

## Department of Premier and Cabinet

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Secretariat  
auDA Policy Review Panel  
Email: [policy.review@auda.org.au](mailto:policy.review@auda.org.au)

Dear Sir/ Madam

### ***Public Consultation Paper: Reform of Existing Policies & Implementation of Direct Registration***

I am writing in relation to the auDA Policy Review Panel's invitation to provide feedback on proposed recommendations in relation to the reform of .au policies and the development of an implementation policy for direct registration as outlined in its Public Consultation Paper which was released in February 2019.

The Tasmanian Department of Premier and Cabinet (DPAC) would like to provide feedback on section 5.2.4. of the Public Consultation Paper concerning the implementation of Direct Registration in relation to Contestable Levels. This section states:

#### **5.2.4 Contestable Levels**

It is proposed that holders of domain licences stored in the central .au registry at the third level (e.g. ato.gov.au) and fourth level (e.g. dpc.nsw.gov.au) can participate in priority allocation and conflict resolution for direct registration (e.g. ato.au and dpc.au). The Tasmanian and Northern Territory Governments regulate their own domain names, which sit outside the central .au registry.

- Is it appropriate to exclude domain names registered at the fifth level from participation in the priority allocation process and the lock down process (e.g. images.dpc.nsw.gov.au)?
- Is it appropriate to exclude domain names registered at the fourth level that are not registered in the central .au registry from participation in the priority allocation process and the lock down process (e.g. justice.tas.gov.au)?

By way of background, in 2001 the Tasmanian and Northern Territory Governments elected not to have their .gov.au domains administered by the official registry. In Tasmania DPAC is the Registrant contact for .tas.gov.au domain. Registration of Tasmanian Government fourth level domain (4LD) name space is managed through a rigorous process. Once a domain has been approved it is entered into an internal database and the Domain Name Services (DNS) managed by a contracted service provider is updated.

The Tasmanian Government would be directly and unfairly impacted by the proposed Direct Registration Policy. Based on the proposed Policy, 4LD names in the .tas.gov.au spaces will not be eligible to participate in the priority and conflicting resolution process. This may impact on the identity, integrity and reputation of the Tasmanian Government, its agencies or any of the entities with domain names under .tas.gov.au (4LD).

The reasons that Tasmania believes that it is not appropriate to exclude domain names registered at the fourth level that are not registered in the central .au registry from participation in the priority allocation process and the lock down process are:

- Though the Tasmanian Government does not register its 4LD domain names with the official registry, it has well-defined processes comparable to the process used by the gov.au registry. The Tasmanian Government collects additional domain name related details which exceeds the information that is extractible through a Whois lookup on the official registry.
- When the Tasmanian Government opted out of the central registry in 2001, it did not foresee that a future Direct Registration Policy would be implemented which may have the potential to impact on the identity, the integrity and the reputation of the Tasmanian Government, its agencies and related entities. As a result, the proposed Policy for Contestable domains would unfairly and unreasonably impact on the Tasmanian Government and expose the Government to unacceptable risk.
- All state and federal governments use domain names in the same way and there seems to be no justifiable reason to exclude the Tasmanian Government's .gov.au 4LDs from the Contestable Levels. Governments are expected to deliver public services with minimal confusion and opportunity for fraudulent activity. For example, if the Tasmanian Government was to be excluded from the Contestable Levels list, a private organisation could register SLDs which give the impression of being an official government website, which can then be used to defraud or mislead the public. This is a foreseeable potential and unacceptable consequence of the Tasmanian Government being excluded from the priority allocation process.
- The Tasmanian Government appreciates the reason for the cut-off date of 4 February 2018, however the date proposed would not give the Tasmanian Government the opportunity to register its 4LD. All state governments are bound by the code of conduct which prohibits participating in any form of profiteering from registering domains. Again, there seems to be no justifiable reason to use criteria which would exclude the Tasmanian Government 4LD from the Contestable Levels list.
- The criteria for participation for the proposed Policy for Contestable Levels were made public after the cut-off date for joining the official registry. The Tasmanian Government was therefore unable to make an informed decision as to the impact of joining the official registry, and under the proposal would be excluded and exposed to unacceptable risk.
- It is anomalous that the Policy Review Panel is now considering allowing new businesses that are established after the cut-off date to be eligible for priority registration and conflict resolution process and Tasmania is excluded under the criteria. Therefore any policy change should either enable a priority registration to the Tasmanian Government domain names through the criteria, or enable an exemption to be sought for those that are not within an official registry.
- The reason for the proposed Priority Allocation model is to protect existing domains. Exclusion of .tas.gov.au 4LD may detrimentally affect the Tasmanian Government, its agencies and related entities and may impact on their identity, integrity and reputation. The proposal therefore has the potential to cause serious damage to Tasmanian Government entities, programs and the Tasmanian community. The Policy Review Panel recognises the need for a fair allocation method and it is critical that a model is adopted which does not expose the Tasmanian Government to unacceptable risk.

DPAC therefore requests that should the auDA proceed with the proposed criteria for the Direct Registration Policy that there is also a mechanism for an exemption to either recognise Tasmanian Government 4LD domains or to allow official registration of the 4LD domain names for inclusion in the list of Contestable Levels.

I would like to thank the Policy Review Panel for providing the opportunity to comment on its Public Consultation Paper. Should the Panel require any further information the contact officer in the Tasmanian Department of Premier and Cabinet is Mr David Briggs, Director Service Delivery, Digital Strategy and Services. Mr Briggs can be contacted by email at [david.briggs@dpac.tas.gov.au](mailto:david.briggs@dpac.tas.gov.au) or by telephone on (03) 6166 3007.

Yours faithfully



Jenny Gale  
**Secretary**