

Your responsibilities – limited liability disclosure

Professional Standards Legislation requires the following disclosure statement for association members who are covered by a Professional Standards scheme:

Liability limited by a scheme approved under Professional Standards Legislation.

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Professional Standards Legislation.**

The above statement is designed to give consumers clear notice that you are a recognised professional and that you operate under an approved professional standards scheme. It must be printed in a size not less than Times New Roman 8-point font.

You must use the prescribed statement to ensure that you do not commit an offence regarding disclosure. Failure to disclose limited liability may result in a financial penalty (this varies across jurisdictions; up to \$20,000 for individuals in South Australia) or, in some cases, the professional concerned may not be covered by the scheme.

The disclosure statement is to appear on all materials given (or caused to be given) by members of an association to clients or prospective clients that promote or advertise the person or their occupation.

The disclosure statement should appear on:

- Letterhead & letters signed by the company or on its behalf
- Fax Cover Sheets
- Documents such as written advice, plans, drawings, specifications and other documents produced for clients but not accompanied by a letter or other document containing a disclosure statement
- Newsletters and other publications
- Memorandum of fees and invoices not accompanied by a letter or other document containing a disclosure statement
- e-mail
- Websites*

The disclosure statement does not need to appear on:

- Social media networks, blogs, etc. that are accessed voluntarily by consumers – rather than being 'given, or caused to be given' by professionals to their clients or prospective clients.
- Advertisements in print media, directory listings and similar forms of promotion or advertising
- Business Cards

For further information about the disclosure statement, visit the Professional Standards Councils website: www.psc.gov.au

** Websites are specifically mentioned only in the statute in South Australia. However, the Professional Standards Councils believe that to provide a higher standard of consumer protection, it is prudent for the limited liability disclosure to also be made on websites. Members of occupational associations to whom a Professional Standards scheme applies are advised to seek independent legal advice if they are unsure of how and where to disclose their limited liability.*