



HIGH COURT OF AUSTRALIA

NOTICE OF FILING

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Details of Filing

File Number: B21/2020
File Title: Clayton v. Bant
Registry: Brisbane
Document filed: Form 27F - Outline of oral argument
Filing party: Respondent
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Important Information

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IN THE HIGH COURT OF AUSTRALIA

No. B21 of 2020

BRISBANE REGISTRY

BETWEEN:

CLAYTON

Appellant

AND

BANT

Respondent

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RESPONDENT'S OUTLINE OF ORAL SUBMISSIONS**Part I: CERTIFICATION**

We certify that the submission is in a form suitable for publication on the internet.

Part II: OUTLINE OF ORAL SUBMISSIONS

1. The sufficient identity in substance between a controversy decided in foreign proceedings, and a pending controversy in local proceedings, is revealed at a level of generality / specificity that accommodates social and legal system differences, but also recognises common social dimensions: Respondent's Submissions at [6] to [11], [16] to [19], [21] to [25], [29] to [31].
2. The significant common feature of the pending Australian proceedings, and the proceedings determined in Dubai, was properly held below to be that both concerned *the financial consequences to the parties arising from the breakdown of the marriage*: Respondent's Submissions at [20].

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3. Although doctrinally related, the decision of *Henry v Henry* (1996) 185 CLR 571 is not otherwise on all fours with the nature of the claim here, as it concerned a stay application in a ‘clearly inappropriate forum’ action: Respondent’s Submissions at [12] to [15].
4. The references to ‘*untimely*’ and ‘*no need to refer*’ in the translated Dubai reasons for judgment cannot be understood to render the determination of those financial consequences merely provisional: Respondent’s submissions at [33] to [37].

Dated 8th September 2020

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