



InternetNZ Organisational Review

Summary of Consultation Submissions

July 2017

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Introduction

Background

In December 2016, the Council initiated an organisational review of the group. The aim of the organisational review was to assure Council, members, employees and the public that InternetNZ is organised the right way to most effectively and efficiently achieve its purpose.

The Council formed a Working Group to own and lead the review on behalf of the Council. The Working Group comprised five Council members, a representative from each of NZRS and DNCL boards, and an independent person. The Working Group was supported by external consultants to gather insights and provide management of the review process.

The Working Group has followed a robust process that has involved gathering insights from a wide range of people, to ensure the review was informed by a comprehensive understanding of the range of issues and opportunities we face.

The Working Group sought input from all staff across our three organisations, including separately from each Chief Executive, external stakeholders (representing a wide range of members and stakeholders across the public and private sector, strategic partners, past Council and Board members and others involved in the establishment and development of the group over time) and the Chairs of the Council and two subsidiary boards.

Working Group members spoke with our peers at ICANN to understand how they organise themselves and why, and drew on their own knowledge and experience of the group.

The synthesis of these insights formed the basis of the case for change and informed the development of the design objectives and principles that guided the development and analysis of options for the future. The Working Group presented three options for Council to consider – one that was more strongly supported, and two that had weaker support from the group. The Council voted unanimously at its meeting on 27 May 2017 for the option that has led to the proposals put out for consultation in June 2017.

Consultation process

A formal consultation process to seek submissions on the proposed changes to the InternetNZ group structure ran for three weeks, ending 30 June 2017.

The Council released two versions of the consultation document – for staff and for external stakeholders. These documents were identical with the exception of detailed information regarding impact on positions included in the staff consultation document.

The Council released the staff consultation document at a group-wide presentation on Thursday 8 June with subsequent release to members and stakeholders. The public consultation document was available on the InternetNZ review website.¹ After requests the original options paper considered by Council was also published on the review website.

¹ <https://internetnz.nz/organisational-review-consultation-2017>

The process to notify people (other than staff members) of the consultation included:

- email to the InternetNZ members list
- emails to and conversations with key stakeholders including from government and our technical, business, civil society, and academic communities
- notification in the InternetNZ newsletter
- publication on the InternetNZ website.

The notification was picked up by media and further publicised, including internationally.

Written FAQs were available for staff and external stakeholders, and the Council held two Q&A sessions for staff during the consultation period. People were also able to email the Council President with questions or requests for further information.

People were able to provide submissions through an online form (accessed through the review site) or by email to the InternetNZ president. Submitters could elect for submissions to be published or kept private.

Approach to analysis and reporting

All submissions were assigned an identification number and entered into a central spreadsheet. Submissions were classified into a submitter type and organisation based on information supplied in the online submission form (or information in submissions sent through email).

The approach thematically grouped responses to each consultation question and across the submission as a whole. Analysis of the feedback had regard to, but was not limited by, the number of times a theme was raised. Where numbers and percentages are used, they are based on this thematic analysis of submissions.

Selected quotes and examples from submissions have been included in this report for their value in illustrating points made by submitters. Their inclusion in this document does not imply that they have been given more weight over and above submissions that have not been cited.

Every effort was made to ensure this report accurately summarises the overall feedback that was received on the export levy. We cannot guarantee that all views are reflected in this report.

Submissions to the consultation

In total, 52 submissions providing feedback on the proposals were received. Forty-four submissions were from individuals and there were eight group submissions. There was overlap in representation of people in the individual and group submissions. We have counted each as a separate submission.

There was a strong response from employees across the InternetNZ group. Submissions from employees or directors of the three organisations accounted for nearly 70% of all submissions. The remaining submissions were almost entirely from members and fellows of InternetNZ.

Table 1 below shows submissions by submitter type and organisation. The numbers in brackets show group submissions, which are included in the total within each cell (that is, they are not additional to the number beside them).

Table 1: Submissions by submitter type and organisation

	DNCL	InternetNZ	NZRS	Other	Total
Employee	7 (1)	13 (2)	12 (1)		32
Fellow				2 (1)	2
Member				11	11
Other	3 (1)		1	1 (1)	5
Stakeholder				1 (1)	2
Total	10	13	13	16	52

Numbers in brackets show group submissions, which are included in the total within each cell (that is, they are not additional to the number beside them).

Table 2 below shows the number of public and private submissions made amongst the total number of submissions received. Appendix 1 contains a list of public submissions with a link to the InternetNZ website where they are available.

Table 2: Submissions by organisation and public status

	Private	Public	Total
DNCL	3	7	10
InternetNZ	8	5	13
NZRS Ltd	11	2	13
Other	4	12	16
Total	26	26	52

Summary of submissions

Case for change

There was considerable agreement with the need for change, and many of the issues and opportunities identified in the consultation document

29 submissions

A number of submitters expressed support for at least some of the issues and opportunities raised in the case for change in the proposal document. The majority of these came from submitters associated with InternetNZ and NZRS (21).

The Case for Change in the document is well considered and addresses frustrations that I, as a member, have with the organisation. It literally hits all the points that I feel it needs to. (Member)

Themes were a combination of the issues people could see or experienced with the current structure, as well as the opportunities presented by bringing the three organisations together. There was agreement that it is currently more difficult than it should be to work together across the organisations, with an overly top-heavy structure and areas of duplication and inefficiency. People saw an opportunity to improve financial and investment management, and the ability to do more with the resources the group already has – we're doing well but can do better.

The distraction of the processes in governance and management internally take away more resources, money time and energy then I think should be spent internally, and this comes at the expense of outward facing work. (InternetNZ employee)

There was a sense that the opportunity to come together under a common vision and strategy, with a joint culture or identity, would support the group to increase its impact.

Organisational independence ... rather than being a key element of success, has been a major contributor to our divided vision, strategy and culture. (NZRS employee)

One of the more interesting things to come out of this is how similar INZ is. Being able to chat about the possible re-org with other colleagues across companies has been an enlightening experience, mostly because it's discovering how similar we are. It's great to see all orgs committed to a very similar set of goals, and I look forward to being able to better do that once changes are behind us. (NZRS employee)

There were also a number of submitters who felt that there was no need for change and disagreed with some of the issues and opportunities

12 submissions

Submitters from DNCL generally did not agree that there was any need for change, thought that the case for change was weak and felt that things worked well under the current arrangements. There was disagreement with a number of aspects of the case for change, including:

- day-to-day barriers are overstated; it is easy to work across the group
- the governance arrangements are fit for purpose and necessary for the different functions
- having multiple faces for the different functions is actually beneficial

- DNCL does not have a top heavy management structure.

We believe that the discussion paper radically overstates the day-to-day barriers faced within the InternetNZ group. While there have been issues, the current structure could work “harder” to address those. (DNCL governance)

I joined the DNCL at [date], since I have been enjoying the work and have been impressed with the group's camaraderie and the ability to approach people as needed across the group. (DNCL employee)

A small number of external submitters also queried the strength of the case for change, with feedback that New Zealand was leading the way in industry best practice and they were clear about the organisations' different roles.

The case for the specific proposed change is weak and not well supported. (Member)

From the outside, I can confirm the utility of the current model. I know what the InternetNZ CE does. I know what the NZRS CE does. I know what the DNC does. I could approach each on specific matters without confusion or uncertainty. (Stakeholder)

Bringing the three organisations into one

Strengths of merging three organisations into one

Many submitters felt the proposed changes would allow the group to operate more efficiently, work together more, and increase impact

30 submissions

Submitters from InternetNZ, NZRS and externally identified a number of strengths of the proposed changes. Many of these mirrored the issues and opportunities that were identified in the case for change.

- Supports collaboration, increased cohesion and greater impact – it will be easier to work across the different functions in the group, providing opportunities to leverage capabilities to increase impact

...allow the amazingly diverse skills we have in the organisation to be utilised to best effect for the objects of InternetNZ. (NZRS employee)

- Efficiency – there will be less duplication of effort and roles, freeing up time to focus on other things, and there will be financial efficiencies

I suspect that the cost optimisations will be even greater than presented, allowing more-and-better charitable efforts and perhaps, dans mes rêves, taking aggressive action in making internet access a human right in NZ. (Member)

- Simplified governance and management, a single point of accountability – will support increased clarity, make it easier to get things done and reduce cost

Reduction in governance overhead and agility in decision making ability are clearly good outcomes to achieve - a single organisation is inherently going to have an easier (but not guaranteed) ability to make this successful. (Member)

- Shared vision and strategy, a single identity – a more coherent approach, working towards shared goals would allow the group to do more, better work

*...providing staff with an environment to deliver on the strategy of a shared common culture.
(InternetNZ employee)*

- A single voice and clarity for stakeholders –an opportunity to increase influence through a strong, consistent message; a single organisation for stakeholders would reduce confusion

One consolidated communications team creates the opportunity to have one strong voice as the thought leader on both policy and technical expertise. (InternetNZ employee)

Lack of analysis

Submitters identified a lack of analysis of the pros and cons / risks and benefits / cost of change

13 submissions

There was concern from a number of submitters that there was a lack of analysis of the pros and cons of the proposed changes, largely amongst those who did not support the proposals, but also from those who did. Some felt that there was not enough information on which to make informed comment on the proposals.

the potential impact of any change has largely been ignored with no assessment of risk and mitigation of those provided. (DNCL employee)

The proposal as put does not contain enough information about its risks or its benefits for, we believe, anyone to make an informed decision about proceeding. We hope that work has been done and will be presented to Council. (Fellow)

A number of people suggested undertaking further analysis before making any decisions, including:

- More comprehensive look at all the possible solutions and the pros and cons of each
- Develop risk assessment and mitigations
- Look more into where areas of duplication are
- Refocus on proving ability of model to achieve goals and get more input
- Scenario-based planning to test options
- Have the new CE undertake quantitative cost benefit as part of next phase

There was a view expressed that the review should be ceased and re-started afresh

Limitations and risks of bringing the three organisations together

Potential risks and limitations of bringing the functions of the current three organisations together were identified by a large number of submitters

31 submissions

The strongest themes coming through in terms of potential risks and limitations of the proposed changes related to the potential conflict between the different functions and the loss of a dedicated focus on each function (as provided in the current structure).

There was some concern that there is a possible conflict between the commercial focus of the current NZRS functions and the public good / charitable aims of InternetNZ. Some felt that having the three functions in one organisation would mean that InternetNZ won't be able to act as freely, and that there was value in having a different 'face' for each of the organisations currently.

NZ is very active in Internet related policy making and issues, but having product development and being .nz regulator in the same organisation might put all three areas in risk (NZRS employee)

It is worth noting that other all-in-one ccTLDs do not perform the same advocacy work that InternetNZ does. (DNCL employee)

Some submitters were concerned that there would be a dilution of individual focus on each function in one organisation. There were various concerns about the risk of loss of focus on the charitable / public good functions and the management of registry and product development.

Risk that InternetNZ membership may prioritise certain functions of the organisation that they care about above others, thus appointing a council with a limited focus. (NZRS employee)

I worry a single organisation with a strong focus on expanding its own revenue sources will lose track of its mission. As a single organisation satisfied with funding itself via revenue from .nz I see few limitations. (Member)

Currently the organisations are functional to varying degrees. Personally I feel that NZRS is one of the best managed, focused organisations in the group. I would hate to see that be degraded due to hubris or a belief that any change is better. It could certainly be a lot worse. (NZRS employee)

There is a not inconsiderable risk that InternetNZ will lose focus as it has to also start managing a registry, run domain name policy and regulation, and undertake commercial business ventures as well as manage a massive restructuring that will take a long time to bed in. (DNCL governance)

The loss of institutional knowledge of key senior people was raised, in particular for DNCL given the recent restructuring. People also highlighted the risk of loss of talent where change was drawn out or where people weren't happy with the new structure. There was concern that the proposals posed a risk to the current high quality delivery of the functions.

... with DNCL having made redundant the existing two senior managers, this proposal would see no existing senior DNCL staff remaining, plus the loss of the entire DNCL Board. (DNCL governance)

The ... risk is that we lose key staff as a result of the uncertainty and structural changes. No change process is without uncertainty and with uncertainty often comes frustration. (NZRS employee)

Submitters felt there was a risk to the group's current good reputation, having advocated for the current structure internationally and because they felt the structural separation was part of the basis for the current good reputation and relationships. A small number of submitters also noted that in its TLD principles document InternetNZ notes the structural separation between operations and policy setting as a success factor.

The very real potential for InternetNZ's reputation at a global level to suffer. We think there will be perception and brand risk that results if the proposed change to .nz goes ahead. In the ccNSO and gTLD community the InternetNZ group has an enviable reputation, partly due to our structure. ... the InternetNZ group stressed at some length the advantages of our structure during the IANA stewardship debates. (DNCL governance)

There was a concern that the new arrangements would actually require more management attention, with the broad functions (and potential conflicts between them), and may actually be less agile.

Some submitters felt that having all functions under a single governance and Chief Executive would lead to decreased accountability for high quality service delivery and delivering the best outcomes for the Internet community, as compared to the accountability inherent in the current structure.

Concentration of power into one person and board, while not necessarily bad does introduce the risk of how to manage when one, the other or both becomes unmanageable. (Member)

In particular, some submitters felt the proposals do not provide the appropriate level of independence for functions currently inside DNCL

15 submissions

The potential conflict between the regulatory and policy setting functions currently in DNCL and the operation of the registry were a serious concern for some submitters. There was a strong feeling amongst this submitters from DNCL and some external submitters that the proposed expert advisory group and the proposal for a position to independently execute regulatory powers did not provide the level of independence necessary for these functions, and did not reflect best regulatory practice.

The staff presentation read that "people value the independence of .nz policy and regulation", however then proposes that this independence be removed, with an 'advisory group' put in place. An advisory group, by its name, lessen the current, valued, independence. It is also contrary to the 'specific principles' mentioned earlier regarding ensuring the independence of .nz policy and management of registrars. (DNCL employee)

Potential risks identified included:

- Risk of government regulating – the structure is part of why they haven't to do; there is a risk of losing control if government become involved in setting policy and fees
- Risk the ability to attract and retain people with the right skills and experience to the proposed Advisory Group, compared with directorships on the current DNCL board.
- Conflicts with other group functions – managing infrastructure, business development, advocacy, lobbying
- Lack of independence for the quasi-judicial role of DNC
- Loss of structural protection of the assets of InternetNZ from legal proceedings that may be taken against DNCL
- Risk of capture and registrars being involved in policy, fees decisions (with registrars able to be elected to Council)
- Risk of losing important feedback loops by separating policy from regulation

However, others felt the proposed approach to providing independence was sufficient

6 submissions

There were some submitters who felt that sufficient independence could be provided within the single organisation with the proposed approach. There was acknowledgement that independence from registrar control was important, but feedback that this could be managed through the advisory group and clear terms of reference for any registrars on Council.

There was feedback that the transparency of decision making, based on clear principles ensures accountability for making the 'hard' regulatory decisions, not the structural separation, as well as

feedback that the most important aspect of independence that has contributed to stakeholder confidence is actually market independence, and that the proposal doesn't change this.

The independence that .nz policy and regulation demand ... is mainly independence from registrar control. (InternetNZ employee)

...it's not the structure that ensures that we take the hard decisions but our clear principles, transparent and well managed processes, the sunlight of external scrutiny and the professionalism of staff. If we don't have those then no amount of structural separation will save us. (NZRS employee)

Recommendations for alternatives and mitigations of risk

24 submissions

Submitters made a wide range of recommendations for mitigating the risks present by the proposals or concerns raised, and made some suggestions for alternative ways to address the case for change.

Provide greater independence of the current DNCL functions

- Retain the current organisational structure
- Have a decision making body over the DNCL functions
- Retain DNCL as separate entity (but merge others)
- Revert to 2002 model with Office of the DNC within InternetNZ with Domain Name Commissioner reporting to the .nz Oversight Committee that had delegated powers from Council to be responsible for the .nz policy and compliance
- Consider status quo option, but with board over DNC that is just the CE of InternetNZ
- Regulatory functions should report to council or independent subset
- Retain an independent commissioner position
- Ensure strong conflict management processes are in place
- Introduce restrictions on registrars elected to Council, including a Conflict of Interest policy for registrars on Council

Suggestions for the operation of the advisory group

- Charter for advisory group needs to ensure independence; open and clear rules/transparency in operation, at arms length from the Council (and management)
- Consider a co-decision model, where the Council cannot finalise .nz policy changes (in its formal decision role) without the agreement of the advisory group
- Consider advisory group having role in quality standards assurance and reporting to mitigate concerns about a single point of accountability (compared with the current SLA between NZRS and DNCL)
- Ensure the advisory group has a functional relationship with staff developing .nz policy (but not governance)
- Consider the advisory group acting as a sounding board for staff enforcing compliance

Consider alternative ways to address perceived issues within the group – without making large structural changes

- Ask each organisation to reduce expenditure, including international travel costs
- Make changes policies and processes to support efficiency and effectiveness
- Seek to improve the culture within current structures
- Improve treasury management, possibly through use of an external treasury manager
- Reduce duplication and inefficiency through shared corporate services

Commit to retaining registry function

Suggestions that InternetNZ may reconsider its role owning and managing the registry raised concerns, with submitters wanting a commitment that this would not be considered. There was however an alternative suggestion that revenue-generating functions could be split off from the group.

Other suggestions

- Provide legal separation between charitable activities and other functions
- Appoint senior staff in an interim position to support the new COPO in their new role.
- Consider whether there could be roles for current Chief Executives in new structure
- Ensure there are clear delegations and reporting lines
- Retain the three different brands, with some form of autonomy
- Go further – achieving a step up requires a rethink of some core practices and a significantly raised ambition.

Council size and composition

19 submissions

A review of Council is necessary, and this needs to happen sooner

There was a clear message from submitters that the review of Council was both necessary and needed immediately.

...Council should consider its composition and appointment mechanisms alongside the rest of this transition. The Council should retain the ability to directly appoint some members in order to ensure a full range of the necessary skill sets are available, alongside those Councillors (the majority) elected by the membership. (InternetNZ employee)

Some submitters were concerned that an elected governing body, with the current size and composition would not ensure effective governance of all of the group's functions. There was concern that under the proposal the group would lose the expertise and knowledge from the directors of the boards of the subsidiaries straight away before consideration was given to appointed roles for Council, and that this actually went against the design principles. There was also a question about what the impact would be on the workload of Council under the proposed changes, and how that would be managed.

Risk that ... Council may not have the correct skills to govern all aspects of a combined organisation adequately. (NZRS employee)

... Council is likely to see a significant increase in workload once both subsidiary Boards are dis-established and further assessment of the most appropriate way of managing and structuring the governance arrangements is required. (NZRS governance)

Two specific suggestions were made regarding the composition of Council

- 50:50 appointed and elected Council members
- 8 members – 2 appointed, 1 government, 5 elected (including President and Vice presented in elected)

There was also a suggestion that the Council could co-opt members if necessary to ensure it had the rights skills and expertise for effective governance.

Approach to change

There was good support for the proposed phased approach to change, with calls to ensure it happens in a timely, robust manner

24 submissions

Submitters were generally supportive of the proposed staged approach to change, appointing a Chief Executive in the first instance who would then undertake a further review and detailed design of the organisation. Only one submitter thought the detailed design should be completed before a new Chief Executive was appointed.

The first phase, the appointment of a single CEO, makes sense. It is likely that a CEO will have the right incentives to conduct phase two and start the ongoing development of the integrated organisation, since they will be responsible for leading it. (InternetNZ employee)

Feedback highlighted the need to ensure any change was implemented in a timely way, balancing the need to move quickly to provide certainty for staff with the need to allow the right amount of time to ensure a robust process. There was also concern to ensure staff would be treated well during this change.

I think there needs to be a careful balance between not dragging out the process and taking time to make changes strategically and well. (InternetNZ employee)

... have good people overseeing the change, ideally ones with experience and an understanding of InternetNZ but also compassion for those whose jobs are affected. Ensure staff are fully supported through transition not just on paper but by actual humans. (Member)

There were some questions and comments on what may come next in Phase 2, reflecting uncertainty around the impact on employees in the second stage, as well as a call for further information and clarity on next steps.

A small number of submitters suggested a more staggered approach to change, including merging the organisations over a longer period (years) and beginning with the second tier before moving onto the design below this level.

There was a clear message that the proposed new Chief Executive position was significantly different from any of the existing positions, and the search should include external candidates

15 submissions

There was clear feedback that the proposed new Chief Executive position is significantly different and more complex than any of the existing Chief Executive positions. There was consistent feedback that the position should be advertised externally right from the beginning of the process (rather than starting with internal candidates only) to ensure that the best candidate for the role was found. A small number of submitters expressed a preference for a 'neutral' candidate, and a 'fresh start'.

This new role is drastically different to the work that any of the current three CE's take on. With seven direct reports, management experience and expertise will be needed to lead the team and develop strategies and processes, with less time spent on day to day tasks the current CEs take on. (InternetNZ employee)

I strongly believe this role should be externally advertised. I'm aware of the desire to minimise disruption but consider that in this case InternetNZ would be better served by 'testing the market' as the role will be significantly different than that done by any one of the three current CEs and you don't know who else is out there that may be a perfect fit for the new position. (DNCL employee)

With regard to the Chief Executive appointment process, recommendations were put forward to include independent people on the appointment panel. There was some concern that Council members may not be impartial given their closer relationship with the InternetNZ Chief Executive than with other possible candidates. There was also a request for further information about this recruitment and appointment process, with one suggestion to make the position fixed term (2 years) to allow a focus on change management skills in the candidate for the position.

There were a number of suggestions for alternative interim structures that submitters felt would better support the delivery of functions through change

14 submissions

There was a clear message from submitters that the proposed interim structure was not optimal in ensuring that the organisations functions largely 'business as usual', as was envisioned for the interim period while detailed design of the organisation was completed.

Currently the CEO of NZRS is a manager-doer and performs a number of functions such as marketing, product development and business development. Very limited scope has been delegated leaving the CEO in the day to day running of these functions. In the interim organisation, these functions will need to be delegated as the CEO will not have the bandwidth to undertake these functions and transform the business. (NZRS employee)

There were two key issues:

- The current DNCL Communications Advisor needs to report into the COPO for their work, and it does not make sense for them to report to the InternetNZ Communications Manager
- A consolidated second tier is necessary to focus on delivery of the existing organisations' functions, better providing space for the new Chief Executive to undertake the detailed design phase of change (ie the proposed role is currently too big).
 - Various combinations of the DNCL COPO, InternetNZ DCE and NZRS CTO and COO were suggested.

Implementation

17 submissions

Protecting team cultures while building a new organisational culture was important to a number of submitters, as well as ensuring that continued delivery was ensured during any transition

Submitters from InternetNZ and NZRS both highlighted a desire to maintain the good cultures and ways of working that have been built within teams, while bringing the organisations together to create a joint identity and culture. The need to carefully manage the integration with a focus on culture was highlighted.

We hope the value of our work culture will be preserved through this review. A post-review InternetNZ Group might encourage a similar approach to developing shared, collaborative norms, once a new structure is in place. (InternetNZ employee)

We need to consider the current cultures and how these can be merged from their current silos. A lot of work will need to be done to build understanding and respect between the teams as currently this is lacking. (NZRS employee)

People raised the challenge of continuing to deliver functions and activities during transition and into the future, wanting to ensure this wouldn't be compromised. Suggestions were made around bringing senior staff together soon to begin planning, and considering the timing of the disestablishment of the current Chief Executive positions.

If the proposals go ahead, there will be many large projects needed to make the changes. We do not want to lose any progress we are making at the moment, therefore, there needs to be strong periods of 'business as usual' until these projects are completed. (InternetNZ employee)

Other challenges or considerations for implementation raised by submitters included:

- Need for changes to current policies and contracts (which could potentially take some time)
- Being clear about allowable activities during the transition phase (eg recruitment)
- Maintaining good communication to mitigate risk of loss of talent

Appendix 1: Public submissions

All public submissions are available on the InternetNZ Organisational Review Consultation site:
<https://internetnz.nz/organisational-review-consultation-2017>

- Andrew Cushen
- Anonymous
- Barry Brailey
- Colin Jackson
- Daniel Spector
- David Farrar
- Debbie Monahan
- DNCL Board
- DNCL Staff
- InternetNZ Charter v2 Team
- InternetNZ Fellows
- InternetNZ Issues Team
- James Ting-Edwards
- Jay Daley
- Jonathan Brewer
- Jordan Carter
- Kenneth Johnston
- Kevin Prince
- Lance Wiggs
- Matt Brown
- MBIE
- NZRS Board
- Paul Szyndler
- Peter Harrison
- Peter Lane
- Steven Heath