

auDA PUBLISHED POLICY

Policy Title: Major Disaster Policy (Temporary)

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Status: Current

1.1. OVERVIEW

- 1.1.1 The bushfires have had a devastating impact on Australian communities. The Australian Government has declared the bushfires a major disaster affecting several local government areas (LGAs) in Victoria, New South Wales and South Australia under section 36 of the *Social Security Act 1991* (Cth) ('the Act'). It is expected that the Australian Government will add more LGAs to the list as government agencies assess the extent of bushfire damage on communities.
- 1.1.2 .au Domain Administration Limited (auDA) recognises that registrants and persons nominated as the registrant contact living or operating businesses in affected LGAs may not have the capacity to renew a domain name licence or respond to complaints within the required time frame.
- 1.1.3 auDA is implementing interim measures to assist these registrants and persons nominated as registrant contacts living or operating businesses in these LGAs. These interim measures are:
- (a) an extension of the term of the domain name licence to provide for an additional two month period in which a registrant may renew their domain name licence, where the domain name licence expiry date falls between 22 January 2020 and 1 March 2020.
 - (b) an additional 60 calendar days for responding to a complaint under paragraphs 4 and 5 of the *Complaints (Registrant Eligibility) Policy* (2004-01).
 - (c) an additional 60 calendar days to respond to the commencement of administrative proceedings under paragraph 5(a) of Schedule B of the *.au Dispute Resolution Policy* (2016-01).
- 1.1.4 auDA will automatically apply the interim measures to a domain name licence or complaint where a person nominated as the registrant contact resides in an affected LGA. This recognises that the registrant contact is the person that receives all communications from auDA or the Registrar relating to a domain name licence, including renewal notices.
- 1.1.5 A registrant who resides or operates a business in an affected LGA may also apply to auDA for the interim measures to be applied to their domain name licence, where the domain

name licence expiry date falls between 22 January 2020 and 1 March 2020. This accommodates the following situations:

- the registrant but not the registrant contact resides or operates a business in an affected LGA; or
- the registrant contact information is incorrect.

1.1.6 This policy sets out the eligibility rules for the interim measures. All other auDA Published Policies will continue to apply to the domain name licence, except where indicated in this policy.

1.2 DEFINITIONS

In this policy:

Affected LGA means a Local Government Area which is the subject matter of a Ministerial Determination that the December 2019 and January 2020 bushfires are a major disaster for that area under section 36A of the *Social Security Act 1991* (Cth).

auDA means the .au Domain Administration Limited ACN 079 009 340

Eligible expiry date means a domain name licence expiry date after 22 January 2020 and before or on 1 March 2020.

Eligible registrant has the same meaning as paragraph 1.3.1 of this policy.

Principal place of business means the street address from which a company or business operates.

Principal place of residence means the home and land which the person occupies for the greatest amount of time each year.

Open 2LD means com.au, net.au, asn.au, org.au and id.au second level domains.

Registrant means a person who is issued a .au domain name licence and is recorded as the 'Registrant' in the Registry data.

Registrant contact means the person entered as the registrant contact in the Registry data under paragraph 2.2 of the Registrant Contact Information

1.3 ELIGIBILITY

1.3.1 A registrant is an eligible registrant if:

- (a) the registrant holds a domain name licence in an Open 2LD; and
- (b) the registrant; or
- (c) registrant contact

resides in an affected LGA.

1.3.2 A registrant resides in a bushfire affected LGA if:

- (a) the registrant's principal place of residence; or
- (b) the registrant's principal place of business;

is in an affected LGA.

- 1.3.3 A registrant contact resides in a bushfire affected LGA if the registrant contact information recorded in the Registry data contains a postcode in an affected LGA.

1.4 INTERIM MEASURES

Extension of Licence Term

- 1.4.1 auDA may, at its discretion, extend the eligible expiry date of a domain name licence by an additional two months to enable an eligible registrant to renew that domain name licence.

NOTE: The domain name licence will be extended by increasing the month value in the expiry date field by two. A domain name licence with an eligible expiry date of 26 January 2020 will have a new temporary expiry 26 March 2020.

- 1.4.2 Paragraph 6.1 of the *Domain Renewal, Expiry and Deletion Policy (2010-07)* will apply to the new expiry date of a domain name licence extended under paragraph 1.4.1.

- 1.4.3 An eligible registrant does not need to apply to auDA for an extension of a domain name licence with an eligible expiry date if:

- (a) if the registrant contact resides in an affected LGA; and
- (b) the registrant contact information is correct.

- 1.4.4 auDA will automatically extend the eligible expiry date of the domain name licence under paragraph 1.4.1.

- 1.4.5 An eligible registrant must apply to auDA for an extension of a domain name licence with an eligible expiry date under paragraph 1.4.1 if:

- (a) the eligible registrant resides in an affected LGA; or
- (b) the registrant contact resides in an affected LGA; and
- (c) the registrant contact information is incorrect.

- 1.4.6 An application must be made using the auDA general enquiry form at <https://www.auda.org.au/about-auda/our-services/submit-a-general-enquiry/>

- 1.4.7 Where an eligible registrant renews their domain name licence, the expiry date of the new domain name licence is automatically set from the eligible expiry date for the previous domain name licence.

For example: A registrant of a domain name licence with an eligible expiry date of 20 February 2020 is granted an additional two months in which to renew their domain name licence. The domain name licence has a temporary expiry date of 20 April 2020. The registrant renews their domain name licence on 1 April 2020 for a two year term. The new domain name licence comes into effect on 20 February 2020 and the expiry date will be 20 February 2022.

Complaints

- 1.4.8 The 14 calendar day requirement will not apply to eligible registrants under paragraph 4.2 and 4.4 of the *Complaints (Registrant Eligibility) Policy (2004-01)*.
- 1.4.9 An eligible registrant has 60 calendar days within which to update eligibility details under paragraphs 4.2 and 4.4 of the *Complaints (Registrant Eligibility) Policy (2004-01)*.
- 1.4.10 If the eligible registrant does not update their eligibility details within the 60 calendar day period or respond to the registrar's request, the registrar must delete the domain name licence under paragraph 4.5 of the *Complaints (Registrant Eligibility) Policy (2004-01)*.
- 1.4.11 Paragraphs 1.4.8 to 1.4.10 only applies to complaints received by a Registrar or auDA before or on 1 March 2020.
- 1.5 POLICY AMENDMENTS
- 1.5.1 auDA may at its discretion amend this policy from time to time.