

# Australian Property Law Journal (APLJ)

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(articles, case notes and book review included in this part are linked to the LexisNexis platform)

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### Articles

#### Teaching property law in a changing world: A longitudinal study 2011–19

— Penny Carruthers, Kate Galloway and Natalie Skead

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In the past 10 years we have witnessed a seismic shift in the practice of law. This shift is largely the result of the growing impact of digital technology on both the substantive content of law and the delivery of legal services. Legal education has been somewhat slow to respond. While there may have been considerable focus on integrating technology in how we teach, including an increase in the online delivery of content most commonly in the form of blended learning models, the review and revision of the substantive content of what we are teaching has lagged behind. Indeed, the first substantial review of the Priestley 11 commenced late in 2018, 26 years after their initial articulation. This article reports on a longitudinal study of property law teaching in Australia. In doing so, it explores the changes to both the substance and mode of delivery of this prescribed area of knowledge in the past 10 years, and provides some commentary on further changes that are needed to ensure Australian law graduates are adequately equipped with relevant knowledge and skills in this important area.

#### ‘Assets for care’ arrangements: The current state of the law (and its weaknesses) from the perspective of home

— Samuel Tyrer

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This article highlights that older Australians have lost their homes (and other assets) when so called ‘assets for care’ arrangements have not worked out. Further, it highlights that the existing law is inadequate to respond to this problem because it does not provide older persons with accessible remedies for their losses, that is, orders returning their assets, or for monetary compensation in lieu. The Australian Law Reform Commission’s 2017 Report titled Elder Abuse: A National Legal Response — and existing legal scholarship — has previously highlighted these points. This article usefully reviews that scholarship and distils its overall findings. It then makes a new normative claim, which is that the existing law — as a result of its noted inadequacy — potentially undermines the experience of home for older persons. Without access to remedies, older persons might not be able to afford another home in which to live, and in which to experience home — a feeling of security, the expression of self-identity, and relationships and family.

#### Public access to beaches: *Western Australia v Manado*

— Madeleine Durand

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On 18 March 2020, the High Court of Australia held that the public’s ability to access and enjoy beaches is capable of inclusion in a native title determination. The decision of *Western Australia v*

*Manado* is the first case which examined the nature of this public access, and its intersection with native title. This case note examines the circumstances leading up to the High Court's decision, and elucidates the differences in reasoning between the various judgments, as well as significant legal principles that are likely to have wider application in the future.

## Case Notes

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