Integrating Sustainability into Building Surveyor Regulatory Frameworks: Lessons from Singapore and Australia

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DOI: https://doi.org/10.47772/IJRISS.2026.10100451

Received: 22 January 2026; Accepted: 28 January 2026; Published: 12 February 2026

ABSTRACT

Building surveyors play a very significant role in assuring the safety of constructions, the integrity of the structure, fire resistance and sustainability. Nevertheless, the absence of a specific Building Surveyor Act in Malaysia has been characterised by inconsistencies in regulations, poor enforcement processes and professional identity. This paper will explore the way regulatory frameworks in Singapore and Australia can be of great value in the reform of Malaysia. In the given research, a comparative legal analysis and doctrinal research approach is used to analyse building surveyor regulations in Malaysia, Singapore and Australia. Laws, regulations and enforcement systems are the primary sources which are examined along with academic literature and case studies to evaluate the usefulness of the existing governance framework. The study notes several essential gaps in the Malaysian regulatory frameworks of building surveyors, such as poor professional recognition, a lack of enforcement authority and poor sustainability integration. By comparison, Singapore and Australia have put in place robust regulatory oversight institutions whereby building surveyors are given independent enforcement power and professional accreditation standardisation. The absence of a centralised licensing body and sustainability enforcement measures in Malaysia is associated with the unequal safety evaluation and the conflict of interests in compliance authorisation. To overcome shortcomings of regulations, Malaysia needs to institute a specific Building Surveyor Act that will offer independent enforcement powers, formalise licensing via a regulatory agency and compel sustainability. The proposed global best practices in Singapore and Australia will enhance the safety of the population, their professional legitimacy and the shift to sustainable construction in Malaysia. This paper highlights the importance of a legislative change to facilitate the effective regulation and formation of the built environment by the building surveyors.

Keywords: Regulation of Building Surveyors, Legal Framework to Sustainable Construction, Governance and Regulation of Building Surveyors, Comparative Study on Sustainability Regulations, Reforming Malaysia Building Regulations.

INTRODUCTION

The importance of building surveyors in terms of compliance with the safety and structural integrity, fire protection and health rules is universally accepted. Several developed countries have developed explicit legal provisions which give building surveyors the power to impose rules and independent appraisals. Regulatory standards are evident in countries like Singapore, the United Kingdom and Australia and they place building surveyors as important professionals who maintain safety and sustainability in construction. On the contrary, Malaysia does not have a specific legislative framework that regulates the profession, which leaves loopholes in enforcement, standardisation and public awareness.

Building surveyors in the United Kingdom operate within a statutory building control framework that defines professional responsibilities in relation to safety evaluation, regulatory compliance and the application of

sustainability standards in building works. The Building Act 1984 and the Building Regulations 2010 provide the legal basis for building control functions, including inspection, approval processes and enforcement mechanisms carried out through authorised building control bodies.

The multi-tiered framework that supports building regulation in Australia is whereby compliance with building is informed by the Building Code of Australia, which has been incorporated into the National Construction Code (Australian Building Codes Board, 2022). At the same time, professional licensing and enforcement mechanisms are administered primarily through state and territory legislation and regulatory authorities. This framework enables building compliance practitioners, including building surveyors/certifiers, to assess and monitor construction safety, accessibility standards and performance requirements.

Building safety and compliance in the state of Singapore is represented by a national building control regime under the Building and Construction Authority (BCA), which is mainly regulated by the Building Control Act and other subsidiary rules (Building and Construction Authority, 2023). Although Singapore does not regulate building surveyors through a dedicated building surveying statute, its building control system provides structured regulatory mechanisms that support compliance monitoring, enforcement and the implementation of sustainability initiatives, including energy efficiency requirements and risk mitigation measures.

Although there are these international models, a specific Building Surveyor Act has not formalised the profession in Malaysia. Thus, there has been a discrepancy in practice, a poor enforcement mechanism and role recognition of the surveying job. This poses some key legal and policy issues as to whether the absence of regulation affects standardisation and implementation or not. What impact does the absence of the Building Surveyor Act have on the quality control and professional legitimacy in Malaysia? Further, what are the regulation systems in Singapore and Australia doing to tackle issues of professional recognition, enforcement power and sustainability and what can Malaysia learn in order to strengthen its regulatory framework?

The building surveyors in Malaysia are also very crucial in meeting the statutory building requirements, such as structural safety, fire protection, accessibility and health standards, by conducting inspections, monitoring, risk assessment and enforcement duties (Public Service Department Malaysia, 2025). Their duties involve inspection, issuance of permits and certifying buildings as occupied. Nonetheless, the lack of a specific Building Surveyor Act has undermined their power, rendering the legislative environment disjointed with no consistent enforcement systems.

In the past, the profession of the building surveyor in Malaysia emerged as a reaction to industrialisation and urbanisation experienced in the 20th century. Building practices were not consistent prior to the formal regulations, resulting in safety risks and structural failures. The quick urbanisation and especially Kuala Lumpur city, indicated the necessity to have orderly legislative control. This culminated in Uniform Building By-Laws (UBBL) in 1984 and the Street, Drainage and Building Act 1974, which put legal obligations on the safety of construction works and maintenance of infrastructure. Such regulations established primitive levels of compliance but did not acknowledge building surveyors as professionals and therefore overlapped with the roles of engineers, architects and local authorities.

The building surveyors do not have a regulatory board, as opposed to engineers and architects, who have their own regulatory bodies, namely, the Board of Engineers Malaysia and Lembaga Arkitek Malaysia. Instead, they are subject to the supervision of the Suruhanjaya Perkhidmatan Bangunan, which does not have the authority to enforce its supervision over the profession in an effective manner. Moreover, those working in this profession should be registered by the Royal Institute of Surveyors Malaysia (RISM), which does not give them the right to impose building compliance through the court.

The regulatory gaps have also been brought into focus with the introduction of green building certifications like the Green Building Index and the Malaysia Sustainable Cities Index. Although the building surveyor has a role in making sure that the conventional safety regulations, as well as environmental sustainability requirements, are observed, there is no legal status of the building surveyor to enforce the green building requirements. The lack of an established regulatory framework poses several problems to the building surveyors in terms of their career advancement, professionalism and power to enforce the law.

In the absence of a legal structure, the public is not much aware of their services and this lowers the demand for the services offered. However, a survey by Aziz and Ahzahar (2019) revealed that 84 per cent of the

participants identified competition with engineers and architects as a significant issue, with three-quarters of them considering a Building Surveyor Act to be the key to improving the credibility of the profession. More so, half of those surveyed cited a shortage of career growth and development opportunities and 48 per cent said that building surveyors are not being given the proper reward.

This has contributed towards disputes over professional obligations, too. Most local councils, instead of building surveyors, have the engineers or architects do building inspections. According to the Uniform Building By-Laws 1984, occupancy certification must be issued after the completion of building works. However, the engineers and architects are allowed to issue Certificate of Completion and Compliance without necessarily having the involvement of the building surveyors in the verification (Uniform Building By-Laws 1984, reg. 50). This undermines the safety tests, whereby the individuals undertaking the design and construction of a building are also the ones to decide on its compliance, which poses some conflict of interest.

Also, building surveyors are not given an enforcement mandate. They lack the authority to order corrective steps even in cases in which they discover defects in construction or safety breaches. The local councils, the Fire and Rescue Department or engineers bear the responsibility of enforcement and this may lead to the delay in delivery of responses and the possibility of unsafe buildings being given the go-ahead. The lack of legal authority of building surveyor reports also makes them less able to engage in shaping the safety standards and resolving disputes.

The inadequacy of the regulatory frameworks in Malaysia has caused the failure of the construction safety, which highlights the importance of a more robust regulator and the regulation of building surveyors. Such failures as the collapse of the Highland Towers in 1993 (Lim, 2018) and the Jaya Supermarket collapse in 2009 demonstrate some shortcomings with building codes (Jaya Supermarket collapses, 2009). In more recent times, the 2024 Melaka Construction Site Collapse, in which an illegal 3-story building collapsed, killing one person and injuring two others in a Melaka building collapse (2024), is indicative of current regulatory weaknesses.

Singapore and Australia serve as good reference jurisdictions whose regulatory systems can be used to enlighten the Malaysian system in its quest to improve the building surveying and inspection functions. Building safety and compliance is regulated by the Building and Construction Authority in Singapore in the national building control regime and under the Building Control Act and its subsidiary regulations, which entail the provision of organised legal frameworks on the subject of inspection, monitoring of compliance and enforcement. The system of regulation in Australia is a multi-tiered system where building practitioners, such as building surveyors/certifiers, are controlled by state-based licensing and regulatory boards, backed up by professional standards aimed at making practitioners competent, accountable and independent of inspections.

An additional Building Surveyor Act in Malaysia is necessary to curb any regulatory gaps by creating a clear professional standard, a professional career and legal enforcement jurisdiction. Using the examples of the well regulated Singapore and Australia, Malaysia can create a system that will provide the building surveyors with independent powers to enforce the regulations, which will guarantee the objective and unbiased nature of the safety assessment. Also, the establishment of a licensing and regulatory authority would boost professionalism and standardisation in the industry. The mandatory compliance of building inspections on sustainability would also bring the Malaysian construction sector to the best practices of other countries, which would consolidate the green building standards and future-oriented environmental objectives. The demonstration of fair safety checks through the legal empowerment of building surveyors would remove any conflict of interest during the compliance approvals that would benefit the people and reputation of the industry. These reforms will boost the transformation of Malaysia towards sustainable construction as well as increase the validity and efficacy of building surveyors in developing the built environment.

Therefore, the absence of a Building Surveyor Act in Malaysia has caused a significant problem with respect to professional identification, career development and regulation. Singapore and Australian models are examples of international models that show the advantages of a well-defined, legally recognised framework giving power to building surveyors. Without regulatory reform, Malaysia exposes itself to further safety failures, sustainability oversight challenges and marginalisation of the professionals. In addition to improving the enforcement of the safety regulations by strengthening the governance mechanisms and integrating the

sustainability aspects in the regulatory policies, bolstering the position of the building surveyors in the Malaysian construction industry will be achieved.

LITERATURE REVIEW

It poses a big problem in building survey practices and regulating the professional identity and recognition of building surveyors in Malaysia because there is no Building Surveyor Act in Malaysia. In contrast with other construction professionals, like architects and engineers, who are safeguarded by specific legal frameworks, building surveyors are left to act as they wish without any legal frameworks and, as a result, represent a grey area, with their services undervalued. This has also been a cause of low public awareness and professional opportunities in the field, limiting the potential input of the building surveyors to the Malaysian construction industry. Also, the lack of a specific legal framework has obstructed the incorporation of building surveyors in assuring safety standards and sustainable methods of work, which is an essential issue in an industry where the number of accidents and infrastructural crises is widespread. It is therefore necessary to have a Building Surveyor Act to counter these problems, improve the status of the profession and safety and sustainability of the Malaysian construction industry.

Issues of The Building Surveyor Act in Malaysia

The lack of the Building Surveyor Act in Malaysia has far-reaching effects on the standardisation and quality control of building survey practices, as brought out by different scholarly research and professional opinions. Legal ambiguity of the profession is one of the main problems, as this aspect undermines the identity of the profession, restricts the prospects of employment and brings inconsistencies in the regulation of the fees. In the argument, Abdul-Rashid Abdul-Aziz, Subashini Suresh and Suresh Renukappa claim that the lack of a specific legal framework governing the building surveyors undermines their professional status and restricts their ability to enforce compliance and make any meaningful contribution to the built environment in Malaysia (Abdul-Aziz et al., 2020). Critics, however, argue that the introduction of a separate Act may have overlapping regulations with engineers and architects, which may cause conflicts in jurisdiction and opposition by the traditional professional organisations (Ismail & Othman, 2020).

Compared to architects and engineers, who have their roles safeguarded and demarcated by the Architects Act 1967 and the Registration of Engineers Act 1967, building surveyors have a duplication of roles and jurisdiction issues. These uncertainties in the legal front have prevented their inclusion in essential construction projects, as noted by Azlan and Woon (2012). Moreover, the lack of a governing body has led to variation in the fee structure, which is realised in property management research. The undervaluation of building surveyor services continues to erode the quality of services and the professional development of the industry without regulation.

There is also the absence of explicit legal provisions, which also has a considerable influence on safety standardisation and regulation in Malaysia. Although safety requirements are outlined in the UBBL and the Street, Drainage and Building Act 1974, they are not directly spelt out regarding the responsibilities of building surveyors in the enforcement of compliance. This exclusion results in contradictions in implementation and regulation. According to the Department of Occupational Safety and Health reports, there are numerous cases of construction-related accidents, such as structural collapses and fatalities at workplaces, which are usually attributed to a lack of inspection culture. It is important to stress the importance of building surveyors in encouraging sustainable and energy-efficient construction to the fullest (Husain & Ani, 2022). However, the lack of a legal framework makes their possible contribution to the Sustainable Development Goals for Malaysia uneven. It limits advancement towards construction standards that are conscious of the environment.

This lack of clear legal statements that clarify the role of building surveyors in Malaysia is having a significant effect on the identity of the professionals (Ali & Woon, 2013). The building surveyors are in a grey area, whose authority and responsibility are not statutorily recognised. As Husain and Ani (2022) note, the role of building surveyors is in making sure that the principles of sustainability are incorporated in construction projects through adherence to green building ratings like the Green Building Index and the Malaysia Sustainable Cities Index. Nevertheless, in the absence of a mandate, which is legally recognised, surveyors

encounter significant obstacles to implementing sustainability compliance, which makes them less effective in influencing environmentally responsible development. (Abdul-Aziz et al., 2020).

The Building Surveyor profession in Malaysia does not have good public awareness and recognition (Challenges to Building Surveyors, 2016; Isnin et al., 2016). It is often misinterpreted by the public and other professionals, who are not aware of its functions, i.e., the ability to give expert opinions on building conditions, property value and condition survey (Ali & Woon, 2013). Basic knowledge is required in the field of refurbishment and conservation work, which helps to regulate the expenses and manage the project. Nevertheless, the profession has a problem of low marketing and publication presence (Abdul-Aziz et al., 2020). Nonetheless, building surveyors professionals stress that they do not oppose, but complement other professions and, as a result, help the construction industry to develop and promote optimal building behaviour and healthy competition (Isnin et al., 2016).

There are also issues of employment and the inability to get employment due to the lack of legal recognition of building surveyors. Developers and construction companies might not feel the need to hire them without any compulsory conditions for their participation in construction projects (Ramele, 2018). Instead, the job requirements are frequently outsourced to other professionals and fewer employment opportunities emerge in the area. This restricts career advancements and puts off new professionals who would want to join the industry, resulting in a lack of skilled building surveyors. Moreover, the absence of statutory inclusion will mean that building surveyors cannot access legal indemnity or even liability insurance and will therefore be more susceptible to professional conflicts (Husain & Che-Ani, 2025).

The rate of employment of building surveyors in Malaysia has little accurate information. However, the economic role of the construction industry cannot be ignored, as of 2023, 1.4 million individuals work in the construction industry (Statista, 2025) and about 14.0 per cent of all workers or about 1.27 million, are registered in the second quarter of 2025 (Department of Statistics Malaysia, 2025). This considerable workforce is an indication of the booming construction operations in Malaysia and the significance of the professionals in the built environment, such as building surveyors, whose employment population has not been documented. Although occupation data is critical, there is no explicit data on occupation despite the fact that the profession has gaps in the entire institution.

These loopholes go beyond the visibility of employment to safety governance and enforcement of regulations in the construction sector. Generally, building surveyors are not directly responsible for enforcing general safety requirements in such laws as the Uniform Building By-Laws 1984 and the Street, Drainage and Building Act 1974. This disjointed regulatory framework leads to the unequal oversight of the projects, exposing them to safety violations even more. According to the reports of the Department of Occupational Safety and Health, the accidents associated with structural failures and accidents at the workplace are frequent and they are frequently connected with the lack of proper inspection practices (Ramele, 2018). With no formal legal framework to acknowledge building surveyors, their levels of consistency in maintaining safety standards are still constrained, thus limiting the advancement of building practices towards more consistent, robust and sustainable building practices in Malaysia.

Indicatively, the Malaysian construction sector is a paramount issue in the health sector because it records disastrous statistics of accidents and death and it is one of the riskiest industries. The presence of high rates of injuries and fatalities in the construction industry was stressed by a cross-sectional study of 323 foreign construction workers in six projects (Zerguine et al., 2018). The frequency of accidents is extremely high compared to other industries and the consequences of accidents are serious to both the workers and the population. According to the analysis of the reports by the Department of Occupational Safety and Health published in 2015-2019, it was found that the cases of construction accidents have increased by 116 percent, with most of them being caused by the necessity to work at great heights, unsafe working conditions or practices and structural failures (Ismail & Othman, 2020). These results highlight the urgency of ensuring the safety of the construction industry in Malaysia through better precautions and greater control.

In the period between 2024 and early 2025, Malaysia was encountering various crises, which were interconnected with the infrastructure issues, highlighting the problematic situation with safety and control. Sungai Damit Bridge in Sabah, which was opened in 2022 at RM17 million, has acquired serious structural

flaws and prompted concerns of public safety, which contributed to its reopening at an extra RM30 million (Daily Express, 2024). Likewise, an urban sinkhole in Kuala Lumpur that claimed the life of an Indian tourist in August 2024 begs the question of the integrity of urban infrastructure and the ability to respond to the sinkhole due to insufficient capacity (Crane, 2024). In January 2024, the landslide in Cameron Highlands due to the heavy rainfall resulted in the death of five people, which illustrates the weakness of specific areas and the necessity of better land-use planning and compliance with safety protocols. A combination of these incidents underscores the need to have quality assurance, transparency and strong safety regulations in the infrastructure projects in Malaysia (AP News, 2024).

There are also issues of public awareness and accountability. According to RISM, building surveyors are finding it hard to create a niche in society, as most stakeholders refer to architects and engineers to carry out the construction-related activities. This little awareness is augmented by the lack of a regulatory complaint mechanism among building surveyors. The article It is Time To Establish Building Surveyor Act in Malaysia emphasises the fact that the construction business in Malaysia is on fire and more than 7.5 million real estate units were registered in 2023 (Business Today Editorial, 2024). The growth presents greater demands on building maintenance and management; however, there still exist challenges, such as a poor culture of maintenance and poor inventory systems. However, Building Surveyors do not have a special Act or professional body and this restricts the awareness and the recognition of their importance by the populace. Their roles in the building maintenance, general management and dispute resolution areas are not adequately appreciated, given that only 1,404 professionals have been registered so far (Business Today Editorial, 2024).

The weak publicity and absence of professional recognition of the profession have been extensively cited as one of the major obstacles that affect building surveying industry, especially for non-surveyors stakeholders in the construction, maintenance and insurance industries. This issue is supported by the fact that building surveyors in Malaysia lack formal statutory recognition. Hence, this aspect is also associated with role ambiguity and poor professional identity in the broader built environment governance system (Board of Architects Malaysia [LAM], 2023; Royal Institution of Surveyors Malaysia [RISM], 2022). Due to this, building surveying work is often viewed as overlapping with the work of architects, engineers, or quantity surveyors, even though the practice has specialised technical skills in the assessment of building condition, diagnosis of defects, dilapidation and reporting of structural condition of both new and existing buildings (Ali & Woon, 2013; RISM, 2022). Surveyors and building surveyors also provide more practical technical input into refurbishment and conservation initiatives, which then helps to sustain more evidence-based planning, quality assurance and cost control throughout the building life cycle (LAM, 2023; RISM, 2022). However, the lack of professional outreach and the spread of knowledge of building surveying among the population through these channels is still insufficient to express the profession, which undermines the perception of its value and status in the construction industry (Ramele et al., 2016; RISM, 2022).

To curb these problems, therefore, Malaysia will be required to have a Building Surveyor Act that agrees with the duties and powers of the profession and has a system of licensing and enforcement bodies to ensure the safety standards are met. Such legislation would also facilitate the eradication of conflicts of interest by ensuring that the building inspection is conducted independently without involving the construction teams. Malaysia risks the presence of continuous building safety accidents, professional conflicts regarding the authority and inconsistency of applying construction standards, without a particular legislative framework. A Building Surveyor Act is necessary to strengthen regulatory control, enhance public safety outcomes and improve professional legitimacy by providing more explicit statutory recognition, standardised competencies and enforceable compliance mechanisms (Aziz & Ahzahar, 2019; Shah Ali & Jia Woon, 2013; Business Today Editorial, 2024).

METHODOLOGY

The proposed study uses the doctrinal and comparative research methodology in law to investigate the regulations that apply to the building surveying practice in Malaysia, Singapore and Australia. The doctrinal element was a systemic study of the primary legal materials (statutes, subsidiary regulations and codes of profession and regulatory guidelines) and complemented by secondary materials such as peer-reviewed journal articles, governmental reports, publications of professional bodies and authoritative commentaries on the industry.

Primary legal materials were chosen on the basis of direct application in building control, professional accreditation, enforcement authority and sustainability obligation. In the case of Malaysia, these were the Street, Drainage and Building Act 1974, Uniform Building By-Laws 1984 and other policy documentation thereof. In the case of Singapore, it was examined in the Building Control Act, Building Control Regulations 2003 and instructions by the Building and Construction Authority and accreditation structures of the Singapore Institute of Surveyors and Valuers. The National Construction Code, the state building legislation and the National Model Code of Conduct of Building Surveyors of Australia and the Australian Institute of Building Surveyors Professional Standards Scheme were analysed in Australia. The secondary sources were chosen according to academic credibility, policy relevance and timeliness, with a focus on peer-reviewed articles and official regulatory documents.

Three reasons were selected in order to choose Singapore and Australia as comparator jurisdictions. On the one hand, the two share standard law systems that are mature and have a well-developed statutory building control regime, which is legally similar to that of Malaysia. Second, each jurisdiction exhibits institutionalised acknowledgement of the functions of building surveying by the use of formal licensing, enforcement and professional governance frameworks. Third, the two countries incorporate the sustainability requirements in their regulatory frameworks directly, which would offer suitable guidelines to the current shift of the country towards sustainable construction governance in Malaysia.

Simultaneously, the comparative analysis was done with the help of organised thematic comparison in five dimensions of governance: legislative foundation, regulatory authority and licensing, enforcement functions, sustainability requirement and professional growth. Particular statutory provisions, regulatory and professional standards were reviewed comparatively to determine any similarities, differences and gaps in the regulatory area. The analysis did not show country-specific narratives separately but instead synthesised the findings of these dimensions in order to determine institutional design, accountability mechanisms and sustainability integration.

The methodology allowed for uncovering weaknesses within the fragmented Malaysian regulatory framework and condensing transferable best practices in Singapore and Australia. The approach is based on a normative analysis of law frameworks, instead of empirical aspects of stakeholder views and how the regulatory framework leads to professional control, safety regulation and sustainability control. The results thus have a legal basis by which it is possible to propose legislative change and institutional reinforcement in the Malaysian building surveying regime.

Findings And Analysis: A Comparative Regulatory Framework For Building Surveying

To fill the regulatory gaps that the building surveying practice is facing in Malaysia, this section employs a comparative analytical approach in five fundamental governance dimensions, namely, legislative base, regulatory body and licensing, enforcement powers, sustainability mandate and professional development. The three countries, Singapore, Australia and Malaysia, are discussed at each dimension to draw structural differences and policy implications, which culminate in a synthesised comparative conclusion.

Legislative Base

One of the main differences between the three jurisdictions is the statutory acknowledgement of building surveying functions. Singapore has a detailed national building control regime that is pegged on the Building Control Act and Building Control Regulations 2003, which provide mandatory inspection periods, compliance requirements and enforcement measures that are regulated by the Building and Construction Authority. Although Singapore does not have a separate Act on Building Surveyors, its legislative framework explicitly distributes the roles of control of buildings and imparts professional responsibility with statutory procedures.

Australia follows a decentralised, yet consistent legislative framework that focuses on the National Construction Code, which is provided with the legal effect by state and territory building statutes. This framework sets minimum standards of safety, access, amenity and sustainability and professional practice is controlled by supplementary state-based licensing authorities, as well as national professional standards. Collectively, these tools offer a legally integrated system of integration of technical regulation with the rule of professionals.

Malaysia, in turn, has no specific Building Surveyors Act. The control encompassing the Street, Drainage and Building Act 1974 and the Uniform Building By-Laws 1984 are still in a disjointed position, with neither one explicitly acknowledging building surveyors as a statutory profession. The consequence of this legislative omission has been duplication of roles with architects and engineers, a lack of uniformity in compliance practices and reduced professional jurisdiction. In Malaysia, there is a lack of a coherent statutory basis that outlines the scope, duties and the legal standing of building surveyors, as is the case with Singapore and Australia.

Licensing and Regulatory Body.

Singapore has organised institutional control by the Building and Construction Authority to execute the building control functions and professional accreditation by the Singapore Institute of Surveyors and Valuers. Even though SISV accreditation itself is not a statute, it functions as a part of a highly controlled building control ecosystem in which licensing, inspections and approvals are statutory.

The multi-layered regulatory model used in Australia has a system of licensed building surveyors who have statutory authority and professional control provided by the Australian Institute of Building Surveyors under the AIBS Professional Standards Scheme. The system sets professional self-regulation in conjunction with statutory licensing through mandatory insurance, complaint-handling systems and disciplinary actions.

Malaysia has no centralised licensing authority that is statutory to register building surveyors, but it is mainly left to voluntary professional registration by the Royal Institution of Surveyors Malaysia. The building surveyors are institutionally marginalised, unlike engineers and architects, whose work is controlled by special professional boards. Lack of a statutory regulator compromises standardisation, increases the efficacy of accountability measures and reduces the trust of the people in building surveying services.

Enforcement Powers

One of the most important types of jurisdictional divergence is enforcement capacity. In Singapore, the Building and Construction Authority has the direct powers to enforce, including the power to give a stop-work order, require rectification works and prosecute regulatory violations. Routine examinations of residential and nonresidential buildings are also mandatory, which strengthens the proactive risk and compliance monitoring.

A similar situation is witnessed in Australia, where state legislation empowers the licensed building surveyors and regulatory bodies with the assistance of the National Model Code of Conduct of Building Surveyors. Professional disciplinary mechanisms, statutory rights to inspect and well-organised mechanisms of complaint are strengthened to ensure that the surveyor is independent of the project proponent.

Malaysia, on the other hand, does not give building surveyors autonomy in enforcement. Local authorities, engineers, or fire departments play a key role in compliance activities, whereas building surveyors play an advisory role. In addition, engineers and architects are allowed to issue a Certificate of Completion and Compliance as part of the Uniform Building By-Laws, which poses a conflict of interest to the design professionals since they also issue regulatory compliance certificates. This organisational loophole reduces objectivity in inspections and postpones corrective measures in the detection of defects.

Sustainability Mandate

Both Singapore and Australia have institutionalised sustainability integration in their regulatory frameworks. Singapore incorporates energy efficiency, performance standards of building constructions and risk mitigation into its building control regime. Mandatory inspections and compliance monitoring are not only limited to structural safety but also to environmental performance.

Australia embraces sustainability through the use of the National Construction Code, which explicitly touches on energy efficiency, accessibility and environmental resilience. The demands are strengthened with professional competency requirements and lifelong learning requirements of practitioners.

Although these efforts are voluntary, the Green Building Index and the Malaysia Sustainable Cities Index are the main sustainability instruments that are promoted in Malaysia. Nevertheless, sustainability compliance is

not enforceable in the case of no statutory power for the building surveyors. Surveyors cannot impose remedies on measures and hence have little influence to affect good environmental construction results.

Professional Development

In Singapore and Australia, one of the pillars of good governance is professional capacity-building. Singapore is also a member of the ASEAN Mutual Recognition Arrangement, which supports the free movement of professionals across borders and competency harmonisation standardisation. Professional development is encouraged to be continued on a regular basis by the institutions and through regulatory bodies.

Professional education in Australia is a requirement of continuation as stipulated in the AIBS Professional Standards Scheme, which is supplemented with codes of ethics and competence tests. This keeps the practitioners technically up to date and responsible.

Malaysia does not have a formal national structure of constant professional growth applied to building surveyors. As much as voluntary training applies, no legal obligation exists that can be associated with licensure and competency maintenance. The lack of this inhibits the upskilling of the workforce, restricts international visibility and undermines professional legitimacy.

In order to generalise the comparative results between Malaysia, Singapore and Australia, Table 1 is an analysis that brings together the analysis into five regulatory dimensions, including legislative base, regulatory body, licensing, enforcement powers, sustainability mandate and professional development. This systematic comparison of the structural differences in the design of governance examines how statutory integration, professional accountability and sustainability enforcement can differ between jurisdictions.

Table 1. Synthesised Comparative Summary

Dimension	Malaysia	Singapore	Australia
Legislative Base	Fragmented; no Building Surveyors Act	Centralised Building Control Act	National Construction Code + state Acts
Regulatory Body & Licensing	Voluntary RISM registration	BCA oversight; SISV accreditation	State licensing + AIBS
Enforcement Powers	Indirect; limited authority	Direct statutory enforcement	Statutory inspections + professional discipline
Sustainability Mandate	Voluntary certification	Statutory integration	NCC sustainability requirements
Professional Development	Non-mandatory	ASEAN MRA + CPD	Mandatory CPD under AIBS

Table 1 shows that the regulatory framework of Malaysia is still structurally fragmented as compared to integrated systems used in Singapore and Australia. Whereas Singapore and Australia integrate building surveying in the statutory inspection regimes with formal licensing, Singapore and Australia have enforcement powers over which a building surveyor is required to operate, Malaysia uses voluntary professional registration bodies with no independent enforcement powers. The practices of sustainability in Malaysia are also discretionary, unlike the mandatory integration witnessed in both comparator jurisdictions. These differences in design show that the regulatory constraints associated with Malaysia are more about the design of the institutions rather than the technical capacity, which further supports the view that the necessary measures to enhance construction governance and safety outcomes for the population need to be legislative consolidation, professional licensing and meaningful sustainability requirements.

Analytical Implications

The comparative analysis shows that the weakness of Malaysia in terms of regulation is not based on the technical capacity but on the institutional fragmentation. Singapore and Australia demonstrate that good governance needs to be statutorily recognised, have an independent enforcement body, have integrated sustainability requirements and have formalised professional development. The use of voluntary accreditation and decentralised enforcement systems to oversee safety has led to intermittent safety management, weak sustainability management and the inhibited professional identity of Malaysia.

Such results suggest that the LEGISLATIVE change in the form of a specific Building Surveyors Act, with the central regulating body, obligatory checking, a sustainability approach and unceasing professional growth, is needed to enhance the construction governance in Malaysia and adjust it to the international best practices.

RECOMMENDATIONS

The reinforcement of the regulatory framework of Malaysia needs to be done in a holistic manner that incorporates legislative change, an increase in the regulation and international co-operation. The urgent legislation of the Building Surveyors Act is necessary in order to give statutory status, create a professional boundary and strengthen responsibility in the industry. The qualifications and competency criteria should be standardised in this Act, which will enhance the regulation of the industry and public confidence.

Through the Building Surveyors Act, Malaysia will be in a position to have professional regulatory bodies to regulate building surveyors and thus, ensure transparency and accountability. The fact that the clients could make formal grievances to the direct authority would create a sense of trust among the population, as well as professionalise the industry. An effective regulatory body of law would help in instilling trust in constructing safety, where the surveyors must follow strict ethical and professional guidelines. The need has already been acknowledged by such countries as the United Kingdom, such as the Building Safety Act 2022, which includes the increase in control over high-risk buildings and stipulates that the latter should be inspected independently (Rankl, 2025). One of the ways through which Malaysia can improve its governance and adherence to international best practices is by following the same path.

To reduce the possibility of structural risks and legal disputes, Malaysia needs to introduce a mandatory preconstruction survey following the example of the Singapore Building Control Regulations 2003. Nonetheless, there should be strict implementation systems in place, such as punishment in case of failure to comply and a uniform reporting structure to create accountability. This action is essential to determine the risks to the structure and avoid conflicts regarding construction-related damages (Singapore Building and Construction Authority, 2023).

Some of the advantages of pre-construction surveys are lessening legal conflicts between the developer and the property owner, precautionary actions to safeguard neighbouring buildings and improved risk management in high-density urban developments (Chua & Tan, 2022). With this requirement, Malaysia would enhance accountability and reduce the risks of redevelopment projects. Also, periodic structural surveys on old buildings should be enforced. The Singapore model, which undertakes inspections after every five and ten years of nonresidential and residential buildings, respectively, is one of the examples that could be used to improve safety and compliance standards.

It is also necessary to define the roles and responsibilities of the building surveyors in the legal environment of Malaysia. Singapore has the Land Surveyors Act 1991 and Australia has the National Model Code of Conduct of Building Surveyors, where accreditation, competency standards and accountability mechanisms are well structured, which Malaysia might consider adopting.

The alignment of the professional accreditation in Malaysia with those of ASEAN would help in getting the recognition internationally and practising across borders. This would facilitate the mobility of the profession, promote regional partnerships and ensure that the Malaysian surveyors are in line with the international standards (ASEAN Secretariat, 2005). Malaysia also needs to upgrade the Mutual Recognition Agreements (MRAs) with Singapore to give the Malaysian building surveyors more career opportunities. Nonetheless, in

order to comply with the ASEAN accreditation standards, first, Malaysia needs to implement a standardised competency assessment framework.

The implementation of Continuous Professional Development (CPD) programs will ensure that the building surveyors can maintain their professionalism and adapt to the new standards of the industry. The National Model Code of Conduct of Building Surveyors in Australia insists on the importance of regular education and professional training as well as ethical practice. The same programs in Malaysia, including frequent workshops, recertification and seminars in the industry, would contribute to the long-term professional development and innovation.

Last but not least, Malaysia ought to consider the introduction of a payment scale fee into the Building Surveyors Act with reference to the Licensed Land Surveyors Regulations (Amendment) 2019. This policy establishes clear fee policies for professional services and the rights of surveyors are protected and they are paid their worth. The framework conforms to the National Model Code of Conduct of Building Surveyors of Australia, which helps to enforce financial transparency within the industry.

CONCLUSION

Malaysia is yet to establish a specific Building Surveyors Act, which leaves the country with significant regulatory gaps that influence the construction industry identity, standardisation and enforcement. In contrast to engineers and architects, building surveyors do not have an elaborate statutory system to govern the licensing, professionalism and compliance controls. Such legislative disempowerment puts building surveyors in an uncertain situation, which restricts their ability to enforce compliance on safety, counteract building risks and position themselves as relevant stakeholders in the Malaysian built environment.

Comparative analysis proves that other jurisdictions like Singapore and Australia have enacted organised regulatory frameworks that reinforce professional accountability and the safety of the populations. The Building Control Regulations 2003 and the Building Control Act of Singapore require pre-construction surveys and regular inspections, which lead to improved safety standards and fewer structural failures. In contrast, its licensing framework formalises the practice of professionalism. Equally, the National Construction Code and the AIBS Professional Standards Scheme in Australia are organised accreditation schemes, ongoing professional development needs and enforcement provisions, which sustain competency and integrity. These models exemplify the benefits of statutory recognition buttressed by powerful regulatory institutions in terms of professional responsibility, consumer confidence and the resilience of the industry.

Based on those foreign models, Malaysia could use them as a guide and implement a Building Surveyors Act that articulates clearly the scope of the profession, the conditions of licensing and the enforcement authority. These laws must create a special regulatory agency to oversee accreditation, complaints management and pricing, as well as obligatory pre-construction inspections and routine structural inspections to enhance safety compliance. The addition of the continuing professional development requirements would also guarantee that the practitioners keep pace with the changing technical standards and construction technologies.

Moreover, harmonising the regulatory framework of Malaysia with the ASEAN Mutual Recognition Arrangements can improve the level of professional mobility and competitiveness and increase international credibility. This accreditation, in line with the global best practice, would promote investor confidence and make Malaysia a regional leader in construction governance to promote safer and more sustainable development outcomes.

In general, the lack of a specific statutory regulation of building surveyors has led to fragmented control, unequal enforcement and their under-professionalism. Through the implementation of a holistic regulatory framework developed based on the Singaporean and Australian experience, Malaysia will be able to enhance safety governance, boost professional accountability and ensure a transparent and sustainable construction industry.

It is worth noting that the paper is mainly confined to the doctrinal and comparative analysis of the chosen jurisdictions without the involvement of the empirical stakeholder viewpoint and field-based data. Further studies could build on this study, focusing on practitioner experiences and the challenges of implementing

regulations and quantitative safety outcomes and expand the comparative framework to more jurisdictions. This would continue to uphold evidence-based building survey governance reform.

ACKNOWLEDGEMENT

This publication stems from a group project undertaken by students of the Faculty of Law, Universiti Teknologi MARA (UiTM) and we gratefully acknowledge their collective effort, research commitment and dedication in developing the foundational analysis that shaped this work. We also extend our appreciation to the Faculty of Law, UiTM, for providing an enriching academic environment that fosters rigorous inquiry and meaningful engagement with real-world industrial relations issues. Finally, we acknowledge the valuable industrial linkages supporting this publication, particularly the contribution of A. Razak & Co. PLT and its Managing Partner, Dato' Abd Razak, are in the publication of this article.

Disclosure of AI Assistance

This manuscript was prepared with the support of artificial intelligence tools, which were used solely to assist with drafting, editing and language refinement. All intellectual content, scholarly analysis, interpretation and conclusions presented in this work are the original work of the authors. The use of AI tools was transparent, supervised and did not contribute to the generation of original research data or substantive intellectual content.

REFERENCES

1. ASEAN Secretariat. (2005). ASEAN mutual recognition arrangement on engineering services. Association of Southeast Asian Nations.
2. Australian Building Codes Board. (2020). National model code of conduct for building surveyors. https://www.abcb.gov.au/sites/default/files/resources/2022/National-model-code-of-conduct-forbuilding-surveyors.pdf
3. Australian Building Codes Board. (2022). National Construction Code (NCC). https://ncc.abcb.gov.au
4. Australian Institute of Building Surveyors. (2021). Professional standards. https://aibs.com.au/Public/Public/Professional-Standards.aspx?hkey=90d37bb9-74a1-4831-a4a5af6c56cc3daf
5. Aziz, N. H., & Ahzahar, N. (2019). The challenges of building surveyor graduates in Malaysia. In 4th Undergraduate Seminar on Built Environment and Technology (USBET2019) (pp. 80–83). Universiti Teknologi MARA. https://ir.uitm.edu.my/id/eprint/51917/1/51917.pdf
6. Board of Architects Malaysia. (2023, February 2). General circular No. 2/2023: Guidelines on architectural consultancy practice. https://www.lam.gov.my/documents/circularar/circular%20architects%20%20general%20circular%202_2023%20en.pdf
7. Business Today. (2024, March 15). It is time to establish the Building Surveyor (BS) Act in Malaysia. https://www.businesstoday.com.my/2024/03/15/it-is-time-to-establish-building-surveyor-bs-act-inmalaysia/
8. Isnin, Z., Badrol Hisham, S. S. D., Ramele, R., & Ahmad Zawawi, E. M. (2016). Challenges to building surveyors from the perspectives of non-surveyors. MATEC Web of Conferences, 66, 00097. https://doi.org/10.1051/matecconf/20166600097
9. OECD. (2024). OECD competition law and policy working papers. https://doi.org/10.1787/20758677
10. Rankl, F. (2025, March 10). Building regulations and safety. House of Commons Library. https://commonslibrary.parliament.uk/research-briefings/cbp-8482/
11. Rathakrishnan, I. V. (2024, September 29). Building surveyor: In-depth guide to role, responsibilities and importance. Pro Inspect Solution. https://inspectsolution.pro/building-surveyor-role-responsibilitiesmalaysia/
12. Shah Ali, A., & Jia Woon, C. (2013). Issues and challenges faced by building surveyors in Malaysia. Structural Survey, 31(1), 35–42. https://doi.org/10.1108/02630801311304404

13. Singapore Building and Construction Authority. (2023). Building control and safety regulations. https://www1.bca.gov.sg
14. Singapore Institute of Surveyors and Valuers. (2024). Accreditation standards and practices. https://www.sisv.org.sg
15. Siong, C. (2013). Uniform Building By-Laws 1984 (Amendments) 2012. PAM Professional Practice Forum 2013.
16. Statista. (2025, March 7). Number of people employed in the construction industry in Malaysia, 2015– 2024. https://www.statista.com/statistics/809686/annual-employment-in-the-construction-industrymalaysia/
17. Street, Drainage and Building Act 1974 (Act 133) (Malaysia).
18. The Structural Engineer. (2024, October 14). Malaysia: A three-storey (under construction) building collapsed, killing one worker. The Structural Engineer. https://www.thestructuralengineer.info/news/malaysia-a-three-storey-under-construction-buildingcollapsed-killing-one-worker
19. Uniform Building By-Laws 1984 (Malaysia).
20. Yusuf, H. (2024). Increasing public satisfaction and trust based on an Islamic service quality perspective at the North Buton Regency PTSP service. Jurnal Ilmiah Ekonomi Islam, 10(1), 20–28. https://doi.org/10.29040/jiei.v1i1.11244
21. Zerguine, H., Tamrin, S. B. M., & Jalaludin, J. (2018). Prevalence, source and severity of work-related injuries among foreign construction workers in a large Malaysian organisation: A cross-sectional study. Industrial Health, 56(3), 264–273. https://doi.org/10.2486/indhealth.2017-0205
22. Zillante, G., & Wilkinson, S. J. (2006). Building surveyors in Australia: An emerging profession? In Proceedings of the Australian University Building Educators Association 31st Annual Conference (AUBEA 2006).
23. Australian Building Codes Board. (2022). National Construction Code 2022: Volume one (Building Code of Australia). https://ncc.abcb.gov.au/editions/ncc-2022/adopted/volume-one
24. Building and Construction Authority. (2023). Building Control Act and subsidiary regulations. Singapore Statutes Online. https://sso.agc.gov.sg/Act/BCA1989
25. Public Service Department Malaysia. (2025). Skim perkhidmatan Juruukur Bangunan: Ringkasan tugasan dan skop perkhidmatan [Job description and scope for building surveyor]. https://docs.jpa.gov.my/docs/bpo/2025/skim_perkhidmatan/J_juruukurbangunan.pdf
26. Lim, I. (2018, December 11). A timeline of the 1993 Highland Towers tragedy. Malay Mail. https://www.malaymail.com/news/malaysia/2018/12/11/a-timeline-of-the-1993-highland-towerstragedy/1701975
27. One died, two rescued in Melaka building collapse. (2024, December 10).Bernama. https://bernama.com/en/news.php?id=2350787
28. Jaya Supermarket collapses. (2009, May 29). The Star Online. https://www.thestar.com.my/news/nation/2009/05/29/jaya-supermarket-collapses/
29. Ali, A. S., & Woon, C. J. (2013). Issues and challenges faced by building surveyors in Malaysia. Structural Survey, 31(1), 35–42. https://doi.org/10.1108/02630801311304752
30. Challenges to Building Surveyors from the Perspectives of Non-Surveyors. (2016). MATEC Web of Conferences 66 article
31. Abdul-Aziz, A. R., Suresh, S., & Renukappa, S. (2020). The conundrum of professionalising building surveying in Malaysia. International Journal of Building Pathology and Adaptation, 38(5), 621–634. https://doi.org/10.1108/IJBPA-10-2019-0086
32. Isnin, Z., Hisham, S. S. D. B., Ramele, R., & Zawawi, E. M. A. (2016). Challenges to building surveyors from the perspectives of non-surveyors. MATEC Web of Conferences, 66, 00097. https://doi.org/10.1051/matecconf/20166600097
33. Ali, A. S., & Woon, C. J. (2013). Issues and challenges faced by building surveyors in Malaysia. Structural Survey, 31(1), 35–42. https://doi.org/10.1108/02630801311304404
34. Husain, S. H., & Che-Ani, A. I. (2025). Strengthening the building surveying profession in Malaysia: A chronological review and building surveyors' services in Malaysia. Progress in Energy and Environment, 31(2), 79–90. https://doi.org/10.37934/progee.31.2.7990
35. Department of Statistics Malaysia. (2025). Employment statistics, second quarter 2025. https://www.dosm.gov.my/portal-main/release-content/employment-statistics-second-quarter-2025 (turn0search21