

Statement of Facts

1. The NSW Constitution Act 1902 (NSW) postdates the Commonwealth Constitution Act 1901 (Cth)
2. Section 51 Local Government NSW Constitution Act 1902 (NSW) was inserted in 1986.
3. The Australia Act 1986 (Cth) Section 5b renders Section 51 NSW Constitution Act 1902 (NSW) without force or effect.
4. This act of insertion renders the NSW Constitution Act 1902 repugnant to the Commonwealth Constitution Act 1901 (Cth)
5. The Local Government Act 1993 (NSW) relies on Section 51 NSW Constitution Act 1902 (NSW) for its validity in law.
6. Therefore, The Local Government Act 1993 (Nsw) is *void ab initio*