

New Zealand Flag Consideration Panel

7 April 2015

To Deputy Prime Minister, Hon. Bill English

From Emeritus Professor John Burrows, Chair of the Flag Consideration Panel

Subject **Proposed public engagement process for the Flag Consideration Project**

Summary This report from the Flag Consideration Panel (FCP) outlines its proposed public engagement process for the Minister's approval.

Recommendations It is recommended that the Deputy Prime Minister as the **Responsible Minister for the Flag Consideration Project**:

- 1 **Note** the update from the Flag Consideration Panel;
 - 2 **Note** that, in developing its process, the Flag Consideration Panel has taken into account the guiding principles agreed by Cabinet;
 - 3 **Note** that the engagement process will start on Monday 4 May 2015;
 - 4 **Note** that, as Chair, I am meeting with you at 8.30am on 13 April 2015;
 - 5 **Agree** the proposed public engagement process as outlined in this report;
- AGREE / DISAGREE / DISCUSS**
- 6 **Agree** to publicly release the final version of this report through the websites of the Panel and the Department of the Prime Minister and Cabinet.

AGREE / DISAGREE / DISCUSS

Update from the Flag Consideration Panel

- 1 Thank you for coming to speak at the Panel's first meeting on 3 March 2015. I am pleased to let you know that the members are clearly demonstrating their commitment to the project and making significant contributions based on their skills and diverse perspectives. At this stage, members have agreed to meet 14 times over the course of the project (seven times in each financial year). Members have been willing to quickly prioritise these meetings within their busy schedules.

- 2 As I am sure you intended, the members bring with them diverse experience and a wide range of skills. They are sharing these with each other in a forthright and respectful way. Consequently, we are able to quickly reach consensus on key issues and provide clear direction to the Secretariat.
- 3 The Panel has big ambitions in terms of the reach and impact of its engagement. Coupled with this, the process to receive alternative flag designs and select four to be included in the first referendum involves a number of considerations and challenges. The Secretariat continues to provide excellent support, well considered advice and practical options for how we might undertake these and the other tasks in our terms of reference.
- 4 Based on the above, and on behalf of the Flag Consideration Panel, I recommend the following engagement process for your approval.

Overall approach to engagement

- 5 The Minister will recall that Cabinet agreed the following principles to guide the overall process to consider changing the New Zealand Flag (CAB Min (14) 34/1). The process should be:
- *independent*: the process is as apolitical as possible, with multi-party support and public input into decision-making;
 - *inclusive*: all perspectives are invited and considered from within New Zealand's diverse communities, including Māori as tangata whenua;
 - *enduring*: the outcome (whether change or status quo) is upheld and not revisited for a significant period;
 - *well-informed*: the public has access to information to enable it to make decisions;
 - *practical*: the process is workable, cost-effective, and implementation is possible;
 - *community-driven*: designs and suggestions come from the community;
 - *dignified*: the process upholds the importance of the flag as a symbol of our nationhood;
 - *legitimate*: all legislative and other requirements are followed; and
 - *consistent* with the Crown's Treaty obligations.
- 6 These principles have provided clear guidance to the Panel in developing its proposed approach to engaging key stakeholders and the wider public in this project. The Panel has taken these and developed the following approach to its communication and engagement.
- 7 Overall, the engagement will have a clear sense of 'gravitas' as this is an unprecedented and significant opportunity for all New Zealanders. It's the first time in New Zealand's history that together we get to decide on a flag for our country. The first phases of engagement will therefore focus discussion on key questions concerning the 'purpose of a flag' and 'what it can say about our collective identity', rather than how the flag should 'look'.
- 8 We also want to reduce the focus on whether the flag 'changes or doesn't change' in these initial phases. Rather, we will remind people that flags do change. A number of countries have changed their flags in recent times, including Commonwealth countries, without changing their constitutional arrangements. The New Zealand Flag has also changed twice before. The first phases of the engagement are an opportunity for New Zealand to discuss its

unique identity. Then, in the latter stages, people will be able to decide for themselves which flag, including the current flag, best communicates this collective identity.

- 9 There is a need to increase people's awareness and understanding that the decisions will be made by the people of New Zealand, not the Government and not by the Flag Consideration Panel. Consequently, people need to know that this process is taking place and how they can participate. This is their opportunity to have their say. Once it's decided, it's decided. The outcome is binding. To achieve this, we will work closely with opinion formers and key stakeholders; ensuring the facts are clear and there is an open dialogue.
- 10 Throughout the process, we will recognise and celebrate the diversity of New Zealand's communities. This means engaging in ways that suit different people; from face to face meetings, community meetings to digital engagement. We will also provide communities with resources to host their own discussions on the key questions and support schools to undertake activities that mimic the national process, including flag design and referendum activities.
- 11 By providing the proposed range of activities, the engagement process will provide all New Zealanders with the opportunity to:
 - explore their own views on the flag in a safe, familiar environment;
 - share these with others in a respectful way;
 - consider the diversity of people's perspectives on our flag; and,
 - arrive at a well-informed view, which they confidently express through the two referendums.

Phases of engagement

- 12 The Panel has divided its engagement process into six key phases. The title of the phases denotes what we are wanting 'members of the public to do'. These are:
 - a. *Understand*: Key stakeholders and opinion formers will be provided with clear information about the role of the Panel, the engagement process and how people can participate. This phase will improve people's perception of the process and encourage their participation. Information will also be provided on the history of flags in general and the New Zealand flag in particular.
 - b. *Discuss*: This phase will begin on 4 May 2015, with a public and mainstream media launch of the engagement process on 4 or 5 May 2015. A printed brochure and the project website will inform people about the diverse range of opportunities to participate in face to face and or online discussions about the 'purpose of the flag' and what they think it 'should say about us as a country'. Panel members will participate in these discussions and will respond to invitations where they can. The results of these discussions will then be shared more widely through our website and social media channels, which will encourage other people to participate and increase understanding of people's diverse views, thereby increasing the legitimacy of the project overall. The Panel will also conduct a road show, which will enable it to have a mobile, visible presence at events and public spaces across the country during the engagement period.

- c. *Create and share:* People will be provided with guidance around what makes a good flag design and the conditions they need to agree to when suggesting a design to the Panel. They will be strongly encouraged to consider people's diverse views on the flag, as expressed in the discussions above, so that their design reflects what New Zealanders are looking for in an alternative design. To facilitate the above, we may hold, and potentially broadcast, up to three events in the main metropolitan centres where the considered views of different communities can be shared and deliberated.
- d. *Select:* Through mainstream and digital media, people will be provided with information about the four alternative designs and encouraged to consider the diverse views of New Zealanders when expressing their preferences on the designs in the first referendum. A brochure with information on the background to each design will be produced by the Panel for inclusion in the voting packs. The Panel will also work alongside the Electoral Commission to encourage participation in the referendum.
- e. *Consider:* People will be provided with information about both the current and the preferred alternative flag designs. The flags may be publicly presented together so that people can consider their final preference ahead of the second binding referendum. The Panel will again produce a brochure, with background information on the two flags, for inclusion in the voting packs.
- f. *Decide:* This phase follows the results of the second referendum and will see the Panel complete its evaluation of the engagement process and acknowledge those that have contributed to it.

13 Additional detail on each phase of the engagement process is provided in appendix 1. This includes the key actions, roles to be played by the Panel members and how the Responsible Minister could participate in each phase. The timing of the proposed activities for the overall engagement programme is set out in appendix 2 and the digital engagement is summarised in appendix 3.

14 These phases are intended to take place broadly in sequence, although it is recognised that people will engage with each phase at a different time and so some actions will continue across several phases and overlap. The Panel will implement a research and evaluation plan to test the effectiveness of its actions and people's level of awareness through the different phases. This monitoring will be undertaken at points throughout the engagement process so that the Panel can quickly respond if any action is not having the desired reach, or a particular target audience is not being reached.

Design selection process

15 The Panel has already considered and discussed the process it will use to receive and consider 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.

16 The Panel is also finalising the process it will use to assess the design suggestions and identify the final four alternative designs that it will recommend to you for inclusion in the

first referendum. This will include seeking appropriate advice and design services to ensure the recommended designs are workable and that there are no impediments to their potential future use as the New Zealand Flag.

- 17 The Minister will note from the above that the Panel proposes to undertake the engagement approaches suggested in section 8 of its terms of reference. This includes supporting and encouraging people to suggest alternative flag designs. However, the Panel does not propose to run this process as a ‘competition’ as such, for the following reasons:
- A ‘competition’ might involve an individual campaigning for his or her design and advocating a popular vote, which would not be in keeping with the gravitas of the decision to be made.
 - The selection of viable alternative flag designs will involve a number of considerations that individual designers and the public are unlikely to take into consideration during a competition. It is therefore preferable for the Panel to be able to make its selection, taking all these considerations into account, without having to justify why popular designs were not selected. It may be, for example, that the Panel decides to include in the final four, a design that is a composite of designs by two members of the public, or a design that contains an idea from a member of the public enhanced by a designer.
 - There may be a number of designs put forward by members of the public which are closely similar to each other, thus raising the possibility of contention as to who ‘won’.
- 18 Young people below the voting age will be able to hold and participate in discussions, as well as creating and suggesting alternative flag designs throughout the engagement period. It is recognised however, that they will not have a direct role in choosing the alternative, or the final, design through the referendum process. Therefore, the Panel is also considering ways in which it can facilitate the expression and sharing of the views of young people ahead of the referendums.
- 19 As one approach, the Panel is developing a resource for schools. This will enable them to run a flag discussion, design and selection process that mimics that taking place nationally, including tools to help them conduct two referendums. As well as enabling young people to have their own say in the process, this should also flow through to increased awareness of the national process within the wider school community.

Risks

- 20 The Panel has kept itself informed of the progression of the New Zealand Flag Referendums Bill. It is aware of the tight timeframes for it to progress through all the stages before it is passed in the House. The Panel recognises that some people will not understand the difference between Parliament’s process for submissions on the Bill and the Panel’s process for receiving alternative flag designs. This has been clarified on the Parliamentary website but we believe that people may still suggest designs to the Select Committee as part of the consultation process on the Bill. The Clerk of the Committee has been asked to forward material of this type to the Panel.
- 21 The Panel has made excellent progress on the project in the short time since it was established. The Panel would also like to acknowledge the assistance of officials in

responding to requests for input and assistance. However, the Panel does note the challenges ahead in terms of securing the level of stakeholder involvement and the extensive outputs required from contractors within the timeframes set for the project.

Conclusion

- 22 The Panel is excited by the potential of this project to engage diverse New Zealanders in a shared discussion about how the New Zealand Flag can reflect our national identity. Following your approval, it will take the necessary steps to implement this proposed engagement process.
- 23 I look forward to meeting with you on 13 April 2015 at 8.30am to discuss this engagement process. Please do contact me if you have any questions or would like further information before then.
- 24 The Panel looks forward to receiving your feedback and ultimate approval for its process.

Professor John Burrows

Chair, New Zealand Flag Consideration Panel

Distribution:

Andrew Kibblewhite, Chief Executive, Department of the Prime Minister and Cabinet

Michael Webster, Clerk of the Executive Council

Appendix 1: Engagement Summary

PHASE	UNDERSTAND	DISCUSS	CREATE AND SHARE	SELECT	CONSIDER	DECIDE
<i>Timing</i>	<i>March, April, May 2015</i>	<i>May, June, July 2015</i>	<i>June, July, August 2015</i>	<i>Sept, Oct, Nov, Dec 2015</i>	<i>Dec 2015, Jan, Feb, March 2016</i>	<i>March 2016</i>
Key messages	<ul style="list-style-type: none"> Meet the Panel that will guide the process This is the first time the NZ public will have a say in the design of the NZ flag You can vote to keep our flag or change it (you decide) This decision is to be made by the people, not Government or the Panel 	<ul style="list-style-type: none"> This is our country, our flag; it unites us Discuss these key questions: <i>What is the purpose of our flag? What should it say about us/our country/our identity?</i> Here's how you can get involved (process, timelines) 	<ul style="list-style-type: none"> Here's how you can create a flag (guidelines) Anyone can suggest a design (terms & conditions) Here's how & where to share it with others (website, how to upload etc) 	<ul style="list-style-type: none"> This is the first time NZers have had a chance to choose their national flag Take this opportunity to have a say, even if you think you'll vote to keep the current flag in the next referendum You can vote for one of the alternatives, or rank them all 	<ul style="list-style-type: none"> Here's the alternative you'll be considering against the current flag in the next referendum Take the time to think about it carefully as this may be the flag that you (your children, & even children's children) will have for generations to come 	<ul style="list-style-type: none"> Think carefully about which flag, the current design or the alternative, best represents our country & our identity You are voting to keep our flag or change it - the choice is yours Once it's decided, it's decided - the outcome is binding
Key actions	<ul style="list-style-type: none"> interim web presence on www.govt.nz meetings with key agencies frequently asked questions media releases & responses early conversations with all communities including iwi & Māori leaders design guidelines & terms / conditions 	<ul style="list-style-type: none"> full website hosted on Common Web Platform with flag.govt.nz url information brochure public / media launch marketing and communications campaign school resource in English & Māori resources for groups to organise own discussions invite all New Zealanders, including Māori, to participate in discussions a travelling presence at events & public spaces 	<ul style="list-style-type: none"> guidance available on good design responses to key questions shared online & at meetings design suggestions shared online a travelling 'road show' presence at events & public spaces public discussions on the purpose of the flag & diverse views on what it should say marketing & communications campaign 	<ul style="list-style-type: none"> communication about the four alternative designs & why chosen information sheet in stakeholder & voting packs 	<ul style="list-style-type: none"> alternative flag design, with supporting information, available for use at events, in publications & online marketing & communications campaign 	<ul style="list-style-type: none"> information sheet in stakeholder & voting packs marketing & communications campaign
Monitoring for key messages	<ul style="list-style-type: none"> mainstream / social media monitoring vox-pop interviews 	<ul style="list-style-type: none"> mainstream / social media monitoring website monitoring questions in omnibus survey vox-pop interviews evaluate key activities 	<ul style="list-style-type: none"> mainstream / social media monitoring website monitoring questions in omnibus survey vox-pop interviews 	<ul style="list-style-type: none"> mainstream / social media monitoring website monitoring questions in omnibus survey 	<ul style="list-style-type: none"> mainstream / social media monitoring vox-pop interviews 	<ul style="list-style-type: none"> post-project survey process evaluation of project
Role of Panel members	<ul style="list-style-type: none"> available for questions & comment meet with stakeholders 	<ul style="list-style-type: none"> profile on website encourage participation in discussion participate in launch events participate in meetings / key events 	<ul style="list-style-type: none"> direct all designs through the Secretariat process share what heard through meetings encourage participation 	<ul style="list-style-type: none"> recommend four alternative designs based on guidelines & what the public think it should say talk about the four alternative designs & why chosen encourage people to vote 	<ul style="list-style-type: none"> share what heard through meetings talk about the alternative design talk about the current flag, its history & what people have said about it encourage people to vote 	<ul style="list-style-type: none"> thank people for their participation encourage & receive feedback on the process
Role of Responsible Minister	<ul style="list-style-type: none"> clarify with key stakeholders the role of the Panel & the process approve the engagement process 	<ul style="list-style-type: none"> encourage participation in discussion 	<ul style="list-style-type: none"> direct all designs through the Secretariat process 	<ul style="list-style-type: none"> confirm four alternative designs as part of the ballot paper encourage participation in the 1st referendum 	<ul style="list-style-type: none"> communication around the result of 1st referendum encourage participation in the 2nd referendum 	<ul style="list-style-type: none"> communication around the result of 2nd referendum acknowledge participation & contributions

ENGAGEMENT PROCESS OVERVIEW



