
Report

To **Hon. Bill English**
Deputy Prime Minister

From **Professor John Burrows**
Chair, New Zealand Flag Consideration Panel

Subject **Report to the Responsible Minister at the conclusion of the New Zealand Flag Consideration Project**

Action sought **Note** the activities undertaken by the Panel in performing its communications and engagement role in the lead-up to the two referendums

Note the summary of what the Panel has learned from performing the tasks outlined in its terms of reference

Agree to publish this report on the Department of the Prime Minister and Cabinet website

Date 4 May 2016

Introduction

1. Having completed its role, the New Zealand Flag Consideration Panel would like to share what it has learned from performing the tasks outlined in its terms of reference. It believes that these observations may be of benefit to this and future administrations, or to pass on to other countries who are seeking lessons from this process.
2. As required in its terms of reference, the Panel reported back to you in August 2015 on the findings of its initial public engagement process and its recommendations of alternative designs for inclusion in the first referendum.
3. Following this, the Panel focussed on the final task in its terms of reference, which was to 'assist with ongoing communication to help provide information about the different options' in the lead-up to two referendums. This report provides a high-level summary of the activities undertaken during this stage and the number of people engaged by them.
4. The summary demonstrates the comprehensive nature and effectiveness of the Panel's engagement activities. The Panel is proud the project achieved this level of public involvement. The Panel believes that it consistently delivered against the guiding principles the Cabinet established for the project, particularly in terms of it being inclusive and community-driven.
5. The Panel notes that the turnout in the second referendum was 67.8%, with over 2 million New Zealanders participating in this final stage of the project.
6. The Panel recognises that this was a unique project and feels privileged to have been asked to design and lead the public engagement process. It was the first time in history that any country had given the public an opportunity to decide the future of its national flag and the Panel applauds the democratic nature of the project.

Activities undertaken in the lead up to the two referendums

7. In performing its communications and engagement role in the lead-up to the referendums, the Panel undertook a range of activities, including:
 - updating its website with information about the flag options and the stories behind them, which attracted over 334,000 online visits between the two referendums and 2.25 million online visits over the course of the whole project (as at 8 April 2016);
 - ongoing social media activities including a Facebook page and a Twitter profile, which reached over 1.1 million people between the two referendums and over 2.71 million people during the course of the whole project (as at 8 April 2016);
 - traditional media activities (excluding paid advertising), which were estimated to be reaching an average of 2.6 million people per week;
 - video content pieces on its website and Facebook page, which were viewed over 676,000 times between the two referendums and 1.75 million times over the course of the whole project (as at 8 April 2016);
 - providing information in multiple languages and in accessible formats;
 - education and community resources enabling people to undertake their own discussions and activities relating to the project;
 - the production of a resource highlighting key facts about the history of the New Zealand Flag and the discussions on its future;
 - diverse nationwide advertising activities through television, press, magazine, radio and other channels, with a particular focus on communities who historically have lower rates of voter turnout; and,
 - a range of other activities focussed on ensuring the public was well-informed about the flag options and people's diverse views on the future of the flag.
8. The Panel also notes that preferential voting (referendum one) appeared to create confusion with some voters.

The Panel's reflections from the Project

9. Now that it has the benefit of hindsight, the Panel would like to share its reflections on what can be learned from the project that may be of benefit to this and future administrations.
10. To inform its views, the Panel:
 - reviewed its activities during the course of the project;
 - sought feedback from stakeholders during, and at the conclusion of, the project; and,
 - collectively discussed what was learned at the project's conclusion.
11. Taking the above into account, the Panel would like to make a set of recommendations as to how a process to decide the future of the national flag could be run, which may also be of benefit for other nationally significant projects or for other countries seeking lessons from this process.
 - 11.1. **The Panel recommends that such a project, and those leading it, must have significant, visible and ongoing cross-party support.**
 - Such support does not require all political parties to support a particular outcome. Rather, it relates to the need for parties to support the opportunity for discussion to take place, and the rights of people to share and debate their views.

- The Panel notes that in his speech of March 2014 announcing the intention to undertake this project, the Prime Minister said that it was important “that these discussions and debates happen outside party politics”.
- The Panel was aware that several of the major political parties had previously indicated their support for a process to consider the future of the flag.
- The Panel also notes that a Cross-Party Group of Members of Parliament, involving all but one of the political parties (which chose not to participate), was formed to nominate people for the Panel and ensure the quality of the referendum legislation.
- The Panel was therefore disappointed that the cross-party process did not lead to sustained cross-party support for the project and the Panel.
- In the absence of this support, the project became politically charged. In the Panel’s view, this made it difficult to keep the discussion focussed on our national identity and other core considerations related to the future of our national flag.

11.2. The Panel recommends that a significant amount of time and effort is put into creating a receptive environment for public engagement at the beginning of such a project.

- The purpose of this stage would be to:
 - ensure people understand ‘why’ the question is being asked and / or the process is taking place;
 - ensure people understand what the process will be and why it is structured that way;
 - ensure that any timeframe or process changes could be recommended following detailed project planning;
 - prepare people for the idea of talking about the particular topic in question (i.e. in this case, our identity as a nation and its connection to our flag);
 - provide background information related to the wider context around the discussion (i.e. in this case, symbols of nationhood, the purpose of flags and the history of flags in New Zealand etc.); and,
 - secure buy-in from key stakeholders and the general public.
- While the Panel delivered a wide range of communications activities, more could have been done to create a receptive environment before the Panel was appointed. Alternatively this could have been done by the Panel (supported by Government Ministers and officials) if there had been more time at the outset. Unfortunately, the latter was not possible given the timeframes the Panel had to perform the tasks in its terms of reference.
- The Panel found that the public valued the resources it produced; such as the education resource for schools and the videos on specific topics. However, these were often produced in response to significant gaps in people’s knowledge, which could have been addressed earlier.
- The Panel believes that an improved understanding of the context around the project would have resulted in discussions that were more focussed on questions of relevance to the future of our national flag.

11.3. The Panel recommends a longer overall timeframe be provided for such projects in the future.

- This would have enabled the issues in 11.2 to be addressed.
- More time at critical stages would have also enabled the Panel to undertake the following activities:
 - The Panel developed design guidelines and conditions for flag suggestions. Subsequently, following its initial public engagement process, the panel also developed a compelling set of criteria for selecting preferred designs. More time at the relevant stage would have enabled the Panel to develop their criteria before calling for alternative flag designs. This would have provided flag designers with a comprehensive brief to work to before suggesting their designs.
 - The Panel notes that the public release of its long-list of 40 preferred alternative designs generated a lot of discussion within communities, work places, schools and homes. More time at the relevant stage could have enabled the Panel to better gauge and consider people's responses to this long-list.
- This said, the Panel carefully deliberated on all the alternative flag options and believes that the outcome of the first referendum is unlikely to have been different had more time been available for its selection process. However, more time would have allowed more consultation and greater buy-in.
- The Panel is not necessarily suggesting that its own involvement should have been for a longer overall time. Much of the preliminary work could have been done before its appointment, and more time could have been gained at critical stages of the project by adjusting the time spent on other stages.

11.4. The Panel recommends all efforts should be made to explain to the public the costs associated with democratic processes, such as that used for this project.

- The Panel acknowledges the value of using a fully democratic process to decide the future of our national flag and applauds the Government for choosing this approach.
- The Panel acknowledges the sensitivity around the cost of the project from the beginning, and that concerns around this were a barrier to many people's acceptance of the project and participation in it.
- Given that the budget was set before it was appointed, the Panel did not believe it was in a position to respond to this issue.
- In terms of reducing cost, the Panel recognises that a range of options were explored by officials around how the project and referendums could be conducted before making their recommendations. It notes the advice from officials was that the chosen option was the most inclusive and cost-effective.
- However the Panel notes the frequent calls, during the course of the project, for the use of online voting. This was often based on a belief that this would both reduce costs, and broaden voter participation.
- The Panel has been informed by the Electoral Commission that online voting was unlikely to reduce costs in this instance.
- The Panel believes that both the cost and voter participation hypotheses should be tested, and that consideration should be given to use of online voting.

11.5. The Panel acknowledges that the design community has a unique interest in this project. It recommends that additional ways to involve that community should be found when the question arises again in the future.

- The Panel notes that its terms of reference provided for it 'to seek input from flag experts, design experts, tikanga Māori experts, and other experts as required, to ensure a range of suitable alternative designs were available'.
- It further notes that the Panel planned for and sought this input from the beginning of its process in a number of ways including;
 - receiving presentations from experts in the early stages of the project;
 - undertaking a comprehensive process of due diligence in relation to the alternative flag designs suggested; and,
 - inviting a number of cultural (including tikanga), vexillology (the study of flags), art and design advisors to provide confidential, technical feedback on the preliminary long list of designs under consideration.
- The Panel notes that it was pleasing to see a large number of designers and artists make flag suggestions. Panel members reviewed and considered every flag as part of their decision making process.
- The Panel also notes that it requested modifications to 6 suggested flag designs, in association with the respective designers, prior to making its final selections.
- Despite the Panel's attempts to communicate that it had sought and considered this input, the perception that the Panel's selection was made without input from the design community persisted.

11.6. The Panel recommends that the experiences of the Flag Project are carefully considered when developing the structures and terms of reference, for bodies associated with future projects.

- The Panel believes that there was considerable confusion, within the general public, around the Panel's role in the project, with some believing it was established specifically to bring about a change in the flag.
- In fact, the Panel was steadfast in its role as a neutral participant in the process. In hindsight, the Panel believes this resulted in some gaps in terms of roles and activities.
- For example, the Panel notes that there were times when the commentary around the project was not fair, balanced or accurate. The Panel did not feel able to respond to such rhetoric, given its neutral role; believing that if it did respond, it would be accused of bias. Consequently, some misconceptions persisted through until the end of the project.
- The Panel believes that future project structures should anticipate and provide for ways to address such eventualities. For example, future panels could be given a mandate to assist a balanced range of advocacy groups to be more active in the discussion, by providing them with resources and / or more opportunities to express their views.
- As another example, the Panel felt that at times there were no real champions for the different flag designs. This was outside of the Panel's terms of reference. Consequently, some flag options were promoted more actively and extensively than others.

- The Panel feels that in future, consideration might be given to other ways of structuring and allocating roles within the project. For example, there could have been one body charged with overseeing the project as a whole, including the budget and public information activity. Alongside this, a separate body could have been mandated to select the alternative flag options and then proactively promote them to the public.

Conclusion

12. The Panel notes that it is not clear how many New Zealanders support a change to the New Zealand Flag. The final result indicates that a significant number of New Zealanders are indeed open to changing it.
13. It therefore recommends that this and future administrations remain open to a timeframe and process by which the matter can be addressed again.
14. Finally, the Panel wishes to acknowledge the excellent support it received throughout the project from its Secretariat, ably led by Ms Kylie Archer. The novelty and complexity of the issues involved placed heavy demands on the Secretariat. They performed their task with remarkable efficiency and ability.
15. I recommend that you:

Note the activities undertaken by the Panel in performing its communications and engagement role in the lead-up to the two referendums

NOTE

Note the summary of what the Panel has learned from performing the tasks outlined in its terms of reference

NOTE

Agree to publish this report on the Department of the Prime Minister and Cabinet website

AGREE / NOT AGREE / DISCUSS



Professor John Burrows
Chair, New Zealand Flag Consideration Panel

Date: 04 / 05 / 2016



Hon. Bill English
Deputy Prime Minister

Date: 6 / 5 / 2016

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