

New PageBoard Minutes - 20 October 2008

Public Version

Meeting of the .au Domain Administration Board

20 October 2008 - 2.00pm

Sofitel Hotel. 249 Turbot Street. Brisbane QLD 4000

Present:

Tony Staley (Chair), Chris Disspain, Marty Drill, Julie Hammer, Kim Heitman, Amin Kroll, Graham McDonald, Josh Rowe, Tony Steven, Cheryl Langdon-Orr and Dwayne Varey

Teleconference:

Alex Woerndle

Observers:

Craig Ng (Maddocks), Paul Szyndler (DBCDE), John Higgins, Elspeth Ross and Jacki O'Sullivan (Minutes)

Apologies:

Nil

1. Confirmation of Agenda

The Agenda was confirmed.

2. Apologies

There were no apologies.

3. Continuous Disclosure

There were no matters to be disclosed.

4. Confirmation of Minutes

The minutes of the 18 August 2008 Board meeting were confirmed.

5. Election of Chair

The Acting Chair (KH) called for nominations for Chair.

Nominated: Tony Staley (moved T Steven, seconded CLO).

Elected: Tony Staley (unopposed)

6. Election of Vice Chair

The Chair called for nominations for Vice Chair.

Nominated: Kim Heitman (moved JH, seconded CLO).

Elected: Kim Heitman (unopposed)

7. Reconstitution of Board Committees

- Strategy Committee – continue unchanged.
- Remuneration Committee – continue unchanged.
- Complaints Committee – continue unchanged.

· Finance Committee – moved to return Finance Committee meetings to run as per previously ie; Finance Committee to meet via phone and formally approve accounts prior to Board Meetings. KH/CLO to continue on the Finance Committee, DV & AW to join.

Carried.

8. Finance Report

- The Board noted the September accounts.
- Forecasts – registrations & monthly renewals should commence being monitored and way forward agreed.

Action: CD to compile and send to board members a simple set of numbers for registrations & monthly renewals compared to same time last year.

8.1 Solvency resolution for annual ASIC statement

It was resolved, after reviewing the result of the company for the previous year, reviewing the budget for the ensuing year and considering the ability of the company to realize assets, that the company would be able to pay its debts as and when they fall due.

9. CEO Report

The CEO Report was reviewed during the AGM.

10. Policy Development

Industry Competition Advisory Panel:

- Greg Crew provided an update and summary on the final Panel recommendations to the Board.
- The legal implications raised by the ACCC were reviewed and explained by Craig Ng, Maddocks.

The board passed the following resolutions (proposed TS, seconded by the Board):

That the board accept Recommendation 1 – that the existing competitive registry model should be retained with future licence terms to be increased from the current 4 year licence term to either a 6 or 8 year licence term.

That the board accept Recommendation 2 – that auDA negotiates with the current registry operator with a view to extending the current registry licence term by up to 4 years. Such an extension should be subject to agreement being reached on (a) a suitable pricing model and (b) the inclusion of all items that auDA would require in a new license.

That the board accept Recommendation 3 - that if auDA and the current registry operator cannot reach an agreement as per Recommendation 2, the registry licence should be opened for public tender for a new term commencing in July 2010 and for a period as determined in Recommendation 1.

That the board accept Recommendation 4 - that auDA should amend the requirements for registrar accreditation from a requirement to be registered for the Goods and Services Tax (GST) to a requirement that all overseas accredited registrars must (i) be an incorporated company in their own jurisdiction (ii) obtain an ARBN from ASIC and (iii) obtain an ABN from the ATO.

That the board accept Recommendation 5 – that auDA should work with the Australian Internet community to develop mechanisms to ensure registrars have fair and equitable access to the registry so that the ownership of a number of registrar accreditations does not create an unfair market advantage.

That the board accept Recommendation 6 – no changes to the structure of the application and yearly fees for registrar accreditation.

That the board accept Recommendation 7 - that auDA work with the Australian Internet community to compile a list of registrar functions that would be subject to regulation by auDA.

That the board accept Recommendation 8 - that subject to the introduction of an independent appeals process, auDA should develop with the Australian Internet community a formalised system of penalties for breaches by registrars.

The board added the proviso that its acceptance of some recommendations, notably Recommendation 2, is subject to a technical specifications review and set up of a Technical Committee.

Actions: auDA staff to prepare implementation plans, technical specifications review and set up Technical Committee.

The Board commended Greg Crew for bringing the panel to consensus on difficult issues and producing a report that was able to be so readily accepted. The Board thanked the panel for their efforts and willingness to be involved in auDA policy development.

11. Strategy Sub-Committee

- The draft Initial Principals document was reviewed.

The Board agreed to proceed.

12. Complaints Committee Report

- Graham McDonald gave a verbal update to the Board on the Complaints Handling Committee noting that the Complaints Handling Committee draft document has been circulated and is pending comments.

- A further meeting will be held next week and the final document ready for the December Board meeting.

13. Security Review

The board noted the final report.

14. auCD Report

- The board noted the report.

- The board noted the great work being done by Leonie Dunbar with auCD. Applications have increased due to Leonie's efforts and she is currently talking to possible sponsors to secure longer term sponsorship.

15. Membership Applications

The members below were approved in the classes indicated:

- Andre Nadar (Demand)

- James Rowe (Demand)

- Charles Lee (Demand)

16. Board Correspondence

There was no board correspondence.

17. December 2008 Board Meeting

It was confirmed that the December auDA Board Meeting and Board Christmas Dinner would be held in Melbourne on Monday 15 December 2008.

18. Other Business

Closed board session.

