ICAP Meeting - 1 May 2008

First Meeting
1 May 2008, 2.00-5.00pm
RACV Club, Melbourne

Present:
Jonathan Brake, Greg Crew, Luke Dale, Chris Disspain, John Higgins, Amin Kroll, Cheryl Langdon-Orr, Jo Lim, Bruce Matthews, Craig Moran, Craig Ng, Jacki O'Sullivan, George Pongas, Melanie Rainey, Elspeth Ross, Mark Salkin, Dean Shannon, Kartic Srinivasan, Tony Steven, Alex Woerndle

Teleconference:
Anthony Saines, Paul Szyndler, Nikki Vajrabukka

Apologies:
Teresa Corbin

Actions:

• Panel members to continue discussion of issues on mail list.
• JL to circulate draft Issues Paper.
• JL to provide information in relation to complaints handled by auDA about registrars and resellers.

Discussion:

1. Welcome and introductions

Panel members and observers introduced themselves and declared relevant interests.

2. Panel operating procedures

The Panel noted and agreed the operating procedures, including the proposed meeting schedule (attached).

3. Introduction to .au domain industry

Jo Lim gave a presentation outlining the historical and current structures of the Australian domain name industry (copy of presentation circulated on mail list).

4. Panel process and deliverables

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The Terms of Reference require the Panel to undertake two public consultations before providing its final report to the auDA board. Previous Panels have released a general issues paper for the first consultation, and draft recommendations for the second consultation.

The Panel noted the following indicative timeline:

Activity	Timing
1st Panel meeting	1 May 2008
2nd Panel meeting – finalise 1st public consultation report	5 June 2008
1st public consultation	Jul 2008
Consider public consultation outcomes and draft recommendations	Aug/Sep 2008
2nd public consultation	Oct/Nov 2008
Panel's final report to auDA board	Dec 2008

5. Panel Terms of Reference – general discussion of issues

The Panel noted that the .au namespace has enjoyed healthy growth and a good reputation since the introduction of industry self-regulation in 2002, and that the auDA Board has not identified any particular problems or priority issues for the Panel to consider. It was agreed that any changes to be recommended by the Panel should focus on enhancing industry performance and improving the overall utility of the .au DNS to the Australian public.

auDA staff and Panel members raised a number of issues and concerns during general discussion about the Terms of Reference.

1. REGISTRY OPERATOR SELECTION
This appears to be the major issue for the Panel to consider. We have a competitive registry policy, but for practical reasons, only one registry operator for all open 2LDs (excluding closed domain registries). 'Competition' is achieved via a 4-yearly re-tendering of the registry contract, and clearly the incumbent operator has a major advantage in this process. We may ask "is it really competitive (and does it need to be)"?
a. Is the current model and its result satisfactory? (Does it deliver best practice and good value to the Australian community and registrants?)
b. Does the re-tendering process deliver improvements in registry deliverables each time?
c. Is the re-tendering process cost-effective?
d. Should the registry contract be for a longer period (to reduce tendering costs and extend depreciation periods)?
e. Should auDA have more involvement in registry operation than now (as well as tendering and monitoring performance and prices)?
f. How could multiple registries for the same 2LDs operate? Would such operation be feasible?
g. Does separation of the policy and registry roles give best value? (Should auDA operate the registry itself?).
h. Should auDA set price and service standard levels, and seek tenders accordingly?

2. REGISTRAR ACCREDITATION
While the competition model for registrars works well (providing multiple choice and a range of prices and service levels to registrants), auDA staff have raised some issues around the accreditation process.
a. Do the current registrar accreditation criteria and fees (set in 2002) need to be changed?
b. Should the list of essential registrar functions be extended as a requirement of accreditation? Or should they be restricted to prevent registrars competing in areas where they would have an advantage over non-registrar providers?
c. Should special conditions or restrictions be placed on non-Australian registrars? If so, what?
d. Should auDA implement penalties for breaches of accreditation requirements (other than taking legal action)? What penalties could be applied, for what breaches, and how enforced?
e. Should there be any restrictions on the number of registrar accreditations (ie. connections to the registry) that can be owned or controlled by the same person/entity?
f. Should there be any restrictions on registrars' involvement in other domain-related businesses, such as monetisation and resale of domain names?

3. RESELLERS
a. Should auDA be directly involved in regulating resellers?
b. If so, what requirements should be placed on resellers, and what privileges should they enjoy?

4. REGISTRANTS
a. What rights (other than right to use) should registrants have with respect transfer of their supplier (reseller or registrar)?
b. Does the current transfer policy and process (set in 2003) need to be changed?
c. What role should auDA perform in handling registrants' complaints about their supplier?
d. What should auDA do to improve public understanding about the Australian DNS, in order to enhance the benefits of competition to consumers?

The Panel requested information from auDA about the number of complaints it has handled about registrars and resellers.

The Panel noted that the registry technical specification and other technical security issues fall outside the Terms of Reference; auDA has a Security and Stability Advisory Committee that deals with these issues.

Next meeting:
Tuesday 5 June 2008, 2-5pm in Melbourne

Operating Procedures

1. Meetings

The majority of Panel members are located in Sydney and Melbourne, therefore meetings will be alternated between the two in order to maximise attendance and participation. Panel meetings have been scheduled for the first Thursday afternoon of each month.

Thursday 1 May, 2-5pm - Melbourne
Thursday 5 June, 2-5pm - Melbourne
July – no meeting scheduled
Thursday 7 August, 2-5pm - Sydney
Thursday 4 September, 2-5pm - Melbourne
Thursday 2 October, 2-5pm - Sydney
Thursday 6 November, 2-5pm - Melbourne

The Panel may decide to adjust the meeting schedule, however as a general rule, meetings will not be rescheduled to accommodate individual members. Panel members who are unable to attend a meeting in person may participate by teleconference or send a proxy.

Participation in meetings should be as equitable as possible, given that some members will be attending in person and some by telephone. Meetings of the full Panel may be supplemented by teleconferences or meetings of sub-groups if required.

2. Proxies

Panel members are permitted to send proxies to meetings where necessary. The Panel member must ensure that their proxy is sufficiently briefed to ensure continuity of Panel proceedings. Members cannot replace themselves by proxies on an ongoing basis; if a member cannot continue their position they should resign from the Panel.

3. Confidentiality

Panel proceedings are confidential. Members are free to canvass, discuss and debate the issues outside Panel meetings (eg. on public mail lists or with their constituencies) but not to disclose the proceedings of the Panel - ie. what is actually said and by whom. To do so is likely to inhibit free discussion and work against an outcome.

4. Consensus

Consensus has been defined by auDA as a 2/3 majority. In the past, Panels have mostly been able to reach consensus without needing to call a formal vote on issues. There is an expectation that the Panel will provide a single recommendation to the auDA Board, however a significant minority opinion could also be presented to the Board as part of the Panel's final report.

5. Conflict of interest

All Panel members have, or represent, a particular stakeholder interest and in most cases the nature of that interest will be clear. However, if any members feel that they need to clarify their interests in relation to particular issues under consideration, then they should do so.

6. Minutes, papers and submissions

Panel minutes will be published on the auDA website as soon as possible after each meeting. The minutes will record the Panel's discussion, but will not attribute comments to individual members unless expressly requested by the member. Panel papers are confidential until published on the auDA website. Papers will ordinarily be published unless the Panel decides that a paper should remain confidential, in which case the minutes will record the existence of the paper. All submissions to the Panel will be published on the auDA website unless clearly marked confidential.

7. Reporting and publicity

The Panel Chair will report to the auDA Board at each Board meeting. The Panel is independent of the Board in its deliberations, but the Board has the final say on what actually happens. The only official statements made on behalf of the Panel will be made by the Chair. Panel members are free to speak about the work of the Panel, but should make it clear that they are not speaking on behalf of the Panel.

8. Panel mail list

The mail list for the Panel is panel-comp@lists.auda.org.au. Discussion on the list is confidential, and posts to the list will not be published or archived.

9. Panel resources

auDA will provide secretariat support to the Panel. auDA will also, at its discretion, provide financial assistance to Panel members who require it. auDA will consider any reasonable request for additional resources that the Panel believes are necessary to complete the Terms of Reference. Any such request should be made to auDA by the Panel chair.

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Our Organisation
Our Services
Membership
Community Programs
Careers @ auDA
Constitutional Reform
FAQ
Quarterly Stakeholder
Reports

Help Centre

Domain Name
Registrants
Website Beginners
For Registrars &
Resellers
Complaints & Disputes
Registrant Transfers

Policies

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Committees
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Reserved List policy:
Notice and FAQ
In Development:
Second Level .au
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