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The mode of citation of this volume is  
**(2018) 92 ALJ [page]**

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**92 ALJR [page]**

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# THE AUSTRALIAN LAW JOURNAL

Volume 92, Number 4

April 2018

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**WHAT’S EQUITY GOT TO DO WITH THE ENVIRONMENT?**

**Justice Brian J Preston**

The development of the environment benefits some, burdens others and bypasses many. The distribution of the benefits and burdens of developing the environment raises issues of equity. The notion of equity concerns evenness, fairness and justice. The members of the community of justice comprise people of the present generation, people of future generations and non-human nature, present and future. Extending equity to these members involves intragenerational equity, intergenerational equity and interspecies equity. These three principles of equity fix not only the process of decision making concerning development of the environment but also the results of decision making. The results include maintaining a healthy, diverse and productive environment, now and in the future. The three principles of equity call for distributive justice, which is to be achieved by according procedural justice: a fair result reached by a fair process. This is what equity has to do with the environment. .... 257

**REGULATING HUMANITARIAN ASSISTANCE BY AUSTRALIAN CHARITIES:  
LEGAL TOOLS TO DETER FUNDING OF TERRORISM ABROAD**

**Gregory Rose**

What are the obligations and risks in Australian law confronting the managers of charitable funds disbursed overseas to conflict zones where funds may be diverted into political violence? The 2016 allegations against World Vision Australia for funding HAMAS are described here as a case study of applicable Australian laws. Apparent gaps in the administrative, civil and criminal regulatory framework are identified and are contrasted with approaches in other common law jurisdictions: Canada, England and Wales, and the United States. Based upon these comparisons, recommendations are made to address perceived defects in the regulatory framework to counter financing of terrorism abroad by Australian not-for-profit organisations. .... 273

**THE LIABILITY BLIND SPOT: CIVIL LIABILITY’S BLURRED VISION OF  
CONDITIONALLY AUTOMATED VEHICLES**

**Ella Pyman**

In the next five to 10 years, experts predict that conditionally automated vehicles will be commercially introduced. At this level of automation, the system has total control of the vehicle in defined driving environments. The motorist, as a technical matter, will not be required to supervise the system’s functioning when the technology is engaged. The diminished role of the human motorist in conditionally automated vehicles poses a qualitative challenge to the existing liability framework. This article contends that these technical advancements will significantly narrow the motorist’s legal duty to drive carefully and cause a corresponding expansion of the developer’s duties. A lacuna however will emerge where similar injuries inflicted by a driver in sole control will no longer be compensated when they are inflicted by an automated vehicle. This creates a liability blind spot: a blurred vision of how a conditionally automated vehicle claim would be resolved. .... 293

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