

# LAWS 3016 ELDER LAW

**Credit Points** 10

**Legacy Code** 200632

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

**Description** This subject examines law relevant to an aging 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 delegated decision making, medical treatment and end of life decisions are considered. Similarly the law relating to areas of special importance to the elder community such as, pensions, retirement villages, wills and estate planning and equitable remedies for financial elder abuse are also discussed.

**School** Law

**Discipline** Law, Not Elsewhere Classified.

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

Check your fees via the Fees ([https://www.westernsydney.edu.au/currentstudents/current\\_students/fees/](https://www.westernsydney.edu.au/currentstudents/current_students/fees/)) page.

**Level** Undergraduate Level 3 subject

**Pre-requisite(s)** LAWS 2013 AND LAWS 2003

## 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 persons.
2. Analyse the legal, policy, moral and practical issues related to accommodation, retirement finances, and estate planning for older persons, considering equitable remedies for financial elder abuse.
3. Communicate clearly, accurately, logically and persuasively in relation to matters concerning elder law.

## Subject Content

1. Introduction to Elder Law
2. Financial decision-making agents
3. Health decision-making agents
4. Fiduciary duties
5. Unconscionable conduct, undue influence and proprietary estoppel
6. Equitable remedies for financial elder abuse, including elder abuse of Indigenous people
7. Resulting trusts and constructive trusts
8. Inter vivos statutory property adjustment orders
9. Deceased estate statutory property adjustment orders
10. Staying home: Income support payments and subsidised care costs
11. Retirement villages and manufactured home parks
12. Granny flat arrangements
13. Residential aged care facilities

## 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	Mandatory
Quiz	10 minutes per quiz	10	N	Individual	N
Essay	1800 words	40	N	Individual	N
Professional Task	20 minutes	40	N	Individual	N
Participation	Ongoing	10	N	Individual	N

Prescribed Texts

- McCullagh, R, Australian Elder Law (Thomson Reuters, 2018)

Teaching Periods

## Spring (2024)

Online

Online

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View timetable ([https://classregistration.westernsydney.edu.au/even/timetable/?subject\\_code=LAWS3016\\_24-SPR\\_ON\\_2#subjects](https://classregistration.westernsydney.edu.au/even/timetable/?subject_code=LAWS3016_24-SPR_ON_2#subjects))

## Spring (2025)

Online

Online

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