



14 February 2022

The Hon. Lisa Neville
Minister for Water
Minister for Police
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PO BOX 70
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Dear Minister,

Re: Cờ Vàng Flag

I write as the Mayor of Brimbank, one of the most culturally diverse communities in Australia. Almost half of our 208,000 residents were born overseas, many migrating from circumstances of war or extreme hardship. Over 160 languages are spoken within Brimbank, and more than half (58%) of our residents speak a language other than English at home.

Our Council itself is very representative of this diversity. Born in Sunshine as the daughter of Vietnamese refugees, I have a deep affinity and insight into the Vietnamese-Australian community, as particularly do my colleagues Cr Trung Luu and Cr Thuy Dang.

Recent events have moved us to write to you on behalf of this constituency to express our disappointment, request an explanation and apology, and receive assurances that such incidences will not occur again.

On Thursday, 27 January 2022, a FIFA World Cup Qualifier match between Australia and Vietnam took place at AAMI Park Melbourne.

Many Australians of Vietnamese heritage turned out in support of both teams. Many combined national flags and colours with the yellow and red stripes of the Cờ Vàng (Yellow Flag).

The Cờ Vàng, as explained by the Vietnamese Community in Australia (VCA) Victorian Chapter, "provides a sense of togetherness for any overseas Vietnamese who value freedom from persecution and appreciates the preciousness of democracy and human rights... Cờ Vàng does not represent a country, or a former country. It was flown during a part of world history, when Australia committed itself to the longest conflict ever in our history. Cờ Vàng serves as a meaningful symbol that helps the Vietnamese community in Victoria tell our story as Vietnamese-Australians."

As far as Council's position is concerned, Brimbank City Council officially recognises the Cờ Vàng flag as a symbol of the Vietnamese-Australian community and their refugee experience.

Those displaying the colours or iconography of the Cờ Vàng within the crowd were targeted by AAMI Park security staff and most disturbingly, Victoria Police, who demanded removal of the offending items. In some instances, Victoria Police confiscated personal property, such as scarves. These incidents were understandably upsetting to those subjected to this authoritarian behaviour.

Video footage and images of these incidences are available on social media and are currently circulating within the Vietnamese-Australian community. Cr Luu attended an urgent meeting of the VCA on Sunday, 6 February 2022, where community members who were present at the match relayed their distressing experience.

We have been further contacted by other members of the community, expressing deep concern, and in many cases outrage, regarding the treatment of those spectators confronted by authorities to prevent their peaceful, unorganised, individual expressions of support for the Vietnamese refugee experience.

As you would be aware, the Charter of Human Rights and Responsibilities (the Charter) protects the basic rights, freedoms and responsibilities of all people in Victoria. It is about the relationship between government and the people it serves.

Section 14 of the Charter sets out the Right to freedom of thought, conscience and belief. According to the Victorian Equal Opportunity & Human Rights Commission, this means you are free to think and believe what you want and to share your thoughts publicly.

Section 15 of the Charter sets out the Right to freedom of expression, to have your own opinion, to seek and receive information, and to express yourself.

It is our contention and that of our community that those Vietnamese-Australian spectators wearing the colours or symbols of the Cờ Vàng were not offending any laws and under the protection of the Charter.

The Victoria Police must act in a manner consistent with the Charter of Human Rights and Responsibilities. It is the opinion of many that this was not upheld in the decision and action of Victoria Police in confronting members of our Australian community wearing colours or symbols of the Cờ Vàng.

I reiterate my formal request for an explanation of the direction and subsequent action of Victoria Police, an apology to those members of our Vietnamese-Australian community directly and indirectly impacted, and an assurance that incidences of this nature will not occur again.

The Vietnamese diaspora are deeply committed to Australia, to its people, to democracy itself and the rights protected under the Charter of Human Rights and Responsibilities. Thank you for your most serious consideration of these matters.

Sincerely,



Cr Jasmine Nguyen
Mayor

CC.

The Hon. Martin Pakula
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The Hon. Ros Spence
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