

Explanatory Statement

July 2024

Changes to and retirement of auDA published policies

1. Purpose of this explanatory statement

The purpose of this explanatory statement is to explain:

- The principles and process that apply when making administrative changes to an auDA published policy
- Our multi-stakeholder approach to consultation
- The proposed changes to several auDA published policies that predate the .au Domain Administration Rules: Licensing (.au Licensing Rules) and the reasons for the changes
- The timeline for this process.

2. Purpose of the changes

Changes to 12 published policies

The 12 published policies subject to these changes are relevant only to .au domain names that were last registered, renewed or transferred before 12 April 2021. These 12 policies were replaced by the .au Licensing Rules on 12 April 2021. All .au domain names registered, renewed or transferred on or after 12 April 2021 are subject to the .au Licensing Rules.

The changes to the 12 published policies seek to reduce confusion and make it clear when the published policies apply to domain names, and when the .au Licensing Rules apply.

Immediate retirement of redundant published policies

auDA proposes the immediate retirement of three redundant published policies. Two policies refer to a registrar agreement that is no longer in use, and one policy refers to a security standard that is no longer in use.



Moving these policies from the current list to the archived list will improve ease-of-use of the current list of policies.

3. The principles that guide .au policy development

The principles adopted by the auDA Board to guide policy development in the .au are set out in auDA's corporate policy, '[Process for the Development and Review of auDA Published Policies](#),' (**Policy Review Policy**). All eight principles have been considered in relation to these proposed amendments.

Principle 1: Establishing a case for action before a problem is addressed.

There are two issues that we are addressing in this auDA managed review:

1. Twelve published policies have been replaced by the .au Licensing Rules. It is not clear in the published policies how they interact with the .au Licensing Rules. We often find people referring to provisions in the published policies, when a domain name is in fact covered by the .au Licensing Rules. An amendment to the published policies will clarify to whom they apply and for what period of time. The same amendment is proposed for each of the 12 published policies.
2. Three published policies are redundant and no longer have any application. Retiring these policies with immediate effect will allow us to archive them.

Principle 2: A range of feasible policy options will be considered and costs and benefits.

Consistent with the Policy Review Policy, there is no requirement to develop policy options as the policy changes contemplated are necessary for administrative reasons.

Principle 3: Adopting the option that generates the greatest net benefit for the Australian community

The proposed changes will achieve tangible benefits to registrants, registrars, government, members of the public, and auDA, as they will reduce confusion about whether a published policy or the .au Licensing Rules apply to a .au domain name.

This will achieve intangible benefits such as increased consumer confidence in the Licensing Rules, the published policies and their application to .au domain names.



Principle 4: Policies should not restrict competition unless it can be demonstrated that:

- **The benefits to the Australian community should outweigh the cost**
- **The objectives of the policies can only be achieved by restricting competition**

None of the changes have the effect of restricting competition.

Principle 5: Providing effective guidance and education to stakeholders (including government regulators, registrars, resellers and registrants) to ensure that the policy intent and compliance requirements are clear.

The proposed amendment to the 12 published policies is explained in this document. It is a clear, brief amendment that is consistent across all 12 policies. We believe the policy intent is made clear in the document. The amendment does not change compliance requirements.

The three redundant published policies to be retired with immediate effect do not currently impact anyone.

Principle 6: Ensuring that the policies remain relevant and effective over time.

The proposed amendment to 12 published policies enhances their effectiveness by clarifying application of the policies.

Principle 7: Consulting effectively with key stakeholders at all stages of the policy cycle.

We will provide stakeholders with an opportunity to provide feedback during a 21 day public consultation period.

Principle 8: Ensuring that all policy outcomes are effective and proportional to the issue being addressed.

We have limited our change to the 12 published policies to one insertion to address the issue we have identified described in section 4 below.

3. Our multi-stakeholder approach to policy review

This is an auDA managed policy review process in accordance with section 44 of the Policy Review Policy for minor policy amendments, where the change is required for administrative, technical or legal reasons.



Public consultation plays an important role in ensuring the best outcome for this review.

We will publish marked-up copies of 12 published policies showing the amendment, with the explanatory statement on our website for 21 days and invite the public to provide feedback.

Public submissions will be published on our website.

The auDA Board will be advised of the subject matter of submissions and will review any changes to the draft published policies and the explanatory statement as a result of submissions.

4. Overview of the changes

Proposed change to the 12 published policies

The text of the proposed sunset clause is as follows:

1. APPLICATION OF POLICY

1.1 This auDA policy only applies to domain names that were last registered, renewed or transferred before 12 April 2021. This policy does not apply to domain names that were registered, renewed or transferred on or after 12 April 2021 at 00:00 Universal Time Coordinated (UTC).

1.2 The [.au Domain Administration Rules: Licensing](#) apply to all domain names that were registered, renewed or transferred after 12 April 2021.

1.3 This policy expires on 11 April 2026 after which time the [.au Domain Administration Rules: Licensing](#) will apply, in addition to any ongoing relevant policies.

5. The published policies and the .au Licensing Rules

The following table sets out how the published policies have been replaced by the *.au Licensing Rules* (LR) and the *.au Domain Administration Rules: Registrars* (RR).

	Name of published policy	Where it has been replaced
1	Reserved List Policy (2014-06)	Section 2.6 of the LR
2	Transfers (change of Registrar of Record) Policy (2013-02)	Sections 2.13 and 2.11 of the LR



3	Guidelines on the Interpretation of Policy Rules for Open 2LDs (2012-05)	Section 2.4.4 of the LR
4	Domain Name Eligibility and Allocation Policy Rules for the Open 2LDs (2012-04)	Section 2.3 of LR
5	Transfers (Change of Registrant) Policy (2011-03)	Sections 2.13.1 and 2.18.2 of the LR
6	Registrant Contact Information Policy (2010-07)	Sections 2.2.3, 2.8 and 2.11.7 of the RR
7	Domain Renewal, Expiry and Deletion Policy (2010-01)	Section 2.14 on the LR
8	Mandatory Terms and Conditions Applying to .au Domain Name Licenses (2008-07)	Sections 2.9.1, 2.10.1 and 2.16.3 of the LR
9	Policy Rules and Guidelines for Community Geographic Domain Names (CGDNs)(2008-04)	Section 2.4.9 of the LR
10	Complaints (Registrant Eligibility) Policy (2004-01)	Section 2.11.2, Part 3 of the LR
11	Domain Name Password Policy (2002-29)	Section 2.12 of the LR, Section 2.10 of the RR
12	Registrant Review Panel Rules (2021-01)	Section 3.8 of the LR

6. Retirement of three redundant published policies

We have three published policies that relate to a process or document that no longer exists:

Registrar Agreement – Meaning of Reseller (2002-16) This policy refers to a Registrar Agreement that is no longer in use. The current Registrar Agreement does not refer to resellers, it uses the term sub-contractors.

Registrar Agreement – Clarification of Clause 14.1.7 (2002-15) This policy refers to a clause in a Registrar Agreement that is no longer in use.

auDA Information Security Standard (ISS) for Accredited Registrars (2013-03) This security standard previously formed part of auDA's registrar accreditation criteria and was mandatory for all accredited registrars. ISS has been replaced by ISO 27001 (or equivalent) security requirements for all accredited registrars.

The process for retiring a published policy is to update the status of the policy on the auDA website to "Archived". The policy will remain accessible on the auDA website as a PDF document.

