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0 Spouse Maintenance – How Much and How Long?

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In a recent property settlement case, the Court considered an application by the wife for spouse maintenance. The couple had been together for 16 years.

The wife sought payment from the husband in the amount of \$600 per week, to continue indefinitely. The husband proposed to pay the wife \$500 per week for a period of 2 years only.

The wife's argument was that there was a vast income disparity between her and the husband. This was true, as the husband was earning about \$500K per year and the wife had no income as she was studying. On top of this, English was the wife's second language and, although she was finishing study in Australia and hoped to obtain work following completion of that study, given her language difficulties it was unlikely she would ever earn a significant salary. The Judge agreed that the wife's employment options were limited.

The husband argued that the court should have regard to the "clean break" principle, and should ensure that there was finality and an end point to financial ties between them.

The court also considered various other factors of the relationship, for example the wife was to receive a substantial amount of cash from the sale of the matrimonial home, which she intended to use to purchase a new property. The wife also had primary care for the couples' youngest child who was 8 years of age. The 15 year old child was cared for by the husband's mother, and the husband on weekends, at the expense of the husband.

The court weighed up the competing factors and ordered that the husband pay \$600 per week to the wife for 3 and a half years. The court determined that this would be enough time to allow the wife to complete her studies and obtain employment.



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