14 February 2025

auDA Terms of Endorsement Review
Department of Infrastructure, Transport, Regional Development,
Communications and the Arts
GPO Box 2154
Canberra ACT 2601
By email: internetgovernance@communications.gov.au

Attention: Ian Sheldon, Internet governance team

Subject: **Response to 2025 auDA Terms of Endorsement Review**

Dear Ian,

.au Domain Administration Limited (**auDA**) welcomes this opportunity to provide input to the review of the Australian Government's Terms of Endorsement to continue to endorse auDA to administer Australia's (.au) country code Top Level Domain (ccTLD) for the benefit of all Australians.

Overall, we support the Department of Infrastructure, Transport, Regional Development Communications and the Arts (**the Department**)'s view that the internet is increasing in importance and agrees that the way we carry out our core functions on behalf of .au users is more important than ever. I appreciate the Australian Government's commitment to working together with auDA to progress shared objectives in an increasingly complex internet governance landscape, and welcome this opportunity to provide input to the review of the Terms of Endorsement.

auDA considers that the proposed Terms of Endorsement accurately reflect our primary responsibilities and community expectations, and the Australian Government's oversight of our activities. Broadly, we support the proposed amendments.

Since the Terms of Endorsement were last reviewed in 2021, auDA has continued to build a strong record of achievement in fulfilling our mandate to operate the .au country code Top-Level Domain (ccTLD) for the benefit of all Australians, and offers the following comments for your consideration as part of the review.

Community expectations for the management of the .au ccTLD

auDA recognises that the Australian community has high expectations for the administration of the .au country code Top-Level Domain and we strive to meet them while administering a trusted .au domain for the benefit of all Australians. We continue

to strengthen community trust and confidence in auDA, and have grown and diversified the .au membership base to more than 5,400 members, from across the nation.

You can read more about the ways in which the Australia community relies upon us in our Why .au? report here.

auDA is proud of our work delivering a trusted, secure .au that internet users can rely on. We adhere to the Australian Signals Directorate's Essential Eight model to prevent security incidents, limit damage and recover systems. Additionally, we have achieved certification for international best practice standards in information security (ISO 27001) and business continuity (ISO 22301).

The .au domain is governed by robust Licensing Rules that support the use of .au domain names for legitimate purposes and limit the opportunity for .au domain names to be used to facilitate online harm. The Licensing Rules require .au domain name registrants to have an Australian presence. Compliance with the Licensing Rules is supported by a comprehensive audit program, as well as robust complaints and dispute resolution processes.

auDA takes a proactive approach to the identification and mitigation of domain name system abuse (**DNS Abuse**), such as botnets, phishing, pharming, malware or spam (when spam is used as a delivery mechanism for any of the other four types of DNS Abuse). As a result, the au ccTLD experiences significantly lower levels of such abuse than the global average.

You can read more about how auDA ensures a trusted and secure .au in our A secure .au report.

auDA's role in internet governance

I welcome the Discussion Paper's recognition of auDA as a respected participant in local, regional and global internet governance processes. auDA staff contribute to a broad range of national, regional and global forums, including the Internet Corporation for Assigned Names and Numbers (ICANN), Internet Governance Forums (national (auIGF), regional (APrIGF)and global (IGF)) and the Asia Pacific Top Level Domain Association (apTLD).

As the Discussion Paper notes, the internet governance landscape is changing and becoming more complex. In response to this shift, auDA is proactively seeking to provide thought leadership, build capacity in the region and help shape global dialogues around the future of using multi-stakeholder decision making techniques in internet governance.

Our 2023 Internet Governance Roadmap identified areas for improving and evolving internet governance processes and called on the international technical community to play a key role. Since then, we have worked to provide global leadership of the technical community as a founding member of a Technical Community Coalition for

Multistakeholderism (**TCCM**). TCCM is a coalition of technical operators (including top level domain registries, domain name registrars, regional Internet address registries, and regional ccTLD organisations), from across the globe working to promote, strengthen and evolve the multistakeholder decision-making approach, including by advocating for meaningful multistakeholder participation in UN digital policy processes.

At the regional level, we support initiatives to enable people across the Asia Pacific to have their unique perspectives considered. This includes sponsorship of the Asia Pacific Regional Internet Governance Forum (**APrIGF**) and the Pacific Internet Governance Forum (**PacIGF**). We have funded fellowships that contribute to capacity building in the Pacific Islands, and in collaboration with Pacific leaders, we are exploring opportunities to strengthen and support the Pacific community of ccTLDs.

Locally, auDA contributes by providing secretariat support for the Australian Internet Governance Forum (**auIGF**). We contribute to the national public policy discussion by providing expertise on technology, digital transformation and internet related issues, including through formal submissions to government, making available our research reports, and sharing ideas via auDA webinars and on the .au blog. In recognition of the importance of developing future capacity in internet governance, auDA launched an Australian Pilot of the Asia Pacific Internet Governance Academy (**APIGA Australia**) in 2024.

We also support the Australian digital economy through our Public Benefit Program that provides funding for partner organisations and grant recipients to support innovation and research that enhances the value Australians gain from the internet.

Oversight of auDA

auDA is a not-for-profit community-based corporation limited by guarantee. We are committed to the highest standards for corporate governance. We have implemented robust governance processes that have strengthened transparency and accountability, including reporting annually against the ASX Corporate Governance Council's *Corporate Governance Principles and Recommendations* and a high standard of corporate reporting, including adopting the International Financial Reporting Standards Foundation (**IFRS**)'s *Integrated Reporting Framework* for our annual report.

In addition to corporate and other laws that apply to all Australian companies and not-for-profits, there are reserve powers under the *Telecommunications Act 1997* and the *Australian Communications and Media Authority Act 2005* that also apply to auDA.

Since the Terms of Endorsement were last reviewed in 2021, the .au DNS has been recognised as a *critical domain name system* within the critical communications sector of the *Security of Critical Infrastructure Act 2018*. auDA has been recognized as critical to the administration of the Australian domain name system and is subject to the obligations within that Act, creating additional Australian Government oversight through new risk management and cyber security reporting obligations.

As part of our commitment to a secure, stable and reliable .au, we have adopted comprehensive risk management processes to identify and mitigate risks that could impact the operation of .au, including cyber attack, natural disaster and supply chain disruption. We voluntarily submitted our 2022-23 Critical Infrastructure Risk Management Program (CIRMP) report to the government, and submitted our report for 2023-24, attesting that our obligations for this period have been met.

We note the proposed, revised Terms of Endorsement include a new reference to an expectation that auDA should meet "the highest standards of transparency, governance and accountability for corporate and government-owned entities".

As set out above, we are committed to reporting against the ASX Corporate Governance Council's *Corporate Governance Principles and Recommendations* and adhering to all other legal requirements. However, auDA is not a government owned enterprise and we believe a corporate reporting framework is the most appropriate.

auDA maintains co-operative working relationships with a wide range of government departments and agencies, including those referenced in the proposed revised Terms of Endorsement and considers the current oversight arrangements appropriate.

The auDA Board, Team and I look forward to continuing to collaborate with the Department to progress our shared goal of ensuring an open, free, secure and globally interoperable internet. I would welcome the opportunity to discuss any part of this response further.

Yours sincerely

Dr Bruce Tonkin

Chief Executive Officer