
Report

To Hon. Bill English
Deputy Prime Minister

From Professor John Burrows
Chair, New Zealand Flag Consideration Panel

Subject Report back to Responsible Minister on findings of the public engagement process

Action sought

Note the summary of the processes used to engage with the public

Note the common themes in designs and suggestions from the public

Note the common design elements in flag designs submitted by the public

Note the process the Panel has used to narrow down the selection of alternative designs

Note the work the Panel has undertaken to ensure the alternative designs meet accepted design standards and that there are no legal or other impediments to their use

Agree to present the Panel's recommendations for four alternative designs to Cabinet at its meeting on 31 August 2015

Note the Panel will consult with your office regarding the announcement of the four alternative designs on 1 September 2015

Agree that the Panel makes this report on findings of the public engagement process publicly available through its flag.govt.nz website on 1 September 2015

Date 28 August 2015

Deadline 31 August 2015

Introduction

1 The content and format of this report conforms with Cabinet's expectations as set out in section 14 of the New Zealand Flag Consideration Panel's terms of reference.

Process used to engage with the public

2 The Panel undertook a range of activities between 5 May and 16 July 2015 to engage the public in the project. These included:

- establishing official websites to inform people about the New Zealand Flag Consideration Project and provide ways for the public to participate, which attracted over 850,000 online visits;
- social media activities including a Twitter profile and a Facebook page, which reached over 1.18 million people;
- traditional media activities (excluding paid advertising), which were estimated to be reaching an average of 2.6 million people per week;

- diverse nationwide advertising activities through television, press, magazine, radio and other channels;
- brochures in multiple languages and information presented in accessible formats;
- video content pieces, which were viewed over 500,000 times;
- holding a national roadshow which consisted of 19 public workshops, six engagement hui as well as information stands, which engaged over 6,000 people in face to face conversations;
- education and community resources enabling people to undertake their own discussions and activities relating to the project;
- a dedicated Māori engagement strategy which included presentations to the New Zealand Māori Council and the Iwi Chairs Forum; and,
- presentations to community groups and workshop activities within schools.

3 The reach of these activities is summarised in appendix 1 of this report.

Common themes

4 In the first stage of its public engagement, the New Zealand Flag Consideration Panel (the Panel) asked New Zealanders to share what they 'stand for', that is, what is special about New Zealand. 43,000 people participated in this stage through the website, by returning a postcard (which had been delivered to all New Zealand households) or through our roadshow activities. An info-graphic summarising the common themes received through these 'stand for' activities is provided in appendix 2 of this report.

- The five most common themes were freedom, history, equality, respect and family.

5 The above information was provided to Panel members so that it could be taken into account as part of the process to select the alternative flag designs.

6 The Panel also received feedback during its consultation activities with Māori that the Tino Rangatiratanga flag design should not be considered in the Panel's process. Panel members subsequently decided to exclude this design from further consideration and met with representatives of the flag's designers to convey this decision.

Common design elements

7 The Panel provided information to assist people wanting to suggest alternative flag designs, which included a set of design guidelines and a video produced in collaboration with the Designers Institute of New Zealand on the principles of good flag design (which was viewed over 36,000 times).

8 All designs suggested to the Panel were initially assessed by officials to ensure that they met the minimum design standards. A total of 10,292 suggested designs met these standards and were made available for the public to view through the Panel's website (www.flag.govt.nz). There were over 2 million page views of the flag designs up until the release of the Panel's long-list of designs on 10 August. In the 15 days since their release, there have been over 625,000 page views of the 40 designs on the Panel's website.

9 Officials also recorded the elements incorporated into each design and a summary is provided as appendix 3 to this report.

- The most common colours incorporated into the designs were white, blue, red, black, and green (in that order);
- The most common elements incorporated into the designs were the Southern Cross, fern and koru; and,
- The most common themes incorporated into the designs were Māori culture, nature and history.

Process to narrow down designs

- 10 The Panel has agreed and undertaken a range of activities to assist it in narrowing down the designs suggested to it. These include:
- a. presentations from flag history, vexillology and design experts before assessing the flag designs;
 - b. discussions over several meetings to agree an overall approach to and criteria for assessing the designs;
 - c. seeking initial information and advice on potential copyrights issues;
 - d. all Panel members initially assessing each design individually;
 - e. the Panel meeting together to jointly agree on a preliminary long-list;
 - f. constituting an advisory group to review the preliminary long-list and provide feedback to the Panel;
 - g. subjecting the designs on the preliminary long-list to initial due diligence checks including copyright checks;
 - h. collectively agreeing a long-list of designs to publish and for further due diligence, including international copyright checks; and
 - i. collectively agreeing four designs to recommend to you as Responsible Minister for inclusion in the first referendum.

Ensuring there are no legal or other impediments to the use of the recommended design

- 11 To address potential impediments to the use of the designs, the advisory group constituted by the Panel included experts who were asked to identify any issues from design, arts, heraldic, history, Māori, Pasifika and Asian perspectives.
- 12 To address potential copyright impediments, the Panel:
- a. has sought initial information and advice from intellectual property lawyer and patent attorneys A J Park;
 - b. has contacted individuals and entities that have copyright protection over symbols used in designs suggested to the Panel, and sought clearance for the use of those symbols;
 - c. has undertaken copyright checks within New Zealand on the preliminary long-list of designs; and,
 - d. has undertaken international intellectual property checks on a shortlist of designs before finalising its recommendation of four alternative designs.
- 13 In addition to the above, the Panel has undertaken New Zealand criminal conviction checks on those people who suggested the designs included on the preliminary long-list, with their consent.
- 14 The Panel also publicly released its long-list of alternative designs on 10 August 2015, which provided a further opportunity for any matters of concern to arise. One flag was removed from the long-list as a result of concerns raised by the Hundertwasser Non-Profit Foundation New Zealand.
- 15 The Panel can report that no known legal or other impediments to the use of the four recommended designs have been identified through the above processes.
- 16 The designers of the four flags will formally assign all intellectual property and moral rights to the Crown before the designs are announced.
- 17 The Fern Mark is owned by the New Zealand Way Limited (which is owned by the Crown) and the licensing programme is managed by the New Zealand Story Group. The New Zealand Way Limited has confirmed their support if a flag design incorporating the New Zealand Way Fern Mark is ultimately chosen as New Zealand's next flag, further thought

will need to be given to whether copyright in the New Zealand Way Fern Mark stays with The New Zealand Way Limited.

Panel's recommendation of four alternative designs

- 18 Having considered the input received during its engagement activities, the advice of external experts and the information from its extensive due diligence checks, the Panel recommends the four flags contained in appendix 4 of this report.
- 19 Taking into account the above inputs, the Panel decided on the following set of overarching criteria. It selected flag designs on the basis that they will:
- **unmistakably be from New Zealand** and celebrate us as a progressive, inclusive nation that is connected to its environment, and has a sense of its past and a vision for its future;
 - **not have any impediments** to their use as the future New Zealand Flag and be consistent with the Crown's Treaty obligations, which includes addressing any cultural or intellectual copyright matters;
 - **be 'great' flags**, which means that; they reflect the principles of good flag design, have an enduring quality which will not become outdated and will work well in all situations from celebration to commemoration; and,
 - **be inclusive**, in that all New Zealanders should be able to see themselves reflected within them.
- 20 To arrive at its selection of four alternative designs, the Panel collectively reviewed its long list in detail and in real-life contexts. For example it considered practical matters such as how they look from a long distance, how they look from both sides, when flying (or still), and in situations where they may hang vertically. Appendix 4 shows the selected designs in a number of such contexts.
- 21 The Panel chose not to take a category-based approach to its selection, for example by having a silver fern option, a Southern Cross option, a koru option and an abstract or kiwi option. Rather, it selected the strongest flag designs, with the best symbol and colour combination that work well in any context from celebration to commemoration.
- 22 As a result, in recommending its selection to you, the Panel believes it has robustly and faithfully undertaken the tasks set out in its terms of reference.
- 23 It would like to acknowledge the assistance that it has received from the Secretariat in performing its role.
- 24 It would also like to acknowledge the role of the govt.nz team within the Department of Internal Affairs, which developed a number of digital tools in support of the Panel's process.
- 25 Consistent with its terms of reference, once the four alternative designs have been released publicly in September, the Panel will continue in its public communications role in the lead-up to the first and second referendums, to help provide information to the public about the alternative flag designs.
- 26 I recommend that you:
- **Note** the summary of the processes used to engage with the public
- NOTE**
- **Note** the common themes in designs and suggestions from the public
- NOTE**

- **Note** the common design elements in flag designs submitted by the public

NOTE

- **Note** the process the Panel has used to narrow down the selection of alternative designs

NOTE

- **Note** the work the Panel has undertaken to ensure the alternative designs meet accepted design standards and that there are no legal or other impediments to their use, and that no impediments have been identified

NOTE

- **Agree** to present the Panel's recommendations for four alternative designs to Cabinet at its meeting on 31 August 2015

AGREE

- **Note** the Panel will consult with your office regarding the announcement of the four alternative designs on 1 September 2015

NOTE

- **Agree** that the Panel makes this report on findings of the public engagement process publicly available through its flag.govt.nz website on 1 September 2015

AGREE



Professor John Burrows
Chair, New Zealand Flag Consideration Panel

Date: 28 / 08 / 2015



Hon. Bill English
Deputy Prime Minister

Date: 29 / 8 / 2015

Distribution:

Michael Webster, Clerk of the Executive Council

Rachel Hayward, Deputy Secretary of Cabinet (Constitutional and Honours)







Appendix 1 – Summary of the reach of the Panel's engagement activities

Appendix 2 – Summary of the input received through the Panel's 'stand for' activities

Appendix 3 – Summary of the alternative flag designs suggested to the Panel

Appendix 4 – The four alternative flags recommended by the Panel

Appendix 1 – Summary of the reach of the Panel’s engagement activities (as at 7 August 2015)

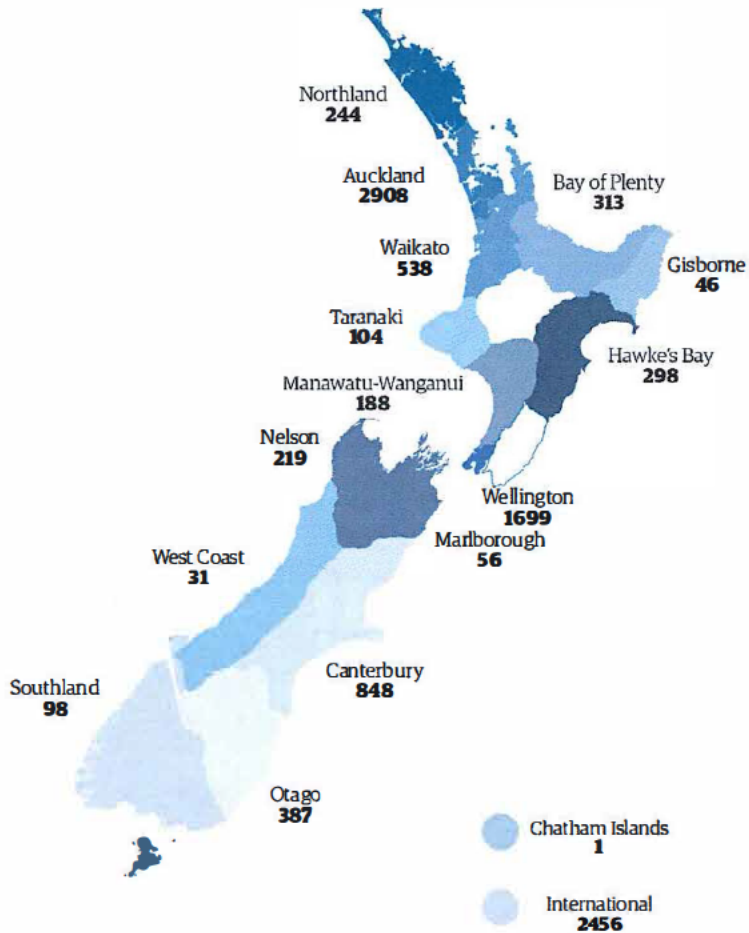
-  **850,000+** visits to websites
-  **1,180,000+** people reached by social media
-  **6,000+** visits to workshops and info stands
-  **43,000+** shared what they stand for
-  **500,000+** video content views (including 140,000+ views of the NZ flag history video)
-  **2,000,000+** page views of alternative flag design gallery



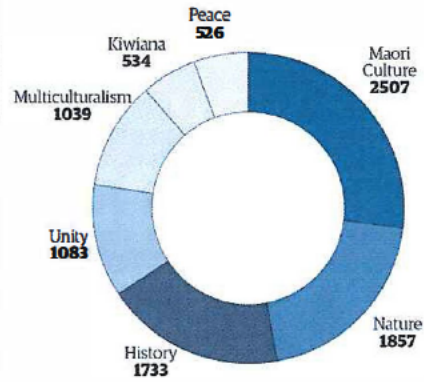
<p>[s 9(2)(a)]</p>	<p>MEDIA ACTIVITY</p> <p>3,700+ info@flag.govt.nz enquiries</p> <p>2.6 million average weekly media reach (excluding paid advertising)</p> <p>1,616 news items</p> <p>14 media releases and associated coverage</p> <p>170 media queries & interviews with Panel members</p>
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Appendix 3 - Summary of the alternative flag designs suggested to the Panel

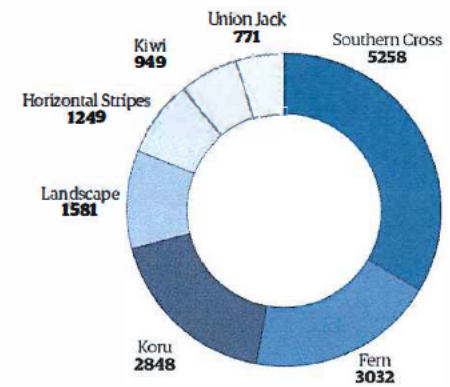
Flag designs suggested by New Zealand region



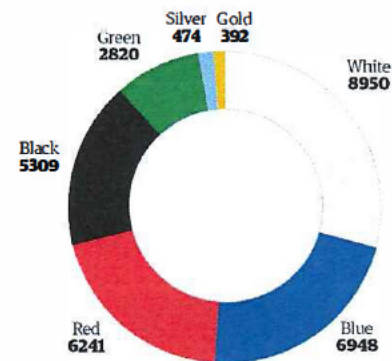
Flag designs by theme



Flag designs by symbol



Flag designs by colour



Appendix 4 - The four alternative flags recommended by the Panel

