

From: Dwight Walker

Sent: Friday, 29 March 2019 2:15:28 PM

To: auDA Policy Review

Subject: 2013-05 Registrar Accreditation Application Form and 2013-04 Registrar Accreditation Criteria

Sir/Madam,

2013-04 Registrar Accreditation Criteria

<https://www.auda.org.au/policies/2013-04>

3.6

There is a loophole where the company is expected to charge GST as they are registered for GST but because their head office is in Dubai and they have a shelf-company in Perth they don't appear to.

In about 2011, this happened with me with Crazy Domains. I had to ask repeatedly for a valid tax invoice. I believe they were really operating in Dubai with a local agent in Perth or Sydney. This seemed to be a sham. As per ASIC, they should have at least one staff or agent and a registered office in Australia. They seemed to have outsourced all their Australian operations. These kind of shelf-companies or charades should be blocked. This leads to tax evasion and poor service for registrants.

3.5

Corporate requirements for registered office in Australia as per ASIC should be explicit in the criteria. Currently it just said the entity must have registered a company in Australia.

abn.business.gov.au:

DREAMSCAPE NETWORKS FZ-LLC

ABN 26 165 567 144

postcode 0000

T/A

crazydomains.com.au

Web Address Registration Pty Ltd (previously Crazy Domains Pty Ltd)

ABN 95 154 051 699

postcode 6006

I changed registrar to one who would issue a tax invoice if they were in Australia. auDA just said change registrar instead of correcting Crazy Domains slack tax invoice billing behaviour.

Having an Australian shelf-company although legal leaves door open for foreign companies to exploit local registrants and get away without charging any GST. If they were complained about by registrants re not

charging GST or issuing a valid tax invoice they should lose their status of being a registrar after a certain period say 3 months and give proof of the existence of their Australian registered office and operation.

3.13 (b)

In customer billing the registrar must provide a tax invoice with GST as they are registered for GST as in 2013-05 2.4(b). This is implied but should be explicit.

2013-05 Registrar Accreditation Application Form

<https://www.auda.org.au/policies/index-of-published-policies/2013/2013-05/>

There are some URL updates:

2.3

<https://www.oaic.gov.au/>

not

<http://www.privacy.gov.au>

2.4

(a)

<https://asic.gov.au/for-business/registering-a-company/steps-to-register-a-company/foreign-companies/>

not

<http://www.asic.gov.au/asic/asic.nsf/byheadline/Foreign+Companies?opendocument>

(b)

<https://www.ato.gov.au/>

not

<http://www.taxreform.ato.gov.au>

From: Dwight Walker
Sent: Thursday, 28 March 2019 5:03:34 PM
To: auDA Policy Review
Subject: 2013-02 7 Bulk Transfers by Registrars

Dear Sir/Madam,

<https://www.ada.org.au/policies/index-of-published-policies/2013/2013-02/>

There is no clause to cover how long it will take to do the bulk transfer and whether it is complete or not re new registrar details in records or that there are stop gap measures in place so registrants can verify their contact details with ICANN every year or so as required.

As a case in point, in about 2017 when Netregistry acquired Uber Global my domains were transferred to Netregistry but it took 2 to 3 years for the record at Netregistry to be updated to Netregistry from Uber Global T/A AussieHQ.

Before that time any .info domains contact details could not be updated as the uber.com.au link had died that was linked to those domains as registrar.

Tucows refused to update Uber Global to Netregistry.

Netregistry refused to update Uber Global to Netregistry. They offered me to transfer the domain back into itself to correct the incorrect records.

In end I transferred my domains to other registrars to stop the endless loop of procrastination by Netregistry. Only this April are they catching up by closing down Uber Global licenses as a registrar.

The new registrar should be forced to update its registrants records to its registrar details and not keep the acquired old registrar details going endlessly so they can get away with updating the registrant's records with new registrar.

2 to 3 years is far too long to fix record details. The delay for a bulk transfer should be say 3 months using Python or other automation shell scripts etc and planned well ahead of the acquisition instead of letting customers pay for it for years later.

The new registrar must have its details on the records not the acquired business's details on the record. That should be in the rules. Otherwise they will get around it by keeping the old registrar's domain and closing the old site and frustrating the registrant for years to come till they fix the problem of accurate registrar details on domains after bulk transfer.

As a stop gap measure, the new registrar should have forwarded support@uber.com.au to support@netregistry.com.au but they didn't. They

should have redirected the old domain contact details verification for ICANN URL to a new one on their site but they didn't. They should have imported all the domains into the new registrar's registry but they didn't for 3 years.

Their sysadmin did nothing till lately they cancelled Uber Global on Tucows and migrated all the domains to Netregistry fully. They should be forced to close the old registrar's details after say 3 months and not drag it out like they have for 3 years.

The domains were in Netregistry console but the records were inaccurate and could not be updated unless they were imported back into the same registry to get them accurate. This seems ludicrous.

The acquisition should not go ahead unless the acquirer has enough resources to carry it out OK in a timely manner.

auDA should vet their plan and progress before all this disaster starts for registrants like myself.