



**Australian Government**

**Department of Infrastructure, Transport,  
Regional Development, Communications and the Arts**

# Discussion Paper: 2025 auDA Terms of Endorsement Review

January 2025



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January 2025 / INFRASTRUCTURE 2025

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## The issue

The Terms of Endorsement for the .au Domain Administration (auDA) outline the Australian Government’s expectations of auDA as the organisation responsible for the operation and management of the .au domain space. Government conducts a regular review of the Terms of Endorsement to make sure the .au domain continues to be managed effectively.

## auDA and the .au domain space

auDA is an industry self-regulatory body that manages the .au country code top level domain. auDA develops and administers the policies and rules for .au domain. The .au domain means all websites ending in “.au”, and consists of over 4.2 million .au websites under management in 2024<sup>1</sup>. auDA’s core functions as currently captured within its 2021 Terms of Endorsement are to:

- Ensure stable, secure and reliable operation of the .au domain, as part of Australia’s suite of critical infrastructure;
- Administer a licensing regime for .au domain names based in multi-stakeholder processes that is transparent, responsive, accountable, accessible and efficient; and
- Advocate for, and actively participate in, multi-stakeholder Internet governance processes both domestically and internationally.

auDA operates under a sponsorship agreement<sup>2</sup> with the Internet Corporation for Assigned Names and Numbers (ICANN). This sponsorship is based on ongoing endorsement from the Australian Government.

### Internet governance definition

Internet governance is a term not easily defined, with various stakeholder groups viewing it from their own perspectives. In 2005, the World Summit on the Information Society (WSIS) developed a working definition of Internet governance, as:

**“... the development and application by governments, the private sector, and civil society, in their respective roles, of shared principles, norms, rules, decision making procedures, and programmes that shape the evolution and use of the Internet.”**

Just as the Internet is a globally-distributed network, Internet governance involves a complex and distributed network of interconnected groups working cooperatively to maintain and develop the Internet. We believe responsible Internet governance is critical for managing challenges and opportunities in the constantly changing digital landscape. How the Internet is governed influences how we experience, and are affected by, the digital world, and the extent to which we can benefit from the digital economy. New challenges and opportunities are constantly emerging as new technologies rapidly develop, such as addressing privacy, safety and security concerns, ensuring social and economic inclusion, protecting human rights online, and bridging the digital divides.

<sup>1</sup> Q1, 2024-25 auDA Quarterly report - [auda\\_q1\\_2024-25\\_quarterly\\_report.pdf](#)

<sup>2</sup> [ICANN](#)

## The Australian Government and auDA's Terms of Endorsement

The ongoing endorsement of auDA by the Australian Government is captured within auDA's Terms of Endorsement. The purpose of the Terms of Endorsement is for Government to communicate its expectations to auDA, along with setting out auDA's core functions and the principles under which it administers the .au domain.

auDA continues to effectively and competently operate and manage .au. There are many aspects of auDA's performance of its core functions as captured within the Terms of Endorsement that warrant praise. auDA has ensured low rates of domain name system abuse<sup>3</sup> on the .au domain and high integrity of .au registrations with 99 percent of new .au registrations and 92 percent of all .au registrations having a validated Australian presence<sup>4</sup>. auDA is also a respected and active participant in Internet governance processes domestically and internationally.

While the Australian Government appreciates auDA's dedication to its role managing the .au domain, it continues to see a valuable role in routinely reviewing its expectations of auDA. In line with this practice, work on this Review has commenced and is expected to be completed in 2025. The [current auDA Terms of Endorsement](#) were last reviewed in 2021.

Feedback received since the last review in 2021 and work by the Internet governance team has informed the development of [proposed revisions to the Terms of Endorsement at Attachment A, page 9 of this Discussion Paper](#). These proposed revisions are intended to prompt discussion.

Government is inviting comments of these revised Terms through a public consultation process (further detail in **Public Consultation section, see pages 6-8 below**).

In addition to endorsing auDA, the Government has powers under the *Telecommunications Act 1997* and the *Australian Communications and Media Authority Act 2005*. These provide for intervention in the event that a self-regulatory body is unable to manage electronic addressing in an effective manner, which could include the transfer of .au to another party. This ensures the continuation of effective management of .au, its security and its availability to Australian society.

### Multi-stakeholder approach

The Multi-stakeholder approach is an organizational framework or structure which adopts the multi-stakeholder process of governance or policy making, which aims to bring together the primary stakeholders such as businesses, civil society, governments, research institutions and non-government organizations to cooperate and participate in the dialogue, decision making and implementation of solutions to common problems or goals.<sup>5</sup>

While the private sector owns and operates much of the global Internet's infrastructure, ICANN's governance is based on a multi-stakeholder model. Members of the public, the private sector, the Internet technical community, civil society, academia and governments contribute to discussions on the management of key Internet resources.

The Australian Government and auDA have been a longstanding advocate of a multi-stakeholder approach to Internet governance that is inclusive, consensus-based, transparent and accountable. We continue to consider this the best way of achieving an open, free, secure and interoperable Internet.

<sup>3</sup> Definition of DNS Abuse refers to websites are being used in harmful ways through the following (1) botnets (2) malware (3) pharming (4) Phishing (5) Spam where used as a delivery mechanism for the earlier tools, for further information see the [DNS Abuse Mitigation Program - ICANN](#)

<sup>4</sup> Q1, 2024-25 auDA Quarterly report - [auda q1 2024-25 quarterly report.pdf](#)

<sup>5</sup> [Multistakeholder Model - ICANNWiki](#)

## Our context – a shifting landscape

As the Internet and the .au domain name space have developed, their importance has grown and the breadth and complexity of public policy issues that influence (and are impacted by) digital technologies have increased. Internet governance matters are being contemplated by an increasing range of stakeholders, and in a growing number of international fora, as part of broader global discussions around digital governance and policy matters.

Internet governance has also become an increasingly contested space, as governments and non-government stakeholders navigate a shifting governance landscape. There are mounting efforts to move Internet governance away from existing multistakeholder institutions into multilateral fora, or to increase the influence governments have over the management of Internet resources. Some governments are turning to regulatory or policy interventions to apply a technical solution to domestic policy issues, while stakeholders (both government and non-government) are increasingly seeking to influence international standards development processes to shape how the Internet infrastructure operates and is managed.

Digital and cyber policy – including combatting cybercrime, regulating harms, promoting online safety and maximising the benefits of the digital economy – has become central to many countries' national interests. This has led governments to increasingly prioritise control over digital resources and how those resources are used by their citizens and industries. This higher priority is reflected in heightened geopolitical tensions and increasing competition over how the digital space should be managed (and by whom).

2025 will be a big year for Internet governance with the [20-year review of the World Summit on the Information Society \(WSIS\)](#), taking place later this year. The WSIS establishes an important foundation for the multi-stakeholder approach to Internet governance which supports the Internet we all use.

A refreshed Terms of Endorsement will ensure Australia continues to be well placed to support an open, free, secure and interoperable global Internet.

## Public consultation

Given the increasing importance of the Internet, Internet governance and the effective management of the .au domain space, the way auDA carries out its core functions on behalf of .au users is more important than ever.

This 2025 Review is an opportunity to refresh the Terms of Endorsement to better enable auDA and Australian Government to work together on common goals as we face an increasingly contested Internet governance landscape.

Your feedback can help Australian Government set clear expectations in the Terms of Endorsement.

The Government invites feedback on the [proposed revisions to the Terms of Endorsement at Attachment A](#).

A summary of the proposed amendments and rationale is outlined below:

## Summary of Attachment A—Proposed revisions to Terms of Endorsement

### Core functions changes

Proposed changes in this section include amended language to align with the [2023-2030 Australian Cyber Security Strategy](#), the addition of a section on expectations in relation to transparency, governance and accountability and changes to more strongly emphasise auDA’s active role in Internet governance regionally as well as domestically and internationally.

### Core principles changes

A variety of edits are proposed in this section including a broadening of the parts of Government auDA is encouraged to engage with and the insertion of a new section to reference obligations under the *Security of Critical Infrastructure Act* and other non-legislative obligations in relation to information security and business continuity.

Noting the important work auDA has done to date in relation to supporting multi-stakeholder dialogue within the Australian Internet governance community, a new point has been added that makes clear Government’s expectation that this work continue as it is a key foundation to the multi-stakeholder model of Internet governance.

Additions to the “re-delegation process” section are also proposed, which are intended to better clarify auDA’s responsibilities in the unlikely event that a timely redelegation is needed, noting the key importance of Australia’s domain name system to Australia’s prosperity.

## Public consultation questions

You can provide feedback on any aspects of the [proposed revisions to the Terms of Endorsement at Attachment A](#) but we encourage you to also consider responding in particular to the following questions:

### Question 1

Do the proposed Terms of Endorsement accurately reflect community expectations for the management of the .au ccTLD? If not, what amendments could be made to more accurately reflect these expectations?

### Question 2

Does the proposed ‘Core principles’ section accurately reflect auDA’s primary responsibilities in the evolving Internet governance landscape? If not, what amendments could be made to more accurately reflect these responsibilities?

### Question 3

Do the proposed Terms of Endorsement set the right expectations of auDA in domestic, regional and international multi-stakeholder engagement?

#### Question 4

Do the proposed Terms of Endorsement sufficiently define the Australian Government's oversight of auDA's activities?

#### Question 5

Do you have additional feedback on the proposed Terms of Endorsement relevant to this review that you would like to share?

## Have your say

The Department welcomes submissions from individuals, businesses, peak bodies and other interested parties on the proposed amendments.

Submissions will be accepted until **9am AEDT Wednesday 19 February 2025** via any of the three options below:

**Website:** [www.communications.gov.au/have-your-say](http://www.communications.gov.au/have-your-say) or

**Email:** [Internetgovernance@communications.gov.au](mailto:Internetgovernance@communications.gov.au) or

**Post:** auDA Terms of Endorsement Review  
Department of Infrastructure, Transport, Regional Development and Communications  
GPO Box 2154  
CANBERRA ACT 2601

Att: Ian Sheldon, Internet governance Team

Submissions should include the respondent's name, organisation (if applicable) and contact details.

## Publication of submissions and confidentiality

Personal information such as your name and contact details will be collected by the Department through this consultation process when it is contained in submissions (including mailed submissions). Submissions will be used for the purpose of conducting the Review of Terms of Endorsement for auDA.

Submissions will be made publicly available on the Department's website unless the submission is confidential or is inappropriate for publication. All submissions will be treated as non-confidential unless the submitter specifically requests that a submission, or part of a submission, is kept confidential. Any personal information which is provided in a submission will be treated in accordance with the Department of Infrastructure, Transport, Regional Development and Communications' [privacy policy](#) and the Australian Privacy Principles.

If you wish to correct personal information in relation to your submission to this consultation process, please email [internetgovernance@communications.gov.au](mailto:internetgovernance@communications.gov.au).



# Attachment A – for comment

## Proposed revisions auDA Terms of Endorsement

### Preamble

Australia is a strong supporter of a multi-stakeholder approach to Internet governance that is inclusive, consensus-based, transparent and accountable. The multi-stakeholder approach balances the needs and views of the community, civil society, industry, the technical community, academia and governments. This approach underpins the open, free, secure and interoperable nature of the Internet, and the consequent economic, social and cultural benefits to Australia.

The Internet naming system is a public resource and, in keeping with the multi-stakeholder approach, its functions should be administered to create and deliver value in the public or common interest and in accordance with Australian laws. The Australian Government expects auDA to meet the highest standards of transparency, governance and accountability for corporate and government-owned entities. auDA should adopt the prevailing version of the ASX Corporate Governance Principles and Recommendations to the extent it is consistent with auDA's other governance and accountability obligations.

On this basis, the Government continues to endorse the .au Domain Administration (auDA) to administer Australia's (.au) country code Top Level Domain (ccTLD) for the benefit of all Australians in accordance with the following terms.

### Core functions

auDA will continue to undertake the following Core functions:

1. Ensure stable, secure and reliable operation of the .au domain, as part of Australia's suite of critical infrastructure.
  - Respond quickly to matters that compromise the security and integrity of the domain name system (DNS).
  - Maintain appropriate security protocols in line with Australian and international best practice, and contemporary security practices.
2. Administer a licensing regime for .au domain names based in multi-stakeholder processes that is transparent, responsive, accountable, accessible and efficient.
  - Develop and periodically review policies for the .au domain with a multi-stakeholder approach to provide the greatest benefit for the Australian community.
  - Maintain and ensure compliance with these policies.
  - Maintain appropriate dispute resolution policies that are consistent with Australian and international best practice.
  - Maintain a complaints process that is clear and consistent, and provides procedural fairness.
3. Actively advocate for, participate in, and support multi-stakeholder Internet governance processes both domestically, regionally and internationally.

## Core principles

### 1. Engagement with the Australian Government

The Australian Government has a strong interest in the management of the .au domain. The Government expects that auDA will continue to work closely with it so that the .au domain is managed consistent with community expectations. The Department of Infrastructure, Transport, Regional Development, Communications and the Arts (the Department) will help facilitate the relationship with auDA on behalf of the Government. This would include a Departmental representative being a member of the Nominations Committee and having a standing invitation to observe auDA's Board meetings, as well as regular dialogue between a representative of auDA and the Department.

auDA is also encouraged to maintain relationships and work co-operatively with other Government departments and agencies, including the Australian Federal Police, the Australian Cyber Security Centre, National Anti-Scam Centre, the Office of the eSafety Commissioner, the Department of Home Affairs, the Australian Media and Communications Authority and the Department of Foreign Affairs and Trade. The Department will help foster partnerships across Government as required.

### 2. Support trust and confidence in .au

As the .au namespace is a public resource that supports the Australian economy and society, maintaining confidence in its integrity, security, and resilience is of great importance. In addition to best practice security, auDA will also have regard to maintaining and enhancing the reputation of the .au domain as a safe, trusted online space. To support trust in the .au domain, auDA will continue to comply with obligations under the *Security of Critical Infrastructure Act* and other relevant legislation and will adopt and encourage international standards for information security and business continuity through its supply chain.

auDA will work to raise awareness of the utility of the Internet and the DNS for all Australians for example through undertaking strategic research, education and public awareness raising.

### 3. Promote principles of competition, fair trading and consumer protection

auDA's policies will improve the utility of the .au domain for all Australians and continue to promote competition, fair trading and consumer protection to facilitate equitable access to the market.

### 4. Support fair and transparent multi-stakeholder engagement

auDA is a key player in the Australian Internet ecosystem, and has a role in supporting, upholding and advocating for the multi-stakeholder model of Internet governance and promoting its benefits. In fulfilling this role auDA will continue to engage with and support dialogue within the Australian internet governance community. auDA will also continue to support fair and transparent multi-stakeholder engagement processes and take into consideration the full range of stakeholder views, when reviewing or developing policies related to auDA's core functions. auDA will continue to engage locally, regionally and internationally to exchange information and share expertise on Internet governance and domain administration.

### 5. Support a membership structure that reflects the diversity of the Australian community

auDA will work to support a membership that is diverse and representative of the range of stakeholders who rely on the .au domain namespace.

## 6. Maintain effective governance processes that are transparent, accountable, support effective decision-making, and promote the interests of the Australian community

auDA will continue to operate within the provisions of its Constitution and as a fully self-funding not-for-profit and for-purpose organisation<sup>1</sup> and in accordance with its sponsorship arrangements with the Internet Corporation for Assigned Names and Numbers (ICANN). auDA's commercial activities will be considered and undertaken in accordance with these Terms of Endorsement.

auDA's governance processes will continue to include, but not be limited to:

1. An independent process for appointing directors.<sup>2</sup>
2. A board on which the majority of directors and the Chair are independent.<sup>3</sup>
3. A board charter that sets out the roles and responsibilities of the CEO, Board, Chair and the basis for the appointment of the Chair.
4. A strategic plan that reflects these Terms of Endorsement and the company's purpose, with reference to how it will discharge its functions as a not-for-profit entity.
5. Quarterly reporting to members.
6. An annual report outlining how auDA has discharged its responsibilities under these terms.

### Ongoing endorsement

The Australian Government's ongoing endorsement is contingent on auDA continuing to meet the conditions of endorsement. The Government is able to endorse an alternative manager or exercise its legislative powers under the *Telecommunications Act 1997* and the *Australian Communications and Media Authority Act 2005* with respect to the .au ccTLD in the event that auDA proves unable to manage electronic addressing in an effective manner.

### Re-delegation process

Recognising that .au is Australia's ccTLD and an important public resource, if there is a reassignment of the delegation of authority for administration of .au from auDA to another party specified by Government, auDA agrees to cooperate and comply with the requirements of the Commonwealth and ICANN<sup>4</sup> in order to effect the timely and orderly transfer and re-delegation of authority for the .au ccTLD to the other party. In preparation for the unlikely event of this occurring, auDA must be able to provide the other party with access to relevant data, systems and documentation to facilitate an orderly transfer. This process should be documented in auDA's Business Continuity Plan.

### Commencement and review

These terms commence with immediate effect.

The Australian Government may review these terms at any time, but normally every three years, to determine whether they remain fit for purpose and best serve the Australian community.

auDA's acceptance of these Terms of Endorsement must be indicated by auDA's Chair writing formally to the Minister for Communications within 30 days of the Terms being published.

If at some future date auDA decides not to accept the Terms, it must provide six months' written notice to the Government, in which case the Government will seek an alternative manager for the .au domain. If transitioning to an alternative manager will take longer than six months, the Government will work with auDA to establish an appropriate timeframe. Any transitional arrangements should preserve the stability and security of .au.

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- 1 According to Pro Bono Australia, for-purpose organisations are a collection of people who have come together because they share a common goal for society.  
<https://probonoaustralia.com.au/news/2017/02/purpose-brand-identity/#:~:text=For%2Dpurpose%20organisations%20are%20a,choice%20to%20partner%20with%20you.>
  - 2 To be consistent with Recommendation 1.2 of Principle 1 of the ASX Corporate Governance Principles & Recommendations, 4th edition, applying to director appointments – and if not, to explain the reasons why.
  - 3 Independent means no material or pecuniary relationship with the company, or in the decisions of the company, excluding directors' fees (i.e. not an employee of a registry, registrar, reseller, domain investor, or a close relative of an employee of one of these; close relative means a spouse, parent, child, or sibling).
  - 4 [ICANN](#) .au ccTLD Sponsorship Agreement.