

Board Minutes - 13 October 2003

Public Version

Meeting of the .au Domain Administration Board

13 October 2003 - 1.00pm

.au Domain Administration Limited, 107 Faraday Street, Carlton VIC 3053

Present:

Greg Crew, Ric da Paz, Chris Disspain, Kim Heitman, David Keegel, Jo Lim, Peter Nissen, Josh Rowe, Peter Shilling, Tony Staley

Teleconference:

Cheryl Langdon-Orr and Greg Watson

Observers:

Lindsay Barton (NOIE), John Higgins (Hayes Knight) and Craig Ng (Maddocks)

Apologies:

Kim Davies and Peter Dean

1. Continuous Disclosure

There were no matters to be disclosed.

2. Confirmation of Minutes

The minutes of the August 2003 meeting were approved.

3. Finance Report

The board noted the August and September accounts. The only major budget variance is legal costs, due to the ongoing action against Domain Names Australia.

Motion (proposed GC, seconded JR): That the board approve the 2002-2003 audited accounts. Carried.

4. CEO Report

The following issues were noted:

Closed 2LDs

NOIE is making good progress in its review of gov.au management arrangements. Registrar services for edu.au seem to be operating smoothly. auDA has re-entered negotiations with CSIRO regarding the delegation of csiro.au.

Domain Names Australia

CN gave an update on auDA's proceedings against DNA. DNA has applied twice, unsuccessfully, to have the action struck out. The ACCC launched its own proceedings on 2 October. The board confirmed that the DNA action is a necessary and justifiable expense.

5. Policy Development

The following issues were noted:

Code of Practice

The board endorsed the revised Code and agreed that the next review should be held in 12 months time, unless there is a market-driven need for an earlier review.

Geographic 2LDs

The board noted progress on policy development for community geographic domain names. The approach that is currently being considered involves local council endorsement of domain name applications; this will require extensive consultation with local government.

New 2LDs

The board considered a paper prepared by auDA staff, suggesting that auDA adopt a two-phase approach: 1) evaluation by the New Names Advisory Panel to determine whether the 2LD meets "public interest" criteria; 2) RFT for registry operations to determine whether there is market demand for the 2LD.

The board discussed problems associated with trying to introduce new 2LDs into the existing registry environment. It was agreed that the competition model adopted by the board in 2001 may need to be revisited in light of new 2LD developments.

Action: auDA staff to draft a paper on different registry options for consideration at the next board meeting.

Resellers

JL advised that an ad hoc committee of registrar and reseller representatives has been looking at possible changes to the way that auDA deals with resellers. It is proposed that auDA should reduce the reseller notification fee to zero, make a minor amendment to the Registrar Agreement in relation to registrar liability for resellers, establish a reseller mailing list and conduct web site audits on the "top" resellers. The proposal will be released for public comment.

6. AGM

Date: Thursday 27 November 2003

Time: 10.30am

Venue: Hotel InterContinental, 117 Macquarie St, Sydney

After the AGM there will be a lunch for old and new directors, followed by a meeting of the new board.

DK advised that he will not stand for re-election at this year's AGM.

Motion (proposed TS, seconded GC): That the board express its high appreciation of DK's outstanding service to auDA as a founding director and technical advisor. Carried by acclamation.

7. Membership

The members listed below were accepted in the classes indicated.

Elicence Pty Ltd (demand)

Ian Johnston (demand)

Erhan Karabardak (demand)

Higher Ed Systems Pty Ltd (demand)
Magnetic Media Pty Ltd (demand)
Nick Langmaid (demand)
AusCERT (rep assoc)
UltraFast Communications (supply)
Mort Bay Communications Pty Ltd (supply)
Mailwizards Pty Ltd (demand)
Snapsite Pty Ltd (supply)
Gequetta Leago (demand)
Raymond Zylstra (demand)
Lucas Benning (demand)
Eli Barel (demand)
Conexim Australia Pty Ltd (supply)
Domain Candy Pty Ltd (supply)
Domain Directors Pty Ltd (supply)
JustNet Pty Ltd (supply)
Bottle Domains (supply)

The board agreed to issue notices of default to members who have not yet paid their annual membership fee.

The CEO advised that approximately 50 additional demand class membership applications were received just prior to the board meeting. There were strong indications that the applications were garnered by James Guy in support of his nomination as a demand class director. The CEO further advised that auDA had received a copy of an email from James Guy to a DNS list member, in which Mr Guy offered to pay the person's membership fee in return for a proxy vote in his favour.

CN advised that the auDA Constitution allows the board to refuse any membership application, with reason. The board agreed to seek further information from the applicants before reconsidering their membership applications at the next board meeting.

The board expressed serious concerns about Mr Guy's actions. The board formed the view that Mr Guy may have been guilty of conduct detrimental to the interests of auDA and to the objects of auDA. Subject to Mr Guy being given an opportunity to explain his conduct, the board agreed that a special resolution be proposed at the AGM to terminate Mr Guy's membership.

The board noted that there have been other attempts in the past to stack the membership of auDA prior to a board election. It was suggested that auDA should amend the Constitution and/or the membership approval process to minimise the risk of membership stacking in future.

Action: Maddocks to write to the demand class membership applicants not approved at this meeting, seeking further information about their reasons for applying to join auDA.

Action: Maddocks to write to James Guy giving him an opportunity to explain his conduct.

Action: Maddocks to recommend possible amendments to the Constitution that would help to prevent membership stacking in future, with any amendments to be put to members at the AGM.

9. Board correspondence

The board noted correspondence from James Guy regarding various matters.

Action: Chair to reply to James Guy.

10. Other Business

Independent directors

TS and GC left the room for this discussion.

Motion (proposed CLO, seconded KH): That the board re-appoint TS and GC as independent directors under clause 18.2(f) of the Constitution for another 12 month term. Carried.

info.au and conf.au

DK advised that info.au is now operating on AUNIC. Robert Elz has not responded to auDA's requests to provide the zone file for conf.au.

Action: CEO to request Melbourne University to provide a copy of the zone file for conf.au (from munnari).

11. Next Meeting

The next board meeting will be held on Thursday 27 November 2003, after the AGM.