

# LAWS 7051 ELDER LAW

**Credit Points** 10

**Legacy Code** 201066

**Coordinator** Richard Mccullagh (<https://directory.westernsydney.edu.au/search/name/Richard Mccullagh/>)

**Description** Whilst Elder Law has been an acknowledged speciality for many years in countries such as Canada and the United States of America, it is only in the last two decades that it has gained recognition in Australia. This subject examines law, theories and issues relevant to an ageing community. The legal issues are examined in a broad social, cultural and ethical context. Issues of legal capacity relevant not only to the law of contracts but also to medical treatment and end of life decisions are considered. Similarly, the law relating to areas of special importance to the elder community such as age discrimination, pensions, retirement villages, wills and estate planning are also discussed.

**School** Law

**Discipline** Law, Not Elsewhere Classified.

**Student Contribution Band** HECS Band 4 10cp

**Level** Postgraduate Coursework Level 7 subject

## Learning Outcomes

On successful completion of this subject, students should be able to:

1. Critically evaluate the legal, policy, moral and practical issues concerning Substitute Decision Making for older people;
2. Analyse the legal, policy, moral and practical issues that may concern older people in relation to discrimination, abuse, accommodation and retirement finances and estate planning;
3. Provide advice in relation to elderly community interests and disputes;
4. Display clear and logical arguments in responses addressing legal issues relating to ageing community;
5. Assess ethical issues arising in Elderly law practice and the professional responsibilities of lawyers in promoting justice and service to the community.

## Subject Content

- Policymaking and The older person
- Legislation affecting older persons
- Role of The guardianship division of NCAT
- Role of The NSW trustee and guardian
- Role of The public guardian
- Substitute decision making
- Elder Abuse
- Discrimination
- Accommodation Issues
- Medico-legal Issues associated with aging
- Privacy and Confidentiality
- Grandparenting
- Financial Issues
- Multicultural issues associated with ageing, including issues experienced by First Nations people

- Making or not making A will
- Family provision

## Assessment

The following table summarises the standard assessment tasks for this subject. Please note this is a guide only. Assessment tasks are regularly updated, where there is a difference your Learning Guide takes precedence.

Type	Length	Percent	Threshold	Individual/Group Task
Reflection	1,000 words or equivalent	20	N	Individual
Essay	2,500 words	40	N	Individual
Final Exam	24 hour take home exam	40	N	Individual

Teaching Periods