

## Essential

### Retirement Village Law in NSW

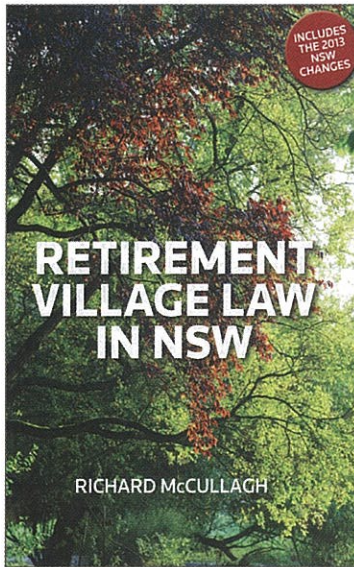
Richard McCullagh

Thomson Reuters Lawbook Co

review by Sue Field

In view of our ageing population it is surprising a book of this nature has not previously been written – this book fills that void. As someone who worked for many years as in-house counsel for a retirement village operator, the author is well-placed to write such an epic tome and he is to be commended for the depth and breadth of its contents. In fact, it would be difficult to find an area of retirement village law the author has not addressed, including the not-often canvassed area of life tenancy under residential tenancy agreements.

Early in the text, McCullagh clearly delineates the differences between retirement villages (governed by state legislation, *Retirement Villages Act 1999*) and residential aged-care facilities (governed by Commonwealth legislation the *Aged Care Act 1997*). Although the difference should be readily apparent, it is not uncommon for clients, and in some cases their legal advisers, not to know the difference between the two. To emphasise the distinction, the author refers to the case of *Knowles and Freund v Wagga Road*



*Properties Pty Ltd* [2010] NSWCTTT 269.

The use of cases throughout the book to highlight the ‘perils’ and ‘pitfalls’ associated with retirement village law will be of particular benefit to the practitioner advising clients not only prior to entering this type of contract but during their occupancy – should things not go according to plan.

The use of diagrams and flow charts throughout is an excellent technique to help the reader understand some of the concepts associated with retirement

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village living/law. Equally, summarising each subsection of the various chapters provides a practical approach to learning and encapsulates the essence of each.

Practitioners should also take heed of their duty of care to elderly clients and this is summarised very succinctly in part two, particularly in respect of requesting copies of audited statements, and the consequences of not obtaining this information – and advising on it.

The downside? The book would have benefited greatly from a more stringent approach to proofreading as there are a number of typos, the most common being the misspelling of the word “public” which unfortunately occurs throughout the book! Paragraph numbering is also somewhat erratic in some chapters.

Nevertheless, this is a book that should find its way onto the desk of every lawyer who does, or intends to, advise clients in this rapidly expanding area of law. □