

NEW ZEALAND FLAG CONSIDERATION PANEL

DATE	15 April 2015 (FCP Min Ref: 260315) 11am until 4:00pm
VENUE	Christchurch - Commodore Airport Hotel - Ward Room 449 Memorial Avenue, Burnside, Christchurch 8053
PANEL ATTENDEES	Emeritus Professor John Burrows (Chair), Kate de Goldi (Deputy Chair), Nicky Bell, Peter Chin, Julie Christie, Sir Brian Lochore, Malcolm Mulholland, Hana O'Regan, Rhys Jones
APOLOGIES	Rod Drury, Stephen Jones, Beatrice Faumuina
PRESENT	Kylie Archer (Director), Jo Crawford (Executive Assistant), Ian Thompson (Senior Advisor) and Robin Paratene (Senior Advisor), Clemenger BBDO (joining the meeting for item 2)

AGENDA

ITEM	TIME	TOPIC	PRESENTED BY
1.	11:00am	Welcome from the Chair (tea and coffee on arrival) <ul style="list-style-type: none"> 26 March Meeting notes and actions (for approval) NZ Story Video 	Chair Prof John Burrows
2.	11.15am	Marketing and Design – Clemenger BBDO - preliminary brand and campaign presentation (oral update, questions and discussion for brand/campaign approval in principle)	Clemenger BBDO
3.	12.45pm	LUNCH	
4.	1.00pm	Engagement Strategy <ul style="list-style-type: none"> Community meeting and roadshow approach (for approval) 	Robin Paratene
5.	1.30pm	Flag Selection Process <ul style="list-style-type: none"> Selection process (for discussion and approval) Expert advice recommendation (for discussion and approval) 	Ian Thompson
6.	2.15pm	Flag Design Terms and Conditions (update for discussion and approval)	Ian Thompson
7.	2.45pm	Summary of positions for/against a new flag	Malcolm Mulholland
8.	3.15pm	General Business <ul style="list-style-type: none"> Secretariat Report Budget update (to note) Correspondence register (to note) 	Secretariat

Next meeting: 29 April 2015 (Wellington – MOJ, 19 Aitken St) - Agenda items for consideration include:

- Electoral Commission/Ministry of Justice
- Project Plan - update

NEW ZEALAND FLAG CONSIDERATION PANEL

DATE	26 March 2015 (FCP Min Ref: 190315) 11am until 4:00pm
VENUE	WinterGarden Pavilion – Nikau Room, Kiosk Rd, Auckland Domain
PANEL ATTENDEES	Emeritus Professor John Burrows (Chair), Kate de Goldi (Deputy Chair), Nicky Bell, Peter Chin, Julie Christie, Beatrice Faumuina, Stephen Jones, Sir Brian Lochore, Malcolm Mulholland,
APOLOGIES	Rod Drury, Lt Gen (Rtd) Rhys Jones, Hana O'Regan
PRESENT	Kylie Archer (Director), Jo Crawford (Executive Assistant), Martin Rodgers (Project Manager) and Robin Paratene (Senior Advisor)

MEETING NOTES AND ACTIONS

ITEM		TOPIC – DECISIONS & NOTES	DEADLINES
1.	Welcome from the Chair	<ul style="list-style-type: none"> 19 March Meeting notes and actions approved. Flag Design Guidelines discussed and approved with minor modifications. Engagement Strategy noted. General update regarding stakeholder meetings noted. 	
2.	Design Selection Process	<ul style="list-style-type: none"> Discussion and agreement in principle. 	Final process paper to Panel for discussion and approval 15 April 2015
3.	New Zealand Icons and Symbols	Presentation from Malcolm Mulholland	
4.	NZ Story	Presentation from Rebecca Smith, Director NZ Story - Background and NZ Way Fern.	Video to be played at the next meeting.

		<i>Three values – Integrity, Kaitiaki and Resourcefulness are used to describe NZ as a country.</i>	
5.	Engagement Strategy	<ul style="list-style-type: none"> • Discussion and agreement in principle, including next steps. Appendices approved • Chairman to approve final paper. 	<p>Paper to Minister English deadline 7 April 2015</p> <p>Roadshow paper to Panel for discussion and approval 15 April 2015</p>
6.		<p>General Business</p> <ul style="list-style-type: none"> • Project Plan Timeline – update noted. • Marketing and design procurement verbal update – next steps agreed. • Travel update – Panel asked to minimise any flight changes to keep costs down. 	

New Zealand Flag Consideration Panel

Proposed approach to the community meetings and road show

Recommendations

It is recommended that the **Flag Consideration Panel**:

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| 1. Note that a resource to support communities to undertake their own discussions is being developed | NOTED |
| 2. Agree the approach to the community meetings and road show | AGREE / DISAGREE / DISCUSS |
| 3. Agree to engage with Māori, iwi and hapu in a manner consistent with the Crown's Treaty of Waitangi obligations | AGREE / DISAGREE / DISCUSS |
| 4. Agree to engage professional facilitators and cultural advisors to guide and support Panel members at community workshops and Māori engagement hui | AGREE / DISAGREE / DISCUSS |
| 5. Agree to develop Panel resource kits including speaking notes and discussion materials to assist Panel members during public appearances | AGREE / DISAGREE / DISCUSS |
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Kylie Archer

Director, New Zealand Flag Consideration Project Secretariat

Introduction

1. This report presents the proposed approach to the national road show and seeks agreement in principle from the New Zealand Flag Consideration Panel (the Panel). This approach has been developed following discussions by the Panel and is consistent with the guiding principles agreed by Cabinet.

Proposed road show approach

2. The proposed road show activities will occur during the *Understand, Discuss, and Create and Share* phases of engagement and will consist of the following five activities:

- *Mobile presence*

This activity aims to take the engagement campaign on tour to coincide with scheduled community meetings, public engagement workshops and other Panel appearances. It will inform communities about the project and provide people with an opportunity to participate in the project, including those who do not have internet access.

- *Self-led community group discussions*

The Panel will support community groups that hold their own discussions by providing materials to guide their conversation about the flag, and then encourage them to share the results of that discussion more widely.

- *Panel member participation at community group discussions*

Panel members may be invited to attend or present at community meetings and discussions. A resource will be developed to support members when they take up these opportunities.

- *Public engagement workshops*

The Panel will host / co-host formal community workshops in selected centres across the country. Some sections of the community will expect such meetings to occur, which we propose will focus on local and national identity and how that is best reflected in the design of our national flag.

- *Iwi engagement*

Consistent with both the Crown's Treaty of Waitangi obligations and preferences expressed by Māori through early conversations, the Panel will co-host a series of hui with Māori across the country.

3. The rest of this report provides further detail on the above activities.

Mobile presence

4. A number of vehicles will travel throughout the country, visiting public spaces, events and other community venues. People who visit the vehicles will be able to find out about the project, share their views and find out how make flag design suggestions. The vans will provide a way for people who do not have internet access, or who have not yet explored the online digital campaign, to engage with the project.
5. An interactive experience will also take place as part of the Panel's presence to engage the public and elicit their input into the process.
6. The public's views, collected in this context, will be shared through the Panel's digital tool and during the public workshops to be held subsequently within that community.

Self-led community group discussions

7. Community groups, including workplace groups, churches or ethnic community groups will be encouraged to hold discussions in ways of their own choosing. The Panel may target the promotion of this option based on the preferences of particular communities.
8. Materials will be available to guide and support community group discussions about the flag.
9. The Secretariat is no longer proposing that the Panel runs a contestable funding programme to support groups to host these discussions. The reasons for this include a belief that groups will be able to effectively host discussions in less formal ways at little or no cost. Further investigation has also shown that the time and cost of administering the funding programme will be high. However, the Panel could support groups to undertake activities in other ways e.g. by working with a local authority to provide a venue, promoting the discussions etc.

Panel member participation at community group discussions

10. Panel members may be asked to participate in or present at community discussions or meetings.
11. Where members are approached directly, they can accept and undertake the engagement. Where this occurs, the member is asked to inform the Secretariat so that a complete record of the Panel's engagement can be maintained.
12. Other approaches will be directed and coordinated through the Secretariat. It will identify and approach Panel members that are best placed to undertake the

engagement, both in terms of its location and the particular community hosting it.

13. In addition, ahead of the mobile presence visiting a locality, well-established community groups such as Rotary clubs, professional groups or ethnic community groups will be informed about the opportunity to have a Panel member meet with them while they are in town.
14. Resource kits will be developed to support Panel members during these public engagements. These will include speaking notes, discussion materials as well as information on the overall process and how people can get involved.

Public engagement workshops

15. 15–25 formal public workshops will be scheduled across the country. A proposed schedule of these meetings will be tabled for discussion at the meeting on 15 April. It is proposed that these take place early in the evening with basic refreshments (tea, coffee and biscuits) provided.
16. Up to two Panel members will attend each workshop. They will open the session with a welcome and introduction to the project. This will incorporate showing the video on the history of the New Zealand flag. A clear overview of the engagement process and how people can get involved will also be provided. Questions may be taken at this stage.
17. Participants will be seated in tables of up to seven people each. The views previously captured through the mobile presence within the locality of the meeting, will be shared. Participants will then be asked to complete an exercise focused on local and national identity, and how that could be reflected in the design of our national flag. This feedback will be captured and tables will have an opportunity to share a summary with the rest of the meeting.
18. Finally, an open forum will be held, where people can share their views and ask any further questions. The meeting will conclude with thanks from the Panel members and clear information on how the views shared at the workshop will be taken into account by the Panel.
19. These workshops will require the services of a facilitator to guide and manage the discussions. It is proposed that these are relatively well known people, who also have the right skills for this role.

Iwi engagement

20. Engagement with Maori, iwi and hapu will be conducted in a manner consistent with the Crown's Treaty of Waitangi obligations, and that reflects Māori engagement preferences established through earlier stakeholder conversations.

21. Four national hui will be scheduled at Waitangi (Treaty of Waitangi National Marae), Ngāruawāhia (Te Kīngitanga), Wellington and Christchurch.
22. All Māori, iwi, marae and hapu leaders will be invited to participate at any one of these four national engagement hui. The discussions will focus on national identity and how that could be reflected in the design of our national flag within a Māori context.
23. These discussions will require guidance and support from a professional facilitator and cultural advisors.

New Zealand Flag Consideration Panel

Proposed process for selecting flag designs

Recommendations

It is recommended that the Flag Consideration Panel:

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| 1 | Agree the Flag Design Terms and Conditions attached as Appendix 2 | AGREE / DISAGREE / DISCUSS |
| 2 | Agree the flag design selection process outlined in this report | AGREE / DISAGREE / DISCUSS |
| 3 | Agree the Yes/No decision in the Preliminary Selection phase will be based on guidance received regarding flag designs | AGREE / DISAGREE / DISCUSS |
| 4 | Agree that two evaluation criteria are developed during the public engagement phases, to be finalised on 23 July | AGREE / DISAGREE / DISCUSS |
| 5 | Agree that the shortlist of 15 designs are not published during the design selection process | AGREE / DISAGREE / DISCUSS |
| 6 | Agree the composition of the Expert Group | AGREE / DISAGREE / DISCUSS |
| 7 | Agree that a professional facilitator is appointed to guide the Flag Consideration Panel meeting on 11 August | AGREE / DISAGREE / DISCUSS |
| 8 | Nominate two Panel members to attend the Expert Group session on a day between 22-30 July | NOMINATE |
| 9 | Note an assessment tool is being developed | AGREE / DISAGREE / DISCUSS |
| 10 | Note the final Flag Design Guidelines attached as Appendix 3 | NOTED |
| 11 | Note a future decision to be made on 23 July regarding publishing the top 75 designs | NOTED |

Kylie Archer

Director, New Zealand Flag Consideration Project Secretariat

Introduction

- 1 This report presents the design selection process for approval by the New Zealand Flag Consideration Panel (FCP). The process is based on previous discussions and includes seeking appropriate advice to ensure the recommended designs are workable and that there are no impediments to their potential future use as the New Zealand Flag.
- 2 The FCP has previously considered and discussed the process for receiving alternative flag design suggestions. This has included the development of design guidelines as well as a set of terms and conditions which people suggesting designs will need to agree to. The guidelines were agreed with minor changes at the FCP meeting of 26 March and are provided for noting as Appendix 2. The terms and conditions received more substantive changes on 26 March and are therefore provided as Appendix 3 for FCP discussion and approval.

Design selection process

- 3 The design selection process will occur during the *Understand, Discuss, and Create and Share* engagement phases and can be separated into four stages:
 - A. *Preliminary Selection*

The aim of this stage is to take all the initial alternative flag suggestions, review them appropriately to refine the list to a manageable number (approximately 75), noting there are significant time constraints.
 - B. *Short-listing*

The aim of this stage is to take the results of the Preliminary Selection and refine the list to the 15 best designs to proceed to the next stage, taking into account advice from an Expert Group.
 - C. *Draft Final FCP Decision*

The aim of this stage is to review the 15 best designs and select four, taking into account legal due diligence advice.
 - D. *Final FCP Decision*

The aim of this stage is to submit a report to the Responsible Minister confirming the four alternative designs for inclusion in the first referendum, taking into account further international legal due diligence.
- 4 The rest of this report discusses each of these stages in detail. The basic principle of the design selection process is that **every FCP member sees every design** that meets the minimum standards in the Flag Design Guidelines.
- 5 A flow diagram showing the overall design selection process has been included as Appendix 1.
- 6 Legal advice on the design selection process is being sought, the result of which will be reported back to the FCP at its meeting of 15 April.

A. Preliminary Selection

- 7 Alternative flags will be suggested online and in hard copy from 4 May 2015. Anyone wishing to suggest a design will have been encouraged to read the Flag Design Guidelines and will be required to agree to the terms and conditions. Hard copy design suggestions will be uploaded to the website by the Flag Consideration Panel Secretariat (the Secretariat).
- 8 All suggestions will receive an automatic acknowledgement and will then be reviewed against the minimum standards outlined in the Flag Design Guidelines by the Secretariat.
- 9 Designers whose flags meet the minimum standards will receive an email from the Secretariat informing them that their design will be considered by the FCP. Note that as long as the minimum standards have been met, a design that includes a known copyrighted symbol will not be excluded from consideration (as per the Flag Design Guidelines).
- 10 Designers whose flags do not meet the minimum standards will be notified by the Secretariat that their design will not be considered by the FCP.
- 11 Designs for consideration will then be provided to the FCP for Preliminary Selection. Therefore the Preliminary Selection stage could begin as early as 5 May and will run until just after design suggestions close on 16 July.
- 12 An **assessment tool** is being developed for FCP use. Some key assumptions about the tool are:
- The tool will be fast and easy to use
 - It will be in a secure environment
 - At any time FCP members will have the ability to go back to designs they have previously assessed
 - FCP members will have the ability to update their assessments
 - The Secretariat will be able to easily compile and report on results
- 13 The Preliminary Selection stage will be conducted on an individual 'Yes/No' basis. What these 'Yes/No' decisions are based on is vital to the integrity of the overall process. After careful consideration it is recommended that the FCP base their 'Yes/No' decisions on **Guidance received regarding flag design**. The guidance received will be informed by:
- **Flag design induction materials**
 - **Flag Design Guidelines** (to be published in early May)
 - Advice received in person from the **New Zealand Herald of Arms Extraordinary** at the FCP meeting of 29 April
 - Advice received in person and a brief statement (less than a page) from the **Designers Institute** at the FCP meeting of 5 May

s9(2)(g)(i)

- 14 Note that the organisations mentioned and individuals mentioned above have not yet been formally approached and therefore their involvement is to be confirmed.
- 15 FCP members will have the opportunity to highlight up to two 'favourite' designs to automatically go through to the Short-listing stage, regardless of other FCP members' assessments.
- 16 The Preliminary Selection stage will need to be concluded by 22 July.

B. Short-listing

- 17 The Secretariat will collate all FCP members' 'Yes/No' responses and highlight the top 75 designs to be included for further assessment. This will be based on the highest percentage agreement for each of the designs, for example a flag would likely be included if 80% of the FCP selected 'Yes'. The list of 75 will include all FCP members' 'favourite' designs (up to 24 designs).
- 18 The Secretariat will provide the top 75 to the FCP by 22 July, along with a report which will include:
 - A summary of the Preliminary Selection stage
 - Overall trends in the suggestions
 - A summary of any notable public response to particular designs
 - Draft evaluation criteria

Expert Group

- 19 The top 75 designs will also be provided by the Secretariat to an 'Expert Group' to review and give comment on each design from a technical, not subjective perspective, specifically focusing on any potential issues. The Expert group should operate in an advisory capacity only; it is up to the FCP to decide whether or not to accept their advice.
- 20 The Expert Group membership should be voluntary and is recommended to include:
 - A facilitator
 - The New Zealand Herald of Arms Extraordinary
 - A representative from the Designer's Institute
 - s9(2)(g)(i)
 - Jock Phillips (noted New Zealand historian, Senior Editor at Te Ara)
 - Cultural advisors, likely from Te Puni Kokiri, the Ministry of Pacific Island Affairs, Te papa, and the Asia New Zealand Foundation
- 21 All Expert Group representatives will be expected to sign standard confidentiality agreements and disclose any conflicts of interest. Note that the organisations and

individuals mentioned above have not yet been formally approached and therefore their involvement is to be confirmed.

- 22 A terms of reference will be developed for the Expert Group and will be provided to the FCP for approval ahead of their meeting on 29 April.
- 23 It is recommended that two FCP members attend the Expert group session to observe, provide comment as required, and report back to the wider FCP. The Expert Group session will occur on a day between 22 and 30 July.

FCP meeting 23 July

- 24 The FCP will **meet on 23 July** (possibly via teleconference) to review the report and to agree the two evaluation criteria which will be used to score the top 75 designs. The evaluation criteria will be informed by feedback collected during the public engagement process.
- 25 FCP members will also have the opportunity at this point to commission new designs (as per the FCP Terms of Reference).
- 26 At the meeting, consideration could be given to **publicising the 75 designs**. The benefit of this is that it continues to involve the public in the process and provides a large degree of immediate transparency. It also gives the public the opportunity to raise any issues with particular designs (for example any issues over intellectual property) which could aid the upcoming legal due diligence process.
- 27 However, publicising the 75 designs does carry an element of risk, particularly if a specific design that is publicly 'supported' is not included. This risk can be mitigated to a good extent by identifying supported designs that are not included and clearly explaining why not. It is highly likely that there will be an excellent reason for a supported design's exclusion.
- 28 Given this risk it is recommended that, if the FCP does want to publicise the top 75, the Responsible Minister is briefed on the decision on a 'no-surprises' basis. The briefing would provide an overview of the top 75 designs, FCP decisions to that point, and comment on any potential issues. The briefing would be provided to the Responsible Minister on 31 July.
- 29 It is recommended that the decisions around publicising the 75 designs are made at the FCP meeting of 23 July when more information is available (for example when the designs are known, and after the FCP has engaged with the public).
- 30 The likely timing for publicising the designs would need to be confirmed at a later date, however it is estimated to be around 5 August.

Scoring and short-listing

- 31 Between 24 and 29 July, FCP members will individually **score** the 75 designs based on the two criteria agreed during the 23 July meeting.
- 32 The **FCP will then meet again on 30 July** where the 75 designs will be reviewed and a short-list of 15 selected. The 75 designs will be presented in the meeting with their collated individual scores by the Secretariat. FCP members will discuss the merits of

all designs, taking into account any feedback from the panellists present at the Expert Group session, and the top 15 will be agreed.

- 33 The FCP may also take the opportunity to refine any of the designs as appropriate. Design refinements at this stage are limited to:
- Colour changes
 - Upgrading the quality of any hand-drawn designs
 - Minor shape or placement adjustments
 - Merging two or more designs to form one design

C. Draft Final FCP Decision

Initial legal due diligence

- 34 Following the Short-listing stage, the top 15 designs will be sent to AJ Park (intellectual property lawyers) for initial legal due diligence between 31 July and 10 August.
- 35 AJ Park will provide a full due diligence plan for FCP review by 29 May, however it is expected that their process will include:

s9(2)(h)

- 36 AJ Park will provide a report to the FCP with relevant legal comment for each of the 15 designs by 10 August.
- 37 The FCP may wish to consider publicising the top 15 designs **on 31 July** to further aid the due diligence process; upon seeing the short-listed designs any person with a legal issue (for example regarding intellectual property) could come forward. Another benefit of publicising the top 15 designs is that it promotes transparency and keeps the public engaged in the project.
- 38 However, there are significant risks with publishing the top 15 designs. This may result in individuals campaigning for his or her design and advocating through a popular vote, which would not be in keeping with the gravitas of the decision to be made. Furthermore, the selection of the final four alternative designs will involve

further considerations and due diligence of these 15 designs. It is preferable for the Panel to be able to make its selection, taking all these considerations into account, without having to subsequently justify why popular designs from the 15 were not subsequently selected. The Panel will explain the rationale behind its selection of the final four, and why others were not selected, in a generic sense. However, having to explain why it did not select 12 individual designs, to a level of detail that satisfies the designers involved, could pose a significant distraction and disruption to the Panel's activities in the lead up to the referendum.

- 39 Based on the risks involved it is recommended that the short-listed designs **are not** made public at this stage of the process. It should be noted that the FCP will give consideration to publicising the top 75 designs at their meeting on 23 July, and that consideration will be given to publically releasing the top 15 designs at a later stage.

Design refine

- 40 If the FCP requests, the contracted marketing provider for the project will standardise any hand drawn designs **between 31 July and 10 August**. As previously mentioned, refinement is limited to:
- Colour changes
 - Upgrading the quality of any hand-drawn designs so the FCP can compare apples with apples
 - Minor shape or placement adjustments
 - Merging two or more designs to form one design

FCP meeting 11 August

- 41 The final step in the Draft Final FCP Decision stage is the FCP meeting on 11 August to **decide on the final six designs**¹(the four draft final designs, plus two back-ups). The FCP will be provided the 15 designs, and the due diligence report from AJ Park. The FCP will discuss the merits of the designs and make their decision regarding the final six designs.
- 42 It is recommended that a **professional facilitator** be appointed to guide this important FCP discussion.

D. Final FCP Decision

- 43 The six designs will then go through a final legal due diligence check which will likely consist of:

s9(2)(h)

¹ Six designs (the top four designs, plus two back-ups) will be selected at this stage to go through the final legal due diligence check. While it is unlikely that there will be any issues with the top four designs, the Secretariat considers it prudent that the two back-ups are included.

s9(2)(h)

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- 44 The final legal due diligence check will be conducted between 12 and 17 August, at which stage a report will be provided to the FCP.
- 45 The FCP will take the results of the international legal due diligence and finalise their decision on the top four designs to go through to the first referendum. The FCP will prepare a report to the Responsible Minister to be submitted on 21 August.

After the design selection process

- 46 The Responsible Minister will draft a Cabinet Paper based on the FCP's report which he will take direct to Cabinet on 31 August. Following the Cabinet process, the four chosen designs will go through Orders in Council before 14 September.

Appendices

Appendix 1 – Design Selection Process Flow Diagram

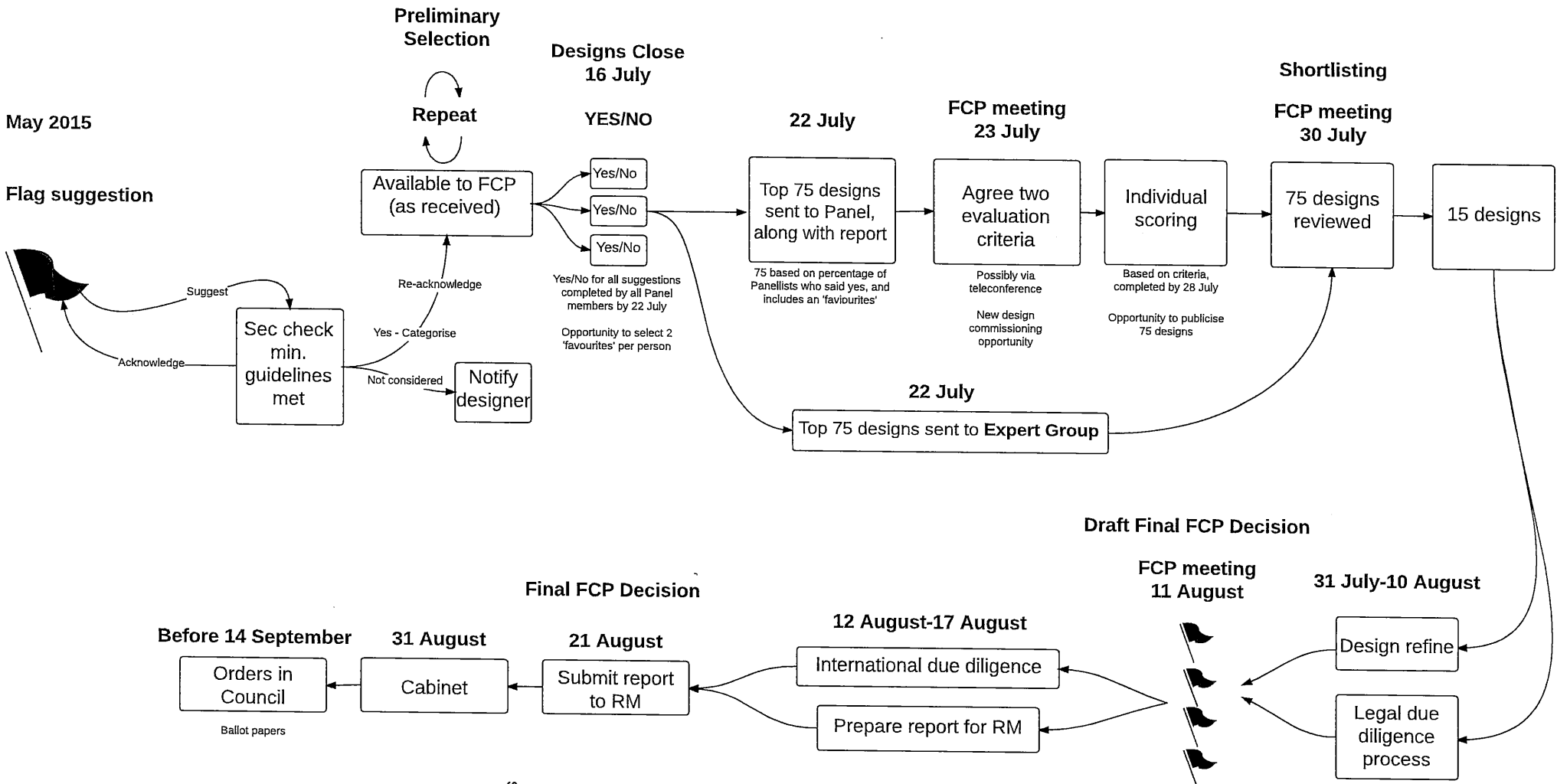
Appendix 2 – Flag Design Terms and Conditions

Appendix 3 – Flag Design Guidelines

Appendix 1 - Design Selection Process Flow Diagram



DRAFT Flag Design Selection Process



s9(2)(g)(i)

Appendix 2 – Flag Design Terms and Conditions



NEW ZEALAND FLAG CONSIDERATION PANEL

Flag Design Terms and Conditions

Any person (**you, your**) suggesting a flag design to the Flag Consideration Panel (**Panel**) agrees to comply with these terms and conditions (**Terms and Conditions**).

If you are an individual under the age of 18 when you suggest your design then your parent or legal guardian must read these Terms and Conditions and consent to you suggesting a flag design to the Panel under these Terms and Conditions.

The Panel has been set up to consider flag designs in a process run by the Crown acting by and through the Department of Prime Minister and Cabinet (the **Crown**). These Terms and Conditions form a contract between you and the Crown.

These Terms and Conditions may be updated by the Crown before the closing date for people to suggest alternative designs for the New Zealand Flag. You can view the most recent Terms and Conditions at www.flag.govt.nz.

Suggesting a flag design:

1. You may suggest designs for the New Zealand flag (**Flag Designs**) to the Panel from 9.01am on 4 May 2015 until 11.59pm on 16 July 2015 (**Suggestion Period**).
2. You agree that any Flag Design you suggest, including any element of that Flag Design, may ultimately be used as the New Zealand flag.
3. All Flag Designs must be suggested in accordance with the Flag Design Guidelines found at www.flag.govt.nz (**Guidelines**).
4. You confirm that each Flag Design you suggest, including each element of each Flag Design, is:
 - a. an original work made by you and no one else, except to the extent you disclose otherwise under clause 13;
 - b. not copied; and
 - c. not illegal, offensive or derogatory.

Consideration by the Panel:

5. Flag Designs suggested during the Suggestion Period will be considered in accordance with these Terms and Conditions. The Panel and the Crown each reserve the right to consider other flag designs suggested before or after the Suggestion Period.
6. The Panel may, in its sole discretion, choose not to consider any Flag Design if it considers you have breached these Terms and Conditions in any way, or if the Flag Design itself does not comply with these Terms and Conditions or the Guidelines.
7. The Panel's decision to shortlist any Flag Designs, including for consideration by Cabinet, will be made at its discretion and no correspondence will be entered into.

8. You agree to provide the Panel or the Crown with any information about yourself or your Flag Design that the Panel or the Crown requests. This includes completing any questionnaire and/or declaration so the Panel has a full understanding of the how your Flag Design was developed and providing proof of your identity to the Crown.

Use and publication of Flag Designs and names:

9. You grant the Crown an irrevocable, royalty-free, worldwide, perpetual, sub-licensable licence to use, copy, modify, adapt and/or publish your Flag Design for any purposes the Crown sees fit in relation to the selection of a new flag for New Zealand. Without limitation, the Crown may:
- a. provide your Flag Design to third parties to verify whether it complies with these Terms and Conditions and is otherwise suitable for use as the New Zealand flag;
 - b. alter or amend your Flag Design, merge or combine your Flag Design with any other flag design or use elements of your Flag Design in another flag design;
 - c. publish your Flag Design on websites including www.nzflag.govt.nz;
 - d. provide your Flag Design to media including print, television and internet media for publication; and
 - e. publish your Flag Design in the course of:
 - i. selecting a shortlist of preferred designs to be subjected to a due diligence process (**Shortlisted Designs**);
 - ii. selecting from the Shortlisted Designs a list of designs to be considered in the first referendum (**Referendum Designs**);
 - iii. setting up, promoting and conducting a referendum to select the preferred Referendum Design; and
 - iv. setting up, promoting and conducting a second referendum to select the next New Zealand flag.
10. You agree that the Crown may use, disclose and publish:
- a. your name;
 - b. the name of any other author involved in developing your Flag Design; and
 - c. any other information you provide in relation to your Flag Design other than personal contact details,

for the purpose of the Flag Consideration Project, including during the course of considering and short-listing flag designs, conducting the referenda, using the New Zealand flag if your Flag Design is chosen and as otherwise required by law.

11. You hereby consent to the Crown, at any time during the Flag Consideration Project, running a criminal conviction check on you, and you agree to sign any form required to conduct such a check. Any other author of your Flag Design may also be required to submit to a criminal conviction check, and sign any required form.

Intellectual property and moral rights:

12. You warrant that:
 - a. except to the extent you have disclosed details of other authors under clause 13, you are the owner of the copyright, and all other intellectual property rights, in your Flag Design, including each element of your Flag Design; and
 - b. the use and publication of your Flag Design, including each element of your Flag Design, in the process of selecting a new flag for New Zealand, or as the new flag of New Zealand, will not infringe the rights, including intellectual property rights, of any person.
13. If your Flag Design, or any element of your Flag Design, was designed by any other person or organisation, then you:
 - a. must disclose that fully when you suggest your Flag Design to the Panel and you must include full details of all authors involved in the development of your Flag Design and provide their contact details; and
 - b. confirm you have all rights necessary to suggest your Flag Design to the Panel in accordance with these Terms and Conditions, including granting the licence in clause 9.
14. Moral rights are personal rights that individual authors have in copyright works they produce. They include rights to have their designs attributed to them. The Crown will acknowledge the authors of your Flag Design appropriately, but at the Crown's sole discretion, during the course of the Flag Consideration Project.
15. While the Crown will acknowledge authors as described in clause 14, by suggesting a Flag Design you hereby waive all of your moral rights arising from your Flag Design throughout the world, to the extent that you may lawfully do so, and you agree not to assert any of your moral rights, and to provide all consents required by the Crown, in relation to the use and publication of your Flag Design:
 - a. as part of the Flag Consideration Project; and
 - b. as the new New Zealand Flag, if it is ultimately selected.
16. If your Flag Design is chosen as a Shortlisted Design, then you:
 - a. hereby assign to the Crown all of your rights, title and interest in and to your Flag Design, including all copyright and other intellectual property rights in all works that feature in the Flag Design, and in the Flag Design as a whole, as may exist anywhere in the world;
 - b. agree to sign a written document which will include an assignment of all of your rights, title and interest in and to your Flag Design to the Crown, a waiver of all associated moral rights, and other terms and conditions relating to your Flag Design, in the form required by the Crown; and
 - c. will ensure any other author of your Flag Design, or any element of your Flag Design, signs an agreement as described in clause 16(b).

17. If you, or any author of any part of your Flag Design, are individuals under the age of 18 when you suggest your Flag Design, then the Crown may require that your or that author's parent or legal guardian also sign the form referred to in clause 16(b).
18. If your Flag Design is chosen as a Shortlisted Design but is not ultimately chosen to be the next New Zealand flag, then you may request that the Crown re-assigns the rights transferred under clause 16 so that you regain ownership of all rights you had before you suggested your Flag Design.

General:

19. Copyright can only be assigned in writing, signed by the assignor. By suggesting your Flag Design and accepting these Terms and Conditions, you agree that the assignment of copyright under clause 16(a) is in writing and is signed by you as the assignor.
20. The Crown reserves the right to vary or cancel the Flag Consideration Project at any time.
21. These Terms and Conditions are governed by New Zealand law.

Appendix 3 – Flag Design Guidelines

NEW ZEALAND FLAG CONSIDERATION PANEL

Flag Design Guidelines

These guidelines have been developed for people who would like to suggest flag designs to the Flag Consideration Panel (the Panel). The Panel has been appointed by the Government to help people get involved in discussions about the future of our flag. They'll also choose a shortlist of alternative flag designs for people to rank in the first referendum.

These guidelines may be updated before the closing date for people to suggest alternative designs for the New Zealand Flag (16 July 2015). You can view the most recent guidelines at www.flag.govt.nz.

The basics:

Here is a set of common principles to use when developing a flag design. These have been developed to ensure that flag designs stand out from a distance and can be reproduced well in different formats and sizes. While the use of these principles is optional, it is likely they will be taken into account when the flag designs are considered.

1. The design should be simple, uncluttered and balanced.
2. It should be designed to be flown, and viewed from either side.
3. It should look as "timeless" as possible. Avoid using features in the design that will cause the flag to become dated or obsolete. Imagine the flag in a historic setting and in a very modern setting to check whether it would work in both.
4. In terms of colour, using fewer colours will keep the design simple and bold.
5. Contrast is important - use light colours on dark, and vice-versa. So a white cross on red is a good contrast, but a blue cross on red would be a poor contrast. This is a very useful guideline, especially for choosing the colour of any symbols and their background.
6. If the use of non-contrasting colours is unavoidable, make use of outline colours.
7. Any animals or birds would traditionally face the flagpole, so that the animal faces in the same direction as the flag bearer.
8. The top left hand corner of the flag is typically the place of honour in a flag. This reflects the fact that the opposite end of the flag wears out first, and is the section that is least visible when the flag is not fully unfurled.

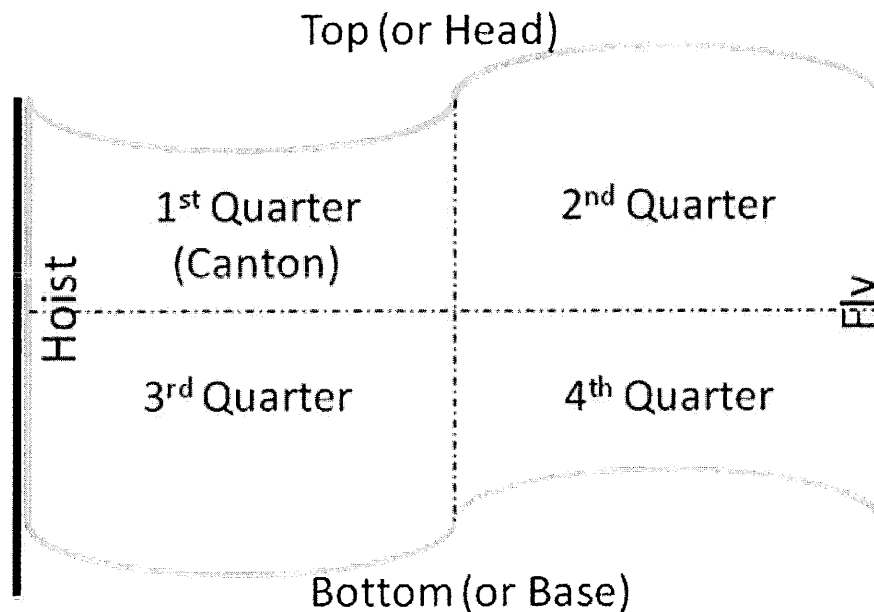
Shapes and parts of a flag:

While flags can be other shapes (e.g. a triangle), national flags representing countries normally come in one of two rectangular shapes:

- The Golden Rectangle – where the ratio of the short side to the long side is approximately 1 : 1.618.

- The ratio of 1:2 – where the long side is two times the length of the short side. This is the shape of the current New Zealand Flag.

There are also defined parts of a flag which are useful to know if you wish to describe your flag design:



Internationally accepted principles to guide the design of flags have been developed over time in response to practical issues as well as historical and cultural conventions. *Vexillography* is the art and practice of designing flags. In particular, this practice responds to practical issues around reproducing the design on cloth and making sure the design stands out from a distance and from many angles.

The minimum standards:

These are some standards that we expect all flag designs to meet:

- Intellectual property – Do not suggest a design under your name that you know is a copy of an existing, or someone else's, design. Also, do not include symbols, trade marks, or elements in your design that are copied from someone else or that are the intellectual or cultural property of another person or entity without explaining who they belong to. Please remember that even if a particular design or symbol is on the internet, it does not mean you can copy it for your own design.

If you wish to recommend an existing design for consideration by the Panel, please suggest the design with clear information about who has developed the design and, if possible, how they can be contacted.

If your design is shortlisted for the first referendum, or chosen as the contender for the second referendum, or chosen as New Zealand's new flag, then you and any author or owner of the design, or any part of it, will need to sign a form agreeing to transfer ownership of any intellectual property rights in the design to the Crown.

- Offensive or divisive designs – Flags should be a symbol of pride and unify the community they represent. For this reason, flags that are offensive to an individual or community, or that are divisive, will not be considered.

- Flag designs that include words, photos or complex objects will not be considered.
- Flag designs that incorporate the image of a person will not be considered.

The Panel reserves the right to not publicly display, or consider for the referendum, any suggested design that does not meet these minimum standards.

Suggesting a design

The Panel's preference is that designs are suggested as visual images (ideally a JPEG). When you suggest a design, you will be asked to recommend a title and description for your design, as well as some information about you (including personal contact information). You must also include a brief explanation of the colours and any symbolism incorporated into your design.

Note that before you can suggest a design, you will be asked to agree to some standard terms and conditions regarding intellectual property and trademarks. You can find those terms and conditions here: [*insert link*].



New Zealand Flag Consideration Panel

Secretariat Report: 15 April 2015

Summary

This report to the Flag Consideration Panel (Panel) updates members on progress with the Project, and requests approval for key aspects of the overall Project Plan.

Recommendations

It is recommended that the **Flag Consideration Panel:**

- 1 **Note** that the report to the Deputy Prime Minister on the proposed public engagement process was submitted to him on 7 April 2015;
- 2 **Note** the Panel agreed via email to begin contracting with Clemenger BBDO as the provider of advertising and design services for the project;
- 3 **Note** the Secretariat update in section 2 of this paper, including that the negotiations with Clemenger BBDO have been successfully concluded;
- 4 **Note** that Clemenger BBDO will present to the panel at this meeting;
- 5 **Agree** the brand and campaign concepts presented by Clemenger BBDO;
AGREE / DISAGREE / DISCUSS
- 6 **Agree** the approach to the community meetings and road show under item 4 of the agenda, for inclusion in the Project Plan;
AGREE / DISAGREE / DISCUSS
- 7 **Agree** the flag selection process, under item 5 of the agenda, for inclusion in the Project Plan;
AGREE / DISAGREE / DISCUSS
- 8 **Agree** the Flag Design Terms and Conditions attached as appendix 2 to item 5 of the agenda; and,
AGREE / DISAGREE / DISCUSS
- 9 **Note** the Flag Design Guidelines, attached as appendix 3 to item 5, have been updated following the discussion at the Panel meeting on 26 March 2015.

Purpose

- 1 The purpose of this paper is to:
 - a. provide Panel members with an update on the Project;
 - b. seek approval for key components of the overall Project Plan, which will be updated and approved as the Project progresses;

Secretariat update

- 2 Good overall progress is being made on the Project, with key components on track to meet milestones. Key areas of progress include:
 - a. Meeting papers:

The Secretariat has completed the contract with Diligent to use Boardbooks so that Panel members can access and manage meeting papers on mobile devices in a secure way. Training will be provided for members that have not used this service before. Panel members can still receive hard copies of the Panel papers by courier. Please let Jo Crawford know your preference.
 - b. Media:

We have contracted Isentia to provide traditional and digital media monitoring services. The Secretariat will send Panel members a regular update of the coverage identified by this service. We note that some more considered media features and discussions are taking place on the project. This included the 19 March editorial in the New Zealand Listener, the feature in the April edition of North & South, a story in the magazine in the 4 and 5 April weekend editions of the Press and the Dominion Post, and a 'one hour special' Native Affairs programme on Māori Television on 6 April (for which Panel member Malcolm Mulholland provided some background information).
 - c. Advertising and design services:

Following the Panel's approval, the Secretariat undertook negotiations with Clemenger BBDO as the preferred provider, following the pitch process. This involved agreeing an Advertising Service Order, which was completed on 8 April 2015. This document details the services to be provided to the project by Clemenger BBDO and OMD New Zealand, as well as some conditions in addition to those contained within the all-of-government master services agreement.
 - d. Website:

The Secretariat is working with the Department of Internal Affairs and Clemenger BBDO to ensure the website effectively delivers the functionality and user experience required for the project. This includes the further development and integration of the digital engagement tool proposed by Clemenger BBDO, which will be presented to the Panel at this meeting. The Department of Internal Affairs has begun developing other functionality required for the site, which is on track to be delivered by the launch date. Discussions have also progressed with Malcolm Mulholland about the production of a video piece on the history of the New Zealand Flag for use on the website, and more widely as part of the project.
 - e. Schools resource:

As the result of a competitive tender process, Core Education has been selected as the provider of the education resource. It is now under development and will be produced in both English and Māori. It will be promoted in the upcoming issues of both the Education Gazette: Tukutuku Korero and the Ministry Bulletin for School Leaders: He Pitopito Kōrero. It is due to be completed in time for the launch of the public engagement process.

f. Community resource:

The Secretariat is developing a written resource to help groups hold their own discussions on the flag and what they think it should say about New Zealand. It will include background on the project, tips on how to host a discussion and information on how to share the results. This latter stage will integrate with the digital engagement tool proposed by Clemenger BBDO. Further details on the use of this resource are contained in the community meetings and road show paper.

g. Information brochure:

The Secretariat is finalising the content for an information brochure on the project and how people can get involved. This will be produced, with the project branding, in time for the launch of the public engagement. It will be distributed through stakeholder networks and service providers (see below).

h. Launch event:

Based on the engagement campaign proposed by Clemenger BBDO, and the proposed approach to the road show meetings, the Secretariat has developed an initial concept for the public and media launch. Taking into account the Panel's feedback on the above, the Secretariat will present its thinking at the meeting for discussion and refinement.

Updating the Flag Consideration Project Plan

3 At its 3 March meeting, the Panel noted the preliminary Project Plan, and that it would be updated with more detail in the appropriate areas. At this meeting, two further components of the Plan are presented in draft form for discussion and agreement by the Panel. These are:

- a. An approach to the community meetings and road show (item 4 on the agenda): This has been developed following discussions at Panel meetings and is designed to provide communities with choices around how they engage with the project and contribute to the discussion. It is intended that the results of the various discussions are made publicly visible through the digital engagement tool proposed by Clemenger BBDO, and the contributors acknowledged. Furthermore, as proposed by Clemenger BBDO, a summary of the input will be developed to inform the development of flag designs and the Panel's selection of the final four alternatives.
- b. An updated set of terms and conditions (appendix 2 to item 5): These have been updated on the basis of the Panel's discussion at the 26 March meeting and direct feedback from Panel members. The flag design guidelines (appendix 3 to item 5) have also been updated as a result of the Panel's feedback.

4 When agreed, the above will be incorporated into the overall Project Plan, an updated version of which will be presented for approval at the next Panel meeting.

Early engagement

- 5 The Panel has hosted five meetings with stakeholder groups in Auckland, Christchurch and Wellington. 40 people have attended these sessions. Participants have suggested ways in which they can contribute to the project including:
 - a. sending out information through their networks;
 - b. encouraging people to participate in the process;
 - c. providing Panel members with speaking opportunities;
 - d. hosting discussions and debates; and,
 - e. staging exhibitions or events.
- 6 In response to the above, the Secretariat will:
 - a. develop a database of organisations that are willing to disseminate information;
 - b. develop and distribute a regular electronic update on the project to these organisations;
 - c. provide all groups with access to the community resource, encourage them to host discussions and provide information on how they can share the results through our digital tool;
 - d. provide a contact point for groups wanting to invite Panel members to speak at or attend meetings, and co-ordinate attendance with Panel members; and,
 - e. consider the offers to host debates, exhibitions or events and make recommendations to the Panel.
- 7 In addition to the above, the Secretariat has met with a range of government agencies to inform them about the proposed approach to engagement. Officials have provided useful feedback and contacts, which the Secretariat will incorporate into the stakeholder and engagement plans.
- 8 As agreed at the last Panel meeting, members are asked to inform the Secretariat of any speaking engagements or meetings they undertake about the project, so that a complete record of the Panel's engagement can be maintained.

Kylie Archer

Director, New Zealand Flag Consideration Project

Distribution:

Flag Consideration Panel Members

Michael Webster, Clerk of the Executive Council

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