



September 10, 2021

Honorable Daniel Andrews MP
Premier of Victoria

cc: Honorable Martin Foley MP, Health Minister
Prof. Brett Sutton, Chief Health Officer
Mr. Jeroen Weimar, Commander, COVID Response Victoria

Dear Mr. Premier:

We write as representatives of Agudath Israel of America, an American Orthodox Jewish organization with tens of thousands of constituents across the United States, 10 regional offices (plus a full-time advocacy office in Washington, D.C.), and approximately 30 affiliated synagogues. We are also loosely affiliated with Agudath Israel entities and constituencies in other countries across the globe that are home to significant Orthodox Jewish populations.

We are deeply dismayed by reports from constituents in Melbourne about the draconian restrictions – for all practical purposes, the absolute ban – the Victorian government has imposed upon communal prayer gatherings in synagogues or even in outdoor settings. We recognize, of course, that these restrictions are intended to minimize risk of further spread of the COVID pandemic. With all due respect, however, we implore the Victorian government to appreciate the centrality of communal prayer to the practice of the Jewish faith, especially during this High Holiday season, and to work with Jewish community leaders to devise a system of allowing for Jewish communal prayer without jeopardizing the health and well-being of worshipers.

Experience in America and elsewhere shows that this can indeed be done. Indeed, to the best of our knowledge, Victoria may be unique in imposing an absolute ban on congregate prayer services. Such services may be regulated in certain respects in other parts of the world – through such mechanisms as testing, vaccination records, face coverings and social distancing – but nowhere are these regulations as draconian as they are in Victoria. The bottom line is that Jewish Victorians, unlike their co-religionists in other parts of the world, will effectively be banned from carrying out one of their most fundamental religious mandates during this holiest of seasons on the Jewish calendar. This is cause for profound dismay – not only for the Jewish community in Victoria, but for concerned Jews the world over, indeed for members of all faith communities to whom the cause of religious liberty is precious.

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Last year, in separate but similar legal challenges brought by Agudath Israel of America and the Roman Catholic Diocese of Brooklyn against New York State and its then Governor, Andrew Cuomo, the United States Supreme Court held that New York State had violated the constitutional rights of religious citizens who were precluded from participating in indoor prayer services where there were more than ten people in the house of worship. The Supreme Court noted that a number of comparable indoor gatherings of a secular nature were not similarly regulated, as they were deemed “essential” while prayer gatherings were not. This unjustified distinction, the Court ruled, was an unconstitutional restriction on the free exercise of religion.

Of course we understand that Victoria is not bound by rulings of courts in other parts of the world. But the point the U.S. Supreme Court made in the Agudath Israel and Brooklyn Diocese cases is surely relevant in determining the propriety of taking such extreme measures against religious prayer gatherings – especially when compared to certain secular gatherings, such as boxing matches and other sporting activities, which we understand have been permitted with only minimal restrictions.

Respectfully, but with utmost urgency, we implore Victoria to reconsider its policy with respect to prayer gatherings, and to allow for communal prayer in ways that do not compromise good health practices.

Thank you for your kind consideration.

Sincerely,



Shlomo Werdiger
Chairman, Board of Trustees



Rabbi David Zwiebel
Executive Vice President

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