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 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

Check your fees via the Fees (https://www.westernsydney.edu.au/currentstudents/current_students/fees/) page.

Level Undergraduate Level 3 subject

Pre-requisite(s) LAWS 2013 AND
LAWS 2003

Equivalent Subjects LGYB 0409 - Elder Law

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. Identify and 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. Communicate clearly, accurately, logically and persuasively.

Subject Content

1. Introduction to Elder Law
2. Financial decision-making agents
3. Health decision-making agencs
4. Fiduciary duties
5. Unconscionable conduct, undue influence and proprietary estoppel
6. Resulting trusts and constructive trusts
7. Inter vivos statutory property adjustment orders
8. Deceased estate statutory property adjustment orders
9. Staying home: Income support payments and subsidised care costs
10. Retirement villages and manufactured home parks
11. Granny flat arrangements
12. 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
Quiz	10 minutes per quiz	10	N	Individual
Essay	1800 words	40	N	Individual
Professional Task	20 minutes	40	N	Individual
Participation	Ongoing	10	N	Individual

Prescribed Texts

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

Teaching Periods

Spring (2023)

Online

Online

Subject Contact Richard Mccullagh (https://directory.westernsydney.edu.au/search/name/Richard Mccullagh/)

View timetable (https://classregistration.westernsydney.edu.au/odd/timetable/?subject_code=LAWS3016_23-SPR_ON_2#subjects)

Spring (2024)

Online

Online

Subject Contact Richard Mccullagh (https://directory.westernsydney.edu.au/search/name/Richard Mccullagh/)

View timetable (https://classregistration.westernsydney.edu.au/even/timetable/?subject_code=LAWS3016_24-SPR_ON_2#subjects)