

AUSTRALIAN CENTRE FOR PSYCHOANALYSIS INC.
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Code of Professional Conduct of the Australian Centre for Psychoanalysis Inc.

SECTION I

Preamble

A code of professional ethics concerns universally accepted moral principles and typical ethical problems that a clinical practitioner, supervisor and those involved in the training of analysts face in the course of their work. Such problems, in turn, concern actual or potential conflicts of interests and the possible transgression of the limits imposed to the practitioners' enjoyment - in particular, the enjoyment derived from financial gain and erotic gratification.

Psychoanalysts abide by the same rules of ethical conduct that have been adopted by other professionals; yet the ethics of psychoanalysis cannot be confined to those rules and their inscription in a code. The entire field of theory and practice created by Sigmund Freud is traversed by an ethical dimension, and every intervention on the part of a psychoanalyst is affected by it. Every psychoanalytic act is the enactment of a judgement, and this judgement falls into the ethical domain, as it concerns the desire of the analyst as much as the desire of the analysand. In concrete terms, it is in the handling of the transference (a permanent feature of the psychoanalytic experience) that the analyst confronts most acutely the ethical consequences of his/her action.

As a theory and treatment of the unconscious and its formations, psychoanalysis deals with desire as this manifests itself in the analysand's discourse. The analytic experience has demonstrated that there is no Sovereign Good or golden rule for the moral evaluation of desire and its effects. From an ethical perspective, the manifest effects of desire cannot be assessed at face value: a piece of behaviour which appears to be impeccable from the viewpoint of conventional morality may reveal its unequivocal immoral character when its true motivation is unveiled in the course of the analytic experience; on the other hand, reprehensible actions may show a solid foundation in the established ethical law when properly understood in analysis.

Psychoanalysis has contributed significantly to our modern conception of ethics through the elucidation of the ethical status of unconscious desire and the function of the agency of the superego. It has shown clinically the destructive effects of this agency in its implacable pursuit of morality, which may reach the extremes of immorality. It has equally shown that human unconscious desire is not "immoral" in itself, but the other side of the law. And it has demonstrated

that the ethical principles that specifically support the analytic discourse require of the analyst not only a position of abstinence and "neutrality", but also a commitment to renouncing the exercise of power in the handling of the transference and to an unconditional respect for the singularity of the analysand. This entails the permanent commitment of the psychoanalyst to a work of reflection and research on the ethical questions, continuously renewed by the evolution of history and the unpredictable action of human desire.

The psychoanalysts, supervisors, those involved in the training of analysts in the Centre and those training in psychoanalysis with the Centre abide by the code of conduct written below, and by the procedures instituted to deal with alleged and actual transgressions to it. The code is the result of extensive reflection on the ethical dimension of the psychoanalytic experience. Those who subscribe to it also engage in a rational study and questioning of the foundations of the ethics of psychoanalysis and their relevance in actual practice.

SECTION II

General Ethical Principles

This Code of Professional Conduct of the Australian Centre for Psychoanalysis establishes standards of ethical practice and professional conduct required for the practice, teaching, supervision and training of psychoanalysis by psychoanalysts. It is not a statute.

1 Psychoanalysts in their practice respect the essential humanity and dignity of all patients and refrain from their exploitation in any way. The ethics of psychoanalysis is oriented to the desire of the analyst, which aims to obtain absolute difference. This requires that the analyst not impose his or her own values, nor expect the patient to identify with him or her. Psychoanalysts do not discriminate against persons on grounds such as religion, ethnicity, gender, age or class.

2 Psychoanalysts are required to maintain appropriate boundaries with their patients. The psychoanalyst is required to apply to his or her practice what has been learned from his or her training and ongoing study of the ethics of psychoanalysis and its application. The psychoanalyst will respect the limits imposed on any exploitation of the patient and avoid their transgression, particularly in relation to the potential enjoyment gained from financial reward and erotic gratification.

3 Psychoanalysts are expected to engage fully in the best professional care for patients. This includes being reasonably available, practising only within the limits of expertise and of physical and mental health, and giving appropriate notice, where possible, of any changes in the psychoanalyst's situation that will have a bearing on the analysis. Alternative treatment is to be sought for the

analysand where appropriate, in the event of the incapacity of the psychoanalyst.

4 Psychoanalysts are responsible for communicating the terms on which a psychoanalysis is being offered. They are expected to inform the patient of the nature of a psychoanalytic treatment, the system of fee payments and arrangements concerning missed appointments, holidays and any other business relevant to the psychoanalytic treatment.

5 Psychoanalysts respect the rights of patients including the right of informed consent to treatment. Where a person is incapable of giving informed consent, consent to treatment will be sought from an appropriate authority.

6 Psychoanalysts are responsible for ethical practice in relation to referrals. It is not ethical for a psychoanalyst to offer or accept any payment for referrals. No financial transactions ought to be undertaken in relation to the treatment other than the ordinary fee charged to patients for their treatment.

7 Confidentiality of patient treatment.

(i) Psychoanalysts are obliged to respect the patient's right to confidentiality and to safeguard all information associated with the patient's treatment. All records, whether in written or any other form, must be protected with the strictest of confidence.

(ii) When other professionals are involved in the treatment of a patient, the psychoanalyst should obtain the consent of the patient to share information with them. Only such information as is necessary to the other professionals' treatment of the patient should be shared with them. Other professionals are bound by the ethical requirements of confidentiality.

(iii) If a case is discussed or written about for the purposes of professional development, details should be disguised so that the patient is unidentifiable.

(iv) The ethical requirement to safeguard confidentiality continues after the termination of treatment or after the patient's death unless there are overriding legal considerations.

8 Limits of confidentiality: Confidentiality ought to be the guiding principle when disclosures of patient information are required, within the limits imposed by the law and by a proper concern for the safety of the patient and other persons.

9 Psychoanalysts have an obligation to continue to develop and maintain their professional training throughout their professional lives as well as seeking consultation regarding issues of special complexity as they arise. They are

accountable for conducting clinical practice, research, supervision and teaching at a continuing high standard.

10 Psychoanalysts have a responsibility to the professional community and to society.

(i) Psychoanalysts may make professionally informed contributions to public debate.

(ii) Any publicity material and all written and oral information should reflect accurately the nature of the service offered and the training, qualifications and relevant experience of the psychoanalyst.

iii) A psychoanalyst may not make misleading or inappropriate representations of his or her qualifications, level of competence and expertise or degree of association with any professional body. Persons may not imply that they are recognised as psychoanalysts by the ACP unless their names are included on the ACP Register of Practising Analysts.

iv) A psychoanalyst registered as Practising Analyst with the ACP has a continuing duty to disclose to the ACP Register Committee any information which would be relevant if the psychoanalyst were applying for inclusion on the ACP Register of Practising Analysts at that time. Similarly, a psychoanalyst who is registered professionally with any other body has a continuing duty to disclose any information which would be relevant if he or she were applying for inclusion at that time.

(v) Psychoanalysts are expected to be aware of current legislation affecting their work.

(vi) If a psychoanalyst is aware of the professional misconduct of a colleague, the psychoanalyst is expected to take steps to address the situation. Such steps may include speaking to the professional concerned, reporting it to the professional association and/or another appropriate authority.

11 Psychoanalysts are required to hold current professional indemnity insurance with coverage adequate to their level of practice.