

The parties will normally give their evidence orally on the first hearing day and subsequently, will normally give their evidence by affidavit unless otherwise directed by the Judge. Such affidavits should only address the issues for determination settled by the Judge.

Unless otherwise directed by the Judge all evidence by other witnesses (with the exception of experts) is to be given orally and where appropriate by telephone or videolink. The Judge may direct that an outline of the evidence in respect of each witness is to be filed and served within a reasonable time before the evidence is scheduled to be called. The Judge may decide that on the basis of the outline of evidence, a witness is not required.

The rights of a party to appeal against an order are not affected except that he or she will not be allowed to complain about matters to which he or she has agreed and, in particular, his or her consent to participating in this Program. The time for lodging an appeal against any order made, otherwise than by consent, will not commence to run until the conclusion of the hearing and the making of the last orders in the hearing, unless the Judge otherwise orders.

Conclusion

CCP is the latest illustration of the Family Court's ongoing commitment to improving its approaches to resolving or determining cases. It is irksome and unfortunate that some commentators seek to brand any attempt at innovation as an admission of the failure of existing processes. Complacency is not a desirable feature of legal institutions and the Court is most appreciative of the support that CCP has been receiving from NSW lawyers and their organisations. Also, the Court's plan for the Program was favourably remarked upon in the recent House of Representatives Committee Report *Every Picture Tells a Story*.

If the Program is evaluated to be a success, it could be replicated in other States and Territories and be offered with appropriate modifications to circuit cases. More bold still would be adoption of CCP's successful features as the basis for legislative reform of the *Family Law Act* – and perhaps not only in respect of children's cases.

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is the Senior Legal Associate to the Chief Justice, Family Court of Australia
and was a member of the CCP working group.



An earlier article in ACRN Issue 28, March 2001, written by Barbara Rogalla, is being distributed by the Belvoir St Theatre in the teachers' notes as background material for the new play

In Our Name which opened April 22, 2004.

This play is one of a series of creative and educational productions on TV and in the theatre (eg *Molly and Mobarak*, *Marking Time*, *Punished, not Protected*) dealing with the injustice of Australia's treatment of asylum seekers.

In Our Name is written and directed by Nigel Jamieson in association with the Al Abaddi family.

Australia once seemed a more tolerant country – we took pride in the rich mix of cultures that made up the soup, we were in line with the civilised world in helping and accepting into our embrace refugees from horrors that few of us can imagine. When our government discovered that an election might be won by playing on the worst fear of an anxious electorate, the fear of differences, our country changed.

In Our Name is Company B's response to this sad turn of history. Created by Nigel Jamieson, a visionary director of the 2000 Olympic Games Opening Ceremony, *All of Me* and *The Theft of Sita*, *In Our Name* tells the true story of the Al Abaddi family: their escape from violent persecution in Iraq, their continuous displacement, their attempts to find a secure and peaceful home in Australia, and the three and a half years spent behind razor wire in Curtin, Port Hedland and Villawood.

It gives a voice to 5-year-old Afnan; to 15-year-old Humam; to their mother and father; it reveals the courage, love and dignity with which these remarkable people have fought to remain a family. The Al Abaddi story is told primarily through the eyes of Humam, played by 22-year-old Haydar Haydari who makes his acting debut at Belvoir St. His own journey to Australia started at the age of 4 when he left Iraq following the execution of his father in 1985. Thirteen years later he arrived at Port Hedland via Iran, Turkey, Malaysia and Indonesia spending 7 months in detention before being released and obtaining Australian Citizenship.

Writer and director and Nigel Jamieson said: "*In Our Name* is an attempt to give one family, the Al Abaddies, a voice through which to tell their own story of their time in our country. Unable to come back to Australia to tell the story themselves, I have tried as hard as possible to maintain a sense of the authenticity of their voices. I hope the production can play a small role in their process of healing and building a new future for themselves."

Season Details

April 22 – May 30 **Upstairs, Belvoir St Theatre, 25 Belvoir Street, Surry Hills**

Tuesday 6.30pm, Wednesday-Saturday 8pm, Saturday Matinee 2pm & Sunday 5pm

Tickets: \$45 Concession: \$37 Seniors and Groups 10+: \$30