

transparent and making other reforms — as simple as downloading forms off the internet — to try to ensure that we have legislation that is very much suited to the 21st century.

I do just want to highlight on page 4 of the report the heading ‘The context for this inquiry’. It says:

Australia’s population is ageing, with both the number and proportion of older Australians increasing rapidly, as a consequence of low fertility rates and increased longevity. According to the Australian Bureau of Statistics, 13.2 per cent of the Australian population was aged 65 years and over in 2008 and this will increase to 20.8 per cent by 2036 and to 22.9 per cent by 2056. In the same period, there will be a significant increase in the proportion of the so-called ‘old old’ in the population. In 2008, 1.7 per cent of all Australians were aged 85 years and older and it is projected that this will rise to 4.9 per cent in 2056. There are similar demographic trends in Victoria.

An ageing population is associated with a high prevalence of severe disability and dementia. It is estimated that 40.6 per cent of Australians aged 65 to 69 years and 92.1 per cent of those aged 90 and over have a disability. The incidence of dementia is projected to increase from 1 per cent of the Victorian population in 2005 to 2.8 per cent in 2050.

I have just got to pull out statistics from Alzheimer’s Australia. They do great packs for members of Parliament, giving you a grassroots, bird’s-eye look at dementia happening in your own electorate. I just had a look at the stats for Niddrie, and if you look at Niddrie, at the moment the number of persons in 2016 living with dementia in my electorate is 1268. By 2050 that is forecast to grow to 3759, a growth of 196.4 per cent and an annual growth rate of 3.2 per cent. So there you have it.

A lot of carers are needed. I know that the member for Essendon and I share many aged-care facilities across our electorate. I regularly go to them; I attend them.

18:20:00 I even had an email from a constituent the other day asking if I would go to visit his dad who I helped out on another matter; he would just like me to go down and say hello. But I know he is getting the best of care in our aged-care facilities in Victoria.

I did want to say that the bill before us does tighten up some of the issues that were presented following the Attorney-General’s major reforms last year, and I think we do need to highlight that back in September 2015 we made one enduring power of attorney to allow a person to manage both their financial and personal affairs, ensuring the laws are simple and protect people. This was a legislative first for Victoria and Australia.

The new laws created the appointment of supportive attorneys who can support people to make and give

effect to their own decisions. The new laws provided improved protections and safeguards against abuse, including creating new offences such as dishonestly obtaining or using an enduring power of attorney or supportive attorney appointment, which is punishable by up to five years in prison. These new laws recognise the person’s right to make their own decisions wherever possible in relation to enduring powers of attorney. They also provide better guidance for assessing a person’s capacity to make decisions, and as part of these changes the new and improved forms to simplify the process for making a power of attorney were available, as we all know, from the public advocate website.

So really the consolidation of the previous laws to make it easier for Victorians to appoint a power of attorney really do meet the new requirements, but following the implementation of that major legislative reform in 2015 a period of consultation did lead to further reform being required. Here we are today where we are now making further reforms, and we are going to improve protections against abuse of enduring powers of attorney, create a new role of supportive attorney, provide better guidance when assessing a person’s decision-making capacity and also consolidate enduring powers of attorney for financial matters under the Instruments Act 1958.

Today I had the pleasure of joining other colleagues from the Parliament and the Minister for Health who launched the *Dreamers* exhibition in Queen’s Hall. I encourage all members to go out there and read the stories of people who are near death and their experiences. I could not help but, while I was reading those stories, think about this piece of legislation that was coming on for debate today, because often it is our older Victorians that are the most vulnerable. We all have an obligation to ensure that their lives are made as simple, easy and supported as possible.

When you read the materials about powers of attorney and when the principal nominates the representative decision-maker, you see the job and the authority that that decision-maker is then being given is to basically make that person’s life that little bit better. Whether it be banking, whether it be fixing up insurance, often it can be a difficult task. It can be family members, and sadly one thing that did come out of that report was the abuse, often in financial situations, where you are seeing older Victorians more often than not — this came out of the report — who own their home, are quite well off financially and then you see, as it was reported, different cases of abuse, financial abuse more than anything else.

It is so important that through the Office of the Public Advocate and through our roles as legislators we make sure that the legislation is up to date and that we also make sure that we respect the principle surrounding powers of attorney and acknowledge the difficult task often at the forefront of the representative in dealing on behalf of the principal in making sure that their lives are enjoyable, as they can be in often very difficult circumstances.

I want to congratulate the Attorney-General on this legislation and the further reform that is very important. I think it will go a long way to ensuring that trust arrangements dealing with the principals and the representatives are enhanced and that there are other avenues should there be any concerns, and I commend the bill to the house.

Ms RYALL (Ringwood) — I rise to speak to the Powers of Attorney Amendment Bill 2016 and from the outset say that the opposition does not oppose the bill.

Mr Donnellan interjected.

Ms RYALL — Thank you for that assistance there from the minister. The bill essentially ensures that in appointing an enduring power of attorney the power can be confined to specific areas, whether that be financial matters, personal matters or matters that are actually specified by the person. It enables more than one alternative attorney or alternative supportive attorney to be appointed for each attorney and also a supportive attorney respectively, so that this can happen for more than one attorney or supportive attorney. It enables the enduring power of attorney, regardless of the matters covered, to automatically revoke a previous enduring power of attorney or an old enduring power of guardianship or an enduring power of attorney under the Powers of Attorney Act 2014. So they will be revoked with the new act.

I think in terms of what the member for Niddrie was talking about there is a specific vulnerability for anybody that needs to request and acquire someone to take on the role of an enduring power of attorney for a person. Whether it be that they have become elderly or whether they do have dementia and are deteriorating or whether they have a terminal illness of some sort as well there is that vulnerability for the person in a loss of control of those things that have made them independent. Whether it be managing their finances, managing their medical care or just living at home normally there is a vulnerability for those people in allocating or appointing someone to be their enduring power of attorney, and there needs to be a level of comfort for those people to actually know that when

they are appointing them not only will they look just specifically after those areas of their choice but it will be done well on their behalf.

It is absolutely important that that confidence be there and important for the individual to have that peace of mind, and their families.

Having gone through in my family not so long ago the death of my father, having gone through the death of loved ones where I have actually been involved in their care right up until their time of death and certainly in my past life at one point in time having been a nurse, I understand how vulnerable people feel when they start to lose control of those facets of their life that they have always undertaken themselves and prided themselves on undertaking as well. 18:27:30

This bill amends the act to a degree from a technical perspective as well as making sure that the issues that have occurred since the commencement of the 2014 act on 1 September 2015 are ironed out, thereby making sure that it functions better. On that note I will allow other members to make a contribution.

Ms KILKENNY (Carrum) — I am very pleased to rise to speak on this bill, the Powers of Attorney Amendment Bill 2016. Whilst we may consider this topic quite dry, powers of attorney are actually very important legal documents and have direct relevance to so many members of our community. Of course we all plan for our futures in different ways, but powers of attorney are a tremendous way for us to take control and to exercise choice in later years, particularly in circumstances where we may later lose that control.

As the member for Niddrie commented earlier, it is actually timely to be speaking on this bill today. I too attended that beautiful photographic exhibition in Queen's Hall, *The Dreamers*, by Palliative Care Victoria. These dreamers, people with life-limiting illnesses, are wonderful advocates for reminding us how important it is to think about the value of life but also to think about death and to plan for later years and for what is important at the end of life. Part of this is obviously planning for death, and powers of attorney are obviously a very important component of this. Certainly in my previous life as a lawyer I always encouraged people to consider making powers of attorney to be able to plan for and exercise control over their future.

As the member for Niddrie also pointed out, we have an ageing population. In another generation people over the age of 50 will likely outnumber those below 50 for the first time. Between 1990 and 2010 the number of