

To Jamie Baddeley, Joy Liddicoat and Keith Davidson
via email to internetnzfeedback@martinjenkins.co.nz

Submission by Debbie Monahan on the proposed structural changes to the InternetNZ Group

I agree with the decision to retain Domain Name Commission Limited (DNCL) as a legal entity. This change over the original proposal reflects a number of the submissions made and demonstrates that the comments made in the first round have been considered which is good to see.

Though in agreement with that key decision, there are aspects in the current proposal where I would prefer an alternative approach and I have detailed these below.

- .nz policy

As I noted in my first submission on this review, I consider it important that .nz policy development remain within DNCL. The reasons I outlined in that document remain relevant.

.nz policy is not a fulltime specific resource in DNCL and does not need to be. There are ebbs and flows of policy work required with many planned reviews but also those that come about due to an issue raised as part of our operations. How would it be planned to resource this should it move to InternetNZ?

The reason mentioned as to why it should go to InternetNZ to allow registry input etc could be said to have been addressed by having the InternetNZ CE chair the DNCL Board to ensure coordination while leave the actual responsibility within DNCL.

I note the concept of a .nz policy committee in both proposals. At the moment Council only makes decisions on strategic .nz policy. If Council wanted to make the final decision on all .nz policy then this committee would be an avenue to do that. It could be that the policy work is done by DNCL, with a recommendation from the DNCL Board to the .nz policy committee.

As has been acknowledged, a lot of the heavy .nz policy work has been completed by DNCL. Except for any matters that may arise as part of implementing the individual registrant privacy option, the next committed policy review is that of the Dispute Resolution Service (DRS) that DNCL has said will take place in 2018.

When in 2018 has not been specified. I would like to suggest that the resourcing and placement of .nz policy be a matter for the incoming CE. The process of the .nz policy committee making the final decision can be confirmed but how that policy recommendation gets to that committee could be something the new CE decides when they consider their resources and how the organisation is function.

- Management of DNCL

One thing that needs to be specified further is what duties the Senior Manager of DNCL performs and what are done within InternetNZ. I don't intend to comment on that but would note that the responsibilities on the Domain Name Commissioner when it was an operational office of InternetNZ back in 2002 could offer some guidance.

What I would like to see confirmed is the title of that Senior Manager in DNCL. I believe the title should be Domain Name Commissioner.

It is important that notices and warnings released by DNCL are seen to be authoritative and putting the title of Domain Name Commissioner on those helps with that. Another benefit of retaining the DNC

title is that it minimises the changes required to the current .nz policies, an issue I raised in my first submission.

- Governance of DNCL

It is good to see two independent directors retained for DNCL. The issue I have with the proposed structure is that the CE of an organisation refers to the Chair rather than to the whole board at times. With the InternetNZ CE as Chair of DNCL it may undermine the independence sought if that person blocked any activity of the DNC. If it is decided that the CE should be Chair then I would like to see a process in place to ensure the independence of action of the DNC.

- InternetNZ Council

I do not believe the proposed changes to the Council go far enough to ensure appropriate external expertise. My preference would be to see three appointed to Council at all times, not just when a self evaluation considers them necessary. It is important that the appointed Councillors are aware of InternetNZ and its requirements and having one year terms does not provided consistency.

As noted above, I believe three should be appointed and that, after the first round of appointments, each should be appointed for a three year term. For the first lot of appointments one would be for one year, one for two years and the third for three years allowing for a staggered appointment process. Allowing this certainty will allow appropriately qualified people to commit to InternetNZ

- Appointment of InternetNZ CE

I agree with the decision to advertise the position internally and externally. However, I believe the selection panel needs representation from NZRS and DNCL that should be a current Director from each. It is important that the attributes required of the CEs from the subsidiary organisations are understood by the selection panel to ensure a fair process that has the best chance of selecting the best person for the role. Having three members of the panel be from Council and one independent does not provide the panel with the knowledge they require about the qualities required in respect of the NZRS and DNCL activities.

I thank you for reading and considering the comments made in this submission. I would be more than happy to discuss any aspect of it with anyone on Council.

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