

Panel,

The AuDA retain a policy of “open” WHOIS alongside a requirement to provide Australian government identifiers to register in the .au space. I remind the panel that ICANN provide a “private” WHOIS option, where Personally Identifiable Information (PII) is available to the registry, but not provided to anyone capable of invoking a WHOIS request.

I shall leave aside the very obvious consideration this panel should put to the AuDA’s obligations under the Privacy Act with regard to use of government identifiers and its open provision to all and sundry of .au registrant PII.

Historically, the AuDA’s inexplicable policy has been used by borderline fraudulent overseas companies to fool .au registrants into registering with the operator at usurious rates: formerly through mail with “Domain Names Australia” if I remember correctly. Most recently I encountered this behaviour existing over a decade later in OzRegistry, who makes use of the AuDA expiring domains list and open WHOIS to fraudulently attempt to renew the domain with them at excessive rates through an “auction.”

These scams have been endemic in the .au space and enabled exclusively by the AuDA’s open WHOIS policy. AuDA has been happy to collect fees from these fraudsters and not engage in educating against these scams. I put that the AuDA leadership are culpable and complicit.

This policy must be revoked, and the AuDA must publicly apologise for the privacy breaches and fraudulent behaviour enabled by said policy.

Further, the panel should consider if the AuDA and its leadership are fit and proper to administer the .au TLD. They have manifestly through their neglect over the decades indicated they are not: I encourage the panel to review the glacial response from the AuDA with the collapse of Distribute IT, leaving registrants unable to manage their domains for over a week. It would be a failure of this review to operate under the false presumption of competence by the AuDA. I encourage the panel to recommend the ongoing management of the .au registry be put to tender.

I thank the panel for their consideration, and reiterate the inappropriateness of the open WHOIS policy against privacy legislation and plain common sense.

—Matt