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Submission on .au Licensing Rules Review Draft Report

I support retaining allocation rules for the com.au and net.au namespaces, but submit that the current rules require stronger evidentiary safeguards where a registrant appears to have created paper eligibility shortly before obtaining or retaining a domain name licence.

The current rules can allow a registrant to create an ABN or register a business name that matches a desired domain name, then rely on that registration as sufficient nexus even where there is little or no evidence of genuine commercial activity, genuine use of the name, or genuine steps to commence an enterprise. This weakens trust in com.au because the namespace is marketed and understood as having a closer connection to Australian commercial activity than unrestricted spaces such as .com or .au direct.

The problem is not merely domain monetisation or pay-per-click advertising. A broader issue exists where a business name, ABN, claimed service, goods category, activity or event is created or asserted primarily to manufacture eligibility. In those cases, a government database match should not be treated as conclusive evidence of a genuine allocation nexus.

I recommend that the Panel strengthen Recommendation 2 by adding an evidentiary trigger. Where a registrant relies on an ABN, business name, service, goods, event, activity, or premises that was created or asserted within a defined period before the domain registration, renewal, transfer, or complaint, the registrant should be required to provide evidence of genuine commercial activity or genuine steps to commence business under that name.

Relevant evidence could include dated invoices, quotes, contracts, customer communications, business banking records, active website or email use, advertising, insurance, licences, supplier arrangements, or other objective evidence showing that the registrant is genuinely trading or preparing to trade under the relied-upon name or service.

I also support increased audits and compliance checks, but compliance checks alone will not be sufficient unless auDA and registrars are empowered to ask for objective evidence when the allocation nexus appears recently manufactured or commercially artificial.

I support broadening complaint standing so that a person with a genuine interest in a

domain name can seek review, while preserving safeguards against misuse of the complaints process as a secondary acquisition channel.

The preferred outcome is not to remove legitimate domain choice or ordinary commercial use. The preferred outcome is to protect trust in com.au by ensuring that eligibility cannot be manufactured through paper registrations with no genuine commercial substance.

Thanks.