

## BOOK REVIEW: 'RETIREMENT VILLAGE LAW IN NSW' BY RICHARD MCCULLAGH

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McCullagh, Richard, *Retirement Village Law in NSW* (Thomson Reuters Lawbook Co, 2013).

*Pages 469, cost \$120*

In view of our ageing population it is surprising that 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 the contents of his book.

In fact, it would be difficult to find an area of retirement village law that the author has not addressed, including the not-often canvassed area of life tenancy under residential tenancy agreements.

Early in the text the author clearly delineates the differences between retirement villages (governed by state legislation, such as the *Retirement Villages Act 1999* (NSW)) and residential aged care facilities (governed by Commonwealth legislation the *Aged Care Act 1997* (Cth)). 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 the book is an excellent technique to assist the reader to understand some of the concepts associated with retirement village living/law. Equally, summarising each subsection of the various chapters provides a practical approach to learning and encapsulates the essence of each subsection. Practitioners should also take heed of their duty of care to clients and this is summarised very succinctly in Part Two, particularly in respect of requesting copies of the audited statements, and the consequences of not obtaining this information – and advising upon it.

Downside – the book would have benefited greatly from a more stringent approach to proof-reading as there are a number of typos, the most common being the misspelling of the word 'public' which unfortunately occurs throughout the book! The structure of the numbering of the paragraphs is also somewhat erratic in some chapters.

Notwithstanding these faults 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.

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