

Minutes

27st September 2017 at 10:00AM

1. Welcome and Overview

Present: John Swinson (Chair), Paul Zawa, Professor Andrew Christie, Narelle Clark, Brett Fenton, Ned O'Meara, Annaliese Williams (Federal Government observer).

Meeting commenced at 10am

John welcomed Panel members to the meeting. The key issues discussed in the morning session were:

- (1) **Peak business body representative:** John Swinson advised members that he had not received any expressions of interest for the position of peak business body representative. Panel members made various suggestions to fill this vacancy. John Swinson thanked the members for their suggestions but noted that he was in discussions with several peak bodies. He advised members that if he was unable to fill the position that he would recommend to the auDA Board that the TORs are revised to include a corporate representative.
- (2) **Conflicts of Interest:** Each Panel member disclosed matters that could be considered to give rise to a potential or actual conflict of interest. A number of Panel members also declared domain name ownership.
- (3) **Direct registration Implementation:** John Swinson reiterated that the Panel's mandate is to implement direct registration, not to revisit its merits. Ned O'Meara noted that the auDA Board's approval was only in-principle and subject to the development of an acceptable and fair implementation policy. Andrew Christie confirmed Ned O'Meara's understanding of the 2015 Names Policy Panel Final Report recommendation to approve in principle direct registration.
- (4) **Policy reform and direct registration:** John Swinson noted that there was a 'chicken and egg' scenario at play, as direct registration will be subject to the new policies, but the new policies had not yet been developed.
- (5) **Guiding/Fundamental principles:** Narelle Clark sought clarification of the high-level guiding principles for developing policies for .au. The Australian Government observer noted that the Australian nexus for .au domain name registrations should be retained. This point was later reiterated by the auDA CEO, who noted that an auDA Constitutional change would be required if the Australian nexus requirement was to be removed. The panel discussed some fundamental principles of the current system, including first come, first served; no proprietary rights; no hierarchy of rights and an Australian connection.
- (6) **Secretariat service levels:** The Secretariat provided a brief overview of the minimum service levels that it would provide to Panel members. The secretariat noted that the time frames for Panel members' comments would be strictly enforced to ensure that the Panel met its time frames for the release of documents.

(7) **Timeframe:** The Panel noted the tight timeframes for drafting papers and consultation. It was agreed that the time frames may need to be amended as some discussion papers/policy issues may require longer, such as the Registrant Policy. An amended time frame will be circulated to Panel members at the next meeting.

2. Collaboration Platform demonstration

Peter Mason from the Registry Project team provided a short training session on the use of the collaborative platform, Confluence. It will be the primary mechanism for communicating with Panel members, including posting of draft documents for editing and comments.

3. Registry project and Impact on policy

Dr Bruce Tonkin, Registry Tender Project, outlined policy issues flowing from the Registry Tender exercise, including the collection, use and disclosure of registrant information. The Panel noted these issues.

4. auDA introductions

Cameron Boardman, auDA CEO and Erhan Karabardak, Interim Chair, auDA Board, addressed some of the issues raised by the Panel during the morning session. Cameron Boardman clarified the following:

- the Board is committed to implementing direct registration “It is going to happen. It is just a matter of when and how.”
- the Australian nexus must be retained
- the guiding principles are (1) first come, first served, (2) no proprietary rights, and (3) no hierarchy of rights principle.

5. Compliance issues

The auDA Policy Compliance Team presented on key issues that arise under the current policies.

The Panel noted these issues. Paul Zawa expressed concern that direct registration may entrench these issues at the second level, unless the existing policies were reformed prior to the launch of direct registration. John Swinson noted that this was the ‘chicken and egg’ scenario raised earlier in the morning.

6. Direct Registration Discussion Paper and consultation process

The Panel agreed to aim for public consultation of the direct registration discussion paper week beginning 2 October 2017.

The Panel discussed the importance of ensuring that entities were not able to continue to exploit policy loop holes with the opening-up of second level domain name registration. The Panel canvassed issues of whether all existing registrants should be given priority registration, especially where those registrants may not be eligible under the new policies. Andrew Christie noted that the implementation policy was a relatively small and simple task as it was focused purely on the mechanics of implementing direct registration (i.e. the process). The difficulty would be the rules that would apply to both the second, third and fourth levels (Phase 2).

Ned O'Meara reiterated his position that the merits of direct registration needed to be considered alongside implementation. He queried the cost to existing registrants if they had to defensively register domains; and if they did so, how there could be real or actual growth in the .au space? He raised the issue of the Deloitte report being commissioned to see if there was a "business case" for direct registrations. This has not been released to members. John Swinson noted that it was open to the Panel to tell the auDA Board that, as a practical matter, direct registration could not be implemented. However, it is the role of the Panel and the first task to determine how best to implement direct registration.

7. Next meeting, action list, timetable and close

The next meeting will be via video conference on 13 October 2017. Secretariat to confirm time and video conference details.

Meeting Closed 3:15pm