

ing and privatisation of public services, it is surely time to look at how similar moves in comparable countries such as the UK have given rise to the recognition and formulation of distinct benefits for citizens as consumers. This is arguably one area where Australian governments have not progressed as far as the UK. In their relatively new found enthusiasm for downsizing, offloading, floating and deregulating public services, little has been said by our political leaders (except in the broadest rhetorical terms about the benefits of competition) about the particular benefits for those of us who rely on these services. While as an occasional user of Melbourne trains, I now encounter higher fares, more cameras, mirrors and 'response buttons' (and fewer personnel, other than 'revenue protection' officers) than before, I am none the wiser about my entitlements (if any) in case of late or dirty trains or uncivil requests from 'revenue protection' officials. While Lewis and Birkinshaw would scarcely regard the various moves towards a marketplace mentality as unmitigated boons for consumers, they at least recognise the merit of, and encourage, a cautious, strategic response to these developments, rather than a categorical rejection. Even card-carrying communitarian critics of present government policy should not neglect the importance of tangible improvements to those public services on which large numbers of citizens depend.

Overall, Australian readers of this book will find its principal value in

terms of its provision of an understanding of the current state of administrative justice mechanisms and procedures in the UK and the authors' reform agenda. It really only pays lip-service to theoretical developments in public law and administration. Instead, the book relies strongly on the authors' predominantly ad hoc and common-sense informed responses to current practice and their knowledge and understanding of how things are done elsewhere. It is somewhat gratifying to find that two of the key inspirations behind Lewis's and Birkinshaw's recommendations for change are our very own Administrative Review Council and the Commonwealth Administrative Appeals Tribunal. If anything, the book threatens to induce complacency among Australian scholars towards these bodies, such is the degree of enthusiasm expressed for them by the authors. What seems especially to impress them is the specialised ongoing monitoring function performed by the ARC in relation to a variety of administrative justice issues, as well as the extensive provision for review on the merits offered by the AAT in a non-curial setting. The authors write accessibly, even chattily (and at times, repetitively) about these and other issues from a domestic point of view. Inevitably this limits the appeal of the book to readers from outside the UK.

ANDREW GOLDSMITH

Andrew Goldsmith teaches law at Monash University.

decision made within equity exposing the decision maker to an undignified kick where there is any use of discretion which appears arbitrary or too gross a departure from principle. Sound, consistent development of equitable principles seeks to render each step accessible to people in search of a remedy rather than confine the remedy given by locking it into the peculiarities of the circumstances in which the decision was made. Yet equity is the very forum to which parties come who need a response which is sensitive to the particular circumstances which provoke the request for equitable intervention because any less discretionary remedy would fail to provide proper redress for the grievance. In this sense equity continues to be an evolving, some might say mercurial, discipline. It remains essential to the remedial aspect of equity that it is a body of legal thought distinct from the common law.

This book provides an interesting contemporary analysis of areas into which equitable remedies are being introduced or have intruded. There is considerable attention given to the tension this creates in the development of the principle which supports the remedy. However in many of the essays it is not clear why consistency in the development of equitable principles is so important. It may be that it is assumed by many of the contributors that the reader has already embraced this need for consistent development. However, it is a point which is frequently obscured in the papers as each contributor wrestles with the manner in which a particular remedy or equitable structure has been adapting to fit each fresh challenge to its application. In his chapter 'Equity and Trusts' Professor Davies frequently refers to the need to contain the development of certain equitable remedies without addressing why the containment is necessary. The risks which are seen as attendant on remedies being broadened beyond their original or proper sphere are not further explored although some of the areas where this is occurring are described.

The other debate which accompanies the expansion of equitable remedies is whether or not equity is in fact fundamentally premised on a single concept to do with providing a remedy consistent with the justice of the cause or whether it is a series of distinct but linked principles through which parties must reason their way to the outcome sought. The 'colonising' of various areas of the law by the concept of 'uncon-

Equity Issues and Trends

edited by Malcolm Cope; The Federation Press in association with the Centre for Commercial and Property Law, Queensland University of Technology, 1995; 252 pp; \$60.00.

Many of the primary sources of debate for commentators and participants in the search for equitable solutions are explored in *Equity Issues and Trends* edited by Professor Malcolm Cope. The various chapters of the book provide analysis of those specific areas of equity where there has been particularly vigorous recent development. These chapters were papers presented at an international conference in July 1994 on Equitable Doctrines and Principles hosted by the Centre for Commercial and Property Law at Queensland University of Technology. It is of tremendous assistance to the reader that many of the

chapters contain a commentary on the paper contributed by some distinguished thinkers and workers in that field who often highlight and place in context aspects of the paper when a relevant issue has been overlooked or given only glancing reference.

The most constant challenge to decision makers in equity is not only the tension between certainty and flexibility which characterises every application of discretionary remedies, but the challenge of proper development of equitable principles which each decision augments. The ancient spectre of the chancellor's foot hovers near every

scionability' not only causes alarm in many, particularly commercial, camps but lures some commentators into an appeal to recognise that equitable remedies are derived from one general principle which gives rise to a variety of particular applications within equity. This debate informs several of the papers.

Many of the papers identify areas where equitable principles are now 'active' which at first glance appear novel applications. Professor Paul Finns' 'The Forgotten 'Trust': The People and the State' is a wonderful exploration of the concept of fiduciary and the notions of state responsibility to the citizen. This is particularly topical in light of the decision of Toohey J in *Mabo (No 2)* and the republican debate which will gather increasing momentum as the centenary of federation nears. Familiar debates from seemingly disparate dis-

courses appear such as a feminist analysis of the public/private construction of male, female contributions in relation to *de facto* property disputes referred to in the Commentary of Professor Marcia Neave on Professor Rebecca Bailey's excellent paper 'Property Disputes in *De Facto* Relationships: Can Equity Still Play a Role?'.
Equity Issues and Trends is a valuable contribution to appraisal of the location of equitable principles in the continuing search to help people solve their problems and offer a better remedy to those who follow. It is to be hoped its academic nature and style do not deter readers from the wide range of areas covered.

SUSAN PHILLIPS

Susan Phillips is a barrister and was formerly legal research officer for the Equity Division of the NSW Supreme Court.

Judge Dredd

Starring Sylvester Stallone; Rated M.

Judge Dredd is not a spunk. Especially when lying in wait under that sexy latex gear is Sylvester Stallone.

Based on a phenomenally successful comic, *Judge Dredd* has finally come to the Big Screen. The rumour mill had been promising it for years, and speculation about who would play the great man was rife, from Arnie to Jean-Claude, but when the dust settled it was Sly who emerged in the Versace designed Judge's gear. And a fine figure he cuts too — has anyone ever stuck their chest out so much?

The film fairly quickly removes one of the key comic elements — preserving Dredd's secret identity. Sly whips off his helmet at the first available moment, and leaves it that way for the majority of the film — must have been in the contract that we should be allowed to enjoy his ugly mug. But still, somehow, the film manages to be ok, and not betray the comic's intent too much.

Dredd is a Judge, which basically means he's a street-walking police force, courtroom, jury and executioner. He and the other judges patrol the mean streets of the Megacities, huge sprawling metropolii that are the last refuges of city-dwelling humanity, keeping out the Cursed Earth and keeping in tens of millions of people. A citizen guilty of some offence is summarily dealt with, collared, judged on the spot, and sentenced. No need to deal with hung juries

and expert witnesses in this cybervers, they're all built into the one person.

To help them in their crusade against all evil-doers (which in the comic included litterers landing two years) the Judges ride 'LawMasters', ultra-souped up cycles that are really tanks on two wheels, and wield very deadly 'Law-Bringers', a gun which can just about do anything. And they wear the aforementioned sexy bullet-proof bodysuits with enormous shoulder pads and helmets which only reveal a very square jaw. Armed with all this gear, a Judge is a pretty forbidding character, and none more so than Dredd, the ultimate Judge who has given his life to the Law. No emotions, no friends — as he so poetically puts it, he IS the Law.

The problem of course, is that so much power in one individual can lead to corruption.

Which is precisely what happens when a young upstart is angling for the Chief Judge position, and pretty quickly gets there — simultaneously removing ex-chief Sydow, imprisoning Dredd, freeing his evil clone twin Rico, and bringing untold chaos to the city. Not a bad day's work. Luckily, Dredd returns, and wreaks his own justice, with the help of obligatory love interest Judge Hershey. There are monstrous robots, mutated headbutting machines, and a vat full of Rico-clones, but none of that is enough to stop THE LAW.

The fx are great: Mean Machine Angel a highlight with his agro-dial and very attractive steel-pipe body. The Megacity is a convincing conglomeration which makes you believe that it's real. Special graffiti experts were hired to give the streets an authentic grubbiness, and it pays off. The only downer is the LawBringers, which have a tinny feel to them, kinda like some plastic on a pair of wheels.

The film pretty much skips over the entire issue of the fact that the Judges are a totally fascist organisation, ruling by terror and doing basically whatever they like in the name of their Law — which is encapsulated in a book looking suspiciously like a bible. They even seem like nice people at some points, unheard of in the 2D world, where these guys and gals are not nice, not fair, and definitely not role models.

A superb episode of the comic detailed the rise of a civilian 'democratic' movement, where the entire city rose up to claim their independence and to demand democracy. They did not demand that the Judges be removed, but rather that the people decide what's best for themselves. This notion did not go down so well with the powers that be, and Dredd played a central role in bringing down the independence movement and reestablishing control — but not without some doubt. This was philosophy not often seen in the comic medium, and evidently far too challenging for the movie to deal with. Explosions and rampaging robots hold sway whilst your brain takes a brief holiday.

The only philosophical moment comes when Rico and Dredd confront one another (state on state, mate on mate, brother on brother). Rico, trying to regenerate a zillion clones of himself, gives Dredd a choice — the clones could be 'made to be Judges, call them morons, or free-thinking individuals, call them . . . Human'. Gasp! He's right! But then the film loses the plot again, as Rico accuses Dredd, of all people, of being too Human and not reaching to be a God. Whew, for a moment the bad guys were making sense.

And yet, despite the lack of philosophy, despite having Sly at the helm, and despite not wanting to, somehow the film was enjoyable. The piles of 2000AD comics in the shed are probably rolling over in their grave to hear someone say it, but Judge Dredd, the film, is ok.

Christian McGregor wishes Devo would tour again.