



The Australian Justice Tribunal

SOCIAL JUSTICE

CHILD SUPPORT

Nothing erodes social justice more than the stupidity that too often pervades the hierarchy of government agencies. And Australia's Child Support agency epitomises that stupidity. But worse still, it is the resultant absurdities that destroy lives as they are sanctioned (upheld) by our courts.

And the following is exactly what we mean.

Preamble to Abuse

No names will be used in the following example of 'allowable fraud'. However, the circumstances are real, and as yet, unresolved.

Our story involves the ex-wife of a philandering ex-husband who had a keen eye for teenage girls from the outset of their 26-year marriage. And during the heat of an argument on one evening in 2017 he took their 13-year-old son (without the Mother's consent) from their home to live with his current girlfriend and himself just a few streets away.

The woman in our story (ex-wife) had supported her husband financially from the time he had arrived in Australia as an immigrant keen to get a foothold on a new career and life. We'll call her "Karen" and him, "Christos".

Karen paid for his education (form of apprenticeship) in the early years before her family set him up in business. She had also saved enough for a deposit on a home and sufficient surplus to convert part of their home into an office from which Christos could conduct his business; a business that became highly successful.

In fact, so successful that Christos was soon recognised as a high-flying playboy as his international, jet-setting, penthouse escapades with women became widely known.

But while Christos was squandering millions of dollars, Karen was working diligently at paying off the home which was 99% owned by her. He had long since removed her (unconscionably) from his company as a director and shareholder.

Then the bubble burst and Christos began sailing close to bankruptcy. And as his desperation grew he began extorting money from Karen. But that was not enough. Forcefully intimidating her into extending her mortgage over her assets was not satisfying his need for cash. He needed the hundreds of thousands of dollars that could only come from Karen's hard-earned assets. And he also needed to bolster his access to the immediate cash that his de facto wife and himself needed to survive. This is what happened:

Allowable Fraud

Karen received a letter from Child Support giving her the opportunity to contest the amount that they had assessed she should be paying Christos as her contribution to the support of their son. They had accessed her tax records and calculated that amount based on her current income but not on her expenses.

For instance, no consideration had been given to mortgage payments on her home, nor consideration to the fact that 100% of their son's education costs including school uniforms and books. Then there is the home and contents insurance... private health insurance which also covered their son... home maintenance and day to day living expenses.

And when Christos voluntarily dropped their son off to stay with Karen each weekend there was the cost of entertaining him and often his friends – not an inconsiderable cost.

Suffice it to say that Karen advised Child Support that if they forced her to pay the amount they required, then something would have to give. Her income was simply not high enough to meet Child Support's demands.

They refused to listen, telling her that they worked on a standard formula and that was that. They were even less interested in the fact that Christos had divulged his personal income as a staggeringly low figure, but one that the tax office could verify. He was using his private company (100% owned by himself) to pay him such a low income that Child Support would – according to their formula – automatically conclude that he needed financial assistance from Karen.

What he was not required to divulge were the facts that this same privately owned company was also paying his de facto wife \$60,000 per annum, or that her SUV leasing premiums were paid by his company, or that his prestige car leasing premiums of \$2,000 per month were also being paid by his company, not to mention the cost of running those cars and paying rent on his residential address (putting aside business premises etc).

No... a gross personal income of \$30,000 per annum was his true and verifiable income even though Child Support knew that Christos was disguising a true, personal gross income of in excess of \$150,000 per annum. And that is what we mean by allowable fraud.

A Catalyst for Suicide

So, how does Karen pay Child Support and at the same time keep her head above water? And her son is too young to understand that it is his father's conniving that is causing her financial stress. And besides, his father is his best mate.

But if Karen is forced to cease paying the fees then her son's entire life will be disrupted and the love she so desperately craves from him will be lost; certainly in the medium term. What does a Mother do when she hears the words, "Mum... if you're against Dad, you're against me."

Thoughts of suicide then consume the life of a Mother who feels hopelessly trapped and one whose ability to borrow is limited by the expenses she now faces. In fact, Karen can no longer afford to pay for legal representation. And that is exactly what Christos wants. If she is legally unrepresented he will try to take her assets from her and leave her totally destitute.

All Karen can see is her ex husband's de facto wife (a teenager when she began a sexual

relationship with Christos) standing on the sidelines with her hands outstretched and palms upwards. Her long-term strategy is about to pay off. Whatever Christos takes from Karen his de facto has a claim on 50% of that. And in this instance, that amount represents a few hundred thousand dollars after Karen's 26 years of 14-hour days and hard work.

What 16-year-old Asian Home-Stay student with her eye on Citizenship and the possibility of a new life in Australia with a successful businessman would not stay around for the prize. And in this case that former successful businessman is Christos who is 30 years her senior.

Surely, she would take the prize and run now knowing that the lavish lifestyle that was once given to her by Christos has gone and Karen's assets are all she can hope for.

It would be fair to say that the straw that is breaking the camel's back is the inordinate and unfair financial pressure being applied by an unthinking Child Support agency.

Solving the Problem

If necessary, now that The Australian Justice Tribunal is involved, Karen's specific matter may end up in the High Court of Australia. Because, for as long as senior public servants are compelled to observe established guidelines (no matter how absurd) then our Child Support agency will continue to dispense unfair outcomes to both men and women; outcomes that are far from being supportive to Australian children.

This matter is definitely a work in progress.