

2014/13: Should harsher penalties have been introduced for Victorian parents who leave their children unattended?

What they said...

'Whatever the reasons - there's simply no excuses for leaving a child unattended'

Wendy Lovell, Victorian Minister for Children and Early Childhood

'We live in a society that insists on infantilizing our children, treating them as helpless babies who can't do a thing safely or successfully without an adult hovering nearby'

Lenore Skenazy, American columnist and author

The issue at a glance

On August 6, 2014, the Victorian government announced that it plans to double the previous penalties that can be imposed on parents for leaving their children unattended. Under the new arrangements parents will face a fine of \$3690 or six months jail.

The proposal has met with qualified support from Kidsafe Victoria which advocates that under no circumstances should children be left unattended in cars. However, the child safety group has reservations about the potential application of the new penalties against parents who leave children as old as 16 at home unsupervised or allow them to go out or use public transport unchaperoned.

The proposal has received a mixed response from child advocates, with some praising its possible effects in certain areas, while others have stressed its potential excessiveness.

Background

(The information below has been taken from information supplied by the Victorian law firm Slater and Gordon. The full text can be accessed at <http://www.slatergordon.com.au/blog/unattended-children-getting-the-facts-straight/>

Please note: the Victorian penalties outlined below are those that pertained prior to the Government's announcement of increased penalties.)

Australian laws regarding leaving children unattended

Queensland

Legislation: Queensland Criminal Code Act 1899 (QLD) - Section 364A

(1) A person who, having the lawful care or charge of a child under 12 years, leaves the child for an unreasonable time without making reasonable provision for the supervision and care of the child during that time commits a misdemeanour. Maximum penalty-3 years imprisonment.

(2) Whether the time is unreasonable depends on all the relevant circumstances.

New South Wales

Legislation: Children and Young Persons (Care and Protection) ACT 1998 - Section 231

A person who leaves any child or young person in the person's care in a motor vehicle without proper supervision for such period or in such circumstances that:

- (a) the child or young person becomes or is likely to become emotionally distressed, or
- (b) the child's or young person's health becomes or is likely to become permanently or temporarily impaired, is guilty of an offence.

Penalty: 200 penalty units.

Victoria

Legislation: Children, Youth and Families Act 2005 (Vic). Section 494:- Offence to leave Child unattended

(1) A person who has the control or charge of a child must not leave the child without making reasonable provision for the child's supervision and care for a time which is unreasonable having regard to all the circumstances of the case.

Penalty: 15 penalty units or imprisonment for 3 months

Western Australia

Legislation: Children and Community Services Act 2004. Part 4, Division 7, Subdivision 1

A person who has the care or control of a child and who leaves the child in a motor vehicle (as defined in the Road Traffic Act 1974) without proper supervision for such period or in such circumstances that -

- (a) the child becomes or is likely to become emotionally distressed; or
- (b) the child's health becomes or is likely to become permanently or temporarily impaired, is guilty of a crime, and is liable to imprisonment for 5 years.

Penalty: a fine of \$36 000 and imprisonment for 3 years.

In Queensland and Victoria particularly, these laws mean if you leave a child unattended, whether it be in a car or at

home, and that child is left for an unreasonable time and no reasonable provision for the supervision and care of that child has taken place, then ultimately you have committed a misdemeanour.

Internet information

On August 11, 2014, The Age supplement Essential Kids published an article titled 'Teenagers under 16 too young to be home alone'

The report detailed the results of a study that suggested young teens were anxious and unhappy when left at home unattended.

The full text of the article can be accessed at <http://www.essentialkids.com.au/family-life/family-home/teenagers-under-16-too-young-to-be-home-alone-20140811-3dhd1.html>

On August 9, 2014, The Herald Sun published an opinion piece by James Campbell titled 'Just butt out, most parents know what they're doing'

Campbell is opposed to the harsher penalties proposed in Victoria for parents who leave their children unattended.

The full text of this comment can be accessed at <http://www.heraldsun.com.au/news/opinion/just-butt-out-most-parents-know-what-theyre-doing/story-fni0fh8t-1227019042085>

On August 6, 2014, the Victorian government announced that it would be doubling the penalties for leaving children unattended.

The media release was issued by the Premier's Department and can be accessed at <http://www.premier.vic.gov.au/media-centre/media-releases/10619-double-the-jail-time-for-leaving-children-in-cars.html>

On August 6, 2014, the ABC published a news report titled 'Prison terms doubled for parents leaving kids in cars in Victoria'

The full text can be accessed at <http://www.abc.net.au/news/2014-08-06/prison-terms-doubled-for-parent-leaving-kids-in-cars/5650970>

On August 6, 2014, The Herald Sun published a news report titled 'Victorian Coalition boosts penalties for parents who leave children locked in cars'

The full text of the report can be found at <http://www.heraldsun.com.au/news/victorian-coalition-boosts-penalties-for-parents-who-leave-children-locked-in-cars/story-e6frf7jo-1227014410796>

On July 25, 2014, The Age supplement Essential Baby published a report titled "'Forgotten baby syndrome" mum found not guilty of daughter's manslaughter' which detailed the case of a Bendigo mother recently found not guilty of the manslaughter of her baby daughter who was forgotten in a car outside the family home.

The full text of this report can be found at <http://www.essentialbaby.com.au/baby/caring-for-baby/forgotten-baby-syndrome-mum-found-not-guilty-of-daughters-manslaughter-20140725-3cizy.html>

On June 20, 2014, NBC issued a background piece examining the inconsistencies across different state jurisdictions in the United States in the charges issued against parents whose unattended children have died in cars.

The full text of this report can be accessed at <http://www.nbcnews.com/storyline/hot-cars-and-kids/cases-kids-who-die-hot-cars-shows-inconsistency-charges-n135861>

On April 22, 2014, The Raising Children Network published 'No legal age for leaving children home alone' which looks at the uncertainty over when it is allowable to leave children at home without supervision.

The full text can be found at http://raisingchildren.net.au/articles/leaving_children_home_alone.html

On January 19, 2014, the ABC published a news report titled 'Victoria considers tougher punishments for parents who leave children in cars'

The full text of this report can be found at <http://www.abc.net.au/news/2014-01-19/vic-considers-tougher-punishments-for-leaving-children-in-cars/5207054>

On January 15, 2014, the ABC published a news report titled 'Like putting a gun to your child's head: Paramedics shocked by the number of children locked in hot cars'

The full text of the report can be accessed at <http://www.abc.net.au/news/2014-01-15/11-children-left-locked-in-cars-during-victorias-extreme-heat/5200744>

On January 29, 2013, Lenore Skenazy posted a comment on her website Free-Range Kids titled 'Stop Criminalizing Parents who Let Their Kids Wait in the Car'

The full text of this comment can be found at <http://www.freerangekids.com/stop-criminalizing-parents-who-let-their-kids-wait-in-the-car/>

On January 1, 2012, the Minister for Children and Early Childhood Development, Wendy Lovell, issued a media release titled 'Minister issues warning on leaving children in hot cars'

The full text of this release can be accessed at <http://www.premier.vic.gov.au/media-centre/media-releases/2875-minister-issues-warning-on-leaving-children-in-hot-cars.html>

On August 13, 2011, The Courier Mail published a news report titled 'Parents warned against leaving children at home unattended after mother charged'

The full text of this report can be accessed at <http://www.couriermail.com.au/news/queensland/parents-warned-against-leaving-children-at-home-unattended-after-mother-charged/story-e6freoof-1226114105997>

On July 26, 2010, Health Day published the results of a study which found an apparent link between being left unattended as children and a later increased incidence of adolescence violence.

The full text of the report can be accessed at <http://consumer.healthday.com/kids-health-information-23/child-development-news-124/increased-risk-of-violence-among-unsupervised-teen-groups-641531.html>

On March 8, 2009, The Washington Post published an investigative report by Gene Weingarten titled 'Fatal Distraction: Forgetting a Child in the Backseat of a Car Is a Horrifying Mistake. Is It a Crime?'

This remarkable report examines the circumstances surrounding the deaths of a number of children in the United States who were left unattended in cars. Ultimately it argues that these parents' actions do not constitute a crime and makes a number of recommendations as to what can be done to reduce the incidence of these tragic deaths.

The report earned Weingarten the Pulitzer Prize for Journalism. The full text of the report can be accessed at http://www.washingtonpost.com/lifestyle/magazine/fatal-distraction-forgetting-a-child-in-the-backseat-of-a-car-is-a-horrifying-mistake-is-it-a-crime/2014/06/16/8ae0fe3a-f580-11e3-a3a5-42be35962a52_story.html

An overview of Australian provisions regarding 'Family Violence, Child Protection and the Criminal Law' can be accessed at <http://www.alrc.gov.au/publications/20.%20Family%20Violence,%20Child%20Protection%20and%20the%20Criminal%20Law/criminal-offences-relating-c>

Arguments in favour of harsher penalties for parents who leave their children unattended

1. Significant numbers of young children have been left in cars, sometimes with fatal results

On a hot day, the temperature inside a parked car can be as much as 30°C hotter than it is outside. Even on a day in the mid-20s, the temperature inside a car can soar to dangerous levels within 15 minutes. Young children are more sensitive to heat than adults; their body temperature can rise 3-5 times faster- this means that they have an increased risk of dehydration and heatstroke, as well as more serious outcomes.

Ambulance Victoria responds to around 1,000 incidents each year, with a third of them resulting in a child being taken to hospital.

Since the start of 2014, there have been more than 900 cases of children locked in cars, with almost a quarter of them occurring at home. Melbourne accounted for 87 per cent of cases, with only two calls in Golden Square and 15 in Greater Bendigo. During the heatwave that occurred during the third week of January 2014, Ambulance Victoria attended to 50 cases of children having been left in hot, locked cars.

In the United States, on average, 38 children die each year from heat-related causes after being trapped inside motor vehicles. Between 1991-2011 vehicular heatstroke deaths among children in the United State totalled at least 613. The worst year was 2010 when there were 49 deaths.

2. No consistent charges are levelled against parents whose unattended children die in cars

There is a wide range of charges applied to parents whose children die as a result of being left in cars. Generally charges of manslaughter are not levelled because the charge is seen as too extreme by the prosecution or because it is felt that there would be no conviction for such a charge. Since 1992, two people in Victoria have been convicted of manslaughter for leaving children in cars. It is more common for no charges to be levelled. This situation raises concerns on several fronts.

Firstly, where no charge has been levelled and no penalty applied, there are those who believe that Victoria is failing to use the educative force of the law. Charging, prosecuting and penalising those who commit inappropriate acts is one way of demonstrating to all members of the community that such acts are seriously condemned and must stop.

Referring to Victoria's new increased penalties for leaving children unattended, Wendy Lovell, the Minister for Children and Early Childhood, has stated, 'The Napthine Government is taking decisive action and sending a clear message to parents that it is never okay to leave a child unattended in a car.'

Secondly, there is concern that the current situation allows for cases to be treated inconsistently. A recent example is a Bendigo mother who was charged and unsuccessfully prosecuted for manslaughter after her child died in a car parked in her driveway. The mother mistakenly believed that she had left the child asleep in bed when she went on a short shopping trip. The case has been compared to that of a Perth father who, in 2013, forgot to drop his child off at day care only to have his son die in the car park of the father's work in an overheated vehicle. In the Perth case no charges were laid. Critics consider such contrasting treatments inconsistent.

Similar inconsistencies have been noted in the United States. Charges are more likely to be laid in the US; however, even here there are obvious inconsistencies. An analysis by one child advocacy group found that of nearly 500 heat-related child fatalities in cars dating from 1968 to 2013, about 60 percent involved a parent or caretaker getting charged. Another 30 percent of cases had no charges filed, while in the remaining 10 percent, it was unclear what

happened.

Some believe a harsher penalty for leaving a child unattended in a car might lead to a more consistent approach and hopefully reduce the need for authorities to have to deal with parents whose children have died in over-heated cars.

3. Time-poor parents need additional incentive to care for their children

It has been claimed that with the prevalence of families in which both parents work, with the reduction of contact with grandparents and with the growth of single parent families, it has become more difficult to give children extended parental care. Harried, over-worked, under-supported parents are likely to find it more difficult to give their children sustained attention.

Women now represent nearly half of the Australian labour force. Much of this increase in female workplace involvement has been driven by an increase in the workforce participation of mothers. In 2001, over 72% of Australian mothers with dependent children worked for pay, compared to 46% of mothers in the 1980's. Even mothers with very young children show a similar trend.

In 2000, 45% of Australian women with children under four were in the paid workforce compared to 29% in 1985. For families, the combined work times of both parents reveals how much time use has changed. Three decades ago, most couple families in the United States had mothers at home and in these households the time devoted to paid work (by fathers) averaged 45 hours per week. In Australia the combined workload in dual-income families is close to 70 hours per week.

Time-poor parents do not always adequately supervise their children. Between January 2010 and December 2012, in Victoria alone, 76 people were sentenced for leaving children unattended.

Daryl Higgins, deputy director of the Australian Institute of Family Studies, has stated, 'Cost of living pressures, the changing nature of work and work availability, the location of work - all these kinds of factors go into disrupting what otherwise might be a sense of communal responsibility for the upbringing and the safety of children.'

It has been claimed that in pressurised family circumstances such as those common today, there may need to be additional legal penalties applied to help to ensure that parents fulfil their guardianship obligations toward their children.

4. More needs to be done to protect children after school and to regulate their behaviour

It appears that children left to their own devices after school are a wide-spread phenomenon in Australia and that the trend is both hazardous and generally disliked by the children concerned.

Surveys in Australia have found between 10 and 14 per cent of school-age children come home to an empty house. It has also been found that some 60 per cent of children aged 10 and under say they disliked being left at home alone, according to a survey conducted by the Kids Help Line, a national telephone counselling service. The survey of Australian home-alone children over two months in 1995, found a further quarter of those older than 13 felt negative about the situation.

Those aged 12 and younger said they felt scared of the dark, storms or being kidnapped when at home without an adult. More than half the children surveyed were alone every day for between one and three hours. More than 30 per cent were responsible for younger siblings. Alarming, more than 70 per cent were unsure of what to do in an emergency, such as a fire, accident or an intruder, other than call parents or 000.

Some social critics and experts in child development have noted that the cognitive under-development of children means that it is generally inappropriate to leave them unattended.

Melbourne adolescent psychologist, Michael Carr-Gregg, has observed that the human brain is not fully formed until age 23. Puberty may be hitting earlier than in the past but cognitive capacity is still undeveloped at earlier ages. This has led many to conclude that it is clearly inappropriate to leave children as young as 12 in complete charge of a house in their parents' absence.

There is also concern that negligent parental behaviour is contributing to violence among young people.

A survey was conducted in 2010 among 842 young people from Chicago neighbourhoods. The participants were first interviewed when they were between the ages of 8 and 13 and again in series of follow-up sessions over an eight-year period.

Levels of violence differed according to the types of neighbourhoods the participants lived in, but higher levels of violence tended to occur in neighbourhoods that often had unsupervised groups of teens. This included 'good' neighbourhoods where residents trust and help each other and watch each other's children, the researchers found.

Studies such as these have been used as evidence that parents need to be given additional incentive, including legal penalties, to ensure they adequately supervise their children.

5. The new penalties will be applied on a case by case basis

It has been claimed that the new penalties will not be applied unreasonably, without adequate consideration of individual circumstances.

A spokeswoman for the Minister for Children and Childhood Development, Wendy Lovell, has stated that the offence of leaving a child without adequate supervision for an unreasonable amount of time, without making reasonable provisions for the child' is determined on a 'case by case basis and subject to individual circumstances'.

The same spokesperson also stated, 'Parents need to use their judgement, if a child is 12 or 13 and is mature enough to be left with younger brothers or sisters - and it was short term - that would be OK, but it wouldn't be OK if that child had an intellectual disability for instance.'

In the Victorian parliament, Ms Lovell further stated, 'There is actually no set age at which it is legal to leave a child

unattended - it depends on the child and their situation.

Deciding on whether to charge a parent with this offence is a case-by-case matter. It is about what is reasonable in the circumstances of the particular child. Babies and young children should never be left at home alone, in a car alone, at a supermarket alone or anywhere alone.

As children get older they need the opportunity to gradually take on more responsibility for themselves and practise being by themselves at home. A parent is in the best position to decide whether their child is sufficiently mature to be left alone for any length of time.'

Arguments against harsher penalties for parents who leave their children unattended

1. Penalties against parents and other protective actions are already sufficient

It has been claimed that the penalties that previously existed in Victoria applying to parents who left their children unattended were sufficient to discourage inappropriate parental behaviour. Leaving a child unattended could previously attract a fine of \$2214 and a prison term of three months. While there are specific penalties and interventions relating to child neglect and, in worse case scenarios, the manslaughter charge can and has been applied.

Regarding the more severe cases of abuse and neglect where the public would expect intervention by child support authorities there has been a trend of increased reporting of suspected cases and an increased number of substantiated cases.

The total number of substantiations of notifications received across Australia increased between 2010-11 and 2011-12. There were 48,420 substantiations across Australia in 2011-12, which was a 19.7% increase on the number of substantiations recorded in the previous financial year. The 48,480 substantiations recorded during the financial year concerned 37,781 children.

Some children, who are found to have been harmed or at risk of harm from abuse and neglect, are removed from their homes by child protection authorities and placed in out-of-home care. Nationally, the number of children in out-of-home care has risen each year from 2000 to 2012. There were 39,621 children in out-of-home care on 30 June 2012, which equates to a rate of 7.7 per 1,000 Australian children.

In The Herald Sun, on August 9, 2014, James Campbell wrote, 'Obviously, it doesn't do to leave babies and very small children in the car on very hot or very cold days, but I think we already knew that, didn't we? And for those people who are stupid or forgetful enough to endanger their children, there has always been the offence of child neglect or in extreme cases, alas, manslaughter, that can be used to punish them.

In other words, there was not, as far as I can see anyway, any reason why the jail time for leaving a child unattended needs to be doubled and no evidence has been offered for the Naphthine Government's claim that the increased penalties "better reflect community views about the significance of such offences and the degree of punishment or deterrence that ought to apply to them.'

2. Education is a better means of increasing awareness

It has been claimed that legislation alone is an inadequate means of shaping public behaviour, and that education must support it. It has further been claimed that in some cases education may be all that is necessary.

Daryl Higgins, deputy director of the Australian Institute of Family Studies, has claimed that in most areas of social policy, legislation needs to be matched with education.

Dr Higgins points to drinking as one policy that gets the balance right. Dr Higgins has stated, 'We don't just say the rule or law is that you can't serve alcohol to someone under 18. We provide education about the harms from drinking. We speak to young people in schools. We ban the promotion of alcohol at sporting events.'

Warren Cann, chief executive of the Parenting Research Centre, says while some major behavioural changes - such as using seatbelts in cars - are triggered by legislation, education campaigns are often more effective.

Mr Cann has stated, 'Think of AIDS. Putting kids on their backs is universal practice, and didn't need to be legislated.'

Mr Cann has observed a similar preference for education in relation to sun smart behaviour. He has stated, 'We don't put parents in jail if their kids are caught on the beach without a sunhat.'

The President of Kidsafe Victoria, Erica Edmands, has stressed the importance of education and other support programs to modify parent behaviour.

Ms Edmands has stated, 'We will continue to work with the government around ongoing education and awareness programs to complement those new laws.

In particular to help new parents or new carers to try to give them tips and techniques to help them remember some of the things which can be very difficult, particularly when you're caring for young children.'

3. The new penalties are too broadly directed

It has been noted that the new legislation has been cast in too broad terms. It potentially penalises parents who leave mature early teenage children temporarily unattended, including allowing them to travel independently on public transport.

New South Wales legislation has been held up as an instance of laws which are more reasonable and enforceable, because they are clearer and more specific.

New South Wales provides guidelines to parents and says a child aged 10-12 years can be left for up to 12 hours but not between 10pm and 6am. They must have a back-up adult available and can look after one or two other smaller children.

Children aged 8-9 can be left for up to two hours as long as they are in safe circumstances and are capable of

remaining so.

Children aged 5-7 can play within earshot of an adult for 15-60 minutes, and a preschooler for 5-15 minutes. These younger children can be asleep or playing quietly and capable of remaining where they are.

Toddlers and infants can be left momentarily but only when the child is asleep or in a safe place.

In an opinion piece published in *The Australian* on August 9, 2011, Natasha Bitá stressed the need for clear definitions. Ms Bitá stated, 'So what is a reasonable time to leave a child unsupervised? Five minutes, while you pay for petrol? Fifteen minutes, the length of a supermarket queue? What if you let your kids walk 20 minutes to school, or 400m down the road to buy a paper? Can you let them roam the neighbourhood with bellowed instructions to "be home before dark"? Carr-Gregg believes the law must be "very confusing" for parents. "We don't want parents leaving children overnight in cars at casinos but common sense suggests there needs to be leniency for children who are left for five minutes," he says. "The law is a blunt instrument."

It has similarly been claimed that the proposed legislation does not make it plain the age at which children are considered old enough to no longer require direct supervision.

In *The Herald Sun*, on August 9, 2014, James Campbell wrote, 'But what, one wonders, is the definition of a child? According to one news report, the minister's spokeswoman wasn't entirely clear. At one point she seemed to think it was 16, which seems a bit old to me. At another she seemed to think it was 12, which still seems a bit old to me.'

4. There are disadvantages in over-protecting children

It has been claimed that passing legislation that discourages parents from allowing their children a reasonable degree of independence will hinder their development. Many social commentators and others are claiming that there is a risk of over-protecting children and parents need to use their judgment.

In an opinion piece published in *The Wall Street Journal* on November 22, 2011, Lenore Skenazy stated in reference to the United States, 'Ten is the new two. We live in a society that insists on infantilizing our children, treating them as helpless babies who can't do a thing safely or successfully without an adult hovering nearby.

Consider the schools around the country that no longer allow kids to be dropped off at the bus stop unless there's a guardian waiting to walk them home-even if home is two doors down.'

Erica Edmands, the president of Kidsafe Victoria, has stated, 'There is a balance between wrapping children up in cotton wool and allowing them the opportunities to fall over and pick themselves up again. Kids need to be able to do that.

If you know they are walking home with a friend and it is age appropriate then that's [a desirable] thing.'

In an opinion piece published in *The Australian* on August 9, 2011, Natasha Bitá outlined the dangers of over-protectiveness and suggested that excessive legislation around the constant supervision of children could either confuse parents or lead them into mollycoddling their children.

Bitá stated, 'Parents hovering over their cottonwool kids are being blamed for raising what child psychologist Michael Carr-Gregg describes as a "marshmallow generation". "It's the wussification of a nation," he scoffs. "We're worshipping at the altar of occupational health and safety, and children are growing up in the shadow of lawyers. We need to fight back." But when the law dictates that no child shall be left alone, and do-gooders seem happier to do in than help out, who can blame parents for hyper-vigilance? Or for becoming utterly confused over what the law says they can - and cannot - do?'

5. The new laws do not recognise that children differ

It has been claimed that the new laws do not recognise that children mature at different rates and that there are children under 16 who are capable of self-regulation for significant periods of time.

In 2006, the United States Department of Health and Human Services Office on Child Abuse and Neglect issued 'Child Abuse: a Guide for Prevention, Assessment and Intervention'. The guide states, 'What is considered neglect varies based on the age and the developmental level of the child, making it difficult to outline a set of behaviours that are always considered neglect.'

Kirsten Anderson, from the Children's Legal Centre, a national charity promoting children's rights in the United Kingdom has stated, 'It's difficult to apply one standard to children of different maturity levels.'

Professor Susan Sawyer, the director for adolescent health at Melbourne's Royal Children's Hospital, has stated, 'We can talk about the average ages that kids might do particular things but there are adolescents who are going to handle more responsibility at a certain age than others. This is a space where a one-sized-fits-all approach is not helpful. We need to support parents in that tricky balance. My personal opinion is that legislation is not helpful.'

Further implications

Though the newly increased penalties can affect Victorian parents in many circumstances, not only where they have left children unattended in a car, the clear aim of the revised legislation is to prevent children being left alone in parked vehicles.

This is a significant problem which has attracted attention particularly in countries with high summer temperatures such as Australia and the United States. There is an endeavour in both countries to reduce the incidence of such unfortunate events, though in neither country is there consensus about how best to do so.

The tendency in some American states is more punitive than in Australia, with a significant number of parents being charged with manslaughter after the death of a child left unattended in a car. The number of convictions achieved in these circumstances is small. Most of those charged have been able to demonstrate that they were in all other

respects caring and attentive parents.

A specific defence has been developed, 'forgotten baby syndrome'. This describes the psychological and environmental circumstances that increase the likelihood a parent will leave a child in a car. Generally the contributing factors involve a parent under significant stress and a change in the daily routine surrounding care of the child. What has been conspicuously impossible to prove in such cases is intent, that is, that the parent deliberately left the child.

Where intent or deliberation is not a factor, attempts to change behaviour through penalties are of little value. If the parent does not intend to abandon the child, then penalties designed to discourage him or her from doing so are unlikely to succeed. Those who speed generally do so deliberately; drink driving is usually a premeditated offence. In cases where there is conscious choice then penalties can act as a deterrent. However, where the action is genuinely an accident, then deterrent measures will be to no avail.

One solution that has been proposed is to fit cars with devices that indicate when a child has been left in the vehicle. A range of options have been developed, including pressure pads on back seats and alarm devices fitted to ignitions. Forgetting children in cars is in part a problem created by car safety installations and regulations determining how children can be transported in cars. Some thirty years ago it became illegal in many jurisdictions to carry a baby or young child in the front seat of a car. This was a response to the popularity of airbags which, when they are deployed, can injure a child in the front seat. Children were to be carried in the back seat. Then it was mandated that for safety reasons baby capsules had to be fitted facing the back of the car. The combined effect of these changes was that babies were no longer in the parent's field of vision. It suddenly became much easier to leave a quiet or sleeping child or baby in a car.

There have been attempts in a number of American states to sell or mandate alarm devices in cars, warning a child has been left behind in the vehicle. This has not happened, in part because most parents do not believe they would ever be so careless. This is behaviour that other people are guilty of.

Before a technological solution is accepted there will have to be a widespread education campaign to demonstrate that under the right set of unfortunate circumstances, virtually anyone can leave the child in the car.

Newspaper items used in the compilation of this issue outline

The Herald-Sun: October 8, 2013, page 21, comment by Susie O'Brien, 'The tragic tale behind fatal distraction'.
<http://blogs.news.com.au/heraldsun/seewhatsusiesays/index.php/heraldsun/2013/10/P10/>

The Australian: October 7, 2013, page 7, news item by Rosie Lewis, 'Review call after baby's death'.
<http://www.news.com.au/national/review-call-after-babys-death/story-e6frfkp9-1226733846147>

The Australian: October 4, 2013, page 5, news item (photo - ref to Perth child care centre incident) by V Laurie, 'Boy dies inside car after dad's memory lapse'.
<http://www.theaustralian.com.au/news/nation/boy-dies-inside-car-after-dads-memory-lapse/story-e6frg6nf-1226732566622>

The Australian: October 18, 2013, page 3, news item by Sarah Elks, 'Mum of seven forgot tot in car'.
<http://www.theaustralian.com.au/news/nation/mum-of-seven-forgot-tot-in-car/story-e6frg6nf-1226741990500>

The Age: November 19, 2013, page 3, news item by Lara O'Toole, 'Ambulance Victoria warns on more children locked in hot cars'.
http://newsstore.fairfax.com.au/apps/viewDocument.ac.jsessionid=AF000C7E5D87B1E581BA623C5808030A?sy=afr&pb=all_ffx&dt=selectRange&dr=1month&so=relevance&sf=text&sf=headline&rc=10&rm=200&sp=brs&cls=7&clsPage=1&docID=AGE1311194T5SI3H1878

The Australian: December 18, 2013, page 3, news item (photo) by Rachel Baxendale, 'Mum to fight charge over car-death baby'.
<http://www.theaustralian.com.au/news/nation/mum-to-fight-charge-over-cardeath-baby/story-e6frg6nf-1226785314650>

The Herald-Sun: January 27, 2014, page 24, editorial, 'Death waits in the family car'.
<http://www.heraldsun.com.au/news/opinion/death-waits-in-the-family-car/story-fni0ffsx-1226810781746>

The Age: August 7, 2014, page 11, news item by Deborah Gough, 'Kids can't be left alone'.
<http://www.theage.com.au/victoria/jail-time-doubled-for-parents-of-children-left-alone-in-cars-or-homes-20140806-100vn5.html>

The Age: August 17, 2014, page 6, background item (photo) by Julia May, 'Paranoid or protective?'.
<http://www.theage.com.au/victoria/paranoid-or-protective-parents-bemused-by-threat-of-jail-for-leaving-children-home-alone-20140815-104ive.html>