

Board Minutes - 9 July 2001

Public Version

Meeting of the .au Domain Administration Board

9 July 2001 - 1.00pm

.au Domain Administration Limited, Level 7, 50 Queen Street, Melbourne VIC 3000

Present:

Chris Chaundy, Greg Crew, Kim Davies, Chris Disspain, Craig Hand, Kim Heitman, David Keegel, Jo Lim, Michael Malone, Iain Morrison, Erica Roberts, Tony Staley, David Thompson, Greg Watson, Liz Williams

Teleconference:

David Lieberman

Observers:

Michelle Scott (NOIE) and George Michaelson

Apologies:

Nil

1. Continuous Disclosure

Board members declared any interests relevant to consideration of the Competition Panel's final report:

ER owns and manages a consultancy business that provides consultancy service to Melbourne IT and managers of other ccTLD registries.

CC is the delegate for net.au.

MM is the delegate for asn.au and CEO of iinet.

DK is the delegate for wattle.id.au.

LW is associated with Momentous Canada, a Canadian registrar.

GC chairs a company that is part-owned by Melbourne IT.

IM is a director of Melbourne IT.

2. Confirmation of Minutes

The minutes of the April and May meetings were approved (including for publication on the auDA web site).

3. Final Report of the Competition Model Advisory Panel

George Michaelson and David Lieberman presented the Competition Panel's final report to the board. They advised that the Panel had a steady rate of participation and achieved a good level of response to its public reports.

The following principles of the report were highlighted:

separation of policy and operations

transparency and accountability of auDA

multiple registries model – ie. registry functions are contestable (but not within the same 2LD)

open tender process for registry must allow for all possible responses

minimum technical standards and SLAs to be imposed on registry operators and registrars

adequate consumer safeguards to be imposed on registrars and resellers, via contract and/or industry code of practice

non-objective policy compliance checks to be dealt with by independent body

registrant participation in auDA to be encouraged.

The Panel Co-Chairs acknowledged the need for some flexibility with regard to implementation of the model, and therefore encouraged auDA to honour the spirit if not the letter of the report.

The board passed the following resolutions with regard to the Competition Panel's final report:

1. That the board accepts Recommendation 2.2, regarding policy authority:

Only auDA will have authority for setting domain name policy for .au.

auDA may delegate its policy authority for a 2LD under .au to another body; in which case, that body shall be subject to appropriate accountability mechanisms including the submission to auDA of an annual report that shall be published.

There should be a clear separation of policy and operations.

auDA is accountable to its members, and subject to legislative and judicial review.

Reviews of the self-regulatory regime should be periodic, independent and the results shall be published.

2. That the board accepts Recommendation 2.3, regarding the registry:

auDA will adopt a competition model that allows for multiple registries.

Provision of registry services under a licence agreement from auDA will be contestable, through a periodic open tender process to be administered by auDA.

Closed 2LDs may elect to be included in the tender process; if they choose to opt-out, then they must provide a minimum set of registry services to ensure they can function as part of the unitary DNS and meet public interest requirements.

The registry operator(s) will provide the authoritative nameserver, generate zone files and maintain public (WHOIS) information for their own 2LD(s).

Registry information will be published in a central data register to be maintained by auDA for the purposes of providing a centralised WHOIS service, by replicating the registry data in a central repository.

The registry operator(s) must provide customer service to all registrars.

The registry operator(s) will provide registrars with an electronic interface to enter and update records in the registry.

The registry operator(s) will perform final checks on domain name registrations to maintain the integrity and stability of the registry database.

The registry operator(s) shall be subject to appropriate accountability mechanisms, including the submission of reports to auDA.

auDA will set minimum technical standards, data protocols, security and service level requirements for the registry operator(s), including escrow requirements for data and registry software.

auDA will develop a disaster recovery plan, including back up plans in the event of breach by the registry, so that it is in a position to protect the .au domain and related infrastructure.

auDA will be the technical and administrative contact for making changes to DNS records for .au and the 2LDs within .au (eg. com.au).

A registry operator may not also operate as a registrar unless there is a clear and effective separation of the two business operations.

Board comment: The tender process should produce the 'best value for money' in respect of registrants.

3. That the board accepts Recommendation 2.4, regarding registrars:

Provision of registrar services will be contestable, through an accreditation process to be administered by auDA.

Registrars will provide customer sales and support services either directly to registrants or through their resellers.

Registrars will have rights of access to all 2LDs (with the possible exception of the closed 2LDs).

Registrars will perform policy compliance checks, with non-objective policy requiring approval by an independent body accountable to auDA.

In closed 2LDs with only one registrar, the registrar may perform all policy compliance functions.

auDA will impose minimum conditions on registrars, focused mainly on ensuring adequate consumer safeguards, such as privacy of personal information.

Registrars will develop and adhere to an industry code of practice to deal with issues such as transfer of registrants and complaints-handling.

Registrars will be subject to appropriate accountability mechanisms, including the submission of regular reports to auDA.

Board comment: Some matters are more appropriately dealt with in the registrar contract than the industry code of practice.

4. That the board notes Recommendation 2.5, regarding resellers, but considers that these matters are more effectively dealt with under Recommendation 2.4.

Resellers will provide customer services to registrants.

Registrars will be responsible for managing the behaviour of their resellers and will be ultimately responsible to the registrant.

Resellers should disclose their relationship with the registrar(s).

auDA should require registrars to include some minimum consumer safeguards in their reseller agreements.

Board comment: auDA should be able to regulate the behaviour of resellers via the registrar agreement.

5. That the board accepts Recommendation 2.6, regarding registrants:

auDA will ensure adequate consumer safeguards for registrants by subjecting registry operators and registrars to agreed standards that include technical standards, data protocols, security, service levels, and escrow requirements.

auDA will review its membership policy to make it easier for all registrants to participate at low cost.

Board comment: The review of membership policy should apply to all classes of membership, not just the demand class.

6. That the board notes Recommendation 2.7, regarding a funding model for auDA.

Funding for auDA will be secured primarily, but not exclusively, through a levy on domain name registrations and renewals.

auDA will charge fees for registry operator and registrar licences to meet the cost of managing compliance with technical requirements and consumer safeguards.

auDA may also charge fees for accreditation of registrars, complaints-handling, dispute resolution and other services, on a cost-recovery basis.

auDA will conduct regular reviews of its budgets and the results shall be published.

Board comment: These matters will be taken into account when auDA determines its budget and funding sources.

7. That the board accepts Recommendation 3, regarding the implementation strategy:

auDA will adopt an implementation strategy that is in accordance with sound commercial practice and ensures that the integrity and stability of the .au domain is maintained during the transition period.

The board thanked George Michaelson, David Lieberman and the Panel for their efforts.

Action: CEO to issue a media release announcing the board's acceptance of the Panel's report.

Action: auDA staff to draft an implementation plan based on the Panel's report, to be circulated to the board for approval as soon as possible.

8. COO Report

The COO presented the end of year accounts, to be audited by Meagher, Howard & Wright at the end of July. The board noted the letter from MHW advising auDA's income tax payable for 1998-2000.

9. Name Panel report on New 2LDs

This item was deferred until the August board meeting.

Action: Report to be published on auDA web site.

10. auDRP

This item was deferred until the August board meeting.

Action: Report to be published on auDA web site.

Action: DRWG to be invited to continue its work on dispute resolution.

11. Redelelegation

The CEO advised that ICANN has been provided with further information in support of auDA's redelegation request, including a statement of compliance with GAC principles and evidence of problems with service in org.au.

12. Membership

The members listed below were accepted in the classes indicated.

The Australian Internet Company P/L (supply)

Joe Cicala (demand)

Finlaysons (demand)

Anne Greiner (demand)

Keith Inman (demand)

Oznet Internet Services P/L (supply)

Phillips Ormonde & Fitzpatrick (demand)

The board discussed the need for auDA to be more responsive to, and encourage more active participation by, its members.

Action: Membership committee (LW, ER, DK) to report to the board on possible outreach strategies and initiatives.

13. Directors' Education and Training

Action: TS to follow up options for providing training to directors with regard to not-for-profit corporate governance and industry self-regulation issues.

14. Other Business

DT advised that he will be resident in the US from August. He will resign from the Audit & Finance Committee, but will remain a member of the board until the AGM. The board thanked DT for his contribution to auDA.

The proposed date for the AGM is 8 October 2001, to be followed by a board meeting on 9 October.

15. Next Meeting

The next board meeting will be held at the auDA office on Monday 13 August, 10am.