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By Fiona Hudson
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A MAN who paid a woman for sex is resisting child support requests after the prostitute had his baby.

The married Melbourne man argues the child is potentially a breach of the Trade Practices Act.

He told a federal magistrate he shouldn't have to pay for the inadvertent offspring given the circumstances of the conception, the Herald Sun reports.

The accidental dad - who can be referred to only by the pseudonym Mr Lilley - told magistrate Grant Riethmuller he'd had "a consumer transaction" with the child's mother.

Mr Lilley argued an implied term of the "contract" between clients and sex workers was that women would take measures to avoid pregnancy.

Mr Lilley told the court he was not disputing paternity.

The prostitute - known only by the pseudonym Ms Logan - did not appear in court, and details of her employer were not publicly revealed.

The magistrate heard Mr Lilley initially contributed about \$100 a week towards the infant's upkeep under an informal arrangement with Ms Logan. The matter spilled into court in June after he lost his \$140,000-a-year job and fell behind in the payments.

Mr Riethmuller heard the man already had a child with his ill wife, and was struggling to support his family financially after taking a hefty pay cut in a new job.

The man used the legal action to question whether the sex worker and the Federal Government's Child Support Agency had any right to chase him for money.

In an affidavit, he argued the woman's basis for seeking support was "fundamentally flawed" given her job.

But in a ruling issued this week, the magistrate said the circumstances of the conception made no difference to the child's entitlements under the Child Support Scheme.

The man was ordered to keep paying \$100 a week until a likely appeal to the Social Securities Appeal Tribunal.

The magistrate noted the door might be open for the dad to launch legal action against the owners of the brothel or escort service - or the mother individually - for damages.

Sex without a condom is illegal in licensed Victorian brothels and escort agencies.