

23<sup>rd</sup> September 2016

To Whom It May Concern;

**Re: Victim Impact Statement of Melanie Kay Mitchell (previously Melanie Kay Hampton)  
In the matter of Ms Karla Zablah,  
Lachlan James Mitchell drowned Monday, 9<sup>th</sup> November 2015,  
Died Tuesday, 10<sup>th</sup> November 2015**

One of the hardest things in the world must be to express to someone who has never experienced the same loss, just how deeply losing a child affects the very fabric of your person. The unbearable grief seeps into every facet of our life and inhibits day to day activities even when consciously it might be a 'good' day. I use the definition 'good' very loosely to describe days when I don't shut myself away in the house and sob for hours.

Lachlan was incredibly lucky to be here as we weren't certain we could have children after several serious medical conditions saw me in and out of hospital in 2010 and 2011. However, 6 months after my final diagnosis we fell pregnant unassisted in early 2012. The pregnancy was rough on my illness and again we were told that it would be unlikely I could carry the pregnancy through to term but Lachlan was a strong, healthy baby who was born full term at 38 ½ weeks at a hefty 3.5kg!

At 9 months after several unproductive visits with health nurses, Lachlan was diagnosed with hypermobility by his GP and referred to a paediatrician for assessment and subsequent intensive therapies as his ligaments were far too flexible and he did not have the muscle tone to reach developmental milestones such as sitting unassisted, crawling, walking, talking and every major milestone by himself. He would continue physio, fine motor and speech therapies until he passed away. These were Lachlan's struggles but they did not define the little person he was becoming. If anything they helped shape a brave, observant, charismatic child who always took the time to figure out how things worked rather than diving in head first. He was incredibly kind and intuitive. He had a talent for making people smile, even strangers. He loved Mummy, Daddy, Nana, Poppa, uncle Mic, Memma, Granddad, Nana Sue, his dog Angel, his 2 cats Puss and Leo, dinosaurs, peppa pig but mostly george, reading, minions, digging sand, his scooter, his little people, birds and life! Our son loved life. Lachlan was so full of life and light that people were drawn to him because of it.

That light and that joy were suddenly extinguished on November 9, 2015. The farther we get from that date, the deeper the hurt grows as we start to lose things. The smell of his hair after a bath, the sound of his voice calling for mummy or daddy, the odd little behaviours that were unique only to him and how he experienced this life. What compounds the grief we have for missing our son is the fact that no one has made any sort of concerted effort to tell us what happened. Our son died and no one feels the need to give us answers. Not only do we not have answers, but besides this hearing not one person has communicated to us what is being done to ensure other families are not put through this hell. Our son and our pain; in the eyes of the law, his day care provider, his carer and this government mean absolutely nothing to anyone. Nobody has been held accountable to him or us. It's unbearable.

In relation to how this 'impacts' us.

For a start; Overreacting to every day scenarios with exaggerated emotions such as anger, sadness, guilt, anxiety or depression.

Anxiety in a social setting where people know our situation, and even more so when they don't in case the subject is broached. I find it hard to relate to people now because I don't know what to say. Detachment from our loved ones as they wrap us in cotton wool in an effort to ease our pain by trying not to burden us with their own; without actually realising this further isolates us in our grief rather than sharing the load of sadness.

I watch as the most important people in my life crumble because this little boy meant so damn much to everyone who knew him.

Every time I visit Joondalup Shopping Centre I cannot catch my breath, I break out in a cold sweat and feel like I am going to faint. My husband has had to support me while walking through there on more than one occasion as I just could not continue. It took me 9 months to realise that every time I tried to go there to carry out our shopping I was having a panic attack. This is where I was when Karla called me to advise me of the 'accident'. So we avoid this and the health campus, zoo, aqua, restaurants, various parks or other places that bring on similar reactions.

This incident has significantly impacted us financially. I was made redundant from my previous employer less than 2 weeks before the accident after 12 years of service. Due to the stress of Lachlan's death I was unable to attend interviews and those that I did attend, when asked what I had been doing since my last employment I would break down and cry. I did not work for nearly 3 months after Lachlan passed away. When I did find a position I had to increase my hours from 20 hours to 35 hours per week but paid less than my previous job for double the work. I am over-qualified for the position I hold but I did not have the mental capacity for the position I was trained for. My husband lost his job as he started a new job the day of the accident and was unable to return for 2 weeks afterwards. He has been in and out of work since the accident between stress and the downturn of the construction industry it has only added to the burden of our grief to ensure we do not lose our house. We will further be impacted as we plan to have more children in the very near future. When we purchased this house, planned the number of children we would like and factored in the lifestyle we wished to give them it was always assumed that I would contribute to the household by working after the children were born. We no longer feel that returning to work after subsequent children will be an option for me due to this incident. There is no scenario to which we feel comfortable to entrust the care of our children to a professional service and so a double income family now has to rely on a single income and we just don't know what that means yet. To hazard a guess it would mean a decline in our lifestyle and that of our children as well as a list of compromises as long as my arm that we would never have had to make prior to the death of our son.

We were given counselling from November until May but have been told that the government's 'mental health plan' only allows so many sessions per year. We are not eligible for more assistance until November. We cannot afford private sessions no matter how horribly we feel or what damage is being done by impending anniversaries, birthdays or Christmas. How many sessions DOES it take for the death of a child to no longer be relevant?

Lachlan died 2 days before his 3<sup>rd</sup> birthday and 6 ½ weeks before Christmas; we will relive the joy of having him and the nightmare of losing him all at one time of the year, every year, for the rest of our lives.

These services take into their care little lives every day, for which their sole purpose is to safe guard children daily – mind and body – until their parents collect them. Karla was literally paid to supervise my child and did not. There was a duty of care here, and a complete failure in that duty resulted in the death of our son. She needs to be held accountable and since her actions resulted in death (and the fact there is literally no greater consequence that she could have caused than what happened that day), the toughest penalty must apply.

Yours sincerely,

**Melanie Mitchell**  
**Banksia Grove, WA, 6031**