

Ms Jo Lim,  
Secretariat,  
auDA Competition Advisory Panel,  
Australian Domain Administration Limited,  
GPO Box 1545P,  
MELBOURNE VICTORIA 3001

Via email [jo.lim@auda.org.au](mailto:jo.lim@auda.org.au)

Dear Ms Lim,

Re: Submission to the auDA Competition Panel

Further to the Stage 3 report for public consultation released by the auDA Competition Panel, (online at <http://www.auda.org.au/panel/competition/papers/publicreport.html>) Electronic Frontiers Australia Incorporated ([www.efa.org.au](http://www.efa.org.au)) (“EFA”) makes the following submission.

Generally EFA supports the recommendations of the Panel as the result of detailed community consultation and inclusive industry and Internet association discussions. The introduction of competition into the retailing of domain names is highly desirable and should benefit end users in terms of choice, service levels and price.

EFA would strongly support Proposal 4.3B for a single registry for .au and all 2LDs under .au. In our view, provision of registry services is contestable to the extent of promoting best innovation and consumer interests under periodic tendering without the necessity of multiple registries. EFA is concerned that multiple registries would enable too many companies to have full access to “whois” details and consequent dangers of leakage, sale or corrupt provision of personal data contained therein.

EFA considers that, subject to firm controls over the chosen registry, that personal privacy will be better promoted by a single-registry model. Given that personal web sites are likely to increase with the advent of competition and new domains, protection of the privacy of whois data is critical.

EFA urges auDA to adopt a policy to restrict access to whois data, in order to protect domain name registrants from spammers, renewal slamming, and unreasonable litigation from Australian and foreign plaintiffs. The single registry model provides a single point of contact for release of whois information and thus easier detection and punishment for improper provision of this personal data.

As to Proposal 4.6, EFA urges strong consumer protection to be embodied in service level agreements with the registry and 2LD registrars. This should include data escrow, performance levels and a prohibition on the release of whois data unless legally

authorised in the same manner as requests to other telecommunication bodies under Part 13 of the Telecommunications Act.

Such a policy has two significant ramifications on competition:

- (a) That auDA's administration of AUNIC and responsibility for the whois service are such important public trusts that the desirability of competition is outweighed by the need for due process and accountability; and
- (b) That the registry for .au and all 2LDs under .au (and conceivably Australian territorial ccTLDs) should be within one accountable organisation, subject to an appropriate service level agreement and a fixed term. Competitive tendering prior to the expiry of the term would allow for full competition, albeit on a serial rather than a daily basis.

EFA looks forward to the release of the Competition Panel's final report and the establishment of accountable policies for registrars seeking to offer domain names within the .au namespace.

Yours faithfully,  
Kimberley Heitman,  
Chairman,  
Electronic Frontiers Australia Inc  
[www.efa.org.au](http://www.efa.org.au)  
21st March, 2001