vividly documents Australian failures in this regard.

Puckett acknowledges the greater emphasis placed on civil rights since the 1960s, and that, whether in hospital or the community, mentally ill people deserve to be treated with dignity, have their privacy respected and be free from discrimination. The major problem is educating the community. Puckett sees the shift from the traditional medical model as opening the way for other kinds of treatment, psychotherapy, counselling, and socially based interventions. De-institutionalisation, he states, is partly a recognition that the medical model alone has failed to explain the complexity of mental illness, or to provide successful rehabilitation and resettlement programs.

The book is divided into 17 chapters, each of which asks a central question. Beginning with the question, 'What is mental illness?', Puckett also explores resource issues, relevant social factors, available treatments, ethical questions, rehabilitation, risk factors, and alternatives to therapeutic drugs and legal issues. The emphasis throughout is practical. Information has been gathered by the author from many years of working in the field in England and in Australia. It is empirical rather than theoretical, and has the potential to assist in making the policy of successful community-based health care actually work. Puckett has trained as a psychiatric social worker at the London School of Economics, worked in the community in and around London, and eventually joined the teaching staff at Charles Sturt University's Riverina Campus.

As a textbook for trainees, with careful supervision, his work is a most valuable contribution. Bringing all the material together in one place is useful and, for a person used to paying for law books, this is good value at $39.95. But mental illness is always complex, and usually distressing. The policies dealing with it are controversial. There are no easy answers and a text like this cannot provide all the answers. At its best it is accessible, informative and practical. Its major shortcoming is over-simplification, which has occurred because of the breadth of coverage attempted.

BETH WILSON

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Australian HIV/AIDS Legal Guide - Second Edition

by J. Godwin, J. Hamblin, D. Patterson and D. Buchanan; Australian Federation of AIDS Organisations; Federation Press, Sydney, 1993; $45, soft cover.

The first edition of this text, published in 1991, arose from research by the AIDS Council of New South Wales into some of the more crucial legal issues faced by people with HIV and AIDS. This second edition, a product of the HIV/AIDS Legal Education Project established by the Australian Federation of AIDS Organisations (AFAO), builds on the first edition.

The reasons for publishing a second edition are twofold. First, as expected with such a relatively new and politically controversial area, the laws affecting HIV/AIDS have changed significantly since mid-1991 when the first edition was published. The second edition updates the law to 1 March 1993. For changes after 1993, the National HIV/AIDS Legal Link Newsletter (available on subscription from the AFAO Legal Project and mentioned in the book's introductory section) may be a good way of keeping up to date.

The second reason for publishing the second edition is to widen the scope of the book. The second edition addresses several additional legal areas where HIV/AIDS is an issue. The first edition contained 10 chapters dealing with public health (notably, the laws relating to notification, isolation and compulsory testing); transmission offences (both under public health legislation and the criminal law); privacy and confidentiality; equal opportunity legislation; medical treatment (codes of conduct and complaints against health workers); gay men's sexual activity and the criminal law; injecting drug use; the sex industry; prisoners; and death (euthanasia, suicide and natural death).

The second edition keeps these original chapters in a revised form and adds eight new chapters (chapters 11 to 18 inclusive). These new chapters cover a range of additional legal areas which focus either on the individual lives of people with HIV/AIDS, or on collective public matters such as HIV education programs and regulation of HIV/AIDS therapeutic goods. The chapters focusing on the individual include chapter 11 which explains the law relating to procedures on death, especially funeral arrangements and funeral industry requirements; chapter 12 which discusses immigration (both permanent and temporary entry) concerning applicants with HIV or AIDS; and chapter 15 which deals with compensation claims related to HIV, specifically social security, ex-gratia Commonwealth and State payments, statutory compensation schemes, and common law actions. Chapters 16, 17 and 18 examine respectively the law relating to insurance and superannuation; employment and occupational health and safety; and guardianship, custody and access to children. HIV/AIDS in employment is dealt with generally, and then the law relevant to particular categories of workers such as defence force personnel, health care workers and professional sports people is examined.

The new chapters that have a more collective public focus are chapter 13 which explains censorship and media standards, and chapter 14 which states the law relating to therapeutic goods, namely HIV test kits, therapeutic drugs, condoms and lubricants.

Most of the chapters briefly introduce the main policy issues and outline the main legal aspects in the chapter. The bulk of each chapter then consists of summarised statute and case law for each of the nine jurisdictions in Australia. Some chapters also contain unreported decisions.

The book is written for legal workers and people working in areas which raise HIV/AIDS-related legal issues. Its stated purpose is 'to tell them what the law is' (p.xxvii). This second edition does this in clear and concise language, and should accordingly prove a valuable reference. Not only is its coverage comprehensive, but the material is organised so that it is easily accessible for the reader. The book

contains a detailed contents index, a glossary of medical terms and legal concepts, a sizeable bibliography and a contact list of AIDS groups, equal opportunity and medical complaints bodies.

The doctrinal approach adopted by the authors is appropriate given the stated purpose of the book. There is, however, an additional need, and that is for readers to have some understanding of the context of the law in this area, namely, a society and legal system hostile to gay men's sexuality. Given the nature of the Australian epidemic as one which has, and largely continues, to affect gay and bisexual men (over 80% of infections and deaths are of gay or bisexual men), some discussion of this context is important in achieving the authors' stated aim of educating readers. The need for readers to be sensitised to these issues can neither be overstated nor assumed.

The authors are to be commended on their comprehensive coverage of this important topic. The book fulfils its aim admirably. It should prove a useful resource for lawyers providing legal advice to people with HIV and AIDS, and the large number of other workers who provide services in which legal issues concerning HIV/AIDS arise.

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The Law of Options

by Donald J. Farrands; Law Book Company, Sydney, 1992; 157 pp. $45.00.

What is an option? Why does it matter? An *option to purchase* something is the right to compel the owner of the asset to agree to sell it on terms described in the option at some time in the future. When the option is exercised a binding contract of sale is formed. Options are created and traded in a range of commercial transactions. These are four of the most important:

First, there are options over company shares and other corporate securities. With the Options and Futures Binge of the 1980s in mind this must be a significant field for investigation. In 1984, 489,952 call contracts worth $151.5 million were traded on the Australian Options Market . Four years later, 6.4 million call contracts worth $2574 million were traded. A 1599% increase ($ terms) in the popularity of the transaction over four years could hardly go unnoticed. This form of options trading is notable for apparently *pointless* transactions conducted in mystical terminology within a narcissistic subculture. The actual exercise of thee options, the *point* of an option transaction, is fairly uncommon. Profits are made by sale of the option on the secondary market. With such a boom in trade it is perhaps not surprising that this *junk bond* culture also pervaded Australian culture at large in the 1980s. In the ensuing bust, really interesting legal questions could be posed to this industry, but the author of *The Law of Options* claims no interest in traded share options (p.1).

Second, there are options to purchase or renew various interests in land, and these are more commonly dealt with in legal writing. In a booming real estate market an option to purchase land is a really valuable acquisition - one need only wait. Exercise it? Of course not, that is not the point!

Third, as Mr Farrands points out, there are some option transactions which are inspired by stamp duty and taxation savings, and proceed despite their doubtful enforceability (pp.2-3). Their enforceability, after all, is not the point.

Fourth, there are also security transactions which employ options, especially *put options* within company groups (pp.3 and 33) to secure advances of money and to cover other risk exposures. When the put option is exercised the optionor is obliged to purchase the relevant asset at a predetermined price. This is useful in liquidation.

In this wider commercial context there is a need for a law book dealing with option transactions across the fields of property law and commercial law where they are found, which would locate the various option transactions within relevant institutional structures, and equip readers to analyse option transactions from the perspectives of the main commercial players, as well as explaining legal principles and administrative bodies which claim some relevance to this sphere of commerce. It would draw some conclusions about the social and economic interrelationships of the legal and commercial fields: for example, the practice of *risk-free hedging*, in which two options are written and traded with respect to one share, seems to require some explanation when placed beside ideas of unconscionability (p.32).

The paradox of the option transaction, that an option is tradeable because it is property but the rule that one cannot give what one does not have apparently does not apply because an option is *not* something which the grantor *has* and *gives away*, invites a wider rather than narrower perspective. Someone else must be astonished that through this paradox a sphere of commerce can transcend not only reality but fundamental legal principle as well.

How do they do it? Technical legal considerations aside, this cries for analysis of the role of the law in encouraging socially productive investment, export expansion and real growth on the one hand, and, on the other, its role in facilitating the exchange of such volumes of 'wealth' through options and futures markets. This analysis would identify who participates in them and what their social and economic contribution might be. How much of this wealth originated in ordinary deposits of savings in the investment institutions which ultimately failed? Should a court, faced with a choice between competing formulations of principle in the more ambiguous reaches of the law of options, lean to principles which would enhance orderly social productivity or, as they have one, simplistically opt for freedom of commerce as an interpretative principle without further investigation. Is it possible to describe the accumulation and exchange of wealth in Australia within a legal framework at all? Are there alternatives to the constant production of new *near-property concepts* such as a *right to an option, a right to accept an offer,* and an *option of a future,* which are nevertheless traded? Who really wins from it? Are there other capitalist legal systems which also allow this open-ended production of concepts but, in contrast, have in place effective public economic steering mechanisms? Do the legal systems of the world's so-called locomotive economies permit this open-ended production of concepts? That would be a real treatise on the law of options.

So, on what project has Mr Farrands embarked in writing *The Law of Options*? In his Foreword, Mr N.H.M. Forsyth, QC, suggests that the author has succeeded in the '. . . infinitely more learned, and unquestionably more gentlemanly . . . ' pursuit of writing 'a most useful and impressive monograph' and *not* 'a mere book' (p.ix). The author's own intention was to make '. . . the nature of an option and its characteristics . . . more fully understood; from there, the lawyer should be able to achieve certainty, and the other and more specific objectives sought for his or her client' (p.xi).

Within his classical legal paradigm the author has achieved his objective. The work is logically organised, into the thought train of a lawyer searching for the