

# Australian Disability Law Journal

ISSN 1834-9609

17 September, 2007.

Issue #: 200702

Publisher: **Australian Law Publishers** Pty Ltd[ACN 010 615 933] [AuLP] E: [AustLawPublish@AustLawPublish.com](mailto:AustLawPublish@AustLawPublish.com)

<http://austlawpublish.com> 254 Hawken Drive, St Lucia, Qld. 4067.

Skype: russellmathews

Editor-in-Chief: **Russell G H Mathews BCom BSc LLB BA**

**keywords:** Associate Professor Bernard Joseph McCabe; Law Faculty; Bond University; UNSW, UTS, ANU; knew person disabled; still cheated and defrauded him; cheated and defrauded him because he was/is disabled; Associate Professor Bernard Joseph McCabe is a member of Bond University Ltd, the university company; academic associations with UNSW, UTS and ANU; McCabe was on notice of disability and Special Needs; our Editor Russell Mathews, is disabled and was cheated by McCabe; to protect Deputy Registrar of Administrative Appeals Tribunal [AAT] Peter David Stirk; bullying and harassment by Peter David Stirk of 11 Glindemann Drive, Holland Park, Brisbane Q4121, [that is public information], Heather Baldwin; Doug Humphreys; McCabe decision maker at AAT;

**Attention MEDIA BUYING AGENTS: Discover the cost-benefit imperative of advertising in our journals.** <http://austlawpublish.com/austlawpublishAdvertising.html>



ASSOC. PROF. @

**BOND**

**University**

**cheats**

**disabled**

by Alex Gordon LLB

*AsPro Bernard Joseph McCabe, BA, LLB (UNSW), Grad Dip Leg Prac (UTS), LLM (Corp & Comm)(Dist)(Bond). Is he an Academic pariah of Bond University, UNSW, UTS and/or ANU? He blatantly discriminated against a disabled guy, because he was disabled. McCabe is guilty of Illegal action. This amounts to fraud. It is easier to defraud disabled people.*  
HAIGPHOTO

Our Editor, Russell Mathews is disabled. Due to various mechanical neurological trauma and undiagnosed for many decades severe Obstructive Sleep Apnoea [OSA], Russell has had brain damage for many years; and during that time obtained four university degrees including a Law Degree. He has an underlying very high intelligence. To cope with his disability, and to study, **he has had to adapt to compensate for his disabilities**. His prime deficit is his inability to concentrate for periods of time or at any particular point of time.

**His coping strategies materialize as “Special Needs”**. While studying law, to be able to concentrate for the required time, Russell would rise at 3am, seven days per week, to enable him to have a “block” of study time each day. That was a “special Need” for Russell, but did not usually impinge on anyone else. Russell had to ensure that it did not. Pursuant to the Disability Discrimination Act 1992 (Cth) [DDA], Section 6, **denial of accommodation of Russell's SNs, amounts to Indirect discrimination**.

Another popular coping strategy adopted by many people with this disability, is **to proceed in daily life**, as much as possible, **by routine**. Russell does this also. Again, this does not in general involve others in needing to accommodate this SN of Russell's.

As Russell cannot concentrate at will, and so performs very poorly in face to face or verbal situations, he has evolved to a **reclusive lifestyle**. He becomes very anxious when he is forced to perform “face to face” and be in a situation where he is forced to be on his wits with the **potential peril** of maybe suffering **adverse consequences** if he is not performing at his peak at that time.

Russell is very intelligent and **highly qualified, in mathematics, finance and law**. Provided Russell is not under pressure, he can perform very well in writing, as his academic results would suggest. With the written form of communication, Russell has the option of returning to what he has written and assessing if it has his intended meaning when he is able to concentrate, as often as required. Russell says, if he is unable to concentrate on what he has written, it is pointless his spending time assessing it, and so decides to go onto doing other things, to return to the written work, later.

With Russell's **disabilities making him less efficient**, all other things being equal, he tries to **work as simply as possible and minimize the number of tasks** he must perform. This has the same motivation as living by “routines”. Hence, **email is far preferable to printed and posted mail communications**. Of course, by always making his statements in writing, Russell is unable to achieve as much as he could, if he did not have his concentration deficit and could present statements verbally.

Being less efficient, Russell cannot waste time. There is **no point in Russell appearing in person to present his written statement**. More importantly, Russell has a fear, becomes anxious, that if he were to appear in person, he could be required to respond, when he is unable, but yet be held to his response. **This anxiety exacerbates Russell's concentrations deficit**. Russell **demand his independence, and so will not countenance being “represented”**

by another person, when that person may be less qualified than Russell. Russell would believe that any such “representative” would be less able than Russell, himself, when he has performed in writing.

We have to admit, that Russell is very intelligent and highly qualified. In view of this explanation, we agree with Russell that to require him to appear in person, or by a representative, when he has presented his “statement” or “submission” is to discriminate against Russell on the basis of his disability.

Russell had been in receipt of a Disability Support Pension [DSP], for a number of years. He says he desires to be independent of it, but he needs time to be able to develop this. Russell has been brought to this position because he has suffered so much discrimination from Centrelink, as they have for years now played upon his disability and tried to demand more and more from him to “justify” his DSP.

**Centrelink [Clk] is massively in breach of the DDA.** It has one whole class of “clients” being Disability Support Pensioners [DSPers]. Additional to the DDA, **Centrelink owes all of these clients a Fiduciary Duty [FD].** For a detailed definition of “**Fiduciary Duty**” see Page 4 of [ADLJ 200701](http://AustLawPublish.com/20070716AustralianDisabilityLawJournalissue200701.pdf) archived at <http://AustLawPublish.com/20070716AustralianDisabilityLawJournalissue200701.pdf> /.

The **DDA means that Clk must accommodate the SNs of all of those clients.** Being disabled, they probably have so many other things to consider, the DSPers probably have not advised Clk of the specifics of their SNs, if they actually know them themselves.

Since Clk owes them a FD, **Clk is duty bound to determine what their SNs are and to accommodate.** Clk would be most unwise to determine the SNs of only some of these DSPers, on an ad hoc basis. **Clk should conduct for all DSPers what we have termed Special Needs Assessments [SNA].** Most disabled persons **have SNs as a result of their having to cope with their disability.** On the rare occasion that a disabled person does not have a SN, Clk will know that for certain only after having conducted the SNA.

**It appears that the Australian population, especially the public sector parasites, expects disabled people to apologize for being disabled and to be forever grateful for any small consideration directed towards them, and to hell with the their rights, and the duties, born of the DDA, and owed to the disabled. As in [Forest v](#)**

Queensland Health, [online at [http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/cth/federal\\_ct/2007/936.html?query=title\(Forest%20%20and%20%20Queensland%20Health\)](http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/cth/federal_ct/2007/936.html?query=title(Forest%20%20and%20%20Queensland%20Health))] /, the **public sector parasites merely plead ignorance.**

Associate Professor Bernard Joseph McCabe of the Faculty of Law, Bond University, has been very silly, or even spectacularly careless and ignorant. HIS ACTIONS MAY HAVE AN ADVERSE AFFECTS on BOND UNIVERSITY, UNSW, UTS and ANU. He appeared as Decision Maker in the AAT when the Appeal by Russell Mathews was to be heard. Russell's submission had been received by the AAT. The Registry of the AAT is duty bound to ensure that the McCabe received Russell's submission. McCabe knew Russell is disabled. He dismissed Russell's appeal without considering it. Russell's submission, [read it, it is public archived at <http://AustLawPublish.com/20070905AustralianAdministrativeLawJournalissue200701.AAT.submission.pdf>] /, clearly indicated he is disabled with significant disabilities. Centrelink, the SSAT, the AAT Registry in the persons of Deputy District Registrar Peter David Stirk of 11 Glindemann Drive, Holland Park, Brisbane Q4121, [that is public information], and District Registrar Heather Baldwin, has decided to ride roughshod over Russell's DDA and Common Law, Fiduciary Duty, rights.

It appears that McCabe has been miffed as Russell has not appeared to defer to Associate Professor Bernard Joseph McCabe for being some great person or guru, and so McCabe has decided to repudiate Russell's rights, and in the process, cheated and defrauded him. McCabe should have been aware of the possibility that Russell was not there and was not represented by another person, because Russell is disabled and that could be a consequence of the disability. Clearly, McCabe had an inflated idea of his worth and importance. He has defrauded a disabled person, but then again, 33 years Justice Jeffery Spender, when a barrister, conspired with the criminal ex-solicitor Terence Joseph Mellifont [Terry Mellifont] to defraud a disabled person, and Spender was PROMOTED to the Federal Court, AND IS STILL THERE, but for how much longer?

Clearly, McCabe's performance would have gained the approval of Deputy District Registrar Peter David Stirk of 11 Glindemann Drive, Holland Park, Brisbane Q4121, [that is public information], and District Registrar Heather Baldwin, who had been harassing Russell for two months. McCabe has clearly implemented the Alan Bond culture of Bond University. Surely, McCabe did not learn this at Bond. It is presumed that Bond did employ him because he portrayed the characteristics of the "Bond Culture", which would include denial and repudiation of the rights of the disabled. Did McCabe learn these illegal discriminatory practices at UNSW or at UTS? Was McCabe employed by ANU because he had these illegal discriminatory attitudes or did he learn them at ANU?

Russell had an appeal to the AAT against a decision of Centrelink to cancel Russell's DSP. It cancelled his DSP as they were discriminating against him by making him "jump through hoops" [by requiring more reporting from him to cause him excessive work – and not accommodating Russell's "Special Needs" of communication]. His appeal to the Social

Security Appeals Tribunal [SSAT] met similar discrimination when the SSAT of three headed by Paul Kanowski [Email, [paul.kanowski@ssat.gov.au](mailto:paul.kanowski@ssat.gov.au) ], decided and stated that it would not consider any aspect or requirement of the DDA. Of course, it has to consider all Law of Australia. Russell then appealed that to the Administrative Appeals Tribunal [AAT]. From the AAT Russell received abuse, bullying and harassment from Brisbane's Deputy District Registrar Peter David Stirk of 11 Glindemann Drive, Holland Park, Brisbane Q4121, [that is public information], and District Registrar Heather Baldwin. As can be seen in the [letter from our Attorney General Hon Philip Ruddock MP](http://AustLawPublish.com/20070725letterRuddockDisability.PDF), [archived at <http://AustLawPublish.com/20070725letterRuddockDisability.PDF> /], excerpt exhibited here, **harassment of a disabled person is illegal.**

The Australian Government considers that all people with disability have the right to participate as fully as possible in community life, with dignity and comfort. The Disability Discrimination Act provides that it is unlawful for a person or organisation to discriminate against a person on the basis of disability in a range of areas, including in relation to the administration of Commonwealth Government programs and Commonwealth laws. It also prohibits harassment on the basis of disability.

The AAT discriminated against Russell on the basis of his disability, after Stirk had been harassing him, and denied Russell access to mediation because Russell is disabled. Russell is very happy for these matters to be “On the Record”. It is generally those who have something to hide who want “secrecy” and “confidentiality”. According, Russell was happy for his submission to be on the record and it was published in the [Australian Administrative Law Journal \[AALJ\] Issue 200701 published \[nominally\] on 5 September, 2007](#) [but really on 4 September, 2007] [archived at <http://AustLawPublish.com/20070905AustralianAdministrativeLawJournalissue200701.AAT.submission.pdf> /]. The hearing was set for 10am 5 September, 2007 at AAT Brisbane. **Since Russell desired access to Mediation, he made this submission.** Russell and I help each other out very much. Russell produced much of this text for this submission. I polished it and it was published as previously detailed. It was [archived before 3pm on the 4 September, 2007](#). Russell sent [details of the URL](#) of the archive plus a copy by email to many inboxes at the AAT before 3pm on the 4 September, 2007. We have proof that they received it and read it.

## **This matter highlights much ignorance and maltreatment suffered by the disabled.**

There are **two major impacts** that could reasonably be expected to result from **ALL disabilities**. These are that the **disabled person is not able to achieve as much** as they would have been able to achieve, had they not been disabled, [that is they **perform less efficiently**], and **secondly, the emotional impact** that this has on the person with the disability. There are also, regularly occurring, **third and fourth impacts, that really should not be happening**. These are, the third, the **repeated instances of discrimination** against the disabled person, usually inflicted by public sector parasites, as happened in the case where a decision was brought down in the Federal Court on 22 June, 2007, [Forest v Queensland Health \[2007\] FCA 936](#) [online at [http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/cth/federal\\_ct/2007/936.html?query=title\(Forest%20%20and%20%20Queensland%20Health\)](http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/cth/federal_ct/2007/936.html?query=title(Forest%20%20and%20%20Queensland%20Health)) /.] [In the future weeks we will be commenting on many different perspectives of this decision and the factors leading to it.] This discrimination usually is inflicted by gutless bullies who happen to gravitate to the Public Sector, because

these gutless bullies are so incompetent they could not achieve of their own. In the public sector, they have the “benefit” of the psychological phenomenon of “Groupthink”, where they each re-assure each other that they are “worthwhile people”. **The fourth is the great amount of extra time that disabled persons are forced to waste if they wish to have their RIGHTS respected.** This exacerbates the unavoidable inefficiency resulting from the person's disability. This is the motivation for most of the public sector parasites to harass disabled persons. One particular example is Peter David Stirk, the Deputy Registrar of the Administrative Appeals Tribunal [AAT] in Brisbane. This is also the reason that the present longest serving judge on the Federal Court, **Jeffrey Ernest John Spender [Jeff Spender, Jeffrey Spender (for Google)] conspired with the CRIMINAL ex-solicitor Terence Joseph Mellifont [Terry Mellifont of TJ Mellifont infamy]**, [archived at <http://AustLawPublish.com/20070813AustralianCriminalLawJournalissue200708.justice.jeffrey.spender.pdf>] **to defraud a disabled person 33 years ago** when the disabled guy had come to them, Spender and Mellifont, to assist him in a legal proceeding. We have the irrefutable evidence to show this. Of course, this type of public sector/legal profession bullying, is what can be expected of **a corrupt legal profession and judiciary, as well as public service.**

The **usual outcome for disabled persons** is that the disabled person cannot afford to waste the time, and so **submits to the discrimination.** This encourages the public sector parasites of the likes of Queensland Health at the Cairns Base Hospital to continue to discriminate against the disabled, as they did in the above case of Che Forest. This makes the incompetent public sector parasites feel so powerful. **They feel this gives them the “right” to bully the disabled.** If, as Che Forest did, they are taken to court, they can whine, **“we didn't knoooooow”.** All three of us at present at Australian Law Publishers Pty Ltd are disabled in various ways, and, conveniently, are trained as lawyers, each of us with an LLB. We are all of the opinion that **the judiciary and legal profession are mostly composed of liars, cheats and rogues,** and so do not “practice” law in the conventional manner. **In Queensland, the courts, legal profession and politics, [and public sector], are so connected and corrupt.** We believe the impact we will make in being able to right the wrongs we each perceive, will occur not just because of the Internet but so much more importantly, by **being able to harness the power of Google,** and it is FREE.

## **Just Briefly: How Special Needs arise!!**

In the process of disabled persons adjusting to their disability, they compensate and adapt. This can be considered in a totally abstract mathematical way. The resulting performance and achievement of every person, whenever they attempt to achieve anything, is a result of many variable inputs. **This produces in mathematics a “Multi-Variable Model”.** These inputs include to access and receive data and information, the ability to consider the effect of that information, the ability to move and produce results, and to access the value of those results, to name a few. If one or more of those inputs is detrimentally affected by disability, then the person will attempt to compensate with more of the other inputs. They may even devise NEW inputs. This leads to Special Needs. According to the DDA and FD, other people are required to accommodate these SNs.

**[Attention MEDIA BUYING AGENTS: Discover the cost-benefit imperative of advertising in our journals.](http://austlawpublish.com/austlawpublishAdvertising.html)** <http://austlawpublish.com/austlawpublishAdvertising.html>