

# AUSTRALIAN INSTITUTE OF CONVEYANCERS

## New South Wales Division Limited

ABN 12 058 117 703

Information and Support for the Conveyancing Community in NSW



Director Justice Policy  
Department of Attorney General and Justice  
GPO Box 6  
SYDNEY NSW 2001

14 April 2014

By email: [justice.policy@agd.nsw.gov.au](mailto:justice.policy@agd.nsw.gov.au)

Dear Sir,

### **CONSULTATION ON THE PROPORTIONATE LIABILITY MODEL PROVISIONS**

The Institute submits that the Provisions should seek to correct the decision in *Perpetual Trustee Ltd v Ishak [2012] NSWSC 697* so that proportionate liability always applies to Licensed Conveyancers when sued.

The above decision as it stands (although generally criticised), leaves the potential for conveyancers when sued in relation to representations as to land to not have the benefit of the proportionate liability regime.

Yours faithfully  
Australian Institute of Conveyancers NSW Division

Alan West (CEO)