

## When the High Court uses old French

Often legal phrases have a latin root, but this one stems from old French! And we still need to know about it...

The High Court has just dealt with a case of property settlement where the parties and their assets span more than one jurisdiction. This can, and does, give rise to arguments about which country's courts has, could or should determine property settlement.

What are we talking about? *Estoppel*. Don't run away just yet...

For non-lawyers, think of it as you are stopped from raising something in court which has already been done or dealt with. For family lawyers, the High Court has given an education in claim or cause of action estoppel and Anshun estoppel (called Henderson extension by the Full Court).

In this case, the High Court endorsed the original decision that Orders made in the United Arab Emirates did not stop the wife bringing a claim for property settlement in Australia.

Given the prevalence of international relationships and overseas assets, disputes about the Court where property settlement should take place are going to keep coming up.

If this applies to you or you need help with property settlement, please don't hesitate to contact our experienced family law team on 5576 9999.

For the very keen, the case is *Clayton v Bant* [2020] HCA 44



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