knowledgment of uncertainty and contingency are common themes of this post-modern age and are not confined to what is new in criminology and in theology.

Uncertainties and Possibilities is also somewhat uncritical in parts, for example the discussion of left realism, and of family group conferencing makes no reference to literature debating their merits. The excellent bibliography is not relied on uniformly in the text, and in some parts referencing is sparse. At several places throughout the book the editing and production leave something to be desired. Lines missing (for instance at pp. 17 and 24) , dates wrongly transcribed (shouldn't 1040 be 1940 at p.172?) and numbers omitted in the presentation of data (p.148) leave the reader guessing.

I have found this book to be useful, but also somewhat perplexing. One of the most puzzling aspects has been to try to imagine who might be the target audience. Just when the easy, readable style and the level of generality have me convinced that the book is most suitable for senior high school students, the style shifts to a more detailed analysis of somewhat complex matters such administrative law and business regulation, religious and non-religious existentialism, or the legal authority of private policing. Perhaps I under-estimate senior high school students, but the point remains that the book is somewhat uneven in both style and in the coverage given to certain issues.

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When Citizens Complain: Reforming Justice and Administration

Norman Lewis and Patrick Birkinshaw; Milton Keynes: Open University Press, 1993; 231 pp; $49.95 softcover.

The urge to complain about public services is a widespread human sentiment these days. The fact that we are living increasingly regulated and serviced lives as citizens is undoubtedly part of the explanation. In such an environment, governments must expect to receive 'report cards' of different kinds from those they serve and regulate. The frequency with which citizens and state functionaries come into contact with each other ensures that public knowledge of government programs and services is often directly grounded, and in this sense empirically based. Moreover, these contacts are often not entirely or indeed predominantly consensual in nature. In many instances, they are state-initiated. For example, the increased emphasis on road safety in recent years has meant more citizen exposure to regulatory devices sponsored by the state, whether in the form of police traffic patrols, red light or speed cameras. The capacity for friction and dissatisfaction implicit in the expansion of contacts of this kind is further exacerbated by the fine, and often imperceptible, line between service provision and the meeting of needs, and unsolicited intrusion in the form of 'social engineering' programs (e.g. road safety) and revenue-raising exercises (public transport fare rises etc.).

Inevitably, personal experiences of these kinds are accompanied by assessments by those affected. We are not all inclined to stand by mute and opinionless as a consequence of these contacts — we often want to criticise and evaluate what we see and experience. Often against the weight of personal experience, citizens still retain expectations of consistency, evenhandedness and fairness in relation to how government operates. Many doggedly adhere to a 'just world theory'. We expect 'better' of government in some way or other. Growing government intervention is arguably connected to rising public expectations about government services. It stands to reason: government intervention and citizens' service expectations are just flip sides of the same coin of citizen-government interdependence.

In this climate, at least until relatively recently, accountability for government actions has been difficult to locate or describe coherently. The comparatively recent expansion of administrative law indicates, however, both changing sentiments towards government in recent times and the proven limitations of traditional avenues of accountability and redress, such as judicial review. One of the central developments since 1945 has been the proliferation of the office of ombudsman, a novel concept in public administration in common law countries until recently which is increasingly being adopted in the private sector. In *When Citizens Complain* Lewis and Birkinshaw place significant importance on this office, and while drawing attention to the limitations of its implemented form in the UK, nevertheless see the need to further examine and develop the potential of the office for extending the accountability of government to its citizens. In this way, they see the need in the UK to move very much away from a strong reliance on judicial review and the present narrow conception of the ombudsman model.

The setting for Lewis's and Birkinshaw's deliberations is largely defined by the changes implemented in government by British Conservative governments in the 1980s and 1990s. The 'rush to privatise' a host of British public utilities and services in the 1980s has been followed by something of a rearguard recognition that the transformation of 'citizens' into 'consumers' under the rhetoric of privatisation and deregulation needs to address the rights and entitlements of the consumers (or customers) being created by new government policy. The centrepiece of this consumerist position is the Citizens' Charter, an attempt by central government in the UK to specify a new basis for relations between citizens and service providers in central and local government, health care and utilities. A key tenet of the Charter approach is to quasi-contractually provide service recipients with specified entitlements (and hence, expectations) in terms of standards of service, and corresponding rights of redress in cases of service failure.

Despite some grounds for scepticism towards this change in policy, the authors argue that there are nevertheless some seeds of hope to be found among the rhetoric and upheaval associated with this shift. In essence, the specification and codification of consumer entitlements can be viewed in terms of providing new terms, criteria and procedures for reformulating and, at least in some ways, enhancing, the accountability of public service providers. It is just *possible* that competition will result in greater responsiveness to consumer complaints, including a more pronounced inclination to provide redress.

As both conservative and Labor governments in Australia press ahead with their various plans for streamlin-

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 commonsense 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.

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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 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-