27 September 2002

Mr Derek Whitehead
Chair
New Names Advisory Panel
au Domain Administration Limited (auDA)
107 Faraday Street
CARLTON VIC 3053

Re: AuDA process for the review of new 2LD proposals

Dear Mr Whitehead:

On 12 June 2002, the Australian Catholic Bishops' Conference ("ACBC") submitted a proposal to auDA for a "closed" second level domain (2LD) known as "catholic.au", in response to auDA's call for proposals issued on 24 April 2002.

I note that since the submission of that proposal, the New Names Advisory Panel ("Panel") has had two meetings to discuss the proposals received, the first meeting being on 9 July 2002 and the second meeting being on 13 August 2002. Church Resources, which submitted the catholic.au proposal on behalf of ACBC, has brought to my attention the discussions which took place at those two meetings, the minutes of which were published on auDA's website. I note that the Panel is now requesting comments on a 2LD Discussion Paper that follows from the Panel's meeting discussions.

On behalf of ACBC, I wish to advise both the Panel and the Board of auDA of some disappointment felt by ACBC in the manner by which the Panel is conducting the application review process.

In April 2002, when auDA issued its call for new 2LD proposals, interested entities were advised that any "closed" 2LD proposal should include a discussion of ten different matters, which are set forth in paragraph 3.2. ACBC addressed all ten matters in its proposal of 12 June 2002.

Item (f) of the ten matters listed in paragraph 3.2 pertained to certain selection criteria upon which the proposals would be evaluated. There were four such selection criteria

listed in paragraph 4 of the same document. Once again ACBC addressed all 4 criteria in its proposal.

In paragraph 5 of the same auDA document, it was unequivocally stated that the Panel's deliberations would be informed by its terms of reference. These terms of reference state that the Panel will evaluate new 2LD proposals using the selection criteria specified by the auDA Board.

We faithfully relied upon the contents of auDA's April 2002 call for proposals and in particular paragraphs 3.2, 4 and 5, in preparing and submitting our proposal.

It is therefore with surprise, disappointment, and some concern that ACBC now reads the Panel's meeting minutes and the recent Discussion Paper. These documents reflect a very significant movement away from the initial terms of reference and selection criteria to which auDA represented the review process would adhere.

For example, the Panel's first "Action" item in its meeting notes of 9 July clearly indicates the Panel's intention to establish new criteria, especially for closed 2LDs. While we would find the development of criteria after the close of an application process troubling in its own right, the recent Discussion Paper engages in exceptionally broad ranging discussions which are now cast as somehow "implicit" in the four selection criteria. It is unclear which, if any, of the subjects raised in the Discussion Paper will affect the Panel's evaluation of the applications, and how these issues affect the status of the original criteria. This ambiguity and uncertainty in the process puts applicants at a significant and unfortunate disadvantage in responding to the Panel's Discussion Paper.

In addition, the Panel's meeting notes state that "*Panel discussions are confidential, however [panel] members are free to canvas issues with the groups that they represent.*" I am sure you can immediately recognise the concerns regarding due process and fair and equal opportunity that this raises about the review procedures.

You would appreciate, therefore, our frustration that the ACBC now finds that it must participate in what appears to be a very uncertain and vague process in order to further the catholic.au proposal. This problem is exacerbated by the inability of applicants to appeal against any unfavourable decision made by the Panel, as is stated in the documentation.

To ensure that the rudimentary principles of procedural fairness and natural justice are honoured, the Panel should revert to and remain focused on the original terms of reference and criteria for the purpose of its evaluation, and clearly and directly communicate with the applicants any questions on the merits of the proposal that it may have. This is the fairest and most procedurally sound way to proceed after the ACBC has invested its good faith, time and resources in responding to auDA's call for 2LD proposals based on its published criteria and procedures.

While we remain concerned and confused about the current direction of the process, nevertheless, we are attaching to this letter a submission directed to the current Discussion Paper and confirm the ACBC's willingness to work with auDA towards a successful conclusion of this process.

Representatives of the ACBC are available to meet for discussion at your convenience.

Yours faithfully

Father Brian Lucas
General Secretary
Australian Catholic Bishops' Conference

Cc: Tony Staley, auDA Chairman
       Chris Disspain, auDA Chief Executive Officer
       Jo Lim, auDA Chief Policy Officer
       Reverend Father Michael Kelly SJ, Chief Executive Officer, Church
       Resources
       The Hon. Senator Richard Alston, Minister for Communication, Information
       Technology and the Arts

Response of Church Resources
on behalf of the Australian Catholic Bishops' Conference
to the auDA New 2LD Discussion Paper

Church Resources, on behalf of the Australian Catholic Bishops' Conference (ACBC), wishes to reiterate its commitment to the catholic.au proposal. We believe that the establishment of catholic.au proposal is well situated on the merits and can fully meet all of the auDA Board's original selection criteria for the selection of new 2LDs.

As indicated in the letter from Fr. Brian Lucas, we are disappointed and concerned about the current direction of the Panel's review process. Nevertheless, we are responding to the Discussion Paper to show good faith as to the Church's willingness to work with auDA to make this important 2LD process successful.

We will respond to this request for comment opportunity in two parts.

Firstly, we will clarify for the Panel the purpose of the catholic.au proposal and the nature of the Catholic Church in Australia. We will also outline additional information in support of the merits of the catholic.au proposal.

Secondly, we will respond to the broader issues raised in the Panel's Discussion Paper issued in August 2002.

1) Clarification and Additional Information Regarding the catholic.au proposal

As indicated in our submission, we propose to establish catholic.au as the pre-eminent community-based on-line environment for resources related to the Australian Catholic Church, its services, and institutions.

We are concerned that the Panel appears to marginalize catholic.au as a proposal simply for a "religion" domain. We wish to reiterate that catholic.au is being proposed in response to the registration and on-line identification needs of a defined community and its institutions. Casting catholic.au as simply a vague "religion domain" fails to recognise the purpose of the proposal and the role the Catholic community and its institutions play in the Australian economy and national social infrastructure.

Examples of the Church's important and diverse role in Australian society include:

- 4.8 million Australians identified themselves as Catholic in the 1996 Census, representing approximately 27% of the population.

- The Catholic Church is the largest non-government employer in Australia.

- The Catholic Church operates 1,255 primary schools and 343 secondary schools in Australia. Nearly 656,000 Australian students, both Catholic and non-Catholic, were enrolled in Catholic education institutions in 2002.

- The Catholic welfare institutions represent a major non-government provider of social services nationwide. Catholic welfare activities cover an extensive array of services in support of individuals and families across Australia including Employment Services, Family Relationship and Children's Services, Refugee Services, Disability and Community-based Aged Care Services, Homeless Care and Housing Services.

- There are 1,380 Catholic parishes throughout Australia, including urban, suburban, and regional locations.

- Through the Catholic Military Ordinariate of Australia, the Catholic Church provides spiritual guidance to the men and women in Australia's armed services.

- The Catholic Church is the largest non-government provider of health, aged and health-related community care services in Australia. The Catholic health ministry includes:

  - 130 owners of Catholic health, aged and community care services
  - 500 aged care services
  - 330 approved residential services
  - 16,753 residential aged care beds
  - 5,334 retirement and independent living units and service apartments
  - 8,500 beds in 58 health care facilities
  - 7 teaching hospitals
  - expanding home and community care services

Indeed, a principal concept for catholic.au described in the proposal is ensuring sustainable naming conventions for Church *institutions, organisations and service providers,* as well as for its significant and well-established parish and pastoral community. Catholic institutions provide vital social, educational, healthcare services to Australians nationwide, and in many areas is the major non-government provider of such services.

In addition, both Catholic and non-Catholic Australians regularly take advantage of services provided by the institutions and organisations of the Catholic Church. As such, we believe that benefits of catholic.au would extend to all Australians that interact with Catholic entities. We note that in the Panel's minutes of meeting of 9 July 2002 it states, "There was some doubt as to whether the 2LD would have any benefit to the wider community of Internet users". We submit that catholic.au would, as a consequence of both Catholic and non-Catholic Australians using and enjoying the benefits of the services offered by the institutions and organisations of the Catholic Church, therefore benefit the wider community at large.

Moreover, the National Office for the Information Economy (NOIE) has long been supportive of non-profit and community sector participation in the Internet. NOIE has recognised the sector as "an important intermediary in service deliver to many disadvantaged groups in country, including regional Australia."

The catholic.au proposal, which will demonstrate a positive community use of the DNS and will facilitate citizens' access to important services, is fully consistent with, responsive to, and supportive of government policy in this area. Indeed, we believe that the submission of the catholic.au proposal represents the success of government initiatives in promoting the importance of the Internet to Australian communities, including the non-profit sector.

We also respectfully remind the Panel that rejecting the catholic.au proposal on the basis that the ACBC represents a faith-based community or from a view that religious communities should not have equal opportunity in the Australian domain name space would raise serious concerns regarding bias and discrimination against faith-based communities by auDA bodies.

Stability and Certainty of Management of catholic.au

In addition, there are a number of significant aspects to our proposal that should assure the Panel that the selection of catholic.au is a particularly stable and sound choice for a community-based 2LD. These include:

1. *Support from the clearly recognised peak body for the community:* The leadership role of the ACBC is established through Canon Law, the universal law of the Catholic Church. Through this body of law, the ACBC is recognised as the assembly of the Catholic hierarchy who jointly exercise leadership of pastoral functions on behalf of the 4.8 million Catholic faithful of Australia. As such, the Panel can be assured that the catholic.au proposal enjoys the support of the Australian Church at the appropriate levels of the community's leadership.

2. *Well- established internal governance and organisational structures and procedures:* The Catholic Church is guided by well-articulated procedures and principles that are codified in Canon Law. This legal system dates back over 1,000 years and forms a stable basis for the internal governance structure of the Church. Further, the Church structure also includes peak bodies that are responsible for managing key aspects of the Church's institutional activities. For example, Catholic Welfare Australia is recognised as the peak body for the Church's activities in the area of social welfare services. These internal governance and organisational structures will help ensure that catholic.au management policy will be sound and will benefit from participation and appropriate consultation within the Church.

3. *Stability of the institution and community:* The Australian Catholic Church has been present in Australia since the first European settlement and is one of the most enduring communities in Australian society. As the history of its parish founding, school building, and hospital establishment has shown, the Catholic Church enters and sustains its community activities for the long term. This record of past performance should provide the Panel with assurance that the catholic.au proposal will be managed with a view towards long-term sustainability.

4.   *High degree of certainty in the name space:* We note that our proposal indicated that the primary use of the catholic.au name would be for Church institutions and organisations, such as schools, hospitals, parishes, religious orders, etc. These are clearly defined legal entities recognised under both secular and Canon Law. Furthermore, these institutions are clearly established within organisational structures reporting to either the ACBC or the Congregational Leaders of Religious Institutes. Church Resources is very well positioned, and very experienced, in determining whether an entity is an established institution of the Church and in identifying the leadership individual who would be responsible for an application. These characteristics should assure the Panel that the proposed eligibility requirements for catholic.au are certain and sound.

5.   *Established rights in the name Catholic:* In Australia, the ACBC has proprietary rights to the word "catholic." Entities outside the Church wishing to use the word "catholic" as part of a registered name (such as a registered business name) normally are required to obtain the prior consent of the ACBC. Therefore, the Panel can be assured that the catholic.au proposal is consistent with proprietary rights to the word "catholic" that the Church currently has in the off-line world.

Catholic Community Need

We also wish to expand upon the need of the Catholic community and Church institutions to obtain a more appropriate and rational space in the Australian DNS.

As indicated in our proposal, if Catholic entities currently wish to register a domain name that reflects their Catholic identity under the .au domain, they must to do so below Catholic third level domains that are located under a disparate patchwork of current 2LDs such as org.au, net.au, and .edu.au. This requires organisations and institutions of the Church to begin any internal naming structure down at the fourth level. The result often produces long, complicated and difficult to remember domain names of up to five and even six levels long. Imagine, for example, the challenge facing a parent whose child attends a school with a website at http*://www.marist.penshurst.syd.catholic.edu.au* or who needs to send an important e-mail to a teacher at *mail@mtstbrpymble.brokenbay.catholic.edu.au.*   In many cases, Catholic entities seeking simpler and easier to use names are faced with the choice of abandoning the .au space all together (eg. Stfrancis-stjoseph.com, disciplesofjesus.org) or forgoing their Catholic identity (eg. Vinnies.org.au).

Some users have been frustrated and confused when they used a known Church organisation name but accidentally used .org.au instead of .edu.au.

Furthermore, the Church and Panel need only to look at the practical experience of the United States and the .us domain to witness the long-term negative effects that requiring the use of long, awkward, and cumbersome names has on the vibrancy of a domain space. Until April 2002, domain names under .us could only be registered under a complicated functional and geographic hierarchy that often produced long and complicated names such as *john-muir.middle.santa-monica.k12.ca.us* and

main.library.ci.los-angeles.ca.us. As a result, the .us domain was all but abandoned by American Internet users who overwhelmingly flocked more simple domains such as .com, .net and .org.

In its reform of the .us domain, the United States Government cited long, cumbersome domain names as a limitation to the attractiveness of the space and a detriment to the utility of the space as a whole. Indeed, the shortening of names for users was a primary motivation for reforming and liberalising the .us 2LD space. In addition, the US Government also indicated that the liberalisation and simplification of the .us 2LD space could promote increased uses of the TLD by Internet communities.

The demand for domain names for the Catholic community will only increase as the Church continues to grow its on-line presence. Given the current situation, and the negative US experience with long domain names, it is easy to understand our concern that the registration of domain names under the current .au system will not be sustainable for the Australian Catholic community in the long term. We believe that it is an unacceptable and unnecessary outcome for Church entities to have to contemplate trading off simplicity of a domain name with either their Catholic or Australian identities. Furthermore, as explained in our proposal, we believe that catholic.au will help the Church to more appropriately reflect and express its common sense of its identity in the on-line world, which is currently difficult for the Church to do across a range of disparate range and functional segmentation of .au 2LDs and gTLDs. As such, we view catholic.au a significant need for the Church.

Church Resources would note that these views and concerns were supported as legitimate factors for granting a new 2LD in the auDA Name Policy Advisory Panel June 2001 Report, which we understand is supposed to be a guiding document for the current Panel's proposal evaluation. We support the Name Policy Advisory Panel's conclusion that there is support "for the proposition that conceptual diversity in the DNS is important." We further believe that the Name Policy Advisory Panel's finding of support for an indigenous 2LD is a recognition of the importance of preserving a community's identity in the on-line environment, and consistent with the Catholic community's request for a catholic.au 2LD. Furthermore, we would also note that this document viewed improving "the ability of registrants to use a more 'desirable' or 'appropriate' domain name" as a legitimate basis for the adoption of a new 2LD.

Catholic Community Support

The Panel will note that several letters have been received by auDA from key Catholic leadership bodies in support of the catholic.au proposal. These include indicates of support from Catholic Health Australia, Catholic Welfare Australia, and the Australian Conference of Leaders of Religious Institutes (ACLRI). Given the important leadership roles these key organisations play in the Catholic community, we believe that these letters supply additional "strong evidence" of community support as requested in the original 2LD selection criteria.

The auDA Board and Panel should expect additional letters of support from other Catholic bodies in the near term. While several additional letters may be received

after the closing of the current request for comment, we request that they put on the record as they are received.

Additional Information Concerning the Further Development of the catholic.au Proposal

We would also like to take this opportunity to inform the Panel of further developments concerning the catholic.au proposal:

1) *Initiation of Church-wide Consolation Process to Develop a catholic.au Policy Steering Group.*

The catholic.au proposal indicated that a mechanism would be established to address ongoing catholic.au policy issues with input from the intended community of catholic.au registrants. Church Resources is pleased to inform the Panel that it has initiated a Church-wide consultation process concerning the development of a catholic.au Policy Steering Group to support catholic.au policymaking. Church Resources, with the guidance of the ACBC, plans to formulate the catholic.au Policy Steering Group with participation from key Catholic leadership bodies, including but not limited to, Catholic Health Australia, Catholic Welfare Australia, the Australian Conference of Leaders of Religious Institutes, and the National Catholic Education Commission.

Pending finalisation of the consultation process, we expect that the Policy Steering Group will advise in the development of a charter and principles for the catholic.au domain as well as additional policy, operational and management issues on an ongoing basis, as indicated in our original proposal. Consequently, catholic.au management and policy development will promote broad participation by Catholic leadership bodies and is intended to operate as a consensus-based process.

2) *Procurement of Specialised Consulting Expertise in Support of the catholic.au Project.*

The catholic.au proposal indicated the intent of Church Resource to secure specialised consulting expertise in support of the catholic.au project. We are pleased to inform the Panel that Church Resources has secured Karen Rose, an internationally recognised expert in the area of DNS management, as an advisor to the Church on the catholic.au project.

Serving under both the Clinton and Bush administrations at the US Department of Commerce (DOC), National Telecommunications and Information Administration (NTIA), Ms. Rose has had over 5 years experience in DNS policy, technical and management issues. Her work at NTIA encompassed all aspects of the US Government's efforts to transition global DNS management and related Internet technical functions to the international private sector, including coordinating the US Government's interaction with the Internet Corporation for Assigned Names and Numbers (ICANN).

Among other accomplishments, she was a key participant in the negotiations between the US Government and Network Solutions (now VeriSign) that pioneered the introduction of global competition in domain name registration in the .com, .net, and .org domains. She also led US efforts to restructure and reform the .us domain, and executed the US Government's tender process for securing .us registry and management services. Ms. Rose was also responsible for the management and approval of all changes to the global Internet Root Server System (including the recent redelegation of the .au domain) and served as the U.S. Government representative on the ICANN Governmental Advisory Committee (GAC). She is also in demand as a speaker internationally on DNS and related Internet identifier issues.

Ms. Rose currently serves as Vice President, Affinity Group Enterprise Solutions, at FulfilNET, a leading Sydney-based web development and content services firm. She resides full-time in Sydney.

Church Resources is proud to have attracted someone of such experience and international standing to assist in implementation of the catholic.au proposal. We are confident that her participation in this effort will not only benefit catholic.au, but also broader auDA processes concerning the management of the .au domain.

3) *Initial Exploration of Potential Commercial Service Provider Arrangements for catholic.au*

Consistent with commitments we made in our initial proposal, Church Resources is currently exploring possible commercial arrangements for the provision of registry services for the proposed catholic.au domain.

2) Treatment of Broader Issues Raised in the Discussion Paper

Church Resources is disappointed and concerned that the majority of the issues raised in the auDA discussion paper revisit previous decisions and directions established by the auDA Board, venture far afield from the Panel's stated terms of reference, and seem to signal that new, yet unarticulated, additional selection criteria may be used to evaluate the 2LD proposals. As indicated in Fr. Brian Lucas' letter, we believe that this lack of clarity in process leaves applicants at a considerable disadvantage in addressing the broad discussions of the Panel's Discussion Paper.

A further difficulty is that the Discussion Paper is not specific to the particular applications. For the most part, it is difficult to be certain as to what aspects of the Discussion Paper apply to the catholic.au proposal. It appears that the Discussion Paper is mostly a compilation of belief statements by the Panel rather than clear inquiries of the various proposals and their proponents.

Indeed, we are concerned that the current direction of the Panel review process has opened up auDA to criticism and unnecessary risk.

Given this uncertainty, it is with some hesitancy that we move away from concrete discussion of the catholic.au proposal into the broader issues raised by the Discussion

Paper. However, we are providing some views on several areas raised in the Discussion Paper as a show of our good faith and intent to work with auDA to reach a successful conclusion to the 2LD selection process.

Competition, User Choice, and Community Self-Determination

The Discussion Paper asserts that the current Australian DNS structure "works well now" and strongly argues that no changes to the structure in the .au domain should be made.

We believe this view moves the .au domain away from international trends in the area of DNS management reform, which have supported greater competition, user choice, and community self-determination in the TLD and 2LD space. In addition, we note that this view runs counter to the conclusions of the auDA New Names Policy Panel (which was specifically commissioned to review new 2LD policy matters earlier this year) and the auDA Board's decision to move forward with new 2LD proposals. Further, this view appears to be counter to Australian Government policy both in terms of the general benefits of competition and NOIE's long-standing policies on DNS reform.

International Trends

The past five years of DNS management reform around the world has been marked by intense effort to broaden participation in DNS management, liberalize the allocation of domain name resources, and allow users and communities greater choice and determination in the DNS space. The promotion of competition and choice has been a global focus not only at the registrar level, but at the registry level as well. These reform efforts have been driven by a global recognition that traditional DNS structures, which were developed in the nascency of the Internet for a predominantly technical and academic user community, can no longer adequately serve the contemporary Internet and its new and diverse user communities.

For example, at the international level, ICANN has opened the TLD space to new communities of users, both on an open and closed basis. Both commercial proponents and user communities met ICANN's TLD liberalization efforts with widespread enthusiasm. Indeed, international, competitive and grass-roots community pressure is anticipated to lead to the introduction of more new TLDs, with promotion of community-based closed domains as a likely focus for further activities. In countries such as the United States and Japan, a liberalized opening of ccTLD resources at the second level has marked country code top-level domain reform. Some countries, such as Brazil for example, have a long and successful history supporting multiple, diverse 2LD spaces.

There is no magic or perfection in the current 2LD structure of .au. In fact, the basic structure for much of the .au domain (.com.au, .net.au, .gov.au and .org.au, specifically) is a simple adaptation of the "legacy" generic TLD space that Dr. Jon Postel created in 1984. As indicated above, it is internationally recognised that the "legacy" structure of the DNS is unnecessarily restrictive, and that new domain spaces should be introduced to better accommodate new, contemporary and more diverse Internet communities. This should be less true for .au in the case of Australia.

Benefits of User Choice

The Panel asserts that the introduction of competition and choice from new 2LDs could "threaten existing 2LDs financial viability" and as a result could "weaken" the DNS. The experience of economic liberalisation over the past 20 years has repeatedly demonstrated the growth and innovation potential in sectors opened up to competition and user choice. Competition has been shown to be the most effective mechanism to reduce inefficiencies, foster new services, and deliver benefits to consumers. This was one of the driving reasons for the development of competition at the registrar level in .au and in the global TLDs. Consequently, the introduction of user choice in the Australian DNS should be expected to strengthen overall 2LD performance and long-term sustainability.

The Panel also raises the concern that consumers might "loose track" of new 2LDs or be "confused" by the introduction of greater choice. Contrary to this assertion, the international introduction of new TLDs such as .biz, and .info has not "undermined" the DNS and has not caused any wide spread confusion to Internet users. In the United States, thousands of new 2LDs were successfully implemented in an open registration process with no recorded consumer concerns. Experience in other sectors, including telecommunications, has shown the benefits of consumer choice and competition far outweigh any initial fear of confusion.

The Discussion Paper also states that "due to flow-on effects" the Panel can only accept either all or none of the closed 2LD proposals. This statement is unsubstantiated. We note that at the international level ICANN has been able to implement an initial round of new TLDs, both open and closed, without demonstrated evidence of negative effects. In fact, ICANN's extensive deliberations concerning the introduction of new TLDs concluded it was necessary to conduct an initial "proof of concept" round of TLDs to inform future TLD expansion decisions. Furthermore, an "all or nothing" approach is inconsistent with standard procedures for proposal or application review. The success of an individual proposal is normally based on its individual merits, and not on the fate of other unrelated proposals let alone hypothetical proposals that may or may not be received at some undetermined time in the future.

AuDA Board's decision to open up the 2LD space to new uses and applications was a valid decision that reflects international trends in DNS management and DNS resource allocation. In addition, the decision correctly reflects the reality that the distribution of .au DNS resources need not be strictly or artificially limited, but can -- and should -- be opened to respond to the needs of Australian Internet user communities. This is certainly the view of the ACBC in the case of catholic.au.

Government Policy

Opening the .au 2LD space to new uses and user communities is consistent with the statements of the Australian Government dating back to its official response to the 1998 US Government Green Paper on DNS reform. In the Australian Government response, Minister Alston pointed out several key principles concerning the management and liberalisation of the DNS space. The principles counsel that the

overall objective of DNS management, including the introduction of new domain spaces, should include:

1) The promotion of a minimalist regulatory environment, and minimum interference with the competitive market for the delivery of domain name services,

2) The enhancement of the overall functionality and effective operation of the DNS including meeting the particular needs of particular user sectors, and

3) A focus of DNS management activities in demonstrating benefits to users of the Internet.

Furthermore, these principles were reflected in the objectives set by the Australian Government for its recognition of auDA as the administrator for .au.

The catholic.au proposal is consistent with stated Australian Government principles in this area and is in a strong position to demonstrate their concrete implementation.

In summary, catholic.au, represent an affirmative expression and desire on the part of an important and growing Australian user community to establish greater choice, competition, and participation in DNS management. We believe that the body of evidence, both in terms of international trends, competition policy, and Australian Government policy, argue strongly in favour of facilitating access to new .au 2LDs by communities of Australian Internet users, such as the Catholic Church.

"Appropriate uses" of the .au Domain

The Panel's introduction of "defining appropriate uses" of the DNS strikes us as peculiar, particularly during the implementation stage of auDA's new 2LDs efforts, and beyond the scope of the terms of reference established by the auDA Board for the Panel. We believe that user communities that are willing to undertake responsibilities for 2LD management in a sound, professional, prudent, and responsive manner are in the best position to determine if a proposed 2LD constitutes an "an appropriate use" the Australian DNS in meeting the needs of their community.

The original auDA selection criteria expects that a closed 2LDs should be represented by a peak body willing to give a clear, long term commitment to manage a robust, sustainable and viable 2LD that meets the needs of its community of users. We believe that the catholic.au application meets this test. Furthermore, adherence to this criteria should provide the Panel an assurance that a committed peak body will manage a closed 2LD in a manor responsive to the most "appropriate uses" and needs of their community.

Precedent Setting

At this time, we do not believe it is appropriate or necessary to prescribe criteria for the acceptance of hypothetical 2LD proposals that may or may not be submitted sometime in the future. It also is beyond the scope of the Panel's terms of reference.

In addition, international initiatives in TLD liberalisation have viewed the execution of an initial "proof of concept" round as a necessary step for gaining practical experience to guide policy-making concerning future TLD expansion. In fact, ICANN's initial TLD introductions were conducted, in large part, to provide the organisation experience and knowledge needed to advance the evolution of the domain space.

Given this, we believe that the opportunity for auDA to gain practical experience in the introduction of community-based 2LDs that can guide future decisions concerning the evolution of .au outweigh potential concerns about precedent setting.

We expect that the catholic.au proposal, which is presently before auDA, will be judged on its merits against the criteria set forth in auDA's call for proposals. As we have previously indicated, we believe that the catholic.au proposal meets these criteria. Furthermore, we have outlined in both our original proposal and Section 1 of this document a number of attributes that make catholic.au a particularly sound choice for a community-based 2LD in terms of necessary support, commitment, need, stability, and certainty, among others. If another proposal that is similarly qualified were submitted to auDA in the future, we would anticipate that auDA would act on that proposal according to its merits, regardless of the religious or non-religious nature of the requesting community.

3) Conclusion

In conclusion, Church Resources and the ACBC consider the catholic.au proposal to be well situated on its merits and believe that it fully meets the relevant selection criteria before the Panel.

Despite our reservations about the process to date, we have provided this response to the Panel's request for comments as a sign of our commitment to work cooperatively with auDA for a successful conclusion and the overall benefit of .au.

We look forward to working with auDA regarding the catholic.au proposal and are keen to interact with auDA directly to address any outstanding issues or questions.