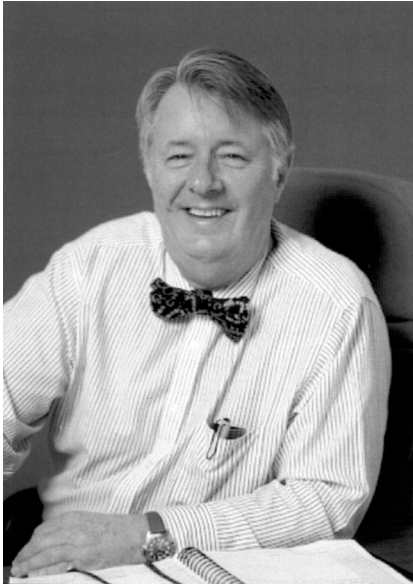


Magistrate Scott Mitchell (1941–2014)



Scott Mitchell was appointed to the Local Court on 18 January 1993 and retired in 2013. He died on 24 April 2014.

For the first four years after his graduation in law from the University of Sydney he led an exciting life in the entertainment world, working in television production, including making live-to-air entertainment programs.

Scott then turned his talent to the practice of law. He practised as a solicitor from 1971 to 1975 with Marks Hood and Kennedy, Sydney. He then practised as a barrister, specialising in family law, from 1975 until January 1993.

Scott was appointed to the Local Court in

January 1993. During the next 20 years he held the titles of magistrate, children's magistrate, senior children's magistrate and coroner. He presided for five years at the Local Court Family Matters from 1994 to 1999, doing both family law and care cases.

Scott was a man of the world. He turned his attention to his Italian heritage – his mother was Italian but Scott grew up when bilingualism was frowned upon and when Haberfield, now a centre of Italian food in Sydney, was a boring place. He studied the Italian language and visited Italy often. At the same time he undertook country service sitting in the Local Court in Bourke and Brewarrina in far western NSW, worlds away from the Rome, Milan and Lucca that he loved.

Scott's wonderfully erudite and readable judgments provided guidance for all those interested in the law, particularly child protection and the adequacy of the services provided by the then Department of Community Services (DOCS).

Scott had a particularly colourful case in November 1997 at North Sydney Local Court, when he dealt with 17 persons who had installed solar panels on the roof of Kirribilli House, free of charge. The government of the day was not amused. Scott's decision (later appealed by the prosecution) to release the protesters on bonds without convictions was reported

in the press, in part, as follows:

Australia would be 'a much duller place' if protesters were not allowed freedom of speech, a magistrate said yesterday.

Magistrate Scott Mitchell said he accepted that the protesters acted out of heartfelt beliefs and integrity in their cause for a sustainable world environment.

Mr Mitchell said he accepted that Greenpeace had planned the operation so as not to damage Kirribilli House or endanger the occupants of the home, including the Prime Minister's daughter.

Earlier, Mr Mitchell told the sixth defendant, a young woman, that she had handed to the bench 'terrific references' and commented: 'Australian society would be a lot duller if people weren't allowed to say what they think.'

However, at the start of proceedings, Mr Mitchell noted that it was not his role to hold or expound political views in court and said even Gandhi accepted 'he had to pay the price' for his peaceful protests in India.

The Local Court would have been a lot duller place without Scott Mitchell.

By Magistrate Beverley Schurr