Competition Policy
Public Submission

Qualifications of submitter:

This proposal gives my personal view and is based on more than 30 years post-graduate business experience. Because it is a personal view I consider any reader should be in a position to assess whether or not I am qualified to comment on each issue.

Academically I have an honours degree in engineering and post graduate business qualifications.

Relevant experience is 26 years in the shelf company and business name registration field. Working with all Corporate Affairs Commissions and for the last 10 years also with the ASIC.

More recently (and in parallel with the shelf company business) as a director of a group of internet service companies promoting the registration of domain names and sub-domains from all non-restricted (and some restricted) countries.

One of my companies is an accredited registrar in both the UK and New Zealand and is currently assessing the benefits of ICANN accreditation. The group also operate in-house registries for many sub-domains.

Relevant URL's are www.instra.com, www.rare-domains.com, webhostingww.com and www.thecompanypeople.com.

Proposal 4.2

I do not hold the view that auDA need necessarily distance itself from the operation of the master registry. Please note however that I have defined the desired information limits for the master registry below.

The argument that a policy maker who controls the registry may become "slack" is not supported by real-life experience of similar situations, notably the ASIC who have far out-stripped the most optimistic forecasts at its inception - and it has maintained this performance for more than 10 years!

I am therefore of the view that it matters little whether the master registry is maintained by an off-shoot of auDA or by an independent operator.

However I am firmly convinced that there should be ***no significant common ownership or other business relationship*** between the operator of the master registry and any registrar. If this condition is breached it begs the operator to quietly favour its own registrar - and if that appears cynical - it is .... (30 years in "the school of hard knocks makes me very cynical).

[I feel very strongly that *"The registry may not operate as a registrar unless there is a clear and effective separation of the two businesses"* does not go far enough]

If outsourced the registry contract should be long enough (in terms of time) to provide stability but no so long as to create complacency - say somewhere between 2 and 4 years per contract.

Contents and security of master registry

Public information available from the master registry for all .au domains (including all 2LD's) should contain normal whois details with the exception of registration and renewal dates. All information concerning registration and renewal dates should be hidden and treated as confidential between the registry, relevant registrar and registrant.

The registry should also be totally protected from direct access which allows downloading of bulk data. Public access should be restricted to individual domain name searches. Registrar access could allow limited download access *to their clients information only.*

The above will provide the maximum "ease of use" without divulging information that the registrar could consider proprietary and should completely halt the current practice of poaching registrants.

The registrar should be required to keep duplicate records for their resellers and registrants.

Proposal 4.3

Of the options given in the discussion papers I have a clear preference for Proposal 4.3B, but with a little modification in the area of separation of powers - see 4.2 above.

Proposal 4.3A will (I believe) lead to considerable confusion. I already deal with many registries please do not create any more than necessary.

Proposal 4.4, 4.5 and 4.6

In so far as the proposals are detailed these proposals appear to be eminently satisfactory. I assume the public will have the opportunity to comment when further details are available.

Peter Dean
Chairman Of Directors - The Instra Group