

Appendix D DISCLOSURE REQUIREMENTS

In all jurisdictions, where a person's liability is limited under the legislation, all documents (except business cards) that promote or advertise the person or the person's occupation, which are given by the person to a client or prospective client, must carry a statement that the person's liability is so limited.

- In South Australia, the provision relates to documents that promote the person's "business", not "occupation".
- In all jurisdictions except Queensland, South Australia and Western Australia, noncompliance is an offence that is punishable by 50 penalty units.
- In Queensland, non-compliance is an offence that is punishable by 65 penalty units.
- In South Australia, non-compliance is an offence that is punishable by \$20,000.
- In Western Australia, non-compliance is an offence that is punishable by \$5,000.

In addition, in the Australian Capital Territory, Northern Territory, Queensland, South Australia, Tasmania and Victoria, if a person's liability is limited under the legislation, the person must give (or cause to be given) a copy of the scheme limiting that person's occupational liability to a client or prospective client when requested to do so by the client or prospective client.

- In the Australian Capital Territory, Northern Territory, Tasmania and Victoria, noncompliance is an offence that is punishable by 50 penalty units.
- In Queensland, non-compliance is an offence that is punishable by 65 penalty units.
- In South Australia, non-compliance is an offence that is punishable by \$5,000.
- In Northern Territory and South Australia, "client" means a person engaging another person to carry out work. If that person acts on behalf of a third party, that person, rather than the third party, is the client.
- In all jurisdictions except Queensland, references to documents include official correspondence ordinarily used by the person in the performance of that person's occupation, and similar documents.
- Queensland, "document" refers to business correspondence other ordinarily by the person in performing that person's occupation.
- In South Australia, any website that is maintained by or on behalf of the person to promote the person's business must also carry such a statement.
- In all jurisdictions, the legislation provides that regulations may prescribe the form of statement and that a person does not commit an offence if the statement is in the prescribed form.
- In New South Wales, Queensland, South Australia and Western Australia, regulations are in force prescribing that the statement must be "Liability limited by a scheme approved under Professional Standards Legislation." In Victoria (Sch 4, Clause 7) and the Northern Territory (Sch 4, Clause 7), the relevant legislation also requires that the statement be in this form.
- In addition, in New South Wales, Queensland and Western Australia, regulations prescribe that statements must be printed in a size not less than the face measurement of Times New Roman typeface in 8 point. In Victoria (Sch 4, Clause 7) and the Northern Territory (Sch 4, Clause 7), legislation also requires that the statement be in this form.

Note: In the Northern Territory, Queensland, Tasmania and Victoria, a failure to disclose that a person's liability will mean that the person's liability will not be limited under the scheme.