NEXUS POLYTECH

10 July 2026

.au Licensing Rules Review 2025
Policy Advisory Panel
.au Domain Administration Limited
PO Box 18315
MELBOURNE VIC 8003

By Email: rulesreview25@auda.org.au

Dear Chairperson,

Re: Feedback on the *.au Licensing Rules Review* Draft Report

I am writing in response to the invitation for feedback on the .au Licensing Rules Review (2025) Policy Advisory Panel Draft Report released in June 2026. We support all of the Panel's recommendations and understand the Panel's views on most matters.

We provide an in-depth analysis of the practical application and impact of all three options in Recommendation 2, ultimately supporting Option 2.

We support Recommendation 7 and provide feedback for consideration regarding the terms of reference of the next review. We explore one of the attack vectors identified in the submission by the National Anti-Scam Centre and draw potentially valuable lessons from an Australian government agency targeting similar behaviour.

Additional feedback is provided advocating for the use of regular domain registrant surveys to collect more data about the use and operation of domain names in the .au namespace and expanding the use of DNS queries to gather data on the implementation of domain names in the namespace.

Recommendation 1: Monetisation of Domain Name

We support the Panel's recommendation that auDA increases its enforcement and compliance initiatives to ensure that monetised websites are not used, inadvertently or otherwise, for DNS Abuse.

Whilst we advocated for the restriction of Domain Name Monetisation in our submission, we understand the Panel's view that the current approach should not be substantially changed.

The main argument in our submission supporting the restriction of Domain Name Monetisation was to allow greater accessibility to the .com.au namespace by

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Australian businesses so as to minimise the potential necessity of using alternative gTLDs such as .shop, .online, .biz, .store, or .io.

We note that the significance of monetisation lies less in the raw proportion of names affected than in their composition. The domain names that are parked for speculative purposes are not a random sample of the namespace. They are disproportionately short, dictionary-word, and human-readable. These are precisely the names of greatest value to Australian businesses because they are memorable and commercially useful, and inaccessibility to Australian businesses is not adequately captured by aggregate figures alone.

<u>Recommendation 2: Allocation rules for com.au and net.au namespaces</u>

We support the Panel's view that it would not be to the benefit of the Australian community to remove the allocation rules altogether. Of the three options put forward for consideration by the Panel, we find Option 2 to be the most appropriate on balance, followed by Option 3, with Option 1 the least effective as a standalone measure.

Options 2 and 3 address the same defect by different means. Sub paragraph (f)(i) of clause 2.4.4(2) of the .au Licensing Rules permits the registration of a domain matching the name of a Service the registrant provides and point 8 of the definition of Service in clause 1.4 is the limb on which speculative registrations rely. Option 3 removes the allocation limb, affecting every registrant who relies upon it no matter what the domain is used for, capturing speculators and businesses alike. Option 2, by contrast, corrects the definition, which affects only those whose compliance with the allocation rules rests on a parked page.

Option 2 addresses the speculative-registration problem more directly and with substantially narrower consequences than Option 3, and it is the necessary predicate for the compliance activity contemplated by Option 1. If the Panel were to move forward with Option 3, we would encourage that the full extent of the option's impact be well understood before it is adopted.

<u>Option 1 - Increase compliance checks</u>

In our view, this option would increase the regulatory burden on auDA without meaningfully improving the availability of .com.au and .net.au domain names. Domains used for speculation comply with the definition of Service as it currently stands. Auditing against that definition merely confirms compliance that already exists.

<u>Option 2 - Clarify the definition of Services</u>

The Panel has identified that removing the allocation rules would likely increase speculation, leading to the Australian public paying more for domain names and to

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diminished confidence and trust in .com.au and .net.au.[1] These are the harms that the allocation rules exist to prevent.

The current definition of Service in the .au Licensing Rules includes:

> *1. a service relating to banking, insurance, and the provision of grants, loans, credit or finance;*
> *2. a service relating to entertainment, recreation or refreshment;*
> *3. a service relating to transport or travel;*
> *4. a service relating to gas, water or electricity;*
> *5. a service of a kind provided by members of any profession or trade;*
> *6. a service of a kind provided by government, a government or public authority or a local government;*
> *7. a service of a kind provided by a Not for Profit Entity for the benefit of the public or a sector of the community;*
> *8. a service providing information or a referral to another provider which relates to Goods or services used by the public or a sector of the public.*

Point 8 as currently drafted is the principal means by which speculative registrations satisfy those rules. In our view, point 8 would be greatly improved by further clarification, which would strengthen the licensing rules.

Service vs service

Point 8 of the definition of Service provides for *a service providing information or a referral to another provider which relates to Goods or services used by the public or a sector of the public*. "Goods" is a defined term while "services" is not, notwithstanding that "Service" is defined in the .au Licensing Rules by the very provision in which point 8 sits.

Therefore, it is not apparent whether the reference is to the defined term Service or to services in the ordinary sense. The distinction is not academic. On the ordinary reading, point 8 is satisfied by a referral relating to almost any service any person provides, and its only substantive constraints are that the referral be to another provider and that the Good or service be used by the public or a sector of the public.

On the alternative reading, "services" bears the meaning of the defined term Service. That reading is not free of difficulty. Point 8 forms part of the definition, so a referral relating to a Service could relate to a point 8 service, which in turn relates to a Service. A construction producing that regress would ordinarily be rejected, and point 8 read as referring to a Good or to a Service within points 1 to 7. That the provision requires reading down in this way is itself an indication that clarification is warranted.

[1] Consultation on .au Licensing Rules Review Draft Report, Page 40: https://files.auda.org.au/documents/au-Licensing-Rules-Review-2025-Policy-Advisory-Panel-Draft-Report-4.pdf

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The Draft Report refers to the definition of "Services," while the .au Licensing Rules define "Service." That the term is handled inconsistently is itself indicative of the ambiguity we identify.

We recommend that the Panel resolve this ambiguity as part of the clarification contemplated by Option 2. The mechanisms we propose below are framed so as to operate correctly on either construction.

Why Pay-per-click is not a Service

Point 8 in the definition of Service is the basis on which pay-per-click (PPC) and parked pages currently qualify to satisfy the allocation rules. Such pages display automatically generated advertising links and refer visitors to third-party providers, which maps closely onto the wording of point 8. As a result, a domain registered and held purely for speculative purposes is able to satisfy the allocation rules by deploying an automated advertising page, notwithstanding that the registrant provides no genuine service of its own.

The construction of point 8 presupposes a referral or information service that the registrant itself provides and can answer for. A curated business directory, comparison site, or review site meets this description. A person or persons have selected, arranged, and stand behind the referrals, and can be held accountable for where they lead. These are legitimate services and should continue to qualify under point 8.

An automated, keyword-driven feed is materially different. In our view, this does not meet the definition of a Service which the registrant provides in the sense point 8 contemplates. The relevant distinction is the degree of effective control and accountability exercised by the registrant.

A feed should not qualify merely because it automatically generates links matching the domain's keywords where the registrant neither meaningfully selects the subject matter nor maintains reasonable processes for reviewing and responding to harmful destinations. Control over the scope and extent of the service is key to the actual provision of the service.

This distinction is not merely conceptual. Because the referrals are automated, no party in the .au chain is realistically answerable for the destinations served. This creates an exposure to DNS abuse of precisely the kind the Panel identifies in Recommendation 1. An attacker that is able to place a listing within the syndication network can utilise a .com.au domain to refer visitors to malicious destinations, such as phishing or malware-distribution sites, without the registrant's knowledge or control.

We do not suggest that every automated advertising page serves harmful content, or that reputable networks do not screen. The point is structural. The automation

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removes the registrant accountability that point 8 assumes, and legitimate curated referral services do not carry this exposure.

Human moderation cannot eliminate abuse, but it introduces accountability and the possibility of oversight, whereas automated syndication removes both. The .com.au namespace lends the trust conferred by verified registration to destinations that no one in the registration chain has vetted.

Accordingly, we propose that point 8 be retained but amended so that it does not extend to pages where the information or referral function is wholly generated by an automated third-party advertising or syndication system rather than provided by the registrant.

We propose a carve-out rather than the removal of point 8, because point 8 legitimately accommodates services that should not be affected. The distinguishing criterion is a degree of human accountability for the referral destinations and moderation for the content served. An automated advertising and/or referral feed by design does not have this.

Point 8 requires another provider

Additionally, we suggest that there be a carve-out from the definition of Service that clarifies that the use of a domain's own page to solicit offers for the sale or transfer of its own domain licence does not constitute a Service whether the solicitation is made directly or by referral to a broker, marketplace, agent or other intermediary. Similarly, the use of a domain to harvest enquiry or contact details from visitors for that purpose also does not constitute a Service.

Point 8 contemplates a service that provides information about, or a referral to, <u>another provider</u> of Goods or services used by the public. A page whose function is to solicit the sale of its own domain name licence does not do this. The only subject of the page is the domain licence itself, offered for transfer. Where the solicitation is routed through a broker or marketplace, that intermediary is the mechanism of transfer, not its subject. The referral relates to the disposal of the registrant's own licence, whatever channel it passes through. Such a page is not providing a referral service in the sense point 8 contemplates; it is advertising the domain for sale.

A domain name licence is not a Good or a service

Further to the above, a domain name licence is not a Good. Under the .au Licensing Rules, "Good" has the same meaning as under the Australian Consumer Law (ACL). The definition of goods is inclusive rather than exhaustive. It retains the ordinary meaning of goods (tangible, movable chattels) and adds a closed set of named extensions, being ships, aircraft and other vehicles; animals; minerals, trees and

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crops; gas and electricity; computer software; second-hand goods; and component parts and accessories.[2]

Those extensions are specific and deliberate. Where Parliament intended to bring within goods things that are not chattels, it named them. It named computer software, but it did not name licences, permissions, or rights of use.

Nor does the inclusion of computer software assist the contrary view. Software is supplied under licence, but what is supplied is an artefact that exists independently of the supplier's continuing performance: a copy of a work in which rights subsist. The licence is the mode of supply; the good is the software. A domain name licence supplies no artefact. The string is not a work and no rights subsist in it. What the registrant holds is the registry's continuing maintenance of an entry in the zone. Cease that performance and nothing remains in the registrant's hands. Software is a good supplied under licence. A domain name licence is a licence and nothing more.

A domain name licence is therefore, at highest, a chose in action or a licensed right of use. It is neither a chattel nor among the named extensions in the ACL. Property that is neither a chattel nor a named extension is not a Good; for instance, shares and debts are property, and neither is a Good.

It may be contended that a domain name licence is a form of property. The .au Licensing Rules are founded on the principle of No Proprietary Rights in a Domain Name,[3] and a licence confers a right of use rather than any proprietary interest.[4] In *Hoath v Connect Internet Services Pty Ltd*, the NSW Supreme Court proceeded on the basis that a domain name was a form of intangible property, though the point did not fall for decision.[5] Nothing in our reply turns on the question.

Nor is a domain name licence a service. Under the defined-term reading it is not a Service, being none of the services described at points 1 to 7. Under the ordinary reading, a service is a performance rendered by one person to another, whereas a licence is a right. Nor is the licence *used by the public*: the public uses the resolution of the domain name, while the licence is held and used by the registrant alone.

Accordingly, it is our view that a domain name licence does not fall within the definition of Good in the .au Licensing Rules, whether or not it is property, and is not a service used by the public. A page whose only function is to offer the domain for sale is therefore not providing information relating to a Good or service used by the public within the meaning of point 8.

[2] Section 2, Schedule 2, Competition and Consumer Act 2010 (Cth)
[3] Clause 1.3.1(7) of the .au Domain Licensing Rules: https://www.auda.org.au/au-domain-names/au-rules-and-policies/au-domain-administration-rules-licensing-2/
[4] Clause 2.3.3 of the .au Domain Licensing Rules: https://www.auda.org.au/au-domain-names/au-rules-and-policies/au-domain-administration-rules-licensing-2/
[5] Hoath v Connect Internet Services Pty Ltd [2006] NSWSC 158

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Compliance with Domain Name Monetisation

We note that the Panel does not propose to prohibit domain name monetisation, and these carve-outs do not prohibit monetisation. They prevent a monetised page from itself supplying the allocation basis for the domain. A registrant who holds a domain under any other limb of 2.4.4(2) remains free to park it, monetise it, and sell it, including through a secondary marketplace.

Clarifying that neither an automated syndication feed nor a solicitation for the sale of the domain itself falls within point 8 ensures that a domain cannot satisfy the allocation rules on the basis of a page that exists only to broker its own transfer. It must independently satisfy another applicable allocation criterion; the page advertising the licence for sale cannot itself constitute that criterion.

A registrant who curates the referrals, selects the destinations, and stands behind them is not evading the clarified definition. That registrant is providing precisely the service point 8 contemplates. The carve-outs do not ask whether a claimed service is commercially serious; they ask whether the registrant is providing one at all.

Regulatory realism and resources

We recognise that it would not be practical for auDA to investigate whether a business genuinely provides a claimed service, and that it should not be required to. A legitimate business may operate a service that has few or no users, particularly when newly established, and any test that turned on traffic, transactions, or commercial success would wrongly capture legitimate registrants.

Both mechanisms above are therefore deliberately framed around features observable from the page itself rather than any assessment of the authenticity or performance of the underlying business:

1. whether the page's referral content is wholly generated by a third-party advertising or syndication system;
2. whether the page solicits offers for the sale or transfer of the domain licence itself.

Criteria of this kind, being objective and observable, would also allow auDA to assess pages systematically and potentially through automated screening, with any finding reviewed by a person before compliance action is taken. This preserves procedural fairness while making enforcement practical at the scale of the namespace.

Clarified in this way, point 8 also gives effect to the compliance activity contemplated by Option 1. Auditing against a clarified definition can meaningfully identify and address non-compliant domains in a way that Option 1 on its own cannot.

<u>Option 3 - Delete sub paragraph (f) from section 2.4.4(2) of the .au Licensing Rules</u>

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The deletion of sub paragraph (f) from clause 2.4.4(2) would remove the ability for a *Commercial Entity* to register a domain name that is a match or synonym of the name of:

> *i. a Service that the Person provides;*
> *ii. Goods that the Person sells (whether retail or wholesale);*
> *iii. an event that the Person registers or sponsors;*
> *iv. an activity that the Person facilitates, teaches or trains;*
> *v. premises which the Person operates.*

The deletion of sub paragraph (f) may on first glance appear to be a non-option for .com.au and .net.au namespaces as was expressed in the consultation sessions; however, upon closer consideration the option has merit and is worth considering in greater detail.

Sub paragraph (f) permits a Commercial Entity to register a domain matching the name of a Service it provides, Goods it sells, an event, an activity, or premises it operates. Sub paragraphs (a) and (b) permit a domain matching the registrant's own name or business name, and sub paragraph (c) a domain matching a Trade Mark it holds. These are different strings. A plumbing business trading as Nat’s Plumbing may register natsplumbing.com.au under (b) whether or not (f) exists; what (f)(i) additionally permits is a domain such as emergencyplumbing.com.au, matching the name of the service rather than the name of the business.

The practical significance of (f) therefore turns on the character of the name sought. Where the name of a Service, Good, event, activity, or premises is distinctive, it will generally be registrable as a business name or Trade Mark, and a domain matching it is available under (a) to (c) without recourse to (f). Where the name is a plain description, such as the generic name of a Service, or of a category of Goods, no business name or Trade Mark route may exist, and (f) is the only basis on which such a domain may be registered. This residual case is the substance of the concern raised during consultation, and we address it below.

We examine each limb of (f) in turn, and then return to the residual case.

(i) a Service that the Person provides

Where a business provides a Service under a distinctive name, that name is ordinarily registrable as a business name, permitting a domain to be registered under sub paragraph (a) or (b) of 2.4.4(2). A legal practice operating a conveyancing service as Hannah & Co Property Law, or an electrician operating an emergency response service as Voltaic Rapid Response, is not dependent on (f)(i) for a domain matching that name.

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Where the Service is identified only by its plain description, such as Sydney Lawyers or Emergency Electricians, then no business name or Trade Mark route may be available. That case falls to be considered with the residual case below.

(ii) Goods that the Person sells (whether retail or wholesale)

If a business is selling Goods which are a result of impactful research and development, have a unique brand identity, and/or have notably contributed to the wider Australian market, it is likely that the name of such a Good has been trademarked. This would permit a domain for the Good to be registered under sub paragraph (c) of 2.4.4(2) of the .au Licensing Rules. Examples of types of Goods that would fall into this category include mobile phones, computers, and household electronics such as the Apple iPhone, Microsoft Xbox, Sony PlayStation, and Dyson Airwrap.

This alternative is not ordinarily available to retailers, distributors or other businesses that sell branded Goods but do not own the mark. Such businesses may depend directly on sub paragraph (f)(ii), meaning its deletion could have a material effect beyond generic product-category domains.

(iii) an event that the Person registers or sponsors

Events that a person registers or sponsors fall into three distinct types: one-off events, infrequently recurring events, and frequently recurring events.

One-off events and infrequently recurring events that may not be commercially core to the business, such as a charity fundraising event, annual galas, or a party, could find a suitable domain name in the direct .au domain namespace to which the allocation rules do not apply. These events could likely use the current year to maximise the likelihood of finding an available domain name, for example, a school walkathon could register the domain name *queenscollegewalkathon2026.au*, whereas a gala dinner could be *IACgala2026.au*. These “one-off” domain names are short-lived by design and their composition and alternative namespace are not as likely to impact their day-to-day business operations.

Frequently recurring events are likely to be commercially core to the business, and as such would likely be eligible to register a business name similar to a Service as explained in (i). This would permit a domain for the Service to be registered under sub paragraph (a)-(b) of 2.4.4(2) of the .au Licensing Rules. Examples of events that would fall into this category include clubbing events such as monthly dance parties, food-and-beverage events such as recurring tasting events, and social events.

(iv) an activity that the Person facilitates, teaches or trains

Activities that a business facilitates, teaches, or trains, could be transitioned to a business name, as with the Service limb at (i). Examples of types of activities that would fall into this category include personal training, martial arts, dancing, and

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tutoring, such as Adonis Sculpt Training, Fantastic Fighter Martial Arts, and Enlightenment Soul and Body Dancing.

(v) premises which the Person operates

The premises limb is similar in nature to the Service and event limbs. If the premises is commercially core to the identity of the business operations, then it is likely to be registered as a business name. This would permit a domain for the premises to be registered under sub paragraph (a)-(b) of 2.4.4(2) of the .au Licensing Rules. Examples of types of premises that would fall into this category include clubs, halls, amusement parks, and function venues, such as The Metro Theatre, Luna Park, and Powerhouse.

During the consultation sessions it was correctly noted that a plain descriptive expression may be difficult to register as a Trade Mark because it may lack capacity to distinguish. The position for business names is different: ASIC generally assesses availability by reference to existing names and prohibited or restricted expressions, rather than requiring distinctiveness. A descriptive business name may therefore be registrable if it is available. There is nonetheless the residual case identified above, the plain descriptive name, for which no business name or Trade Mark route may exist.

We accept that deleting sub paragraph (f) would foreclose it. However, its practical significance is considerably narrower than was expressed by opponents of Option 3 during consultation. The domains most affected by this concern are short, generic, descriptive names such as the plain name of a Service or category of Goods. The overwhelming majority of such names in the .com.au and .net.au namespaces are likely to be already registered. The population of legitimate businesses who would, in future, be newly unable to obtain such a domain is therefore small, because the desirable descriptive names are, in practice, no longer available for registration regardless of sub paragraph (f).

The deletion of sub paragraph (f) does not principally affect the pool of names available to new legitimate registrants, but the basis on which currently held registrations of such names were able to qualify.

Direct .au may provide an alternative for some registrants, but it is not a complete substitute for the corresponding .com.au name and will not eliminate the impact on all affected registrants.

A registrant who genuinely relies on (f) is the one holding a plain descriptive domain for a real business. A domain speculator relies on the same limb, reading "a Service that the Person provides" through point 8. Option 3 removes the limb from both. Option 2 removes it from the speculator alone.

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The implementation of Option 3 would require further analysis to determine the extent of its impact. This could prove difficult without having the capability to determine which allocation criterion is being used for domains in the .com.au and .net.au namespaces.

Additionally, if Option 3 were to be implemented, adequate time would need to be given for participants to be made aware of the change, determine if they would be impacted, understand the steps they would need to take to mitigate impact, begin the process of applying for a business name and/or Trade Mark if necessary, wait for that application to be successful, and if not, transition to an alternative domain name and change the domain name and related email addresses where they are used (customers, suppliers, regulators, etc).

While the changes resulting from Option 3 may not be as broad as its opponents have described, they may still be broader than the Panel presently intends. We would encourage the Panel to ensure the full extent of the option's impact is well understood before it is adopted, and to give it appropriate weighting accordingly.

Recommendation 3: Contested .au direct domain names

We support the recommendation of the Panel that the current process continue.

The Panel's analysis of the difficulties in changing the resolution process is well-considered and well-articulated. We recognise that the status quo leaves a substantial number of contested names unresolved and unavailable to any party, which is a real cost to the namespace.

On balance, however, we accept the Panel's view that this cost is preferable to adopting a resolution process that risks infringing or denying the rights of an existing domain licence holder. Without an alternative process that is demonstrably fairer and more workable, retaining the current process is the more prudent course.

Recommendation 4: Fraudulent and bad faith registrations and Reserved Names

We support the recommendations of the Panel to remove the requirement for auDA to publish the reserved list and introduce transparency around the reserved list by publishing the criteria and metrics.

Recommendation 5: Complaints process for domain name audits

We support the recommendations of the Panel to expand Part 3 of the .au Licensing Rules to include complaints in relation to audits performed by auDA and that the scope of ‘affected person’ is broadened.

Recommendation 6: Domain Name Licence lifecycle settings

We support the recommendation of the Panel to amend the rules of the .au domain lifecycle to align with common international practices.

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Recommendation 7: Including scams within the scope of the .au Licensing Rules

We support the recommendation of the Panel that the current approach to scams under the .au Licensing Rules be retained. However, we recognise the concerns raised by the National Anti-Scam Centre (NASC) in their submission.

We agree with the Panel's view that it is not *auDA's role, as the registry, to determine whether a particular domain constitutes a scam.*[6] Such determinations should be made by experts who are specifically qualified and trained in these matters.

Fundamentally, trust in the .com.au and .net.au namespaces arises from the intertwining of each domain with a commercial entity through the eligibility rules requiring an ABN, ACN, Trade Mark, or other business identifier. This identifier can then be used to further ascertain or verify the details of the registrant using online public services such as those provided by the Australian Business Register, ASIC, and IP Australia, with additional private data such as names and addresses available to law enforcement agencies if needed.

The NASC raised concerns that scammers register .com.au and .net.au domain names using valid ABNs that they do not legitimately control, or they obtain ABNs with minimal verification and then use them to lend apparent legitimacy to scam websites.[7]

Whilst it is completely out of the remit of auDA to regulate fraudulently registered ABNs, there may be lessons to be learned from other implementations of ABN based verification systems in Australia.

Recently, the Australian Communications and Media Authority (ACMA) implemented the **SMS Sender ID Register**.[8] As of 1 July 2026, an SMS sent from an alphanumeric Sender ID that is not registered to the sender has the Sender ID of that SMS replaced with "Unverified," indicating to the recipient that it may be illegitimate.

The process for an Australian business to register Sender ID is initiated by the business through their *approved telco*, much as a domain registrant registers a domain through a domain registrar. After the *approved telco* performs preliminary verifications, such as validating the ABN, the registration application is transmitted to ACMA. The applicant is then contacted by email to validate their details, much as a domain registrar sends a link to a new registrant to confirm their email address is valid.

In order to validate that the ABN being used to register the Sender ID is a legitimate ABN of the applicant, an email is sent to the authorised contact for that ABN in the

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[6] Consultation on .au Licensing Rules Review Draft Report, Page 63: https://files.auda.org.au/documents/au-Licensing-Rules-Review-2025-Policy-Advisory-Panel-Draft-Report-4.pdf

[7] NASC submission, Page 4: https://files.auda.org.au/documents/NASC-submission.pdf

[8] https://www.acma.gov.au/about-register

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Australian Business Register. This ensures that Sender IDs are only linked to the ABNs that they are legitimately related to. This is to prevent misuse of ABNs for registering Sender IDs for the purposes of scams, spam, and other similar criminal activity.

A similar system could potentially be considered where upon registration of a .com.au or .net.au domain, an email could be sent from auDA to an email listed on the details in the Australian Business Register to confirm the registration of that domain with that ABN within a period of time.

We note that this addresses only one of the vectors identified by the NASC, that being the use of an ABN that the registrant does not legitimately control. It would not prevent a scam operated by an entity using a genuinely held ABN, nor the use of forged ASIC or business name documentation, both of which the NASC also identifies. These vectors are more appropriately addressed by other agencies, including ASIC, the Australian Taxation Office, and law enforcement.

An ABN verification mechanism of this kind validates the eligibility criteria rather than resolving scams as a whole, which is consistent with the Panel's view that scam determination sits beyond auDA's role as registry.

Significant consideration and analysis would be needed to determine whether such a mechanism is appropriate in the .com.au and .net.au namespaces. Unlike the Sender ID Register, where the registering business is itself the ABN holder, .au domains are registered through registrars and are frequently administered on a registrant's behalf by an IT provider or reseller, using a domain administration mailbox rather than the contact listed against the ABN in the Australian Business Register.

A validation email sent to the ABR-listed contact may therefore reach a person with no involvement in managing the domain, introducing friction for a substantial proportion of legitimate registrations. Any domain-specific implementation would need to reconcile the registrar-intermediated model and delegated administration with ABN based verification.

Relevant analysis would also include understanding the number of domains registered using an ABN as their eligibility basis, as opposed to an ACN, Trade Mark, or another identifier.

The Panel has proposed that preventing scams be an issue that is included in the terms of reference for the next review of the .au Licensing Rules in three years' time.[9] Evidence regarding the effectiveness of the SMS Sender ID Register and its ABN-

[9] Consultation on .au Licensing Rules Review Draft Report, Page 65: https://files.auda.org.au/documents/au-Licensing-Rules-Review-2025-Policy-Advisory-Panel-Draft-Report-4.pdf

verification process would be available to the next review and could provide valuable insights and lessons.

We support the proposal to consider this issue in depth at the next review and commend the Panel for their foresight.

Recommendation 8: Adequate communication to Registrants regarding renewals or cancellation of Domain Name Licenses

We support the recommendation of the Panel to incorporate clear information about a registrar's obligation to contact a registrant in cases regarding the expiry, cancellation, and suspension of their domain.

Recommendation 9: Exemption from eligibility rules to retain com.au after retirement

We support the recommendation of the Panel for the adoption of flexibility within the compliance posture to facilitate transition to another appropriate namespace upon retirement.

Recommendation: Role-based WHOIS descriptions

Whilst not explicitly listed as a numbered recommendation, we support the Panel's view that the .au Licensing Rules be amended to permit registrants to use role-based descriptions in the WHOIS to limit publication of personal information.[10]

Additional Feedback

The Panel has indicated that matters beyond the current recommendations may be considered by the Panel or carried forward into the terms of reference for the next review, as reflected in its treatment of scams at Recommendation 7. In that same spirit, we offer the following additional observations. These proposals share a common objective: improving the evidence available for future policy development.

This additional feedback relates to auDA's operational role and the current namespace, rather than a change to the Licensing Rules. However, as discussed previously, registry-level data has been at times insufficient to adequately understand the extent of how a change could impact domain registrants and internet users.

Periodic domain registrant surveys

Throughout this review, the Panel and stakeholders making submissions have encountered the limits of what registry data alone can reveal. In relation to monetisation, the Draft Report notes there is no definitive way to identify registrants who hold domains for that purpose,[11] and in relation to allocation, the impact of options

[10] Consultation on .au Licensing Rules Review Draft Report, Page 61: https://files.auda.org.au/documents/au-Licensing-Rules-Review-2025-Policy-Advisory-Panel-Draft-Report-4.pdf

[11] Consultation on .au Licensing Rules Review Draft Report, Page 32: https://files.auda.org.au/documents/au-Licensing-Rules-Review-2025-Policy-Advisory-Panel-Draft-Report-4.pdf

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such as those in Recommendation 2 is difficult to assess without knowing which allocation criterion a domain relies upon.

Registry data records what is registered but it does not capture why a domain is held or how it is used. Periodic registrant surveys are a direct and proportionate means of closing that gap. They are established practice among registry operators internationally. As the registrant of numerous domains across various gTLDs, Nexus Polytech has exposure to domain operations by a range of Registry Operators. One such major gTLD Registry Operator, Radix, conducts registrant surveys of this kind.

Registrant surveys are well suited to gathering the intent-and-use information that registry records cannot provide, such as the purpose for which a domain is held, whether and how it is used operationally, and the registrant's relationship to the domain.

Survey responses are self-reported and subject to response bias and self-selection, so they are better suited to understanding patterns and proportions across the namespace than to making determinations about any individual registrant. They are nonetheless a valuable and cost-effective method to build an evidence base about how the namespace is actually used by domain registrants.

We recommend that auDA consider the merits of adopting registrant surveys for a representative sample of registrants as a standing source of namespace intelligence, with particular value in informing the allocation and monetisation questions that this review has found it lacks the data to resolve. A recurring survey would mean that future reviews are not constrained, as this one has been at times, by the absence of specific information.

Expanding DNS-based analysis of the .au namespace

During the public consultation auDA advised participants that it already performs some measurement of the namespace by providing statistics on the proportion of .au domains that resolve to an A record. auDA advised that it does not currently hold the equivalent statistic for MX records.

We propose that auDA consider the merits of expanding the range of DNS records it queries for analytical purposes. Since auDA already performs measurements of this kind, this would extend an existing capability rather than building a new one.

To enable richer data analysis, support more robust conclusions in future reviews, and provide a snapshot of the health, security and maturity of the .au internet, we suggest that the following DNS records be queried for .au domains, where they are not already collected, as they would assist in understanding domain usage and protecting against DNS abuse:

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Type	Name	DNS Abuse	Domain Usage	Rationale
A			✓	If domain is used for website content
A	www		✓	
AAAA			✓	If IPv6 connectivity is supported
AAAA	www		✓	
MX			✓	If domain is used to receive emails
TXT	_dmarc	✓		If DMARC is implemented to help prevent domain identity spoofing in emails
TXT		✓		If an SPF policy is present to help prevent domain identity spoofing in emails
CAA		✓		If a CAA record is present to enforce TLS certificate issuance restriction
DS		✓		If DNSSEC is implemented by the registrant *Present in the .au zone, which auDA operates*

The analytical value of this data lies in the derived cross-tabulations of each record query for that domain which impose no additional collection cost once the records are collected, such as:

- **Email Only**: Domains that are used for email only by having an MX record (that is not null) with no apex or www A/AAAA record.
- **DMARC**: Domains that have implemented DMARC. Analysis of this record could further determine the policy strength beyond mere presence.
- **Dual Stack**: The proportion of the .au web that has provisioned IPv6 determined by analysing domains with both A and AAAA records.
- **Other Usage**: Domains that have an alternative usage pattern by having no apex A/AAAA records, no www A/AAAA records, and no apex MX record.

Other measurement of Australian internet metrics is either a sample of selected domains or a client-side measurement of user connections. auDA is uniquely positioned to measure the .au namespace comprehensively and authoritatively because it alone holds the complete .au domain list, and we encourage it to do so as a standing, published function.

auDA currently holds the data it collects privately, releasing information as required. We suggest *aggregate* metrics of the kind described be released as regularly as practicable. Consistent with current practice, this data could be published as a standing series, as auDA already does with registry statistics.

Similarly, NIST in the United States operates standing published monitors of estimated IPv6 and DNSSEC deployment by sampling the .com, .edu, and .gov namespaces.[12]

[12] https://usgv6-deploymon.nist.gov/

Such data published by auDA would be authoritative and accurate, and could prove useful to cyber security researchers, Government agencies, and other stakeholders.

As of June 2026, there were 4,387,430 total .au domains registered.[13] The relatively low resource needed to perform DNS queries and the typical speed of resolution would practically allow the majority, if not the entirety, of the namespace to be queried at least annually.

Together with the registrant surveys proposed above, these measures form a complementary evidence base. Registrant surveys would capture registration intent and allocation data, which can only be self-reported, and DNS measurement captures the observable technical reality of the namespace.

The .au DNS is designated as a *critical infrastructure asset* under the Security of Critical Infrastructure Act 2018 (Cth). Additionally, auDA's 2025 Terms of Endorsement require auDA to have regard to *maintaining and enhancing the reputation of the .au domain as a safe, trusted online space*.[14] The collection, collation, and publication of data related to SPF, DMARC, CAA, and DNSSEC implementation across the .au namespace aligns with the core principle of supporting trust and confidence in .au.

We wish to thank the Advisory Panel and auDA for the opportunity to provide feedback on the Draft Report, and for their efforts in making the .au namespace a more trusted, secure, and commercially conducive namespace for all Australian internet users.

Should you require anything further, I can be contacted directly by email at **matthew.hana@nexuspoly.tech** or by phone on **02 8789 2129**.

Regards,

Matthew Hana
Principal Consultant

[13] Registry Monthly Statistics, June 2026: https://files.auda.org.au/documents/Registry-Monthly-Stats-June-2026.pdf
[14] 2025 Terms of Endorsement for auDA: https://files.auda.org.au/documents/Terms-of-Endorsement-for-auDA-2025.pdf

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