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COMMENTS – *Dan Meagher*

Silence in the High Court – *Jeremy Gans* 5

The (dys)functionality of double jeopardy reform in Queensland – *David Hamer* 12

Terrorism as crime or war: Militarising crime and disrupting the constitutional settlement? – *Ben Saul* 20

ARTICLES

Equality guarantees and distributive inequity – *Denise Meyerson*

Both the *Human Rights Act 2004* (ACT) and the *Charter of Human Rights and Responsibilities Act 2006* (Vic) are confined to the protection of civil and political rights. Economic, social and cultural rights were deliberately excluded from their coverage. Drawing on judgments from other jurisdictions – principally the United Kingdom and Canada – the aim of this article is to show that the equality guarantees contained in the *Human Rights Act* and the *Charter of Human Rights and Responsibilities* can nevertheless be used as a vehicle for socio-economic claims. The article further argues that there are sound moral and philosophical reasons that justify using the right to equality in this way. 32

State/Territory human rights legislation in a federal judicial system – *James Stellios*

The Australian Capital Territory and Victoria have enacted human rights legislation. These legislative schemes empower the respective Supreme Courts to make declarations of inconsistency where legislation cannot be interpreted consistently with legislatively declared human rights. The declarations have no impact on the validity of legislation or on anyone's rights. State and Territory Supreme Courts, however, operate within a federal judicial system, and various constitutional difficulties deriving from Ch III of the *Constitution* present significant obstacles to the effective operation of these schemes. This article considers these constitutional difficulties and suggests that future State and Territory human rights legislation will have to be designed with these constitutional constraints in mind. 52

DEVELOPMENTS 78

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HEAD OFFICE
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Tel: (02) 8587 7000 Fax: (02) 8587 7100



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