Imagine a World

Supplementary Submission to the Law Reform Commission of NSW

Philip Sacks

28 November 2024

Imagine a world where Australia's anti-money laundering laws did not apply to a bank unless or until the shareholders of the bank pass a resolution at its Annual General Meeting, that specific aspects of anti-money laundering legislation will apply in specific instances to the bank. No-one needs to justify or explain any vote. Voters can be as unreasonable or bloody-minded as they want.

Imagine a world where the Australian Consumer Law would not apply to any trader unless at some future AGM, its shareholders voted to allow the law to apply to a specific person in a specific case.

Imagine a world where the anti-discrimination laws of the Commonwealth and NSW would not apply to any company unless and until a company in a general meeting voted to allow a specific law to apply to specific persons in a specific instance. Until then, no employment or entry would be offered to anyone who is of a select racial group or who is disabled.

Imagine a world where every mandatory law applying to corporations, including criminal laws, did not actually apply unless and until, at some future general meeting, the shareholders voted specifically for a law to apply to a particular case.

Well, imagine no more.

Welcome to the world of NSW strata law.

This is a world where strata owners' corporations are currently given the right by NSW strata law, nay, they are actually compelled, to ignore Commonwealth and NSW anti-discrimination laws unless and until they vote in favour of a resolution not to discriminate against a particular disabled person in a particular case.

This is a world where no modification to any strata common property can be made to accommodate the justified and justifiable needs of any disabled person, however minor the modification, however inexpensive, however necessary, however temporary, however discriminatory would be the refusal, unless and until, at some future general meeting, the owners eventually deign to pass a resolution to approve that specific modification.

©

_____