

UNIVERSITI TEKNOLOGI MARA

**TRADITIONAL CHINESE
MEDICINE: COMPARATIVE
ANALYSIS OF LEGISLATION ON
THE PRACTICE AND
PRACTITIONERS IN MALAYSIA,
SINGAPORE AND AUSTRALIA**

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ABSTRACT

Traditional Chinese Medicine (TCM) is a form of Traditional and Complementary Medicine (T&CM) that is widely used all around the world. TCM has been brought to this country since the 15th centuries by the influx of immigrants from China at that time. Since then, TCM has continuously developed and been accepted by the locals. Due to increased usage of TCM by the public, the government has taken steps to ensure the quality and safe practice of TCM by introducing the T&CM Act 2016 [Act 775]. The Act started to be enforced since 1 August 2016 that gives power to regulate the practice and practitioners of TCM alongside six other practice areas. Australia and Singapore have started to regulate TCM much earlier than Malaysia. Australia developed the Chinese Medicine Registration Act 2000 but later repealed by the Health Professions Registration Act 2005 which came into effect on 1 July 2007. The Health Professions Registration Act 2005 regulates TCM and seven other health professions. The approach of the act is similar to Malaysian law where TCM is regulated under a general legislation which also govern other professions. Singapore on the other hand has developed a sui generis approach of legislation to regulate TCM. The TCM Practitioners Act 2000 gives power to regulate the practice and practitioners of TCM in Singapore. Therefore, this study is aimed to analyze and compare the procedural and substantive component of the legislation of TCM in Malaysia in comparison to Singapore and Australia by using library-based method. All relevant articles, journals, government publications and books related to the field will be collected and analyzed. At the end of the study the similarities or differences from the other countries could be evaluated for future references and improvement of the existing law in Malaysia.

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CHAPTER ONE

INTRODUCTION

1.1 Background of the study

Traditional Chinese Medicine (TCM) is one of the branches of Traditional and Complementary Medicine (T&CM) which is commonly practised in more than 140 countries worldwide (Ovais et al., 2019). Starting from August 2016, TCM practice and practitioners in Malaysia are regulated under the Traditional and Complementary Medicine Act 2016 [Act 775].

The T&CM Act regulates TCM alongside six other practice areas: Traditional Malay Medicine, Traditional Indian Medicine, Homeopathy, Osteopathy, Chiropractic and Islamic Medicine. Besides Malaysia, there are other countries which have started regulating TCM for more than a decade.

Even though the T&CM Act came into effect in August 2016, there are still challenges to be addressed concerning the TCM practice and its practitioners. This chapter will introduce the background of the TCM practice and the regulatory framework of TCM in Malaysia, Singapore and Australia. This chapter also includes the research methodology used in this study.

1.2 Traditional Chinese Medicine practice in Malaysia, Singapore and Australia

1.2.1 Background of Traditional Chinese Medicine practice in Malaysia

The history of the practice of TCM can be traced back to as far as the fifth century BC (500BC-401BC), until as recently as the Qing Dynasty (1840-1949) (Wang et al., 2019). As a matter of fact, many scholars believe that TCM is significantly influenced by the Ying Yang theory in the Book of Changes, which dated back 3,000 to 5,000 years (Wang et al., 2019). Since then, many monographs or theories regarding examinations for the diagnosis of disease and treatment methods were produced by famous physicians of different dynasties (Wang et al., 2019).