NEW ZEALAND FLAG CONSIDERATION PANEL

DATE	11 August 2015 (FCP Min Ref: 300715) 11am until 4:00pm
VENUE	Wellington – MOJ 19 Aitken St, level 3, meeting room 3:14
PANEL ATTENDEES	Professor John Burrows (Chair), Kate De Goldi (Deputy Chair), Nicky Bell, Peter Chin, Julie Christie, Beatrice Faumuina, Rhys Jones, Stephen Jones, Sir Brian Lochore, Malcolm Mulholland and Hana O'Regan
APOLOGIES	Rod Drury
PRESENT	Kylie Archer (Director), Jo Crawford, Martin Rodgers, Suzanne Stephenson and Ian Thompson

PURPOSE

TO AGREE

• the provisional list of 4 designs (plus reserves) for final due diligence

AGENDA

ITEM	TIME	TOPIC	PRESENTED BY
1.	11:00am	 Welcome from the Chair (tea and coffee on arrival) 30 July meeting notes and actions (for approval) Conflict of Interest Register update 	Prof. John Burrows Chair
2.	11.10am	Process to arrive at designs for final due diligence	Martin Rodgers
3.	12.00pm	Overarching rationale for the makeup of the final four	Martin Rodgers
4.	12.30pm	Report back on due diligence and design refinement	Ian Thompson
	12.45pm	Lunch and time to make individual selection	
5.	1.15pm	Selecting the designs for final due diligence	Martin Rodgers
6.	2.30pm	Next steps • Process for final due diligence • Report to the Responsible Minister	Kylie Archer
7.	3.00pm	 Engagement and communications activity Update on progress Panel's activities 	Suzanne Stephenson Martin Rodgers
8.	3.15pm	Other business	Kylie Archer

Next meeting: 17 September 2015, 11am – 4.00pm, (Wellington - MOJ 19 Aitken St)

NEW ZEALAND FLAG CONSIDERATION PANEL

DATE	30 July 2015 (FCP Min Ref: 150730) 11.00am until 4.00pm
VENUE	War Memorial Museum, Te Aro, Wellington
PANEL ATTENDEES	Professor John Burrows (Chair), Kate De Goldi (Deputy Chair), Nicky Bell, Peter Chin, Julie Christie, Beatrice Faumuina, Rhys Jones, Stephen Jones, Sir Brian Lochore, Malcolm Mulholland and Hana O'Regan
PRESENT	Kylie Archer (Director), Jo Crawford (Executive Assistant), Martin Rodgers (Project Manager), Ian Thompson (Senior Advisor), Suzanne Stephenson (Communications Specialist)
APOLOGIES	Rod Drury

MEETING NOTES AND ACTIONS

ITEM	ТОРІС	DECISIONS & NOTES	DEADLINES
1.	Welcome from the Chair	23 July meeting notes and actions were approved.	
		The Panel noted the update on the progress of the Bill	
		Panel members declared the following potential conflicts of interest:	
		Nicky Bell -	
		It was noted that Board of NZ Story has formally agreed to support the use of the NZ Way Fern Mark in any flag design	
2.	Advisory Group	 Panel attendees reported on the advice given at the Advisory Group meeting held on the 29 July any problematic designs 	
		- any particularly strong designs	

3.	Report Back on Actions	 The Advisory Group also recommended the Panel revisit the range of designs with a view to include more geometric / reductive designs in the long list The Panel revisited the preliminary long-list, taking this feedback into consideration 	
J.	since 23 July	 The Secretariat has made contact with all of the designers on the long-list. The open letter drafted by Kate De Goldi was tabled at the meeting and agreed to in principal, subject to changes based on Panel feedback. It was agreed Nicky Bell would work with the Secretariat on the title and designers description for each flag 	
4. & 5.	Shortlisting	 The Panel discussed options for a shortlist of designs It was agreed that two designs should be refined based on Panel feedback. The refinements were to be agreed and completed before the publication of the long list 	10 August FCP
6.	Engagement Approach	 It was agreed the overall engagement approach after the four referendum designs have been publicly announced will be discussed at the next FCP Meeting of 11 August. 	
7.	General Business	 Risk Register – the panel approved the risk register tabled at the FCP Meeting on 23 July The Panel agreed to extend the original timeline by one week to provide sufficient time to complete the required due diligence. The revised dates for upcoming milestones are: Long list to be announced 10 August Report to Responsible Minister by 28 August 4 referendum designs to be announced 1 September 	

Next meeting: 11 August 2015, 11am – 4pm, (Wellington – MOJ, 19 Aitken St, level 3)

New Zealand Flag Consideration Panel

Secretariat Report: 11 August 2015 (as at 7 August 2015)

Summary

This report to the Flag Consideration Panel (the Panel) provides information ahead of the process to select the provisional four designs to be included in the first referendum.

Recommendations

It is recommended that the Flag Consideration Panel:

- 1 **Note** the Secretariat update in section 2 of this report;
- 2 **Note** the final briefing sent to the Responsible Minister as an update on the process to select four alternative designs, which is attached as appendix 1 to this report;
- Note the draft Report to the Responsible Minister on the findings of the Panel's engagement, under item 6 of this agenda;
- 4 **Note** that the Report is to be finalised by the Panel and presented to the Responsible Minister by 28 August 2015;
- Note the Panel agreed the Communications and Engagement Plans provided to the Panel by email on 24 July 2015;
- Note the final open letter from the Panel to accompany the public release of the long-list of design on 10 August 2015, which is incorporated into the papers under item 7 of this agenda; and,
- 7 **Note** the request for Panel members to provide an update on any conflicts of interest.

Purpose

- 1 The purpose of this paper is to:
 - a. provide Panel members with an update on the Project; and,
 - b. assist the Panel to select the provisional four designs and report to the Responsible Minister on the findings of its engagement.

Secretariat update

The Secretariat has been focussed on undertaking due diligence and co-ordinating the refinement of designs as requested by the Panel. It is also preparing for the release of the

long-list and the final four designs, as well as the next stages of the Panel's engagement activities.

a. Due diligence:

We have completed New Zealand criminal conviction checks for all the designers who have flags on the long-list. These checks have not raised any matters of concern to the Panel.

It is noted that five of the designers are New Zealanders living overseas and two are not New Zealand nationals. We have not been able to complete additional overseas criminal conviction checks on these designers. We will undertake this check on the three designers that are based in Australia and the results of these will be available within three weeks. Four of the designers are based in countries (Britain, China and Indonesia) where the process to undertake criminal checks is lengthy or particularly complicated. We do not propose to undertake overseas criminal conviction checks on these designers. It is noted that all designers have already been asked to inform the Panel if any issues that are likely to arise from a criminal check and none have been identified by these people.

b. Design refinements:

Panel members requested that refinements be made to three of the designs on the long-list it agreed at its 30 July meeting. These refined designs were circulated to the Panel on 4 August 2015. The designers concerned have subsequently been contacted to seek their response to the proposed changes. All have agreed to the proposed refinements.

c. Release of the long-list:

The long-list is to be released at 4.00pm on 10 August 2015. This will involve media releases being sent out accompanied by a randomised montage of the 40 designs on the long-list (with updated titles and descriptions) and the open letter from the Panel. The final release and frequently asked questions are included under item 7 of the agenda.

In preparation for this release, a briefing has been sent to the Responsible Minister. He will provide an oral update to Cabinet on the morning of 10 August.

To coincide with the release, a letter from the Chair will be sent to all designers whose flags are not included in the long-list, thanking them for their contribution. A brief update from the Chair will also be sent to all members of the Cross-Party Group of MPs on 12 August.

d. Tino Rangitiratanga Flag:

As requested, we have been seeking to confirm with the original designers that the Tino Rangatiratanga Flag will not be included in the long-list as a consequence of the views that the Panel heard very firmly expressed at its Waitangi engagement hui.

As a matter of courtesy, on Friday 7 August the Chair of the Panel, John Burrows and Panel member Malcolm Mulholland met with representatives of the designers of the original flag to communicate the Panel's decision.

e. Flagpole device:

We have been in discussions with the Panel's advertising services provider about the proposed flagpole device, onto which people that contributed to the Panel's engagement activities could elect to have their names etched. We have explored more cost-effective ways in which these names could be captured in an enduring way. Physical and digital alternatives have been proposed and these will be developed further (and costed) for future consideration.

Next steps

The next steps in the Panel's process following this meeting are:

a. Final due diligence:

Once the Panel has selected its provisional four flag designs and reserves, these will be subject to final due diligence including international intellectual property and copyright checks. This is due to be completed by 20 August. During this period, matters may also be brought to our attention following the public release of the long-list. Should any matters of concern arise, the Panel members will be notified immediately with, if necessary, a recommendation around the inclusion of the reserve designs.

b. Report to the Responsible Minister:

This is now due to the Minister on 28 August 2015. The information to be included in the report is set out in the Panel's terms of reference. A draft version of the report is included under item 6 of this agenda for the Panel's initial feedback.

An updated draft, including the final four designs for recommendation to the Minister, will be circulated to the Panel on Friday 21 August. Final approval will be sought from all Panel members **by return email** before 12 noon on Monday 24 August. The Chair will then be asked to sign and present the report by the due date.

The Panel's recommendations will be considered by Cabinet on Monday 31 August 2015, for subsequent inclusion in the first referendum.

c. Announcement of the final four designs:

This is currently scheduled to occur at 10am on Tuesday 1 September 2015. All Panel members have been requested to attend the announcement from 9.00am to 1.30pm, which will take place in Wellington. Further details on this event will be presented at the Panel meeting.

d. Next steps with engagement:

We are undertaking further investigation into the engagement activities proposed in the engagement plan for the period following the announcement of the final four designs.

e. Future Panel meetings:

It is proposed that the Panel revisits the schedule of future meetings. Firstly, we recommend that the next meeting, scheduled for 17 September, is cancelled as it is unlikely the Panel will have substantial business to address at that time.

In addition to this, we recommend that subsequent meetings (as listed in the table below) be shortened to take place from 1.00pm to 4.00pm as we believe this will be sufficient for the Panel to complete its business.

f. Summary of next steps:

Date (2015)	What
11 - 20 August	Final due diligence on designs.
21 August	Final draft of the Report to the Responsible Minister circulated to Panel members.
24 August	Panel members email approval for the report by 12 noon.
By 28 August	Chair signs and presents Report to the Responsible Minister.
31 August	Cabinet considers Panel's recommendations.
1 September	Four designs announced. Panel members are asked to be present at the media event in Wellington from 9.00am to 1.30pm.
2 September to 19 November	Communications and engagement activity. Panel members present designs at meetings organised by community organisations.
17 September	Panel meeting in Wellington (suggestion that this meeting is cancelled).
20 November	Panel meeting in Christchurch (suggestion that the timing is 1.00 to 4.00pm).
20 November to 11 December	Timeframe to return voting papers for the first referendum.
15 December	Panel meeting in Wellington (suggestion that the timing is 1.00 to 4.00pm).

Date (2016)	What
3 to 24 March	Timeframe to return voting papers for the second referendum.
31 March	Panel meeting in Wellington (suggestion that the timing is 1.00 to 4.00pm).

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)

Appendix 1 – Final briefing to the Responsible Minister as an update on the process to select four alternative designs



Briefing

To Hon. Bill English

Deputy Prime Minister

From Professor John Burrows

Chair, New Zealand Flag Consideration Panel

Subject Update on the process to select four alternative designs

Action sought

Note the reach and findings of the Panel's public engagement

Note the progress made in selecting the four alternative designs for inclusion

in the first binding postal referendum

Note the long-list of designs selected by the Panel

Note the Panel will report back on its findings by 28 August 2015

Date

7 August 2015

Deadline

10 August 2015

The public engagement phase

1. The New Zealand Flag Consideration Panel (the Panel) concluded the first phase of its public engagement on 16 July 2015. At that point, 10,292 flag designs meeting the minimum standards had been suggested, the Panel's websites had attracted 850,000 online visits and traditional media activities were estimated to be reaching an average of 2.6 million people per week.

2. A further breakdown of the reach of and participation in the Panel's engagement activities is attached as appendix 1 to this report. The findings of this engagement phase have been summarised and taken into account by the Panel in its subsequent selection of designs. This included a summary of what over 43,000 people said that they 'stand for' through the website and in postcards returned to the Panel, which is attached as appendix 2.

The flag selection process

- 3. The Panel has met twice (on 23 and 30 July 2015) as part of its process to select the four flag designs for inclusion in the first referendum.
- 4. In addition to these sessions, the Advisory Group met as scheduled on 29 July, with four members of the Panel in attendance to respond to any questions and receive the collective advice of the group. This proved to be a very informative and beneficial session, the results of which were reported back to the full Panel at its 30 July meeting.

Long-list of alternative flag designs

- 5. At its meeting on 17 June 2015, the Panel agreed in-principle to publish a long-list of alternative flag designs in order to:
 - continue the transparent approach employed to date; and,
 - flush out any copyright or other issues with any of the long-listed designs.

6. The Panel has now agreed this long-list and it is attached to this report as appendix 3. It intends to release this to the public on 10 August 2015.

Risks and mitigations

- 7. To identify issues with any design that could potentially become the official New Zealand flag, designs included in the long-list are going through an initial due diligence process, which includes intellectual property matters and criminal checks for the designers. To date, we have completed New Zealand criminal conviction checks for all the designers who have flags on the long-list. These checks have not raised any matters of concern to the Panel.
- 8. It is noted that five of the designers are New Zealanders living overseas and two are not New Zealand nationals. We have not been able to complete additional overseas criminal conviction checks on these designers. We will undertake this check on the three designers that are based in Australia and the results of these will be available within three weeks. Four of the designers are based in countries (Britain, China and Indonesia) where the process to undertake criminal checks is lengthy or particularly complicated. We do not propose to undertake overseas criminal conviction checks on these designers. It is noted that all designers have already been asked to inform the Panel if any issues that are likely to arise from a criminal check and none have been identified by these people.
- 9. As a matter of courtesy, members of the Panel have met with representatives of the designers of the Tino Rangatiratanga Flag to inform them that the design, and those based on it, will not be considered as part of the Panel's process as a consequence of the views the Panel heard very firmly expressed at its Waitangi engagement hui.
- 10. Several websites have been established that enable the public to rate and comment on alternative flag designs, including those suggested to the Panel. There is a risk that designs profiled through these mechanisms will gain public support resulting in an expectation that the Panel will select them for inclusion in its long-list and or the four designs to be included in the first referendum. When it first developed its selection process, the Panel agreed that it would not run a 'competition' as such, for the reasons outlined in its 7 April report to you. Rather, it will explain its selection criteria and emphasise that it has to take into account a wide range of considerations when arriving at its selections, including the principles of good flag design, intellectual property rights and cultural matters. To aid this communication, the Panel will release the 'open letter', attached as appendix 4, with the long-list of designs when these are announced.
- 11. There continues to be comment on and interest in the process that the Panel is using to select the final four designs. The Panel has been and will continue to be as transparent about its process as it feels that it can be, and respond to queries as they arise.
- 12. The Panel has maintained and regularly updated its risk register. This includes a process by which Panel members regularly consider and declare any potential conflicts of interest.
- 13. The Panel notes that there will be commemorations taking place on 8 August 2015 to mark the centenary of the Battle for Chunuk Bair on the Gallipoli Peninsula. These will have taken place before the release of the long-list of designs on 10 August.

Next steps

- 14. As noted above, the Panel has been undertaking due diligence on the suggested designs throughout the selection process. The results of this will be presented to the Panel at its next meeting on 11 August 2015.
- 15. At this meeting, the Panel will select the provisional four designs, and reserve designs. These will then be subjected to final due diligence checks to ensure there are no known legal impediments to the choice of proposed designs.
- 16. The Secretariat has been in regular and ongoing contact with the Electoral Commission to ensure the Panel's activities will be separate from, and complementary to, that agency's role in providing information to the public about how to vote in the referendum process.

- 17. On 28 August 2015, the Panel will provide a report to you, as specified in its terms of reference. As highlighted to you last week, this report will be provided one week later than the 21 August date in the Panel's terms of reference. This will provide the Panel with the necessary time to complete its due diligence.
- 18. As agreed with you, the Panel will announce the final four designs for inclusion in the first referendum on 1 September 2015. It will consult with your office regarding the media release that will accompany this announcement.
- 19. Consistent with its terms of reference, once the final 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.
- 20. I recommend that you:
 - Note the reach and findings of the Panel's public engagement

NOTED

 Note the progress made in selecting the final four designs for inclusion in the first binding postal referendum

NOTED

Note the long-list of designs selected by the Panel

NOTED

Note the Panel will report back on its findings by 28 August 2015

NOTED

	n. Bill English puty Prime Minis	ter
Date: / / 2015 Da	te: / /2	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 - Long-list of alternative designs as agreed by the Flag Consideration Panel

Appendix 4 – Open letter from the Panel to accompany the long-list of designs

Please note that the appendices have not been included in this copy to the Panel



Report

o 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 in time for inclusion in the first referendum

Date

27 August 2015

Deadline

31 August 2015

Introduction

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 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 hashtag and a Facebook page, which reached 1.18 million people;
 - traditional media activities, which were estimated to be reaching an average of 2.6 million people per week;
 - brochures in multiple languages and information presented in accessible formats;
 - video content pieces, which were viewed a total of 518,498 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 Maori engagement strategy which included presentations to the NZ
 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

- 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 with the five most common being; freedom, history, equality and respect.
- The above information was provided to Panel members so that it could be taken into account as part of its process to select the alternative flag designs.
- The Panel also received feedback during its consultation activities with Māori that the Tino Rangatiratanga flag design, and other flags incorporating that design, should not be considered in the Panel's process. Panel members subsequently decided to exclude these designs from further consideration as part of its process.

Common design elements

- The Panel provided information to assist people wanting to suggest alternative flag designs, which included a set of design guidelines and a video produced by the Designers Institute of New Zealand on the principles of good flag design (which was viewed over 36,000 times).
- 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 two weeks following this, the gallery of the long-listed designs attracted over xxx page views.
- 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 M\u00e4ori culture, nature and history.

Process to narrow down designs

- The Panel has undertaken and agreed 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;
 - 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 the 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;
- collectively agreeing a list of designs for further due diligence, including international copyright checks; and
- 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

- 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, Māori, Pasifika and Asian perspectives.
- 12 To address potential copyright impediments, the Panel:
 - 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;
 - 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 final four designs.
- 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.
- The Panel also publicly release its long-list of alternative designs on 10 August 2015, which provided a further opportunity for any matters of concern to arise.

Panel's recommendations for four alternative designs

- Having considered the input received during its engagement, the advice of its Advisory Group and the information from its extensive due diligence checks, the Panel recommends the four flags contained in appendix 4 of this report.
- The Panel believes it has robustly and faithfully undertaken the tasks set out in its terms of reference.
- 17 It would like to acknowledge the assistance that it has received from the Secretariat in performing its role.
- 18 s9(2)(i)
- Consistent with its terms of reference, once the final 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.

20 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

NOTE

 Agree to present the Panel's recommendations for four alternative designs to Cabinet in time for inclusion in the first referendum

AGREE

Professor John Burrows
Chair, New Zealand Flag Consideration Panel

Date:

/ 2015

Hon. Bill English Deputy Prime Minister

Date: / / 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 elements incorporated into designs suggested to the Panel

Appendix 4 - The four alternative flag recommended by the Panel