

THE AUSTRALIAN

Businessman loses bid to have his ex-wife banned from workplace



The man argued his ex-wife was damaging their shared business by continuing to work there. (Stock photo)

CAROLINE OVERINGTON THE AUSTRALIAN 12:00AM April 11, 2017

An irate husband has lost his bid to have his ex-wife banned from entering their shared workplace, despite saying the atmosphere has turned poisonous.

The man, who cannot be named but is known in court documents as Mr Skipper, argued his ex-wife was damaging their shared business by continuing to work there, because the mood when she was around was so bad.

But Family Court judge Shane Gill was not convinced more damage to the business might be done if she were banned from the premises.

The court heard there were “ugly circumstances within the company workplace (that) flow from the breakdown of the relationship between the husband and the wife”.

“It is not clear who is, or who is not, at fault,” Justice Gill said. “Each lays the disquiet in the workplace at the feet of the other.”

The husband wanted to “remove the face-to-face conflict between the parties within the workplace” by having his ex-wife banned.

But Justice Gill said “it would be naive to suggest that the exclusion of the wife from the workplace would end the issues that make that workplace at present poisonous”.

He agreed the “removal of the wife may certainly remove some conflict — that is, the direct conflict between the husband and the wife” — but, he said, it was “both speculative and contentious to say that that would restore a level of harmony to the workplace” given the wife’s daughters and one son-in-law also work for the business.

“It may be said that the effect of the removal of the wife from the workplace may improve the workplace,” he said. “But even if it does remove the direct husband-and-wife conflict, it may well cause other harms to the running of the business.”

The matter was an unusual one for the court, with counsel for the parties in dispute over whether the Family Law Act (1975) could be used to bar the woman from work.

The husband’s team argued that such powers were available under section 114(1)(c) which relates to “the restraint of a party to a marriage from entering into the place of work of the other party to the marriage” although not directly a shared workplace.

Justice Gill said there was “ultimately no dispute that I have jurisdiction to make such an order should I consider it to be proper” but he did not consider it proper, and ordered the husband to pay half the wife’s legal costs. The dispute between the couple on financial matters continues.

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RACHEL BAXENDALE

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