

# .au Domain Administration Rules: Licensing

## SCHEDULE A

### PART 1 - INTRODUCTION

**1.1** This Schedule specifies the eligibility and allocation criteria which a Person must satisfy when applying for a Licence in the edu.au namespace and edu.au Child Zones.

#### 1.2 Definitions

In this Schedule:

*Association* means an incorporated association formed within the limits of an Australian State or Territory, or an Australian external territory whose members comprise

education and training entities, teachers and other education and training professionals, parents or students.

*Body Serving Overseas Students* means a Person providing education and training services to overseas students in Australia and which appears in the Commonwealth Register of Institutions and Courses for Overseas Students.

*Child Zones* means the following: act.edu.au, nsw.edu.au, nt.edu.au, qld.edu.au, sa.edu.au, tas.edu.au, vic.edu.au or wa.edu.au, catholic.edu.au, eq.edu.au, education.tas.edu.au and schools.nsw.edu.au.

*Education and Care Services (Child Care) Provider* means a Person providing an education and care service (child care) registered or accredited by the relevant State or Territory Government authority and which appears in the Australian Children's Education & Care Quality Authority registry.

*Eligible Referee* means a Person that ~~is~~:

1. **is** eligible for and that currently holds a Licence in the edu.au namespace or one of its Child Zones; and
2. **must not be** a related entity, **such as**, ~~as defined by the Corporations Act 2001 (Cth), to the Person applying for a Licence:~~
  - a. a parent company or subsidiary
  - b. an entity that shares directors, officers or members
  - c. an entity that has financial or operational control over a trust or beneficiary associated with the Person applying for a Licence, or
  - d. an entity with a vested interest in the Person applying for a Licence

**Exceptions to this rule may apply where a college or campus is operating within and under a third-party contract with a university, or for incorporated**

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associations whose members are best placed to provide a reference regarding its operations.

*Entity Delivering Non-Accredited Training* means an entity that is providing training services for which there is no appropriate government registration or accreditation authority and where no qualification or award under the Australian Qualifications Framework is being offered, including tutoring services, **micro-credentials** and some industry based or industry specific training.

*Entity Not Otherwise Listed* means an entity that operates in the education and training sectors, but does not fall within one of the other education or training entity types listed or an entity that provides approved services on behalf of another education or training entity, including university residential colleges, or English Language Intensive Courses for Overseas Students providers operating under entry arrangements.

*Generic Education and Training Terms* means terms that are deemed to be in common use within the education and training sector and/or that would, if registered, provide an unreasonable advantage to the Licence holder over other entities that may offer the same or similar services, including references to course names, types of education and training, education and training faculties, staff or students, **or geographic locations**.

*Government Body* means a Commonwealth, State or Territory Government entity, a statutory body or a company that is wholly government owned.

*Government School* means a school that is conducted by or on behalf of the government of a State or Territory.

*Higher Education Institution* means an entity:

1. established under a Commonwealth, State or Territory Act; or
2. approved to provide higher education by the Tertiary Education Quality and Standards Agency (or other relevant Commonwealth, State or Territory Accreditation Agency).

*Industry Organisation* means an organisation that represents a sector of the Australian economy.

*National Interests and Responsibilities* means:

1. having been established by, being responsible for or administering a project, program or initiative of a Commonwealth entity;
2. having a primary function of contributing to the development of or conducting research relating to the Australian Curriculum;
3. representing other Persons that have the same interests and objectives nationally;

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4. being a partnership between or consortium of entities in multiple States and Territories;
5. having stakeholders or membership comprised of entities in multiple States and Territories; or
6. being an Australian University; or
7. **being registered or accredited with a Commonwealth education or training authority.**

However, international delivery of education services does not qualify as a national interest or responsibility.

*Name of the Person* means the Legal Name, Business Name, trading name, or registered trademark of a Person, or the name of a partnership of which the Person is a member, and as is recorded with the appropriate government education or training authority where required, or otherwise where recorded in a government registry.

*Non-Government School* means a school, other than a Government School, registered by the relevant State or Territory Government authority.

*Peak Body* means a Not for Profit Entity that represents other Persons that have the same interests and objectives within a State or Territory or nationally.

Person means:

1. a Commonwealth, State or Territory Minister;
2. a Commonwealth, State or Territory statutory authority;
3. a Commonwealth entity;
4. an Australian company;
5. a Registrable Body;
6. an Association;
7. an indigenous corporation;
8. Registered Organisation under the Fair Work (Registered Organisations) Act 2009 (Cth);
9. an Incorporated limited partnership under State or Territory legislation;
10. a cooperative under State or Territory legislation, and which appears on the State or Territory register of cooperatives; or
11. a natural person who is 18 years or older.

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*Pre-school* means a Person that is registered or accredited by the relevant State or Territory Government authority to provide a pre-school service.

*Registered Training Organisation* means a Person registered as a training organisation with the:

- (1) Victorian Registration and Qualifications Authority;
- (2) Training Accreditation Council Western Australia; or
- (3) Australian Skills Quality Authority; and

recorded in the National Register on Vocational Education and Training.

*Registrable Body* means a registrable Australian body or Foreign Company under the Corporations Act 2001 (Cth).

*Related Services* means services specific to and within the education and training sector, and does not include general services such as supplies, or technology, referral, administrative or financial services that may be used by or be offered to education and training entities.

*Value Judgement* means a term which is a subjective opinion, rather than an objective fact and, if registered, may provide an unreasonable advantage to the Licence holder over other entities that may offer the same or similar services.

### **PART 2 ELIGIBILITY AND ALLOCATION CRITERIA**

**2.1** A Person applying for Licences in the edu.au namespace or any of its Child Zones must be a recognised education or training entity operating as:

1. a Government School;
2. a Non-Government School;
3. a Pre-school;
4. a Registered Training Organisation;
5. a Higher Education Institution;
6. an Education and Care Services (Child Care) Provider;
7. a Body Serving Overseas Students;
8. a Government Body;
9. an Industry Organisation / Peak Body;
10. a research organisation;
11. an Association;

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12. an Entity Delivering Non-Accredited Training; or

13. an Entity Not Otherwise Listed.

**2.2** The Domain Name applied for must be:

1. an Exact Match to the Name of the Person;
2. be substantially and closely connected to the Name of the Person;
3. an Acronym or abbreviation of the Name of the Person; or
4. the name of or a name with a semantic relationship to the name of a project or program which the Person is the owner or principal administrator.

**2.3** The Domain Name applied for must not:

1. be comprised of only Generic Education and Training Terms;
2. a personal name, except where the personal name is that of the Person;
3. contain obscene or offensive language;
4. express a value judgement or political message; or
5. otherwise be deemed to compromise the reputation or effective operation of edu.au namespace or any of its Child Zones.

Exceptions may exist for legacy domain names which were registered in good faith in the past (e.g. pre-2016) under different licensing rules, provided all other eligibility and allocation criteria are met. These names cannot be transferred.

**2.4** The Domain Name applied for must satisfy any eligibility and allocation criteria for the namespace or Child Zones being applied for as specified in paragraphs 2.8 to 3.5 of Schedule A.

**2.5** Where there is a relevant government education or training authority, the Person applying must be accredited or registered with, or otherwise endorsed by, that authority.

**2.6** Where there is no relevant government education or training authority, the Person applying must submit a written warranty in a form provided by the Registrar, that they have a primary function of providing in Australia:

1. education;
2. training;
3. education and training research; or
4. Related Services.

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**2.7** The warranty must be supported by two Eligible Referees and where the Person applying is affiliated or has a contractual relationship with an accredited or registered entity for the delivery or education and training, one reference must be from that entity.

### **edu.au namespace**

**2.8** A Person applying for a Licence in the edu.au Namespace (at the third level) must:

1. be delivering education or training services in more than one State or Territory;
2. have National Interests and Responsibilities; or
3. be applying for the name of or a name with a semantic relationship to the name of a project or program operating in more than one State or Territory or that has National Interests and Responsibilities.

**2.9** Where the requirements in paragraph 2.8 of Schedule A cannot be verified by the Registrar via a government education or training authority or a government registry, the Person applying must submit a written warranty in a form provided by the Registrar and be supported by two Eligible Referees.

### **State and Territory (open) Child Zones**

**3.1** A Person applying for a Licence in the act.edu.au, nsw.edu.au, nt.edu.au, qld.edu.au, sa.edu.au, tas.edu.au, vic.edu.au or wa.edu.au Child Zones (at the fourth level) must be:

1. based in the corresponding State or Territory;
2. delivering education or training services in the corresponding State or Territory;  
or
3. applying for the name of or a name with a semantic relationship to the name of a project or program operating in the corresponding State or Territory.

### **Sector or jurisdiction specific (closed) Child Zones**

**3.2** A Person applying for a Licence in the catholic.edu.au child zone must be:

1. operating within the Australian Catholic education sector; or
2. approved by the National Catholic Education Commission.

**3.3** A Person applying for a Licence in the eq.edu.au child zone is subject to approval by the Queensland Government Department responsible for education in that State.

**3.4** A Person applying for a Licence in the education.tas.edu.au child zone is subject to approval by the Tasmanian Government Department responsible for education in that State.

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**3.5** A Person applying for a Licence in the schools.nsw.edu.au child zone is subject to approval by the New South Wales Government Department responsible for education in that State.