



**HUMAN TRAFFICKING WORKING GROUP**  
Dr Andreas Schloenhardt (Coordinator)

The University of Queensland  
TC Beirne School of Law

The University of British Columbia  
Centre of International Relations

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**CASE REPORT**

Current as on: June 26, 2009

<b>Case Name</b>	<b><i>Columbia v Columbia</i></b>
<b>Reported in</b>	<i>Columbia v Columbia</i> [2009] FamCA 311
<b>Date(s)</b>	Hearing: April 6-7, 2009 Judgment: April 8, 2009
<b>Court/Jurisdiction</b>	Family Court of Australia (Tasmania)
<b>Matter</b>	Property and custody dispute upon termination of (abusive) marriage

## Case Details

This case, which was reported widely in the Australia media,<sup>1</sup> concerns a Family Court settlement of both property and custody. Mr and Ms Columbia (both pseudonyms) lived in northern Tasmania, and separated on July 30, 2007 after a Domestic Violence Order was issued against the husband.

Mr Columbia, aged 55 at the time of the separation, was a man weighing around 200kg and has been described as morbidly obese. He had been married five times prior to marrying Ms Columbia. Around 1997 Mr Columbia, aged 43 at the time, travelled to Thailand where he met Ms Columbia, who was 26 years of age. He alleged she was working as a sex worker at the time, a claim his wife denied, stating that she was working in a factory. Mr Columbia brought his future wife to Australia for a short period in 1998, and then permanently in 1999.

Ms Columbia spoke little English when she arrived in Australia. At the time of their separation she spoke fluently and had attempted to improve her situation to such an extent that the trial judge noted that she 'impressed [him] tremendously'.<sup>2</sup>

The couple ran a market garden in northern Tasmania, in which Ms Columbia was forced to do the majority of the work due to her husband's immense size and immobility. It has been reported that he was accustomed to sit on a stool whilst waving a stick and abusively yelling directions.<sup>3</sup> He was described as both 'overbearing and bullying' and 'loud and abrasive'<sup>4</sup> by the trial judge. Special note was taken of the care Ms Columbia provided to her husband which involved bathing and dressing him, as well as applying ointment to his haemorrhoids. There was evidence of physical violence against the children of the couple by Mr Columbia, and of abusive language against Ms Columbia.<sup>5</sup>

Despite continually perceiving himself as the victim, the husband's manner resulted in the majority of the property of the marriage being vested in the wife. The wife was given title to the \$200,000 matrimonial property, and was ordered to pay the husband only \$51,750, or 25% of the value of the property. Ms Columbia was also given sole custody of the children.

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<sup>1</sup> Caroline Overington, 'Fat Bully Loses to Thai Bride used as Servant', *The Australian* (Australia), 23 May 2009, 3.

<sup>2</sup> *Columbia v Columbia* [2009] FamCA 311, [27].

<sup>3</sup> Caroline Overington, 'Fat Bully Loses to Thai Bride used as Servant', *The Australian* (Australia), 23 May 2009, 3.

<sup>4</sup> *Columbia v Columbia* [2009] FamCA 311, [20].

<sup>5</sup> *Columbia v Columbia* [2009] FamCA 311, [33].