

Subject: RE: Responsibility for damage
From: "Stirk, Peter" <Peter.Stirk@AAT.GOV.AU>
Date: Wed, 20 Jun 2007 12:55:27 +1000
To: "Russell Mathews" <russellmathews@gmail.com>

Mr Mathews

This morning was the first time that you have directly raised the issue of participating in the Tribunal process by email. My previous email this morning was self-explanatory on this point and has covered what documentation the Tribunal would require in order to consider whether an alternative method of participation was warranted in this instance. In the absence of any such material the conference will proceed at 3.00pm today as listed.

Peter Stirk
Deputy Registrar

-----Original Message-----

From: Russell Mathews [<mailto:russellmathews@gmail.com>]
Sent: Wednesday, 20 June 2007 12:36 PM
To: Stirk, Peter
Subject: Re: Responsibility for damage

As for timing, I have been waiting on the reply from AAT since 26 May. You clearly intended to reply at the last minute to cause a panic. No doubt you have found that disabled people are more likely to panic and

at a heightened state. You have shown your colours previously. What would you know about "medical treatment viewpoint"?

I require this matter to proceed. Because of your reticence in replying to me, I am not now ready to appear this afternoon. I believe ADR via email, will be an amicable approach.

I wonder if this is the way most applicants to the AAT are treated, so as to panic them with a result favourable to Centrelink and other public sector parasites.

RM.

Stirk, Peter wrote:

Mr Mathews

Today's in-person conference has been listed since 24 May.

Conference Registrar Rogers, who will preside at the conference, is a skilled alternative dispute resolution practitioner. She is experienced in conducting these conferences (both in-person and by telephone) with unrepresented applicants experiencing a wide range of disabilities.

At this stage you have not provided the Tribunal with any material from your current treating practitioner concerning the specific issues

you have raised in your email. I note that Dr Moyle's correspondence of 26 April 2007 (@T49 of the T-documents) has not provided a diagnosis of your condition which specifically requires, from a medical treatment viewpoint, that the format of the interaction with the Tribunal be as you have requested in your email.

In closing I should point out that ss42A(2) of the Administrative Appeals Tribunal Act 1975 enables the Tribunal to dismiss a matter where the applicant fails to appear for that listed event (be it in-person or by telephone).

Peter Stirk

Deputy Registrar

-----Original Message-----

From: Russell Mathews [<mailto:russellmathews@gmail.com>]

Sent: Wednesday, 20 June 2007 9:12 AM

To: Stirk, Peter

Subject: Re: Responsibility for damage

Peter Stirk

Deputy Registrar

AAT.

Re Proposed Conference 20 June, 2007.

Due to my injuries causing my disabilities, I have a limited and greatly varying over time, ability to concentrate. Thus, it is easy for others to ambush me in face to face and verbal, by telephone, situations. That is the main reason I do not have a telephone now.

I now almost exclusively use email for communication. I have adapted to my disability in this way: when my concentration ability is less detrimentally affected, I compose my emails. I will usually prepare them in a number of sittings. Then, I am also able to at later stages refer to my emails to ensure I have made the statement I intended.

I also prefer to receive advice in writing, so email is okay, as I may

not imbibe the whole meaning if I am given the advice verbally. I am able to repeatedly refer to the advice when later considering it.

Accordingly, I propose that the "conference" preceding the AAT hearing

[ie today's], be by email over an extended period of time. Then the representatives for Centrelink will not need to travel.

Please advise.

Russell Mathews.

Stirk, Peter wrote:

Mr Mathews

I refer to my correspondence of 18 June 2007.

You have advised me that you do not have any insurance cover against possible damage. To that end I must assume that you are accepting personal financial responsibility for any damage that may be sustained

by your assistance dogs (as allowed for by the legislation).

Peter Stirk

Deputy Registrar

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-Kind regards,

* Russell G H Mathews BCom BSc LLB BA **

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Ph: NONE:I've given TELSTRA the FLICK. Hooray![Just email or Skype me.]

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