



Cyberlex

by Jason Schoolmeester

East Timor

The Internet is increasingly becoming a primary means of keeping the world informed. The crisis in East Timor has seen the creation of a plethora of Internet sites. As with any Internet site, it is important to evaluate the site to determine its credibility, especially if you intend to rely on the information provided.

Amongst the many sites set up, the following short list may be of some interest as well as being on the higher end of the credibility spectrum:

The Australian Defence Force (Department of Defence) have created a site at

<http://www.easttimor.defence.gov.au> providing information about inter alia INTERFET, the commander, details on UN Resolution 1264(1999).

Media Releases from the Australian Minister for Foreign Affairs, Alexander Downer can be found at <http://www.dfat.gov.au/media/releases/downer/index.html>

Information from Amnesty International can be read at <http://www.amnesty.org/ailib/intcam/east~timor/index.html>

East Timor Online <http://www.theage.com.au/special/asiaonline/timor/index.html>

When the boss is not looking …

The Rugby World Cup 99 is on and usual, the Internet is the best place to get all the information you need. Anything from fixtures and points to team information to match reports. While there are a number of sites hosting RWC99 information, the official web site www.rwc99.com. When visiting RWC sites, expect some delay due to high usage levels!

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Can a republican be admitted to practice? *Continued from page 14*

had refrained from taking out Australian citizenship, he would have been admitted to practice because he would have had different duties to the head of state than those of a citizen. He would thus have been able to protect his commitment to his republican views. Furthermore, the fact that s15 of the *Australian Citizenship Act* no longer requires an oath of allegiance to the Queen should have enabled Beach J to be more flexible in applying the waiver provisions under r14.06(1) to both citizens and non-citizens. These provisions give the judges of the Supreme Court some flexibility in allowing applicants to avoid the oath of allegiance to the Queen. When these provisions were first adopted in 1978(3), the Supreme Court did excuse an applicant from taking the oath, (4) but in a later case took a more restrictive approach and rejected the application.(5)

By contrast to Victoria, the UK removed the oath of allegiance for barristers and solicitors to the Queen last century under the *Promissory Oaths Act* 1868, while

New South Wales abolished the requirement by amending its rules in 1977(6). Beach J could also look at the views of the former NSW Chief Justice Lawrence Street in *Re Howard* (7). This case took place before the abolition of the oath in New South Wales. Street CJ exercised the inherent jurisdiction of the Supreme Court and waived the oath of allegiance to the Queen to allow a US citizen to be admitted to practice. Although *Howard* differs from *Moller* in that *Howard* was a non-citizen seeking to protect his US citizenship, the views expressed by Street CJ are relevant to both situations. Street CJ recognised that the obligations of a solicitor or barrister to the sovereign exist independently of the oath. Street CJ stated: "[T]he taking of an oath of allegiance in association with admission to practice is part of the formal ceremony attendant thereon but the law is clear that the bond of allegiance exists at common law independently of whether the oath be taken or not. The formal taking of the oath has significance in a ceremonial but not a legal sense."

Rule 14.06 gives the Judges of the Supreme Court in Victoria the power to waive the oath of allegiance to the Queen. The judges should be more willing to support applicants who refuse to take the oath when it violates their strong convictions.

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1. [1999] VSC 55 (10 March 1999).
2. [1986] VR 719 at 728.
3. *Legal Profession Practice (Amendment) Act* 1978 (Vic), s2.
4. See J Disney, J Basten, P Redmond and S Ross, *Lawyers* (2nd ed), Law Book Company, 1986, p282 citing *R v Mili* [51979] VR 381 at 383-384.
5. See *Re MacGregor* [1983] 1 VR 427 430-431.
6. See Disney, note 4 above, p291.
7. [1976] 1 NSWLR 641.