

edu.au Registrar Response

Discussion Paper: Review of Australia's .au domain management, November 2017

PUBLIC SUBMISSION

Version 1.0
15 December 2017

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1 Introduction

[Education Services Australia](#) (ESA) is a national, not-for-profit company owned by all Australian education ministers. It was established to support the delivery of national priorities and initiatives in the schools, training and higher education sectors. ESA traditionally delivers large-scale technology infrastructure projects, with a pedagogical instructional design component.

ESA has provided registrar services for the closed edu.au second level domain for over 15 years. At the time of this response, there are over 16,500 edu.au domains registered across all education sectors. As the edu.au domain Registrar, ESA is accountable to the edu.au Domain Administration Committee (eDAC), which meets quarterly and includes representatives from the Higher Education, VET and Schools sectors across the States and Territories of Australia. eDAC is in turn accountable to .au Domain Administration Ltd (auDA).

The responses provided below are provided by ESA in their capacity as the edu.au Domain Registrar.

2 Responses

2.1 auDA's roles and responsibilities

- 1) **What are auDA's primary roles and responsibilities?**
- 2) **Do the current terms of endorsement set out appropriate guiding principles for a fit for purpose .au ccTLD manager?**
- 3) **Do the terms of endorsement reflect community expectations for the management of the .au ccTLD?**
- 4) **What external trends and developments may affect auDA's roles and responsibilities?**

The edu.au Domain Registrar believes the primary roles and responsibilities of auDA are a combination of the terms of endorsement outlined by the Government:

- operate within the provisions of its company constitution
- recognise that the internet naming system is a public resource
- operate as a fully self-funding and not-for-profit organisation
- be inclusive of and accountable to all members of the Australian internet community
- adopt open, transparent and consultative processes
- promote competition, fair trading and provisions for consumer protection and support
- establish appropriate dispute resolution mechanisms, and
- represent Australian internet industry interests in the internet domain name system at national and international fora.

and the responsibilities listed in auDA's 2015-16 Annual Report:

- developing and reviewing .au policies
- enabling and enforcing regulatory compliance
- maximising the security and technical stability of the .au space
- facilitating competition and consumer choice through the accreditation of .au registrars
- engaging and educating .au stakeholders and the broader community
- protecting consumer safeguards and providing effective dispute resolution mechanisms.

In terms of future and external trends that may impact auDA's role, the edu.au Domain Registrar notes the potential classification of the .au domain as "critical infrastructure" as an important consideration that may impact the Government's terms of endorsement. Furthermore, to facilitate the successful introduction of Direct Registrations and possible transition to a new Registry operator, it will be vital that auDA meets its roles and responsibilities relating to the adoption of open, transparent and consultative processes, and the promotion of competition, fair trading and provisions for consumer protection and support.

Finally, as noted in the discussion paper, "*there have been significant changes to the digital landscape since auDA was first established*" and in light of this, the edu.au Domain Registrar would encourage a regular, publicised review cycle to ensure auDA's defined roles and responsibilities continue to meet the needs of the digital environment in the future.

2.2 Corporate governance

- 5) **What best practice approaches and processes should be considered with regard to auDA corporate governance?**
- 6) **What does good corporate governance for auDA look like? Are the ASX corporate governance principles sufficient? Should other principles also be considered?**
- 7) **Should reform of existing auDA corporate governance arrangements be considered? If so, what are the reform priorities?**
- 8) **Do the current board arrangements support auDA in effectively delivering its roles and responsibilities?**
- 9) **Should reform of existing board arrangements be considered? If so, what are the reform priorities?**

In relation to corporate governance, given the importance of the .au domain in supporting the digital landscape and the economy, the edu.au Domain Registrar believes that, like [Government Business Enterprises \(GBEs\)](#), auDA should be required to comply with appropriate legislation, such as the Public Governance, Performance and Accountability Act 2013 (PGPA Act), to ensure greater public accountability.

The edu.au Domain Registrar would also recommend, if they do not already exist, the creation of Financial Risk and Audit Committees, Expert Reference Groups or other Working Groups to advise auDA on key issues and to ensure financial accountability.

In relation to the current board arrangements, the edu.au Domain Registrar is concerned that the representatives of the supply and demand classes do not always properly capture the participants in the .au space. The edu.au Domain Registrar notes that there are a number of participants that, while not being registrars or resellers directly, are domain name industry participants that are often treated as demand class. It is the opinion of the edu.au Domain Registrar that as a consequence, both the demand and supply class representation on the board is weighted towards industry insiders, rather than 'general' registrants, internet users or the general public. It should be a reform priority to review the requirements for supply and demand class representatives to ensure broader and more accurate representation of the demand class. However, it should be noted that these measures, and any reforms to membership categories, must also ensure that it is not possible for the board to be stacked by special interest groups or a single segment of the industry, to ensure that 'general' registrants and those who are part of the broader Australian internet community are represented.

The edu.au Domain Registrar would encourage government representation on or in nominating directors to the board, and would also encourage the involvement of advocacy groups such as the Australian Communications Consumer Action Network, Internet Society of Australia, etc., or representation from consumer law authorities (for example, the Australian Competition and Consumer Commission).

2.3 Stakeholder engagement

- 10) Who are auDA's stakeholders?
- 11) How should auDA engage with its stakeholders? Are there guiding principles which should be considered?
- 12) Are auDA's stakeholder engagement processes effective?
- 13) Is a transparency and accountability framework effective?

The edu.au Domain Registrar believes that the list of stakeholders included in the Discussion paper accurately reflects the broad range of auDA's stakeholders.

In engaging with its stakeholders, auDA should consider the broad range of individuals and entities that rely on and engage with the .au space, including those for whom their domain name registration is not the primary purpose of their business. It should be an important part of auDA's role to protect the interests of those without industry knowledge and encourage their participation in .au, as noted in the terms of endorsement, where one of auDA's responsibilities is to *be inclusive of and accountable to all members of the Australian internet community*.

The edu.au Domain Registrar believes that auDA's stakeholder engagement processes could be more effective. AuDA should approach its policy committees, such as eDAC, to encourage and invite their participation in panels and projects such as the Registry Transformation Project and the Direct Registrations panel rather than relying on policy committees to seek information and updates from auDA.

The edu.au Domain Registrar also believes that auDA could engage more effectively with domain registrants to ensure that they are aware of developments that may impact them in .au and, in doing so, protect their interests. For example, this could be achieved by auDA mandating that Registrars pass on certain auDA notifications (e.g. those relating to policy, governance or structure of .au) to their Registrants. This would increase awareness of auDA and its role, but ensure that communications were issued by an entity that was known to Registrants and recognized, avoiding the correspondence being dismissed as unsolicited.

In light of this, the edu.au Domain Registrar believes auDA may consider the development of a comprehensive Stakeholder Engagement Map and Plan, to identify and map the common and unique requirements of its different stakeholder groups, including advisory committees such as eDAC, and registrars operating closed second-level domains, as well as commercial registrars.

The edu.au Domain Registrar would also encourage auDA to ensure broad participation on its policy panels and believes that auDA should be responsible for ensuring adequate representation from all sectors of the internet industry both on policy panels and in responses to issue and discussion papers.

2.4 Membership

- 14) Is auDA's membership structure reflective of the range of stakeholders that rely on, or interact with, the .au domain?
- 15) Does auDA's membership structure support it in delivering its roles and responsibilities?

As previously noted, the edu.au Domain Registrar is concerned that auDA's membership structure does not adequately represent the broad range of stakeholders interacting with the .au domain. The requirement for new members to pay a membership fee and be approved (often several months later) at auDA board meetings may be a barrier to entry for some prospective members. In the edu.au Domain Registrar's experience, administration processes in relation to becoming a member can be cumbersome, with status updates not provided and telephone confirmation of the application required after its submission, which could deter some applicants.

2.5 Security of the .au domain

- 16) What emerging risks does auDA face in relation to the security and stability of the .au domain?**
- 17) What is best practice for DNS administration?**
- 18) Does auDA maintain appropriate mitigation strategies? What additional mitigation strategies should be considered? How should these strategies be assessed?**
- 19) What is the optimal mix of capabilities to expand auDA's cybersecurity preparedness?**
- 20) How should auDA engage with the Government in its management of risks?**

In response to the security of the .au domain, the edu.au Domain Registrar would raise consideration for the formal adoption and alignment to an Information Security framework and the development of an Information Security Management System (ISMS) by auDA. Given the position of the domain, the edu.au Domain Registrar believes that there should also be the adoption and alignment to an Information Technology Enterprise Framework for governance, information assurance and control.

In maintaining the security of the .au domain, the edu.au Domain Registrar believes it is imperative that auDA undertakes regular reviews of the Registry Operator's contract, including re-examining the suitability and severity of SLAs in light of the current use of the .au domain space.

The edu.au Domain Registrar believes that the optimal mix of capabilities to expand auDA's cybersecurity preparedness include in-house expertise as well as consultancy support from both within Australia and internationally, to advise on best practice.

The edu.au Domain Registrar believes auDA should report regularly to the Government and its public stakeholders and members on its management of risks and that this should be a reporting requirement to the Government in the form of a series of publicly available key performance indicators.

The edu.au Domain Registrar believes that any de-regulation of eligibility and allocation criteria would pose a risk to the .au space's reputation and that any changes to regulation of eligibility and allocation criteria should be based on clear evidence and extensive risk assessment.

The edu.au Domain Registrar would encourage regular, evidence-based assessment of risks and mitigation strategies, and transparent communication by auDA of these to ensure registrants understand the benefits of regulation of eligibility and allocation criteria.

Finally, the edu.au Domain Registrar would encourage more frequent and transparent reviews of the management of .au and governance arrangements at auDA, to ensure they continue to be fit-for-purpose in a rapidly changing and evolving landscape.