

21. In December 2014, the deceased and her children moved to a house in Canberra, having sold the Scarborough home. Mr Rushton appears to have moved to Canberra at about the same time and resided with his parents. Until she died, Mr Rushton appears to have provided full time care for the deceased and the children at her home.
22. On 16 February 2015, Mr Rushton applied to Centrelink for a carer allowance to enable him to care for the deceased.
23. Mr Rushton telephoned the helpline on 14 April 2015 and told the trustee that his wife had died on 11 April 2015. He enquired about how to transfer her superannuation. He said that he did not reside at her Canberra address and gave the trustee his Canberra post office box address. He answered the helpline's question "so [you] weren't separated or anything like that" by saying "No, we're still married".
24. On 20 April 2015, Centrelink notified Mr Rushton that it had granted him the carer allowance with effect from 16 February 2015.
25. On 24 April 2015, Mr Rushton applied to the trustee for a reversionary pension as a spouse of a deceased pensioner. In the form he said that he was not living with the deceased at the time of her death. He answered questions stating that they had separated on 29 March 2015 due to illness and for a period of not more than 30 days. He answered "no" to the question asking if he or his wife had ever taken action in the Family Court to dissolve their marriage. That answer was true because, incredibly, the form did not ask about the action in the Federal Circuit Court which has had the same jurisdiction to dissolve marriages as the Family Court for over 20 years. Mr Rushton did not give any answer to question 12. It asked if he was financially dependent on the deceased and, if so, required that he attach documentary evidence.
26. On 1 May 2015, the trustee determined that the three children were eligible children under the rules and granted them a reversionary pension.
27. On 4 May 2015, the trustee determined that Mr Rushton was an eligible spouse under the rules and granted him a reversionary pension (the first trustee decision).
28. On 7 May 2015, Ruth Carter, a social worker with Calvary Healthcare ACT, wrote a letter about Mrs Rushton (the Calvary letter). Ms Carter said that she was responsible for responding to referrals for the home based palliative care program. She wrote that the program began supporting the deceased and her family on 20 December 2014. Ms Carter said that the deceased had recently moved to Canberra with her three children "in order to be further supported by her husband Ben and their extended family and friends that resided in Canberra." Ms Carter said that at that time she understood that Mr and Mrs Rushton had been separated for about 6 months and that he was not residing in the family home, but lived nearby. She said that the program's multidisciplinary team provided ongoing support for the deceased from 20 December 2014 on a regular basis and that team members had confirmed that Mr Rushton attended the home on a daily basis, "from very early in the morning until late in the evening". She wrote in detail about the many tasks that the team observed that Mr Rushton performed in caring for the deceased and their children up to her death. She concluded that: (tab 191)

It was obvious to our multidisciplinary team that whilst Kelli [the deceased] was a patient on [the program], Ben Rushton was very much a full time carer to Kelli and their 3 children.

Texts Cited:	Corrie Goodhand and Peter O'Brien, <i>Intentional Tort Litigation in Australia</i> (The Federation Press, 2015) J D Heydon, M J Leeming and P G Turner, <i>Meagher, Gummow and Lehane's Equity Doctrines and Remedies</i> (LexisNexis Butterworths, 5 th ed, 2015)
Parties:	Mark Desmond Kaney as Executor of the Estate of the Late Kelli Maree Rushton (Applicant) Ben Rushton (Respondent)
Representation:	Counsel Mr R P Clynes (Applicant) No Appearance (Respondent) Solicitors Sinclair Whitbourne, Lawyer (Applicant) No Appearance (Respondent)
File Number:	SC 439 of 2016

REFSHAUGE J:

1. On 11 April 2015, Kelli Maree Rushton died after a long battle with cancer. This Court granted Probate of her Will on 6 November 2015. The plaintiff, Mark Desmond Kaney, was appointed Executor of Ms Rushton's Estate. He was the brother of Ms Rushton.
2. The defendant, Ben Anthony Rushton, had married Ms Rushton on 12 February 2005 but the couple had separated in early 2014. The couple had three children together, who at the time of these proceedings, were aged 13, 12 and 10 years old.
3. It appears that the separation was not amicable as Ms Rushton was granted a Protection Order by the Redcliffe Magistrates Court in Queensland arising from a serious domestic violence incident on 28 February 2014. Ms Rushton alleged a long history of violence, intimidation, and threats of violence against her during the marriage.
4. Ms Rushton moved to Canberra leaving Mr Rushton in the former matrimonial home in Queensland. She purchased a home in Canberra in January 2015. The property is Block 13 Section 377 Division of Macarthur, comprised in Volume 883 Folio 71, known as 8 Bayly Place, Macarthur. I shall refer to this property as the Property. She was the sole registered proprietor of the Property, subject to a mortgage to the National Australia Bank Ltd.
5. Shortly after Ms Rushton died, Mr Rushton moved into the residence on the Property without any permission from either Ms Rushton before she died or from Mr Kaney as nominated Executor of her Estate.
6. In Ms Rushton's Will, she left an interest in the former matrimonial home in Queensland to Mr Rushton, subject to certain conditions, but no interest in the Property. The residue of her Estate was to pass to her three children absolutely. Mr Kaney was appointed the testamentary guardian of her three children.

FAMILY LAW ACT 1975

IN THE FEDERAL CIRCUIT COURT OF
AUSTRALIA

FILE NO: (P)BRC10298/2014

BETWEEN:

BEN ANTHONY RUSHTON (Applicant)

AND:

KELLI MAREE RUSHTON (Respondent)

BEFORE: JUDGE HUGHES

DATE: 6 May 2015

MADE AT: CANBERRA

UPON APPLICATION MADE TO THE COURT by the Applicant appearing in person and no appearance by or on behalf of the Respondent.

THE COURT ORDERS THAT:

1. All extant applications are dismissed for want of jurisdiction.

By the Court

JUDGE HUGHES

Superior Federal Circuit Court of Australia first in time, first in right judgment in *Rushton v Rushton (Deceased)* [2014] FCC (P)BRC10298 ~ Transcript: "[Mr Rushton] you have the property and the children, what is the problem? Case dismissed"; Order: "1. **All extant applications are dismissed for want of jurisdiction.**" Dated 6th May 2015 by Judge Hughes in Canberra. Cf. COMMONWEALTH OF AUSTRALIA CONSTITUTION ACT – SECT 109. Inconsistency of laws. "**When a law of a State is inconsistent with a law of the Commonwealth, the latter shall prevail, and the former shall, to the extent of the inconsistency, be invalid.**" Priority Purchase Money Security Interest(s) (PMSI).



FORMAL NOTICE: FEDERAL COURT OF AUSTRALIA

Rushton v Kaney & Commonwealth Superannuation Corporation & Ors (No 3) [2021] FCA 358 ~ judgment fraudulently obtained.

"Fraud unravels everything, fraud vitiates all transactions known to the law of however high a degree of solemnity" with the transaction void as from the beginning by the fact itself. Lord Parker LJ.

:Memorandum of law and fact ~ Bill not Original.

[N.B. albeit with the [apprehended bias](#) findings by Rares J at [21-28](#) and 78 in *Rushton v Kaney and Commonwealth Superannuation Corporation (CSC)* (No 3) [2021] [FCA 358](#) and *Rushton v Rushton (Deceased)* [2014] FCC [\(P\)BRC10298](#) by The Honourable Judge Hughes at [\[1\]](#) that are absolutely contrary to 'all [extant](#) [false claim](#) and [fraudulent](#) property conveyance, state of residence, relationship status and [legal fiction](#) inadmissible hearsay opinions [‘without jurisdiction [ultra vires](#) (beyond power)’ [extant](#) inferior court and tribunal [fiction of law](#) presumptions by [functus officio](#) Refshauge J at [3-5](#) in *Kaney v Rushton* [2017] [ACTSC 11](#) and void [genocidal unilateral mistaken](#) hearsay opinions and [fraudulent statement](#) published under the pseudonym [[Ca\\$tle](#) & [Roll-Land](#)] *Kestle & Rolland* (2015) [FamCA 1001](#) by [functus officio](#) Faulks DCJ at [18-23](#) with all [extant coram non judice fiction of law](#) void judgements] as cited above:

“In law, **fraud** is intentional deception to secure unfair or unlawful gain, or to deprive a victim of a legal right.” Lord Denning said: **‘No Court in this land will allow a person to keep an advantage he has obtained by fraud. No judgment of a court, no order of a Minister, can be allowed to stand if it has been obtained by fraud. Fraud unravels everything.** The court is careful not to find fraud unless it is distinctly pleaded and proved; but **once it is proved it vitiates judgments, contracts and all transactions whatsoever**; see, as to deeds, *Collins v Blantern* (1767) (2 Wils. KB 342), as to judgments, *Duchess of Kingston’s Case* (1776) (1 Leach 146), and, as to contracts, *Master v Miller* (1791) (4 Term Rep 320). **References:** *Lazarus Estates Ltd v Beasley* [1956] 1 QB 702, [1956] 1 All ER 341. **Coram:** Denning LJ, Lord Parker LJ.

Buller J said: **‘It is a common saying in our law books, that fraud vitiates everything.** I do not quarrel with the phrase, or mean in the smallest degree to impeach the various **cases which have been founded on the proof of fraud.** Cf. *Master v Miller* (*Commonlii*, [1793] EngR 709, (1793) 5 TR 367, (1793) 101 ER 205 (A)).

Writ by Command: “Let there be done, that which right and reason, and good faith, and good conscience demanded in the case.” *1 Spence Eq. Jur. 411.*

Jurisdiction to rescind judgment fraudulently obtained:

1. *Rushton v Kaney and Commonwealth Superannuation Corporation (CSC) and Australian Financial Complaints Authority (AFCA)* (No 3) [2021] [FCA 358](#) ~ **Judgment has been obtained by fraud and set aside** as void from the beginning [as a matter of right](#) by this solvent [Court](#) of [Chancery](#) in the original [inherent jurisdiction](#) of [formal equity](#) and is hereby proclaimed and declared invalid, given on the 16th April 2021 by ‘the power to rescind or annul a decree on the basis of fraud’, [false claim](#) and [misleading](#) inadmissible hearsay opinions intentionally presented by the [unclean hands](#) of the litigation guardian *de son tort* lawyers and duplicated by the respondent(s) lawyers ‘to impair the court’s impartial performance of its legal task’ herein duly reproved and corrected on the record [N.B. albeit with the [apprehended bias](#) findings by Rares J at [21-28](#) and 78 in *Rushton v Kaney & Ors* [2021] [FCA 358](#) and *Rushton v Rushton (Deceased)* [2014] FCC [\(P\)BRC10298](#) by The Honourable Judge Hughes at [\[1\]](#) that are absolutely contrary to ‘all [extant](#) [false claim](#) and [fraudulent](#) property conveyance, state of residence, relationship status and [legal fiction](#) inadmissible hearsay opinions [‘without jurisdiction [ultra vires](#) (beyond power)’ [extant](#) inferior court and tribunal [fiction of law](#) presumptions by Refshauge J at [3-5](#) in *Kaney v Rushton* [2017] [ACTSC 11](#)] as presented by the litigation guardian *de son tort* lawyers for the intentional ‘[fraud upon the court](#)’ or tribunal that ‘in fact intentionally deceived’ and mislead the [coram non judice](#) Commonwealth Superannuation Corporation (CSC) and Australian Financial Complaints Authority (AFCA) that acted with [apprehended bias](#) and made [fiction of law fraudulent statements](#) with [error of law and fact on the face of the record](#) in ‘continuing-violations due to discriminatory acts which have been occurring over a period of time’ with the [devastavit](#) of the beneficiaries estate. Cf. *British American Tobacco Australia Services Limited v Laurie* [2011] HCA 2 at [\[104\]](#); *Commonwealth of Australia v Davis Samuel Pty Limited and Ors* (No 11) [2017] ACTSC 2, Refshauge J at [\[104–110, 116\]](#); *Clone Pty Ltd v Players Pty Ltd* [2018] HCA 12 at [\[63\]](#) As Brennan J said in [Gould v](#)

[Vaggelas](#) [96], “[a] knave does not escape liability because he is dealing with a fool”; Romans [1:18-23](#), Exodus [23:1-2](#).].

2. The extreme [apprehended bias](#) and ‘continuing-violations due to discriminatory acts which have been occurring over a period of time’ caused by the intentional [fraudulent statements](#), [false claim](#) and [misleading legal fiction](#) hearsay opinions presented by the [unclean hands](#) of the litigation guardian *de son tort* lawyers ‘to impair the court’s impartial performance of its legal task’ for the fraud upon the [Federal Court of Australia](#) that ‘in fact deceived the courts’ and is hereby reproved and corrected on the record [N.B. albeit with the [apprehended bias](#) findings by Rares J at [21-28](#) and 78 in *Rushton v Kaney & Ors* [2021] FCA 358 and Federal Circuit Court of Australia in *Rushton v Rushton (Deceased)* [2014] FCC (P)BRC10298 by The Honourable Judge Hughes at [\[1\]](#) as the factual proof of evidence of the [apprehended bias](#) and fraud upon the Supreme Court of the Australian Capital Territory with the [unilateral mistake](#) in the [extant](#) void *Kaney v Rushton* [2017] ACTSC 11 inconsistent, [arbitrary](#) and capricious [fraudulent statements](#), [error of law and fact on the face of the record](#) in the Reason for Decision [fiction of law extant](#) presumptions by [functus officio](#) Refshauge J at [3-5](#) and the Family Court of Australia void [genocidal unilateral mistaken](#) hearsay opinions and [fraudulent statement](#) published under the pseudonym [[Ca\\$tle & Roll-Land](#)] *Kestle & Rolland* (2015) FamCA 1001 by [functus officio](#) Faulks DCJ at [18-23](#) with all [extant coram non judice fiction of law](#) void judgements unlawfully made without ‘reasonable diligence taken prior to the judgment to discover the fraud’ and [false claim](#) inadmissible hearsay opinions that ‘in fact deceived the courts’, with these ‘without jurisdiction [ultra vires](#) (beyond power)’ inferior *de facto* courts and tribunals extant void orders made [inter absentes](#) without both parties or the estate Beneficiary giving clear and unequivocal ‘consent to jurisdiction to be tried summarily’ or without a Jury and with [contempt](#) of the superior Federal Circuit Court order in [2014] FCC (P)BRC10298 at [\[1\]](#), considered a breach of the *Judiciary Act* [1903] (Cth.). Cf. *Shogun Finance Ltd v Hudson* [2003] UKHL 62; *Bell v Lever Brothers Ltd* [1931] UKHL 2, [1932] AC 161, p.217 at [\[29\]](#) per Lord Atkin; *Kaney v Rushton* [2017] ACTSC 11, Refshauge J at [\[78\]](#) as remedy].
3. Superior Federal Circuit Court of Australia [first in time](#), [first in right](#) judgment in *Rushton v Rushton (Deceased)* [2014] FCC (P)BRC10298 at [\[1\]](#) ~ Transcript: “[Mr Rushton] you have the property and the children, what is the problem? Case dismissed”; Order: “1. All [extant applications](#) are [dismissed for want of jurisdiction](#).” Dated 6th May 2015 by Judge Hughes in Canberra. Cf. COMMONWEALTH OF AUSTRALIA CONSTITUTION ACT – SECT [109](#). Inconsistency of laws. “When a law of a State is inconsistent with a law of the Commonwealth, the latter shall prevail, and the former shall, to the extent of the inconsistency, be invalid.” *Commonwealth of Australia v Davis Samuel Pty Limited and Ors (No 11)* [2017] ACTSC 2, Refshauge J at [\[104–110, 116\]](#). [Priority Purchase Money Security Interest\(s\) \(PMSI\)](#).

Maxims of law:

“A person acts contrary to the law who does what the law prohibits; a person acts in fraud of the law who, without violating the wording, circumvents the intention.” Dig. 1.3.29. *Contra legem facit qui id facit quod lex prohibet; in fraudem vero qui, salvis verbis legis, sententiam ejus circumvenit.*

“If a guardian commits fraud against his ward, he is to be removed from the guardianship.” *Si quis custos fraudem pupillo fecerit, a tutela removendus est.*

“What is otherwise good and just, if sought by force or fraud, becomes bad and unjust. 3 Co. 78.” Bouvier’s Maxims of Law, 1856.

“Equity will not allow a statute to be used as a cloak for fraud.” *Dolus dans locum contractui.*

“A thing void in the beginning does not become valid by lapse of time.” 1 S. & R. 58. “Time cannot render valid an act void in its origin.” Dig. 50, 17, 29; Broom, Max.178.

“Things invalid from the beginning cannot be made valid by subsequent act.” Trayner, Max. 482.

“Equity is the correction of some part of the law where by reason of its generality it is defective.” Black’s Law Dic. 7th Ed.

“In a fiction of law there is always equity. A legal fiction is always consistent with equity.” Black’s Law Dic. 7th Ed.

“The first part of equity is equality. The law delights in equity: it covets perfection; it is a rule of right.” Black’s Law Dic. 7th Ed.

“Nothing is so consonant with natural equity as that each thing should be dissolved by the same means as it was bound.” Black’s Law Dic. 7th Ed.

“Reason in law is perfect equity. We shall sell to no one, deny to no one, or delay to no one, equity or justice.” Black’s Law Dic. 7th Ed.

Authorities:

1. Lord Denning, in his book ‘The Discipline of Law’ – Butterworths 1979 – page 77, states: (i) although a **void order has no legal effect from the outset** it may sometimes be necessary to have it set aside because as Lord Radcliffe once said: “It bears no brand of invalidity on its forehead.” Cf. *Commonwealth of Australia v Davis Samuel Pty Limited and Ors* (No 11) [2017] ACTSC 2, Refshauge J at [109].
2. “A void proceeding is of no legal effect and cannot be cured by amendment.” Cf. *Anlaby v Praetorius* at 768-9; *Craig v Kanssen* (1943) KB 256 at 259; *Pritchard v Deakin and Others* (1963) 1 Ch 502. Upjohn LJ, at 523-524 (Upjohn LJ in *Re Pritchard* (deceased) [1963] 1 Ch 502 and Lord Denning in *Firman v Ellis* [1978] 3 WLR 1) or from a ‘without jurisdiction’/ultra vires act of a public body or judicial office holder (Lord Denning in *Pearlman v Governors of Harrow School* [1978] 3 WLR 736).
3. In *Commonwealth of Australia v Davis Samuel Pty Limited and Ors* (No 11) [2017] ACTSC 2, Refshauge J at [110]. “There is no need for an order of the court to set it aside. It is ‘automatically null and void’ without more ado, though it is sometimes convenient to have the court declare it to be so.” The distinction was drawn by the (U.K.) Privy Council in *MacFoy v United Africa Co Ltd* [1962] AC 152 at [160]. In *Bellinger v Bellinger* [2003] UKHL 21, “An appeal is not necessary because the order is already void ab initio.” In *Bell v Lever Brothers Ltd* [1931] UKHL 2, [1932] AC 161 at 217 per Lord Atkin, “In such a case the contract is said to be void ab initio (void as from the beginning).” “Party cannot be bound by contract that he has not made or authorized.” *Alexander v. Bosworth* (1915), 26 C.A. 589, 599, 147 P.607; Psalm 119:126.
4. The doctrine of ultra vires is expressed in *South Australia v Commonwealth* (1942) 65 CLR 373, 408 (Chief Justice Latham, HCA 1942, First Uniform Tax Case, (Act without Royal Assent)): “A pretended law (act/statute) made in excess of power is not and never has been a law at all. Anybody in the country is entitled to disregard it. Naturally he will feel safer if he has a decision of a court in his favour – but such a decision is not an element which produces any invalidity in any law. The law is not valid until a court pronounces against it – and thereafter invalid. If it is beyond power it is invalid ab initio.”
5. “A person affected by both a void or voidable order has the right – *ex debito justitiae* – to have the order set aside (which means that the Court does not have discretion to refuse to set aside the order or to go into the merits of the case)” Cf. Lord Greene in *Craig v Kanssen* [1943] KB 256 at 262; *Cameron v Cole* [1944] HCA 5 at p.589.
6. “It is never too late to raise the issue of ‘nullity’ and a person can ignore the ‘void order’ or claim and raise it as a defence when necessary” Cf. *Wandsworth London Borough Council v Winder* [1985] A.C. 461; *Smurthwaite v Hannay* [1894] A.C. 494; Upjohn LJ in *Re Pritchard* (deceased) [1963]; Lord Denning in *MacFoy v United Africa Co. Ltd.* [1961]).
7. “The issue of ‘natural justice’ does not arise in a void order because it is void whether it causes a failure of natural justice or not; a claimant or defendant should not be allowed to abuse the process of Court by failing to comply with a statutory procedure and yet keep the benefit of it and for that reason also a void order is void even if it results in a failure of natural justice or injustice to an innocent third party.” Cf. Lord Denning in *Wiseman v Wiseman* [1953] 1 All ER 601.
8. These rights of an occupier of property have long been cherished. Thus, in *Semayne’s Case* (1604) 5 Co Rep 91a, 77 ER 194 at 194 it was said that: “The house of every one is his castle ...” The Earl of Chatham is reported as saying: “The poorest man may in his cottage bid defiance to all the forces of the Crown. It may be frail – its roof may shake – the wind may blow through it – the storm may enter – the rain may enter – but the King of England cannot enter – all his forces dare not cross the threshold of the ruined tenement.” Comparatively (much more) recently, in *Entick v Carrington* (1765) 19 St Trials 1029 at 1066 Lord Camden LCJ observed that: “By the laws of England, every invasion of private property, be it ever so minute, is a trespass. No man can set his foot upon my ground without my licence, but he is liable to an action, though the damage be nothing ... If he admits the fact, he is bound to shew by way of justification, that some positive law has empowered or excused him ...” This basic principle has been carried forward in time: e.g., *Southam v Smout* [1964] 1 QB 308 at 320 per Lord Denning MR. and it is not a principle confined to the history of England – it is a principle which continues to apply with equal force in Australia today: e.g., *Plenty v Dillon* (1991) 171 CLR 635 at 639 per Mason CJ, Brennan and Toohey JJ. Cf. *Australasian Meat Industry Employees’ Union v Fair Work Australia* [2012] FCAFC 85; 203 FCR 389 at [57-58].

9. “If it be conceivable that the representatives of the people of Australia as a whole would ever proceed to use their national powers to injure the people of Australia considered sectionally, **it is certainly within the power of the people themselves to resent and reverse what may be done. No protection of this Court in such a case is necessary or proper.** Therefore, the doctrine of political necessity, as means of interpretation, is indefensible on any ground.” Cf. [Bill of attainder] *Society of Engineers’ case* (1920), HCA 54; 28 CLR 129 at 152.

Criminal Code Act (Cth) 1995:

“**Slavery is unlawful, where such a condition results from a debt or contract**” with a criminal offence “penalty: imprisonment for 25 years.”; s.268.10 Crime against humanity – enslavement (trafficking in persons), Penalty: Imprisonment for 25 years; Div. 270 – Slavery and slavery-like offences; Div. 271 – **Trafficking in persons and debt bondage with intention to “deceive mislead as to fact or as to law, by words or other conduct” is a criminal offence** with a “penalty: imprisonment for 12 years.”; Div. 134 – **Obtaining property or a financial advantage by deception**; s.137.2 False or misleading documents; s.142.2. Abuse of public office, “(ii) dishonestly causing a detriment to another person”. “No one as a man and woman of flesh and blood can be held in involuntary Servitude.” Cf. *Society of Engineers’ case* (1920), HCA 54; 28 CLR 129 High Court of Australia.

Prayer for relief with the Book of the Law scriptures:

“You shall not harm or oppress any widow or fatherless child. If you harm or oppress them in any way, and they cry at all to Me [for help], I will most certainly hear their cry; and My wrath shall be kindled and burn;” *Exodus 22:22-24*.

“And I will come near to you to judgment; and I will be a swift witness against the sorcerers, and against the adulterers, and against false swearers, and against those that oppress the hireling in his wages, the widow, and the fatherless, and that turn aside the stranger from his right, and fear not me, saith the Lord of hosts.” *Malachi 3:5*.

“Anyone who kidnaps someone is to be put to death, whether the victim has been sold or is still in the kidnapper’s possession.” *Exodus 21:16*; “Who is the liar? He is antichrist, that denieth the Father and the Son.” *1 John 2:22*

“You Shall not Steal (Trespa\$\$. You Shall not give false testimony. You Shall not covet your brother’s house or his children or Servants, his property, or anything that belong\$ to your brother.” *Exodus 20:15-17* “Thou knowest the commandments...Do not Steal, Do not bear false witness, Defraud not, Honour thy father and mother.” *Mark 10:19* [Penalty: 18 U.S. Code § 241 – Con\$piracy against right\$; 18 U.S. Code § 242 – Deprivation of right\$ under color of law; 18 U.S. Code § 1091 – Genocide, International Criminal Court Article. 6; Maxim: “Death is\$ denominated the extreme penalty.” 3 Inst. 212. Black’s Law Dictionary.]

“I saw under the sun the place of judgment, that wickedness was there; and the place of righteousness, that iniquity was there.” *Ecclesiastes 3:16*.

“Dare any of you, having a matter against another, go to law before the unjust (house of iniquity).” *1 Corinthians 6:1* “And you experts in the law, woe to you, because you load people down with burdens (legal ad-vice & costs) they cannot bear, and you yourselves will not lift one finger to help them.” *Luke 11:46*.

“Woe unto them that call evil good, and good evil; that put darkness for light, and light for darkness;” *Isaiah 5:20* “And have no fellowship with the unfruitful works of darkness, but rather reprove them.” *Ephesians 5:11*.

“Cursed is anyone who withholds justice from the foreigner, the parentless or the widowed. Then all the people shall say, “Amen!” *Deuteronomy 27:19, Lamentations 5:1-9*.

“Blessed are ye, when men shall revile you, and persecute you, and shall say all manner of evil against you falsely, for my sake. Rejoice, and be exceeding glad: for great is your reward in heaven: for so persecuted they the prophets which were before you.” *Matthew 5:11-12*.

“If thy have taken anything from any man by false accusation, thy will pay back four times the amount.” *Luke 19:8* “...and he shall restore the lamb fourfold, because he did this thing, and because he had no pity.” *2 Samuel 12:5-6*.

Source of law: Holy Bible [1611] *Authorised King James VI & I Version* (1566-1625)

(Imp.). *Constitutionalism* [2014] WA Jurist 4; (2014) 5 *The Western Australian Jurist* 123, p.129 at [28-29], *Ex parte Thackeray* (1874) 13 SCR (NSW) 1 at [61]; *Book of the Law*. Deu. 31:26, Joshua 1:8.

1. Rares J at 21-28 and 78 in *Rushton v Kaney & Ors* [2021] FCA 358 extract from full case: <https://jade.io/article/802640>

2. Refshauge J at 3-5 in *Kaney v Rushton* [2017] ACTSC 11 extract from full case: <https://jade.io/article/549582/>