

Older Residents, Legal Rights: Supported Accommodation in NSW

Edited by Sandra McCullough; The
Federation Press, 1992; 546 pp;
\$58.

Elizabeth Evatt wandered into my office with this book, which she had been asked to launch. She mentioned I might find it useful, but she would need it back later. She'll be lucky.

I am working on a reference at the Law Reform Commission, the end product of which will be brand spanking new aged care legislation for the Commonwealth.

I am working on what we call 'what is' (before we do 'what should be') — an explanation of the maze of Commonwealth legislation which currently governs how the Government funds aged care services like nursing homes, hostels and services to people at home. Doing 'what is' is painful. It requires constructing the funding process from archaic and incomprehensible legislation like the *National Health Act 1953* (Cth). There is delegated legislation to chase and explain, funding formulae to decipher, administrative processes to describe.

So, getting back to this book, going through such a sordid work experience as this, I can truly say that, if nothing else, I am qualified to judge the skill of the various contributors in compiling such a thorough and competent run-down on the current legislation which governs supported accommodation (nursing homes, hostels, self-care units in retirement villages and boarding houses).

Australia's population is ageing. As this manual relates 'the proportion of older people (taking them to be those over either 60 or 65 years of age) is increasing at a faster rate than that of people under those ages'. As the demand for supported accommodation continues to rise, so will its importance in the lives of older people, and the need for the

community to understand precisely how it is administered and regulated.

The focus of the book is on residents' rights. It is an invaluable manual for people who actually live in supported accommodation, their family and friends. This is no bedtime reading. But it is definitely a book that should be a heavily thumbed addition to every work desk of the manual's target audience — lawyers, accountants, community workers, government officers, and the staff and management of supported accommodation.

What the book does is effectively consolidate the maze of Commonwealth, State and Territory legislation that relates to supported accommodation in NSW. It has a very practical chapter on how to advocate for older people. It explains legal issues which have special importance for older people in supported accommodation with chapters on social security entitlements, contract law, consumer protection law, torts, incapacity, estate management, and guardianship.

The manual also puts the law in context and makes sense of it in a practical way. An excellent introduction by Sandra McCullough explains how the manual works. She paints a picture of what 'old age' is, and how our society deals with 'old age', discussing matters like age discrimination, the effects of institutionalisation, trends in ageing, and recent legal and policy developments.

The manual (unlike the tortuous legislation which it explains) is written in plain English. It has an extremely practical bent. It gives 'how to' advice — like how to act for a group of residents, how to fill in an application form, how to work out pension entitlements. The other helpful feature is the use of 'case studies' at the start of each chapter dedicated to a type of supported accommodation. These are used to highlight important issues and then guide readers to the areas in the chapter which explain them. A real life scenario used in this way is invaluable in making sections like s.40AA(6)(cdb)(ii) of the *National Health Act* come to life.

The book was conceived and supported by The Accommodation Rights Service Inc. (TARS), and funded by the

Law Foundation of NSW. Federation Press has done, as usual, an exemplary job in terms of the manual's index, legislation tables, structure and cross referencing, and there's a bibliography for each chapter. The manual also includes contact addresses.

Bottom line is, dare I say, that at the end of our reference, new federal aged care legislation means a second edition. To the contributors I say 'I'm sorry'. But I'm sure they would be the first to admit we need new legislation.

The manual's introduction quotes Simone de Beauvoir's book *Old Age*: 'No man [or woman] who lives long can escape old age: it is an unavoidable and irreversible phenomenon'. This book means I won't age too prematurely doing that 'what is' bit. It is also an invaluable tool for older people and anyone working with the growing numbers of older people who live in supported accommodation.

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