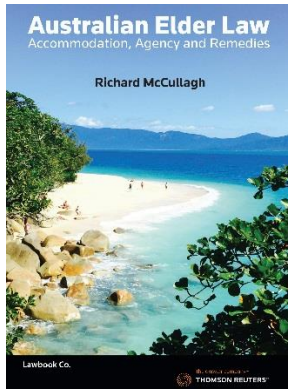




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BOOK REVIEW



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*Australian Elder Law: Accommodation, Agency
and Remedies*

Review published in the *NSW Law Society Journal*
by Darryl Brown, September 2018

[Find out more about this book here.](#)

There are two things that can be said about elder law without fear of contradiction. First, it is a vast and complex subject. Second, it is not well understood.

This text hasn't attempted to be all things to all kind. The book's opening sentence describes it as a legal street directory, written for the first level of legal triage. With that approach, McCullagh concentrates on three topics: accommodation, decision-making agency, and remedies. There are many chapters exploring each topic, both in-depth and Australia wide. It's easy to read with short paragraphs, bullet points, diagrams and headings written in the form of the kinds of questions clients ask. And while it's loaded with footnotes – enabling the reader to find the source or drill down to the minutiae – McCullagh's impish humour and quips such as 'elder law is in its youth' bring a lightness to the text.

There are extensive case studies including pretty well every case from the past decade and most from this millennium (at least for a NSW reader). All the blue-chip cases from yesteryear are referred to as well, often with a summary of the facts, the issues at play, and the decision.

Best of all, the book is practical, offering many handy hints. For instance, it says that extra legal costs should be charged for legal work with a retirement village contract and there should be a formal loan contract in cases where a relative pays a refundable accommodation deposit. McCullagh observes that the lack of regulation around rent increases for manufactured homes 'may be a most unwelcome development [for the elderly] and even difficult to sustain'. And then there's a long list of suggested questions to ask clients – something which could make a very handy checklist for practitioners. This is a practical and important text which should be prized.