

## Statement by the Australian Judicial Officers Association (AJOA)

### Judicial Reform in Israel

From Justice Michael Walton  
President of the Australian Judicial Officers Association  
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The Australian Judicial Officers Association (AJOA) expresses its concern about the proposed reforms to Israel's legal system by the curtailment of the capacity of that nation's highest court, the Supreme Court, in a Bill currently before the Knesset, the Israeli Parliament.

The proposed laws would, if passed, severely restrict the power of the Supreme Court to review statutes made by the Knesset, by the application of the Basic Laws or on the basis of extreme unreasonableness and permit the Knesset to override the Court's decisions.

In their present form, the proposed laws risk undermining the rule of law and jeopardising the independence of the judiciary as well as potentially impacting upon human rights.

Each democracy will have its own culture. It is nonetheless important to observe that the Supreme Court of Israel is the only check or balance upon the otherwise unqualified power of the Knesset.

A strong and independent judiciary is indispensable to the rule of law and the continuation of a democratic society. The overriding of judgments of the Supreme Court in particular matters acutely raises the prospect of the undermining of the democracy.

The Israeli Nation is founded upon the 1948 Declaration of Independence which refers to the "ingathering of exiles" and to the development of the State "for the benefit of all its inhabitants... based on freedom, justice and peace as envisaged by the prophets... ensuring complete equality of social and political rights to all inhabitants irrespective of religion, race or sex... guarantee freedom of religion... [and] conscience, language, education and culture... faithful to the principles of the United Nations."

The processes before the Knesset are presently suspended, and discussion is being undertaken as to the proposed laws. The Knesset is due to resume sitting next week. The AJOA urges for a speedy resolution of these issues, consistently with the maintenance of the rule of law and judicial independence. It is also hoped that by that means, the tensions presently existing in the Israeli community may be reduced or eliminated.