties of each party.

Clause 12 of Schedule 3 of the Act provides that the applicant may appeal, to the Building Appeals Board, a decision by the building certifier to refuse to grant a permit.

The applicant is expected to:

- a) Formally engage an independent review engineer.
- b) Give permission and contact details for the certifying engineer and independent review engineer to effectively correspond.
- c) Review reports and consider any opinions or recommendations of the independent review engineer.
- d) Provide a program that is agreed between all parties.
- e) Bear the cost of the ITPR process.

3.2. Certifying Engineer

The following responsibilities apply to the certifying engineer:

- a) To engage co-operatively with the independent review engineer.
- b) Comply with any applicable codes of conduct.
- c) To provide, in a reasonable timeframe, all relevant documentation including regulations and codes of practice/standards adopted and documents or information requested by the independent review engineer.

- d) To clearly communicate any unique or unusual design principles, design assumptions and suppositions.
- e) The responsibility for the design remains with the certifying engineer.

3.3. Independent Review Engineer

The independent review engineer must be impartial and exercise independent judgement. The purpose of the ITPR is to determine whether compliance has been demonstrated. Any relationship to the person whose work is to be reviewed should be declared as well as any conflicts of interest. The independent review engineer should ensure the certifier regards them as being suitably independent and competent before they commence their work.

The following responsibilities may apply to the independent review engineer:

- a) Contact the certifying engineer prior to conducting the ITPR.
- b) Only undertake an ITPR if you have the required experience, expertise and knowledge
- c) Ensure the scope of work is clear (see **Scope**). Expressly state any exclusions.
- d) Comply with any applicable codes of conduct.
- e) Remain objective, impartial, and free from bias; do not consider matters that are not relevant to the review criteria.
- f) Identify and prioritise critical issues.
- g) Do not take responsibility for the design.
- h) Respect and keep confidential any confidential information and intellectual property.
- i) Notify the applicant and certifier if any conflict of interest arises during the ITPR process.
- j) Agree to a program for the ITPR with the applicant and certifying engineer.
- k) Provide the report promptly and within established timeframes.
- l) Identify if the design assumptions made by the certifying engineer have been considered.

The ITPR shall include:

- A register of the design documentation reviewed.
- Details of the review scope.
- Supplementary calculations undertaken and test results if applicable.
- Details of any modifications to the design made by the certifying engineer as a result of the ITPR process.
- A log of queries raised and responses given.

3.4. Building Certifier

The building certifier will decide an application for a building permit based on the extent to which they are satisfied the proposed work is compliant. This may also include consideration of the extent to which the certifying engineer and independent review engineer have met their responsibilities.

The following responsibilities may apply to a building certifier:

- a) Comply with any applicable codes of conduct.
- b) Determine the complexity of the proposed building work in line with the Regulations.
- c) Confirm that the certifying engineer and independent review engineer are currently registered in the correct category with the appropriate endorsement.
- d) Consider the ITPR before making a decision on the relevant application.

4. Independence

There should be no form of dependent relationship between the certifying engineer and the independent review engineer. The independent review engineer should declare they are independent of the certifying engineer and the certifying engineer's organisation. They should have no financial or other interest in the outcome of the ITPR.

In a small jurisdiction like the NT, engineers may end up being the independent review engineer for other engineers who sometimes review their work. In these cases, the independent review engineer should clearly identify any potential conflicts of interest before they are engaged. The independent review engineer should consider their ethical obligations to maintain honesty, objectivity and integrity.

5. Scope

The building work that must be reported on is prescribed in Schedule 2 of the Regulations, and is not intended to limit the scope of work that may be reviewed.

As part of determining to what extent Schedule 2 of the Regulations applies to design work, a building certifier should consider any relevant concepts and parameters laid out in the NCC.

5.1. Staged projects

The ITPR process is intended to apply to all stages of a staged project. A building certifier should use their professional judgement to determine if an application to amend a building permit is, in fact, a new stage which will require an ITPR.

6. Director of Building Control

The DBC routinely audits building practitioner's work and conduct to ensure compliance with the legislation and applicable guidelines.