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NOT WORTH THE PAPER THEY’RE NOT WRITTEN ON? EXECUTING DOCUMENTS (INCLUDING DEEDS) UNDER ELECTRONIC DOCUMENTATION PLATFORMS: PART B

Diccon Loxton

This article examines the growing phenomenon of signing documents electronically through cloud-based platforms, and is in two parts. The first, Part A, published last month, described the process and concluded that documents signed in that way can generally satisfy requirements for signing and writing, not only when electronic transactions legislation is applied, but also under general law. This second part, Part B, concludes that documents can be signed in that way under s 127 of the Corporations Act 2001 (Cth). It also concludes that where electronic transactions legislation applies one can have effective electronic deeds. Where such documents would not be effective, then print-outs can be effective as signed original hard copy counterparts. ........................................ 205

BURQAS AND NIQABS IN THE COURTROOM: FINDING PRACTICAL SOLUTIONS

Renae Barker

Courts from around the common law world have been required to decide whether a witness may give evidence while wearing a burqa or niqab. In the majority of documented cases the court has determined that the witness must remove her face covering. In coming to this conclusion the court has in many instances also considered alternative arrangements which may be put in place to minimise the witness’s discomfort and respect her religious beliefs as far as possible. This article analyses the existing case law to determine which practical solutions considered by the courts are the most effective both in terms of respecting the witness’s religious beliefs and in facilitating the administration of justice. It concludes that the removal of non-essential men and/or the screening of the witness along with ancillary orders, offers the best compromise for all concerned. ........... 225

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