



Tasmanian Association for Residents of
Retirement Villages

TARRV: Your Voice in Retirement

Website: <https://www.tarrv.org.au>

NEWSLETTER No.8

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EDITOR: Jon Hosford

From the President



Happy New Year and a warm welcome to our wonderful TARRV members and a short recap on the year just gone.

2024 saw the first application of the amendments in the Retirement Villages Act. The larger operators of retirement villages have understood, to a greater or lesser degree, the changes in the Act, indeed one of the largest operators has suggested that TARRV may choose to conduct a seminar for village operators on the Retirement Villages Act and its applications. TARRV is in discussion with CBOS to look at the feasibility of jointly running such a seminar.

During the later part of 2024, TARRV was invited by CBOS to provide a submission in regard to the Retirement Villages Act's Regulations. I tender my sincere thanks and appreciation to the executive members of TARRV for

their input, with special thanks to Nigel Burch and Jon Hosford; our submission was accepted, with thanks, by CBOS.

At the close of 2024, TARRV has outstanding issues of non-compliance with various legislations, including the Retirement Villages Act, the Strata Titles Act and the Commonwealth Disability Discrimination Act and has referred 7 matters to CBOS for resolution.

From time to time the question of what is damage vs what is reasonable fair wear and tear has arisen. The website of the Tasmanian Consumer, Building and Occupational Service (CBOS) notes that *“Tenants and owners are not responsible for damages caused by reasonable or fair wear and tear.*

What is reasonable wear and tear?

Reasonable wear and tear includes things which happen to the property:

- *unintentionally and are out of the tenant’s control*
- *during the normal use of the property, and*
- *which do not create significant effect.*

The extent, noticeability and effect of the damage should be used to consider whether the wear and tear is reasonable.

Examples of fair wear and tear: minor marks and scratches, wearing down of carpet pile, parts of the house fading due to sunlight.

What isn't reasonable wear and tear?

Damage to a property (even if accidental) which isn't considered reasonable wear and tear includes:

- *significant carpet stains*
- *marks*
- *burns*
- *scratches.”*

Without going into too much detail and while there are many cases involving damage vs fair wear & tear, the Case of Wu vs Liu heard in NSW with the decision date of 15 June 2022 and at paragraph 21, sets it out

nicely, as follows: “*The obligation at the end of a tenancy to leave premises in a condition as close as possible to the condition it was in at the start of the tenancy is qualified by the tenants right to reasonable use of the premises, and by the reasonably expected period of use of the rental asset. A tenant is not strictly liable for any change in the condition of premises during a tenancy. Any wear and tear that is associated with reasonable use, or which arises as a result of natural forces (such as the ageing of an asset) is ‘fair’ and cannot constitute a breach of the tenant’s obligation shows the legal position in regard to the amount of compensation the landlord/owner could be entitled to.*”

The amount of “damages” the owner may be entitled to, is set out in paragraph 19 of this case, as follows: “*An award of damages arising from a breach of a residential tenancy agreement is compensatory, just as it is with other types of contracts. Its objective is to put the injured party in the position they would have been in had there been no breach, so far as money is capable of doing so. The injured party is not entitled to any amount of compensation that would result in them being put in a better position than they would have been if there had been no breach.*”

An example might be damage to say an electric stove and the stove, notwithstanding that it is still operable, is so old that replacement parts are no longer available. Accidental damage is done to a part of the stove; it can be argued that it would be unreasonable to require the resident who caused the damage to the stove to replace the entire stove at their own cost, at most, any cost should be limited to the cost of the replacement part, or more likely, none at all.

In conclusion with this article on “Fair Wear & Tear”, I must note that my comments do not comprise a definitive legal opinion and that in most cases, and when we have “gone to God”, it will be a matter for our estate, or enduring attorney, to resolve, if needed, after we have left the village!

I would like to take this opportunity to invite chairs/presidents of retirement village committees to comment on ways to promote the advantages of TARRV membership, a generic ‘flyer’ that may be of assistance is included in this newsletter, subject to agreement by a TARRV representative.

Ian Green

(TARRV President)

Membership Report

As at January 2025 TARRV has **534** financial members. Of these **91** are Life members.

We are planning to create alternative ways in which members can reaffiliate annually more easily. This assures us the essential finance to do what we are doing in support of ongoing stability within retirement villages in Tasmania. We are also working with Australia wide bodies to develop fair and reasonable legislation and its supervision within Australia.

New Support at Home program starts in July this Year

Here are some details of the transition to the government's new in-home care program, kindly provided by National Seniors Australia.



The Australian Government is improving in-home aged care to help older people live independently at home for longer.

The Support at Home program will bring together some current in-home aged care programs, with the aim of ensuring a more equitable system for older people.

Starting 1 July 2025, the Support at Home program will replace the Home Care Packages (HCP) Program and Short-Term Restorative Care (STRC) program.

The Commonwealth Home Support Program (CHSP) will move to the new program no earlier than 1 July 2027.

Older people with more complex needs will have access to higher levels of care, helping them to stay home for longer.

Support at Home will improve access to services, products, equipment, and home modifications to help older people remain healthy, active, and socially connected to their community.

Existing in-home aged care programs will continue operating normally until they move to the new program.

The [Department of Health and Aged Care](#) will soon be releasing materials to support older people and their families and carers to transition to the Support at Home program.

To receive updates about the aged care reforms, including Support at Home, you can [subscribe](#) to the department's *EngAged* newsletter.

You can also download the new Support at Home booklets for older people, families and carers:

- [Booklet](#) for older people, families, and carers.
- [Booklet](#) for older Aboriginal and Torres Strait Islander people, families, and carers.

Establishing A Legal Fund (from the Treasurer, Nigel Burch)

At the last Committee meeting, members discussed a proposal to establish a legal fund.

The idea was very well received. Whilst we always endeavour to talk to village operators in a friendly and constructive way, there will be occasions when we find it necessary to make a stand to establish a principle.

Hopefully, in most cases we would be able to make an appeal to Consumer Affairs or take a case to TASCAT, which is free. Occasionally, however, we will need to engage a solicitor and take an issue to a magistrate or judge for determination.

A legal fund would enable us to do so, without having to worry about using up our membership funds and running out of money. A fund of \$50,000 was suggested. We believe this would be attainable through large and small donations, and perhaps even legacies.

Many societies set up funds for special purposes, such as to acquire premises or special equipment. We have no need for such things, but do need the ability to take action, and be seen to be able to take action, if warranted and necessary in the interests of residents.

At the upcoming general meeting we will table this idea, and look forward to hearing your thoughts.

Cash Mandate

The deadline is approaching for public feedback on the Federal Government's proposal to mandate that businesses accept cash as a form of payment for essential goods and services.

The government released a consultation paper in late December, with a deadline of 14 February for feedback. The plan is for legislation to be in place for the mandate to be introduced in January 2026.

National Seniors Australia (NSA) has been at the forefront of moves to ensure cash remains a valid form of payment through our Keep Cash campaign, and the paper aligns with many of the positions we have been putting forward over the past 18 months.

In the foreword to the paper, the Treasurer, Jim Chalmers, and Finance Minister, Stephen Jones, write, "We know people are increasingly using digital payments, but there is an ongoing place for cash in our society.

"About 1.5 million Australians use cash to make more than 80% of their in-person payments and cash also provides an easily accessible back-up to digital payments in times of natural disaster or digital outage.

"According to the most recent data, up to 94% of businesses continue to accept cash, and we want to see cash acceptance continue. Mandating cash for essential purchases, such as groceries and fuel, means those who rely on cash will not be left behind."

The paper notes that cash continues to play an important role in:

- Maintaining social inclusion by helping ensure that community members without the ability to use digital payment methods can still participate in the economy
- Providing reliability during outages of digital payment systems
- Offering an immediate exchange of value that maintains privacy, may assist with safety, and may increase confidence among users
- Allowing individuals to more easily manage their finances by giving a clear and physical representation of spending.

Though, as the paper notes, there is currently no regulation that requires businesses must accept cash as a means of payment.

In alignment with NSA's views, the paper notes concerns about the impacts of a cashless society on people in regional and remote areas, older Australians, low-income households, and those concerned about risk of fraud and theft.

It also recognises there are many overseas examples of cash mandates.

However, there are potential issues for concern in the proposal.

- That the mandate applies to large corporations but exempts small businesses, with the definition of a small business being one that has an aggregate turnover of under \$10 million. Based on Australian Bureau of Statistics figures, 98.2% of businesses would be exempt under this definition.
- The mandate could be limited to transactions below a certain dollar limit and within certain times (6am-10pm, for instance).
- It would not apply to private sales, or, for example, purchases at local school fetes, or to many government transactions, such as paying for passports and vehicle registration.
- The definition of "essential goods and services" is quite narrow, limited to those "required to meet absolute basic needs" and without substitutes. Examples of essential items include most bread and cereal products, all meat and seafood, all fruit and vegetables, garments and footwear for children, and fuel. However, "non-

essential” items include cakes and biscuits, soft drinks and juices, takeaway foods, garments and footwear for women and men, furniture and furnishings, motor vehicles, and transport services.

- Enforcement could be a mix of government regulation and through private legal action, with the latter potentially putting an undue onus on individuals.

The paper does not explain exactly how it would work in practice. For instance, would all points of sale at a supermarket have to accept cash? If selling a mix of goods, does a store have to accept cash on all of them or only the essential items? How will consumers know if a business is exempted as a small business?

National Seniors will be making a submission on the consultation paper before the 14 February deadline, and we welcome input from our members.

Let us know what having access to payment by cash means to you. You can email us [here](#) and read more about, and join, the Keep Cash campaign [here](#).

At our February General Meeting:

We have obtained a guest speaker from the Commonwealth Bank to speak about security issues in banking and Internet communication.

TARRV Meetings:

A General Meeting is planned for Wednesday, February 12th 2025 at 11:00am.

Venues for the Meeting:

North: Kings Meadows Lions Club rooms, Merino Street Kings Meadows.

South: Geilston Bay Boat Club, 48 Debomfords Lane, Geilston

Guest Speakers: Lisa Cornelius & Shelly Daines of the Commonwealth Bank of Australia to speak on “Staying Safe Online”, Lisa and Shelley will show us how to:

- Identify scams and suspicious links
- Protect yourself from scams and fraud
- Create strong passwords and keep them secure

- Securely access online banking
- Stay digitally safe while travelling

If you have any concerns or business you would like Committee to address, please write to secretary@tarrv.org.au