

NT OFFICE STATUS of FAMILY

FAMILY SERVICES CONSUMER REPRESENTATIVE

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21st March 2011

National Office
Social Security Appeals Tribunal
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Collins Street West
Melbourne Vic 3000

COPY

Principal Member
M/s J Macdonnell
Dear Madam

Thank you for your letter of 11th March 2011. I had allowed you the grace of being part of the resolution but you have chosen to be a 'combatant' and part of the problem. This is further evidence of why SSAT is renegade and unwilling to comply with 'legal due processes'.

The basic role of Social Security Appeals Tribunal in CSA Appeals

In the beginning CSA appeals were heard in the {previous} Federal Court and in my time including my involvement The Commonwealth Government in its economic and practical wisdom streamlined this for citizens by assigning this duty to SSAT as a mandatory hearing before it became a court hearing. Therefore save not being a courtroom hearing The Commonwealth Government did not intend citizens be denied any due process of justice they received in a court. However SSAT like CSA has not had such well trained or self disciplined or law trained 'adjudicators' as a court and 'due process' has become degraded by misandry and 'women win' influences to the extent that SSAT no longer serves the role it was assigned by The Government. But serves only as 'feminism' has decreed and influenced staff to abandon legal due process and instead substitute their misandry ideology. Please fix

Notwithstanding as a consequence of this complaint when CSA are proven to be 'technically' or 'legally' wrong 'copycat' to CSA not following legislated and other interlocutory 'due process' it flows by definition so too are SSAT making unlawful determinations. Your withdrawal from making remedy would therefore appear most unwise like a Chief Justice or Chief Magistrate trying to ignore such a complaint to instead allow the destruction of the 'legal integrity' of due process.

Noting Madam Principal Member our complaint was of 'serial' non-compliance by SSAT to legal due process during 'hearings' of all cases but you chose only one and failed in absolute terms to address the issue in that one.

Shame Principal Member one would have thought a CEO would have been far more inquisitorial and investigative than being diversionary and obstructionist. Therefore I respectfully suggest you are being criminally negligent. Because out of this CSA and SSAT client stream comes from 'unlawful' of 'fraudulent' monetary overcharge arises Australia's highest suicide group of males 24 to 34 years of age.

The Complaint

In spite of your hasty 'single shot' to defend SSAT your reply however serves well to prove the case against you. Fundamentally you hold that what CSA and SSAT do because they are 'government agencies' makes them infallibly correct. A stance which makes no allowances for 'common' errors that become 'incorporated' as 'serial' errors becomes 'wormhole administration' is the grounds of the complaint made to you.

I have observed during the past decade how 'legal due processes' has disappear into 'wormhole administration' until it has become a complete substitute to what The Legislature decreed. Just as observably too it has been driven by misandry ideology that ensures 'women win' is the hidden agenda causing officers to depart from legal due process until it has become the habitual 'feminists legacy' substitute service delivery.

Defining "Due Process"

Due process is the combination of case facts and law in which "Due Process" is the less visible third component mostly taken for granted on the '**trust**' and '**professionalism**' of '**officers**' who are operating under Administrative Law in case administration. It is the procedural doctrine set out for officers to follow to ensure citizens receive or are rejected uniformly upon their case facts on what The Legislature decreed. It is the 'determination' made by an 'official' person about another person in a set of circumstances in this case by a Public Servant on behalf of the Commonwealth Government. The intention is to ensure via the 'trust' assigned to the public servant that the government and citizens are both served impartially and according to case facts and law.

What "Due Process" is not.

It is not as we now get out of SSAT and what you consent to it being. May well be only 'made up' from 'urban mythology' and 'personal opinion' and be 'luck of the draw' of what Members one gets as a Panel. By adjudicators drawn 'from the community' who need never have learnt the 'due process' required by CSA and SSAT and instead learn only from each other the copycat 'wormhole' administration out of the feminist legacy. Which is the proven case forming this complaint.

You have not discussed fully and properly this complaint with me nor the case you referred to in which you misrepresent me is typical of staffs 'strategies' causing this complaint. In which you as CEO {for want of universal description} instead choose to be 'gatekeeper' to an insurgent modus operandi more than you are loyal to your 'professional' duties undertaken on behalf of the Commonwealth Government under Public Service Employment and Administrative law. For which you get well remunerated.

One assumes The Governor General *{a self confessed and boastful feminist from her high office}* having 'appointed' SSAT Members it is then the Principle Members duty to tutor Members in the specific legislation and due processes and recognition of relative case facts on which they are to adjudicate. But such knowledge by Members seems manifestly inadequate or missing completely and is substituted with other 'opinions' and 'ideologies' who frequently turn back to the CSA case before them to 'learn' from CSA. Thus in such ways the SSAT is not an independent adjudicator upon the relevant legislation and case facts and due process to determine how CSA performed its duties to the citizens. The role of SSAT is the same as it was in a court to determine if CSA was 'technically' or 'legally' correct required a better legal background than one currently gets out of 'urbanite' adjudicator Panel Members.

Employment of the Principle Member and Other Members on CSA Matters.

Is to ensure Government 'service deliveries' to citizens are legally correct in (a) their 'family' case facts (b) and their match or mismatch with the relevant legislation (c) so that adjudicator decisions are made by a ethical 'legal' due process that ensures legal uniformity and legally just outcomes for the citizens involved as it was previously in a court (e) according to their case facts (f) according to what The Legislature decreed.

Some limited discussion can be had from your letter 11th March 2011. They may not be in strictly sequential order and for lack of a proper forum will be limited more to making some points rather than a full discussion it requires to be had. Noting that you have already withdrawn I do not intend wasting my time any further with you when it can be better spent explaining the failings of CSA and SSAT to other agencies with legal and ethical responsibilities over CSA and SSAT.

SSAT a "Tribunal" replacing a "Court"

Tribunals are only a variant of courts in which 'legal' due process is well and truly established and the same was expected by The Legislature when it decreed that SSAT would review appellant cases of child support for very obvious reasons under the same legislation as CSA – to ensure CSA 'got it right' or 'needed correction' by SSAT. Therefore it could 'make another decision' but only one of 'correction' and not on 'personal opinion'.

It has become a misnomer within "SSAT that their decision need not be at all based on the same 'case facts' and 'legislation' and 'due process' inherent in the 'review' under the 'same legislation' as CSA. SSAT now makes decisions renegade and in contradiction to its legislated responsibilities. Some are touched briefly upon in this correspondence and I have the admission from a SSAT Officer that is the case.

The duty of 'review' by SSAT is by definition is to do so like a court was intended because SSAT does in lieu of what a court previously did. I know because I was involved closely with legislators and committees when it became so. SSAT is to check if CSA was 'technically' or 'legally' correct recognising (a) family correct case facts (b) whether they qualified or not with to relative legislation (c) by staff using a due process making the same legal deductions as a court (e) that the application was legally correct (f) and

eventually that the monetary amount 'calculated' was 'technically and legally' correct (f) based on facts and legislation and due process.

Supportable Conclusion

By CSA and SSAT not complying with legal due process they have introduced 'combatancy' and 'bullying' and 'ambush' of predominately uninformed and not legally represented 'humble' folk who do not know what the relative factors of their case and its administration are. SSAT has in the main only become a 'kangaroo court' prosecutor of father payers based on what CSA did 'unlawfully' on only what mothers 'allege' and was not properly investigated by CSA. Notwithstanding historically for the same 'feminists' reasons 'defaulter' mother payers have been completely ignored and not pursued {until very recently} for overdue and outstanding non payment of child support.

Please let there be an inquiry with access to case files to reveal irrefutable evidences upon them by case officers as to the 'wormhole' modus operandi.

At page 2 last paragraph of your letter I refute your false allegations that I have tried in any way to give directions to the panel members (although they desperately were seeking and needing them especially on 'depreciation' and 'protocol' viz 'due process'). You will note beginning on page 1 I was thanked by them for not interrupting puts a clear end to your false inferences against me. Also confirms their failure to hear 'legal argument' that without a source document there was no grounds to 'investigate' the respondent father.

I was under 'hair trigger' threat of dismissal if I spoke during proceedings and had to watch my client be denied his legal rights to have me present his 'grounds of appeal' on 'legal argument' on the 'legal' failure of CSA. As was agreed by the SSAT Officer in the SSAT prehearing conference would the beginning of the appeal process as the "Grounds of Appeal".

Wormhole Modus Operandi operating in SSAT Hearings

Instead the appeal hearing became (a) a further failure of due process successfully ambushing my client on matters unlawfully too advanced into 'proceedings' on his income (b) the panel ambushed us both under intimidation of dismissal and he was denied my role of putting his legal argument because he had been denied 'due process' that I should be allow to lead with the legal argument (c) on the grounds the application had no 'lawful' origins within CSA to have ever been processed by CSA (d) that there was no legal source document supporting the process and it follows by definition that CSA has not supplied it or simply 'made it up' on behalf of the mother and (e) therefore 'legality' of the claimant and claim and of CSA due process were completely denied a hearing (f) my client was in addition to CSA also by SSAT denied his legal rights of 'legal due process' in his defence of a false claim against him.

Whilst this was by name a 'process' by 'appointed' SSAT panel members it could not be rightly called 'legal due process' but more rightfully a kangaroo court by panel members who had no idea of their duties.

Save intimidation and ambush to arrive solely at their 'ambition' of questioning his 'income'. Upon which their determination was formed yet further on false hypothesis of 'business' and not 'personal' taxable income.

In the final determination no mention was made by the panel of the legal grounds the case was to be heard upon. Such is the modus operandi of the 'wormhole' administration coming out of CSA and being 'hidden' by SSAT behaving similarly unlawfully to CSA in cases of this type.

Legal Source Document.

I am enclosing a blank application form to a 6A administrative assessment. Please note at page 38 'Declaration' and page 39 also 'Declaration' must be signed by the applicant and a copy sent to the other parent. No such due process of 'exchange of legal documents' occurred and the father {and I} have never received a copy from CSA nor via SSAT documents. Thus prima-facie there was no legal source document for CSA to begin a legal review process thus it by definition follows neither could SSAT. Were the 'grounds of appeal' not permitted to be properly put in the 'contrived' and 'tampered' hearing.

It is implied in your letter that after the appeal hearing SSAT did receive such a document. We have never been contacted about it. This alone should be sufficient evidence to SSAT that CSA are not complying with due process in supplying all relevant documents according to due process. Or SSAT not recognising their significance if they either exist or not checking if they carry false information as part of **both CSA and SSAT 'due process'**. Both CSA and SSAT have reduced due process to wormhole process in overzealousness to arrive at fathers {ignoring mothers} incomes. Such is the gender bias.

My client gave evidence that he received only a phone call of 'demand' from CSA and no 6A form was the grounds of appeal but nothing of this was allowed in by the panel obsessive to reach his 'income' and then add back in depreciation loss as 'income'. A most bizarre but 'self explanatory' process of 'approving' an 'overcharge' against the father **and being the 'prosecutor'** without there being a formal and legal application in existence {at the time of the appeal}. Viz both CSA and SSAT are doing 'favours' for 'women' by dispensing with legal due process.

In the hearing I was respectfully silent on issues I had legal grounds under 'legal due process' to respectfully raise and put as my clients legal case but due to SSAT 'combatancy' and 'bullying' {behind suppression orders and dismissal intimidation} I was compelled to silence and forced for at least an hour to listen to my client being 'ambushed' on at a secondary and until then a 'legally' irrelevant matter. Thus the hearing was not only an ambush but invalid.

How crass it is bullying and ambushing instead of due process. One may as well 'adjudicate' such legal matters by conducting an 'opinion poll' of the first two people one might meet on a street. I have indeed met and discussed aspects of child support legislation with humble folk whose 'opinion' have been closer to the mark than some SSAT Members I have dealt with.

Whose "opinion" could only be described as 'misandry'. Whilst you as CEO may accept this 'lase fare' approach The Legislature decreed that SSAT must similarly to a court 'review' the case under the same legislation (and family case facts and due process) as CSA was supposed to. To ensue the CSA outcome was correct.

You say you are satisfied that a 6A application can be received by telephone but you are wrong. There are no checks and balances as to a valid or false 'application' and please note the declaration is to be signed by the applicant. Thus if it is not signed it is invalid and if signed by a CSA staff it is by an 'advocate' in an officer conflict of interest and 'abuse of office'. Therefore part of this complaint is CSA are indeed 'doing favours' for mothers via telephone by dispensing with due process of the 6A Application Process. Making CSA Officers both 'advocate' and 'adjudicator' in an abuse of office.

Increasingly more 6A applications on reason 8 are being received and processed in this truanted and express manner in this 'wormhole modus operandi' being complained about. Without the degree of 'review' The Legislature expected of SSAT as would occur in a court for 'legal' correctness of all three factors of 'case facts' and 'legislation' and 'due process' considerations. That would otherwise reject on fraudulent and legal grounds many of these accepted by both CSA and SSAT

In this case you have raised by 'due process' there should have been an adjournment and an SSAT order upon CSA for the missing 'source document' to be properly served upon the father {and me} and upon SSAT. Or CSA to admit it never existed. There was only a letter by CSA supplied only mentioning such an application was made and it was most improper of the SSAT panel to proceed as they did without (a) a valid application before them or its confirmation of non existence (b) and checking also if it existed that the claim upon it was also valid and legally correct (c) that a lawful due process by CSA produced the determination. A due process was not followed by the panel to confirm the validity of the appeal because the SSAT panel was blindly obsessed with arriving at his income. Is how and why 'women win' from 'tampered' due processes by CSA and SSAT.

Setting aside for a moment the issue of the missing source document. There were other prevailing factors prohibiting both CSA and SSAT from involving The Commonwealth Government in these proceedings.

The application was indeed false and prosecutable against the mother because 6A on reason 8 {as was only implied} relies upon comparing the assets and incomes of both the mother and father. It be noted she simultaneously had (a) a full half share claim and living in one home to about two million dollars of joint family property and business (b) the father offered her temporary part settlement of liquid cash assets but she would not co-sign the transfer to her (c) the mother instead began proceedings in the family court on both adult child support and property (d) while she simultaneously claimed 'hardship' and child support via CSA (e) while the father paid the correct or

higher amount of child support directly to her as well as having his contact with his children. The application in any form was wholly false.

The mother falsely reported to CSA and SSAT she was a pensioner and alleged all of the family assets belonged to the father. The mother appears to have been trying to use child support as spousal maintenance a separate family court matter she did not undertake.

Not only should this mother be prosecuted for attempting fraud but so too should CSA and SSAT officers be prosecuted for 'abuse of office' of both agencies for not complying with due process so that this fraudulent mother 'won'. To the extent the father was 'overcharged' above the correct amount. Whether he willingly paid it is only secondary to the failures of CSA and SSAT to not reveal the mothers false claims.

The true grounds were the application was false and CSA processed a false claim and did not follow due process nor make sufficient investigations about the mother and 'due process' of CSA. A finding found in November 2009 against CSA by the Commonwealth Ombudsman still has not been rectified by CSA or recognised at all by SSAT.

The Legislature intended SSAT would be an independent adjudicator on their behalf to ensure the law and due process is properly complied with and services lawfully and impartially delivered or withheld according to the family facts by CSA. ***Through a lawful and ethical administrative 'due process'***.

The SSAT Principal Officers admits the Federal Magistrates Court or Family Court are the appeal bodies to SSAT thus in the context of The Legislature it expects SSAT to use a 'legally same' due process to check CSA 'got it right or wrong'. Thus SSAT by definition cannot vary on 'fact' and 'law' and 'due process differently to what a court is required to use. By definition if they did not there would be an outcome different to the 'intentions of The Legislature' viz a wormhole modus operandi with other objectives is now the consequence of CSA and SSAT non compliances to due process.

Note in the declaration portion of the 6A form that false claims made to CSA are prosecutable. Allegedly Madam Principle Member your 'all knowing' Panel Member would already know this but totally ignored (a) the mother's false application and (b) CSA's failure to follow due process by giving her false application false travel and processing via the 'wormhole' modus operandi. Your allegedly learned panel simply ignored this all because of their own same obsessiveness wanting only to arrive at his income. ***In a 6A reason 8 BOTH PARENTS incomes and assets are compared.*** Please note the gender bias of CSA and SSAT.

Note both CSA and SSAT were making 'material' determinations on the same matters the applicant mother also already had filed and were part heard in the family court. Was information to hand of the SSAT Panel and was part of the fathers 'legal' grounds in the prehearing conference for legal argument on the hearing day. Of course was denied unlawfully to father by the panel members.

Madam Principle Member including your own, such is the 'abuse of office' to 'achieve' determinations against father payers that is going on behind 'confidentiality' and 'suppression orders' so that 'women win'. ***It requires nothing short of a full Judicial Inquiry into both CSA and SSAT.*** Because obviously both agencies are now so far off course and 'self serving' and like you are strongly resisting returning it to lawful and democratic administration.

You cited a panel member being a professor of business and accounting yet if you listen again to the transcript he allowed himself to be persuaded against his learned degree by the female member that depreciation is added back as profit in child support matters. This is simply an unlawful nonsense within only CSA and SSAT. What then are the benefits of 'qualifications' you cite so preciously when it degenerates to 'opinion' driven and not fact and law and due process SSAT derived panel decisions?

I reiterated on 'qualifications' no amount of qualifications of any kind matter at all unless it incorporates Child Support Assessment Legislation, the Assessment Formulae and what the correct due process is when dealing with this tri combo. Including the unalterable interlocutory constitution and laws of how people have earned their incomes and cannot be committed to unconstitutional 'civil conscription' by CSA and SSAT 'setting incomes' higher than they earn. On which 'overcharged' child support is calculated by them and if it is not 'paid out' is prosecuted under the 'enforcement' of 'collection' in the Federal Court in unconstitutional civil conscription.

Is contrary to the legal principle on which Centerlink exists because Government cannot 'conscript' civilians to perform work. Being a father paying via CSA does not disentitle them from their constitutional rights to not do a particular work or work any more than they do to earn a CSA or SSAT set higher income target.

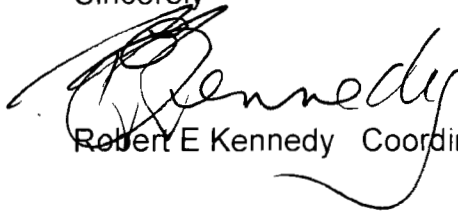
Please fix this deliberate abuse of s98 and s117 and failure of due process to intentionally create false criteria to intentionally 'overcharge' father payers. Please allow our world's best child support legislation and administrative system to prevail in the best interests of family cohesion and continual parental support of children. This complaint is on a 'managerial' failing to not properly audit staff for fact and law and due process compliances.

The evidences to this are recorded within case files under 'confidentiality' and 'suppression orders' that needs a proper investigation with access to audit officers work as recorded on these files..

Meanwhile there will be advices sent to community groups and individuals with concerns about child support mal administration and adjudication unaware of the 'secret chamber' role change of SSAT in CSA matters.

Meanwhile there will be lobbying of politicians by many payers to return relative Public Servants to deliver via our already legislated due processes by initiating an Inquiry into CSA and SSAT staff conducts and due process compliances. With powers to view case files.

Sincerely



Robert E Kennedy Coordinator

Copies with individual complaints to
Commonwealth Ombudsman
Australian National Audit Office
Commonwealth Attorney General
Australian Federal Police
Australian Government Solicitors
Department of Public Prosecutions
Senate Committee on Legal and Constitutional Issues.
Family Law Council