
Review of the edu.au Domain's Governance Arrangements and Eligibility and Allocation Policies

Issues Paper

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Secretariat on behalf of eDAC.

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Glossary

Abbreviation	Description
AICTEC	Australian Information and Communications Technology in Education Committee
auDA	.au Domain Administration Ltd
eDAC	edu.au Domain Administration Committee
Grandfathered	Where an entity's eligibility for a domain name under previous domain policy has been preserved following a change in policy that would otherwise make that entity ineligible for a domain name.
gTLD	generic Top Level Domains
ICANN	Internet Corporation for Assigned Names and Numbers
MYCEETYA	Ministerial Council on Education, Employment, Training and Youth Affairs
registrants	A registrant is an entity that has been issued with a domain name licence for a domain name.
registrar	Registrars issue domain name licences to registrants, based on whether or not a domain name application meets the policy rules. Registrars have direct access to the registry so that they can process new registrations and renewals, as well as update registrant contact details in the database. Registrars in the .au domain space are accredited and licensed by auDA.
registry	The registry holds the database of domain names for the .au domain and operates the computers that make domain names visible on the Internet. The registry does not have direct contact with registrants.
RTO	Registered Training Organisation
SSA	Sub-Sponsorship Agreement
ESA	Education Services Australia
SCSEEC	Standing Council on School Education and Early Childhood
FLAG	Flexible Learning Advisory Group
COAG	Council of Australian Governments

1 Introduction

The edu.au Domain Administration Committee (eDAC) is undertaking a public review of the:

- governance and supporting administration arrangements for the edu.au domain; and
- the domain name eligibility and allocation policies for the edu.au domain.

eDAC is undertaking this review to ensure that:

- the governance and supporting administration arrangements for the edu.au domain are appropriate and act for the benefit of Australian education and training sector;
- the domain name eligibility and allocation policies allow the domain to remain sustainable, while maintaining the integrity of the domain;
- the domain name eligibility and allocation policies are consistent with:
 - .au Domain Administration Limited's (auDA) policies and practices for the management of the .au domain;
 - current trends, practices and standards within the education and training sector; and
 - current trends, practices and standards in the use of the internet.

This paper provides an opportunity for Australian education and training sector stakeholders to identify the issues they think should be addressed by this review.

The review is considered timely as it offers stakeholders the opportunity to have input into improving the domain's sustainability in the context of the competitive pressures for domain names generally in the .au and wider domain name spaces.

Whilst the edu.au domain has for some time experienced competition from domains such as com.au and gov.au domains, it is now facing competitive pressures from new educationally focused generic Top Level Domains (gTLD) that may be approved by the current gTLD process being undertaken by the Internet Corporation for Assigned Names and Numbers (ICANN).

For example, a number of Australian universities are seeking gTLDs – e.g. .bond (Bond University Limited), .latrobe (La Trobe University) and .course and .study (both by Open Universities Australia Pty Ltd). A gTLD has already been granted for .monash (Monash University). Some non-Australian gTLDs that have already been approved by ICAAN include .education, .training, .university and .college. Further, competition in this area will potentially come not only from educationally focussed gTLDs, but also from other gTLDs such as .melbourne (State of Victoria) and .sydney (State of NSW).

1.1 Scope of the Review

This review will concentrate on:

- the edu.au domain's governance and administration arrangements as outlined in auDA's policy titled [2014-04 - Interim Governance Arrangements for the edu.au 2LD](#); and
- edu.au domain eligibility and allocation rules which are contained in edu.au domain [Policy 1 - edu.au Policy and Governance Framework](#) and [Policy 2 - edu.au Eligibility Policy](#).

The Terms of Reference for the review are contained in [Attachment A](#).

The following policies and rules are considered to be out-of-scope of this review process:

- edu.au policies 3 to 10.
- Rules that have to remain consistent with auDA's governance of the .au domain. This covers issues such as the:
 - two year domain name licence period; and
 - technical requirements relating to domain names.

1.2 Consultation Process

The consultation process for the review commences with a six week consultation period for stakeholders to respond to this Issues Paper.

eDAC will assess the issues raised as part of this process and anticipates releasing a Discussion Paper in November 2014.

1.3 Making a Submission

eDAC invites comments from all interested parties on the Issues Paper.

All submissions will be published on the edu.au domain website. Submissions will be published without modification, except to remove personal contact details.

- Anyone who does not wish their submission to be made public will need to clearly mark their submissions 'in confidence'. However, respondents need to be aware that only in exceptional circumstances will confidential submissions be accepted as part of this review process.
- eDAC reserves the right not to publish any comments, submission, or part of a submission, which in their view contains unsuitable or potentially defamatory material.

If you would like to comment, please lodge your submission by close of business on **Friday 3 October, 2014** through any of the following methods (electronic methods are preferred):

- An [online response form](#), or
- Email to the eDAC Secretariat at edac@stening.com.au, or
- Hard copy submissions to the eDAC Secretariat at GPO Box 881, Hobart, Tasmania, 7001.

1.4 Enquiries

Any enquiries about this review process should be directed to the eDAC Secretariat on 03 6231 4091 or edac@stening.com.au.

2 The edu.au Domain

The edu.au domain is a ‘closed’ internet domain restricted for use by recognised education and training entities that operate in Australia. The domain offers its users stability and integrity:

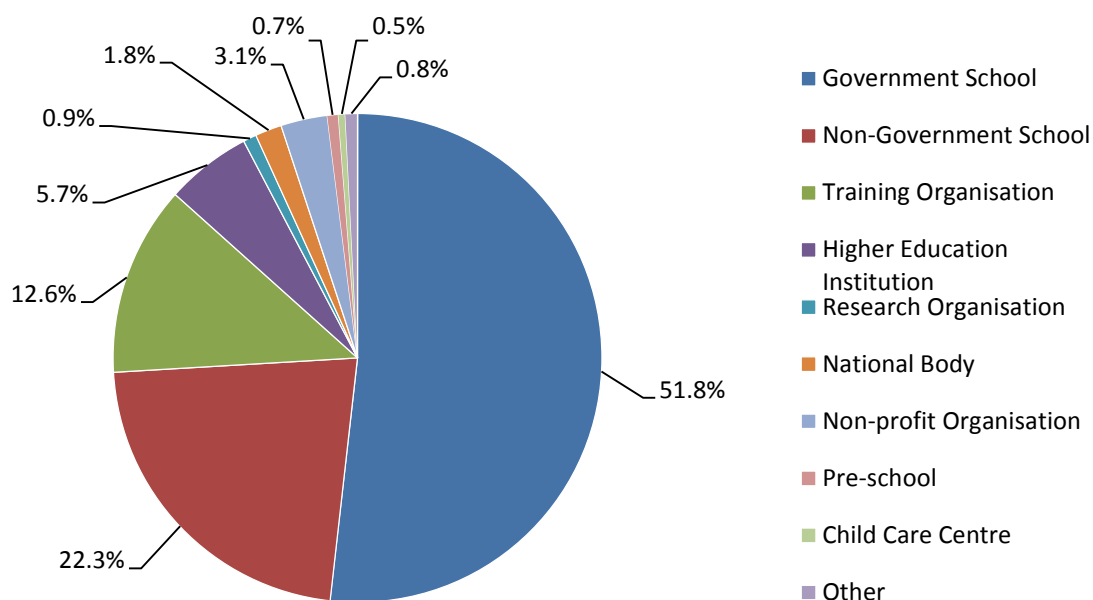
- Stability is provided by a governance framework which receives direct input from the key education and training sectors.
- Integrity is delivered through a policy framework that ensures edu.au domain name licences are only issued to recognised Australian education and training entities.

The domain benefits the Australian education and training sector by:

- Providing a trusted internet ‘brand’ that is self-managed by the education and training sector and protected by strict eligibility and allocation criteria.
- Providing a domain registrar which specialises in the needs of the education and training sector.
- Allowing registrants to avoid many of the issues commonly found in the commercial domains.
 - For example, domain name speculation is a common practice in other domains. This is where an entity registers a domain name with the intent of selling the domain name licence later for a profit. This can result in domain names costing large amounts of money for registrants that want to use the domain name.

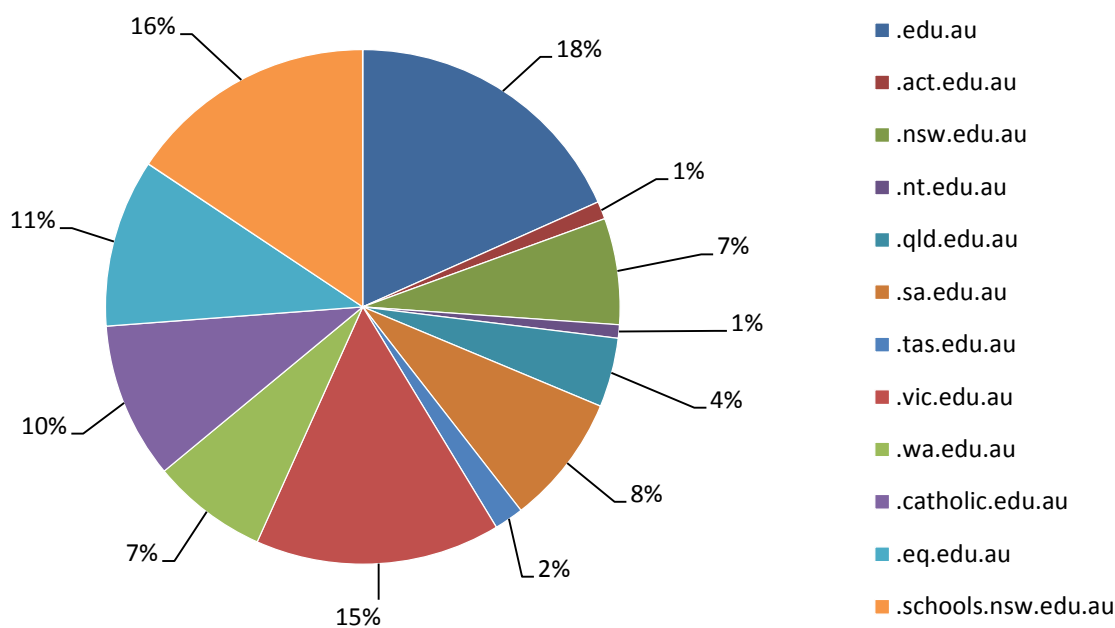
The domain currently has over 15,000 registered domain names across a range of education and training registrant types. The current registrant profile is illustrated by Figure 1, which shows that government schools comprise more than half of all domain name registrations, followed by non-government schools (22.3 percent) and training organisations (12.6 percent).

Figure 1 Registrant type profile for edu.au domain



Domain name extensions reflect whether the registrant is state or territory based (eg, .nsw.edu.au), belongs to a recognised sub-domain (eg, .catholic.edu.au) or has recognised national operations (eg, .edu.au). Figure 2 shows the distribution of formal domain name extensions. This indicates that registrants are broadly spread, with 18 percent being national registrants, NSW with 23 percent (7 percent with .nsw.edu.au and 16 percent with .schools.nsw.edu.au, which is a sub-domain used by NSW government schools) followed by Victoria with 15 percent, Queensland with 15 percent (4 percent with .qld.edu.au and 11 percent with .eq.edu.au, which is a sub-domain used by Queensland government schools) and the Catholic education system with 10 percent.

Figure 2 Registrant location profile for edu.au domain



3 Governance and Administration Arrangements

auDA is the body with responsibility for the entire Australian domain space. auDA's authority derives from a 2001 agreement between auDA and ICANN, which manages the policies relating to the issue of domain name licences at the global level.

In 2001, auDA agreed that edu.au should be a closed domain for the Australian education and training sector.

In order to operate the edu.au domain as a closed domain, a number of functions needed to be fulfilled. These are outlined in Table 1.

Table 1: Summary of key functions required for the governance and administration of a closed domain

Function	Description
Legal responsibility for the domain	A legal agreement needed to be established to formally give responsibility for the domain to the Australian education and training sector.
Policy arrangements	Policies needed to be established and maintained that covered the eligibility criteria and other rules necessary for the domain to operate as a closed domain.
Administration arrangements	Administrative arrangements needed to be established relating to the maintenance of policy and the ongoing management of operational arrangements.
Operational arrangements	Operational arrangements needed to be established for the ongoing issuing and maintenance of domain name registrations. These arrangements needed to be consistent with the operational governance model for the .au domain established by auDA. This requires there to be a single registry for .au domain names, with the issue and maintenance of domain names to be handled by registrars.

The then Ministerial Council on Education, Employment, Training and Youth Affairs (MYCEETYA) decided that responsibility for policy and administration of the edu.au domain should reside with the Australian Information and Communications Technology in Education Committee (AICTEC).

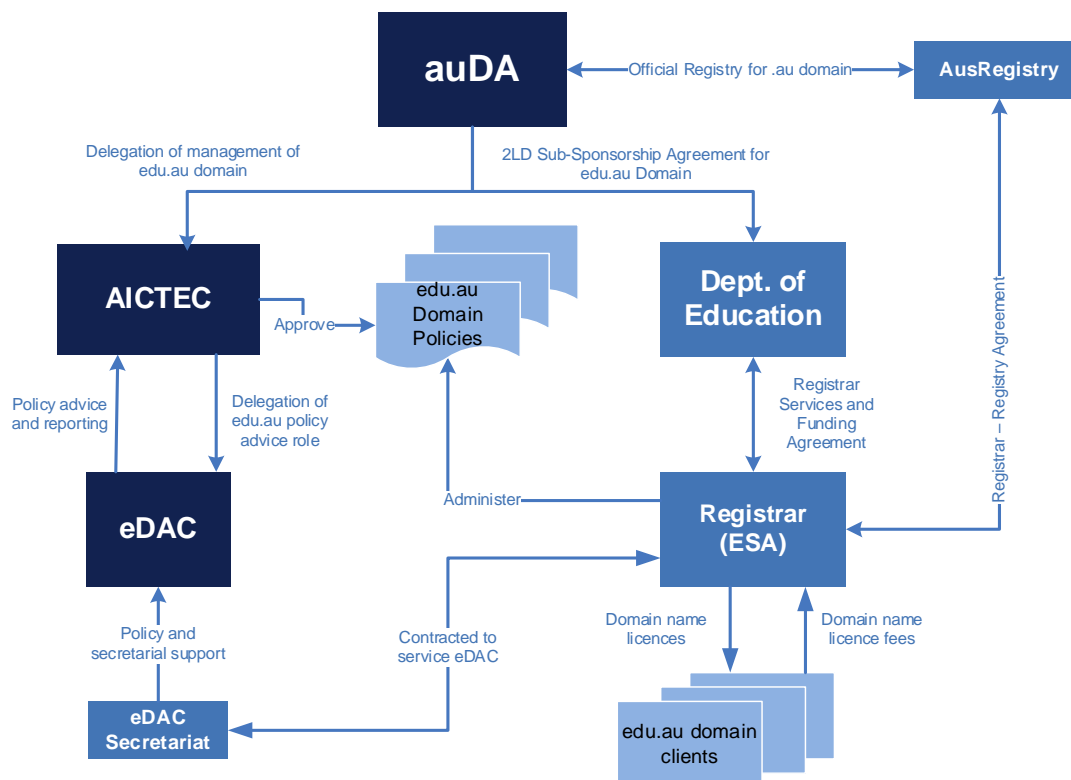
AICTEC was delegated legal responsibility for the management of the edu.au domain via a Sub-Sponsorship Agreement (SSA) with auDA. In turn, to provide for the key functions required to operate a closed domain, AICTEC:

- established eDAC to advise it upon policy and administration matters in relation to edu.au; and
- delegated responsibility for the day-to-day running of the domain to the edu.au Registrar (operated by Education Services Australia, or ESA). ESA managed domain name registrations through the official .au registry, operated by AusRegistry.

As AICTEC did not have the ability to sign legal contracts, the SSA and the contract that engaged ESA to provide Registrar services was entered into by the Australian Department of Education on behalf of AICTEC.

These governance and administration arrangements are illustrated in Figure 3.

Figure 3: Previous edu.au Domain Governance and Administration



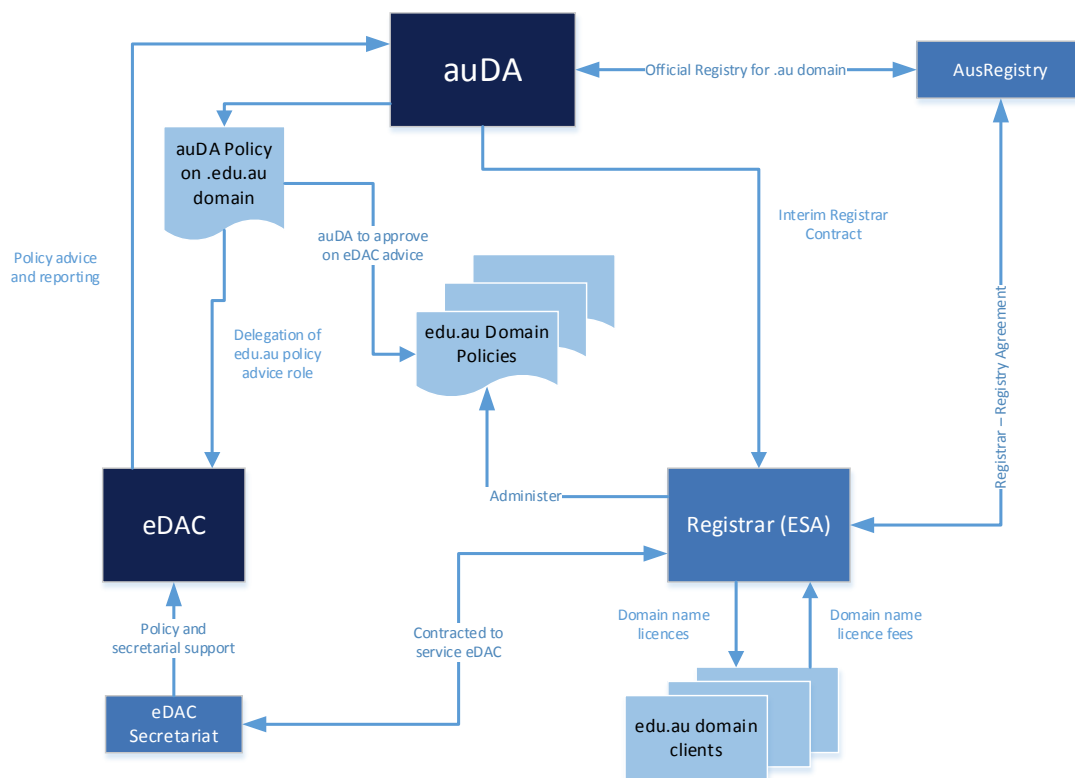
As a result of the outcomes of a review of sector governance arrangements by the Standing Council on School Education and Early Childhood (SCSEEC), it was announced in November 2013 that AICTEC would cease to operate.

Investigations indicated that there were no suitable cross-sector bodies within the Australian education and training sector that could take the place of AICTEC under the SSA. An alternative governance arrangement was subsequently developed and agreed to by AICTEC and auDA whereby:

- the current delegation arrangement for the management of the edu.au domain would be allowed to lapse at the end of the term of the SSA (30 June 2014) and hence, legal responsibility for edu.au would revert back to auDA;
- ESA would continue in its role as the Registrar; and
- eDAC would be reconstituted under auDA as a representative advisory body providing advice on edu.au policy to auDA.

This approach to governance was implemented through auDA's policy titled *2014-04 - Interim Governance Arrangements for the edu.au 2LD*, which came into effect on 1 July 2014. This policy can be found in [Attachment B](#).

Figure 4: Current edu.au domain governance and administration arrangements



The key changes between the previous governance and administration arrangements and those that came into effect on 1 July 2014 are summarised in Table 2

Table 2: Summary of key changes in edu.au domain governance and administration arrangements

Function	Previous	Current
Legal responsibility for the closed domain	Vested in AICTEC under a Sub-Sponsorship agreement between auDA and the Australian Department of Education.	Returned to auDA, which has established a policy titled <i>2014-04 – Interim Governance Arrangements for the edu.au 2LD</i> .
Policy arrangements	eDAC established to advise AICTEC on policy for the closed domain. AICTEC approved a suite of policies specific to the edu.au domain. edu.au domain subject to a limited number of auDA published policies.	eDAC advises auDA on policy for the closed domain. Existing suite of published policies specific to the edu.au domain continue to apply. edu.au domain continues to be subject to a limited number of auDA published policies.
Administration arrangements	eDAC responsible for advising AICTEC on administration arrangements for the closed domain.	eDAC responsible for advising auDA on administration arrangements for the closed domain.
Operational arrangements	A single edu.au domain registrar appointed (via a contract with AICTEC through the Australian Department of Education and its predecessors).	The arrangement of a single edu.au domain registrar continued (via a contract with auDA).

As part of the process of establishing the new governance and administration arrangements, it was agreed by auDA and AICTEC that eDAC would undertake a public review of the governance and administration arrangements for the edu.au domain.

An outline of the roles of eDAC and the Registrar, together with the edu.au policy framework, is presented below to assist an understanding of the current governance and administrative arrangements.

3.1 Domain Policy

To manage the policy arrangements for the edu.au domain, AICTEC established eDAC.

eDAC is a specialist committee which comprises representatives from the Australian Government and the key sub-sectors of the education and training sector, namely:

- schools (including government, Catholic and independent schools);
- vocational education and training providers;
- higher education institutions; and
- the Australian Government.

eDAC meets on a quarterly basis (either face-to-face or by teleconference) and is supported by a secretariat¹.

The functions of eDAC are determined by its Terms of Reference, which are set out in Box 3. The Terms of Reference cover both policy and related administrative functions.

Box 3: Current eDAC Terms of Reference

Under delegation from auDA, the edu.au Domain Administration Committee (eDAC) will:

1. Through consultation with key stakeholders, establish and maintain policies and procedures to apply to the management and administration of the edu.au domain in accordance with the overarching principles and policies determined by auDA.
2. Maintain an overarching policy framework for the governance of domain names in the edu.au domain incorporating the establishment of eligibility criteria for registration in the edu.au domain.
3. Provide a point of coordination for the management of licensing and reporting arrangements between auDA, the nominated edu.au domain Registrar, and the 2LD Registry Operator, including monitoring, reporting and advising on service, cost and performance levels.
4. Ensure that policies and procedures relating to the edu.au domain are effectively communicated to education and training stakeholders including potential entrants to the domain.
5. Administer a decision review process incorporating complaint and dispute resolution policies and mechanisms allowing for appeals to be handled by eDAC without the need for recourse to the legal system or to auDA in the first instance.
6. Set the domain name licence fee in consultation with the edu.au Registrar and manage the financial performance of the edu.au domain to ensure that it operates on a financially self-sustaining basis whilst keeping fees for domain names at a minimum. The registration fee must be set at a level that will enable the Registrar to maintain an adequate financial reserve, which must be used to sustain the operation of the edu.au domain.
7. Provide advice to auDA on:

¹ The Secretariat is engaged under contract by the Registrar, but its contractual requirements specify that the Secretariat reports to the Chair of eDAC. Hence, the Secretariat is functionally independent of the Registrar.

- a) any matters impacting on the stability, performance or financial self-sustainability of the edu.au domain.
 - b) whether the domain is continuing to operate in the public interest and for the benefit of Australian education and training as a whole.
8. Provide reports to auDA, as required, on the operational and financial performance of the edu.au domain.
 9. Monitor changes being considered for the .au domain that may impact on the edu.au domain or on the edu.au domain name policy framework.

A key function of eDAC is to provide advice to auDA on the policies that should apply within the edu.au domain. The operation of the domain is currently governed by ten policies that have previously been approved by AICTEC. This policy framework is outlined further in [Attachment C](#).

Composition of eDAC

eDAC includes representatives from the Australian Government and the key sub-sectors of the education and training sector. The current composition of eDAC is:

- One representative from the Australian Government.
- One representative from the higher education sector.
- Four representatives from the schools sector, comprising:
 - Two government schools representatives;
 - One catholic school representative; and
 - One independent schools representative.
- Two representatives from the vocational education and training sector.

The current eDAC members are set out in Table 4.

Table 4: Current eDAC members

Higher Education Sector		Australian Government	
Derek Whitehead (Chair, eDAC) CIO and University Copyright Officer Swinburne University of Technology		Anona Taylor Director, Digital Initiatives Australian Government Department of Education	
School Sector			
Government Schools			
Peter Malcolm A/Chief Information Officer Technology & Knowledge Management Services South Australian Department of Education and Child Development		Phil Sherwin Chief Enterprise Architect Enterprise Architecture/Information Security NSW Department of Education and Communities	
Catholic Schools		Independent Schools	
Michael Haigh Manager of Information Technology Services Catholic Education Office Melbourne (CEOM)		Barry Wallett Deputy Executive Director Independent Schools Council of Australia (ISCA)	

Vocation Education and Training (VET) Sector	
Rodney Spark Executive Director eWorks Victoria	Lucy Arundell Deputy Institute Director and Director of Strategy & Development TAFE Illawarra

Review Questions

1. Is eDAC the most appropriate mechanism to manage the policy and administration of the edu.au domain? Is it sufficiently representative of domain users? If not, why and what alternative mechanism should be considered?
2. Are the functions that need to be addressed by the edu.au domain's policy and administration arrangements (as outlined in eDAC's Terms of Reference) appropriate? If not, why and what changes need to be made?

3.2 Registrar

The edu.au domain has a single registrar who is engaged to undertake the role through a contract and Registrar Agreement with auDA. This contrasts with the open domains, where registrants or prospective registrants can register a domain name through a range of registrars.

The edu.au domain is managed day-to-day by the edu.au Registrar. The Registrar's activities are subject to agreements with auDA and AusRegistry for compliance with certain auDA policies, auDA requirements of registrars and for ensuring that all edu.au domain names are entered through AusRegistry.

The Registrar's main tasks are to assess applications for edu.au domain name licences in line with edu.au and auDA policy and administer the registration and renewal of domain names through AusRegistry. The Registrar also provides technical support with respect to domain management and configuration where registrants do not have in-house technical expertise.

The Registrar provides quarterly reports on its activities to eDAC and auDA.

The Registrar is required, under the terms of its contract with auDA, to engage an independent body to provide secretariat services to eDAC. A key provision in the contract is that the Secretariat functionally reports to eDAC. This provision ensures that the independence of the Secretariat in undertaking its functions. ESA has subcontracted Stenning and Associates Pty Ltd to provide the eDAC Secretariat function.

Review Question

3. Are the current arrangements for an edu.au Registrar appropriate? If not, why and what changes need to be made?

3.3 Interim Governance Arrangements Policy

auDA's policy titled *2014-04 - Interim Governance Arrangements for the edu.au 2LD* gives effect to the current governance arrangements for the edu.au domain. This policy predominately maintains the previous governance and administration arrangements outlined earlier in Section 3 with the following exceptions.

3.3.1 Filling of Vacancies of eDAC

The normal process for filling vacancies on eDAC has previously been to seek nominations from relevant peak sector bodies that represented the various education and training sectors (or, in the case of the Australian Government, from the Department of Education).

Due to governance changes in the schools sector and the vocational education and training sector, it was necessary to identify alternative peak bodies for:

- AICTEC, which was responsible for providing nominations for vacancies for the school sector; and
- the Flexible Learning Advisory Group (FLAG), which was normally approached for nominations for vacancies for the vocational education and training sector.

As a result, the policy provides that, when a vacancy arises on eDAC the relevant peak body (or its successor) from Table 5 will be invited by eDAC to provide a single nominee. Under the policy, auDA will then accept the peak body's nomination as a new eDAC member.

Table 5: Relevant peak bodies to be approached for nominations for eDAC vacancies

Sector	Relevant peak body
Australian Government	Australian Department of Education
Higher education sector	Universities Australia
Schools sector	
• Government schools	Schools Policy Group of the Standing Council on School Education and Early Childhood
• Catholic schools	National Catholic Education Commission
• Independent schools	Independent Schools Council of Australia
Vocational education and training sector	Industry and Skills Council Advisory Committee (which reports to the COAG Industry and Skills Council)

If the relevant peak body fails to provide a nominee within a reasonable timeframe (or the identified peak body for that sector does not exist at that point in time or advises it is not able to provide a nominee), the policy provides that eDAC may use its discretion to determine appropriate alternative measures to obtain a suitable nomination from the relevant sector.

Review Question

4. Is the current process for filling vacancies on eDAC appropriate? If not, why and what process could be considered?

3.3.2 Terms of eDAC members

Previously, eDAC members were appointed for an undefined term. It is considered good governance practice to have in place processes that enable the membership of boards and committees to be regularly refreshed. To resolve this, the policy has provisions for the introduction of 4 year terms for eDAC members.

Review Question

5. Are four year terms for eDAC members appropriate? If not, why and what alternative term should be considered?

3.4 Domain name pricing

The edu.au domain is managed on a non-profit basis using a cost recovery model with licence fees set at a level that provides for maintaining a moderate financial reserve to support the operations of the domain. A key role of eDAC is to advise auDA (and previously AICTEC) on the level of edu.au domain name licence fees that should apply.

In recent times it has done this through undertaking a process of periodic pricing reviews (usually held every two years). This involves engaging a suitably qualified independent firm to undertake a review and make recommendations to eDAC. The most recent pricing review was undertaken in 2012-13 and indicated there may be scope for a small reduction in licence fee. However, eDAC agreed that no change in the fee should be made due to concerns on the potential for a decrease to have an adverse impact upon the edu.au domain's financial reserve.

The previous pricing review was in 2010-11 and resulted in eDAC recommending and AICTEC agreeing that the licence fee be reduced from \$100 to \$90 (excl. GST). That price decrease came into effect on 1 July 2011.

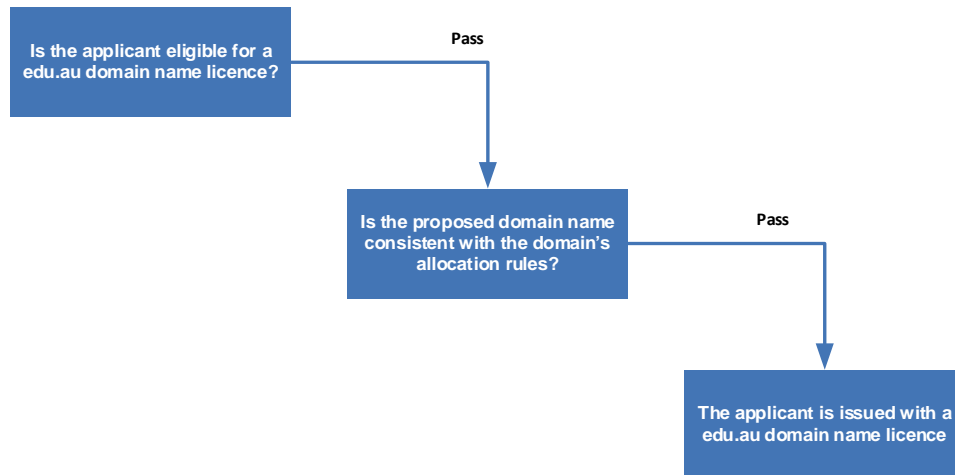
Review Question

6. Is the current approach to domain name pricing in the edu.au domain appropriate? If not, why and what changes need to be made?

4 edu.au Domain Eligibility and Allocation Requirements

The edu.au domain has a number of eligibility and allocation requirements that applicants must meet in order to be granted an edu.au domain name licence. Figure 5 summarises the edu.au domain name licence application process.

Figure 5 edu.au domain name licence eligibility and allocation requirements

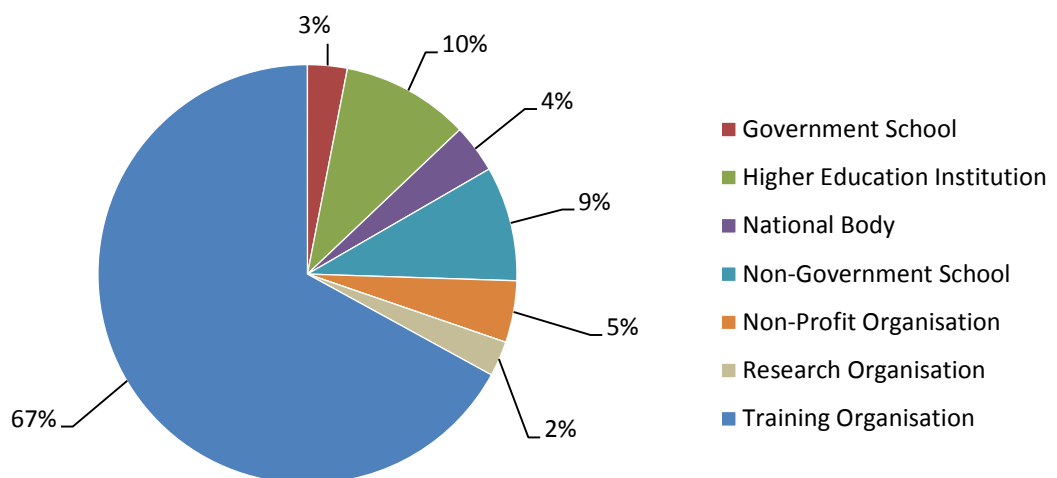


The rules relating to eligibility and allocation provide the domain with its integrity by confining registrants to recognised education and training entities that operate in Australia.

To preface a discussion about the domain name licence eligibility and allocation rules, it is important to recognise that the rejection rate for domain name applications is typically 20-30 percent of applications received per quarter.

Figure 6 depicts the composition of rejected domain name applications in the past twelve months by eligibility type (See Section 4.1.1). This indicates that the bulk of rejections relate to applications from training organisations (67 percent), with the next largest group experiencing rejections being higher education institutions (10 percent). It should be noted that training organisations account for the highest proportion of applications.

Figure 6 edu.au domain name rejections by eligibility type

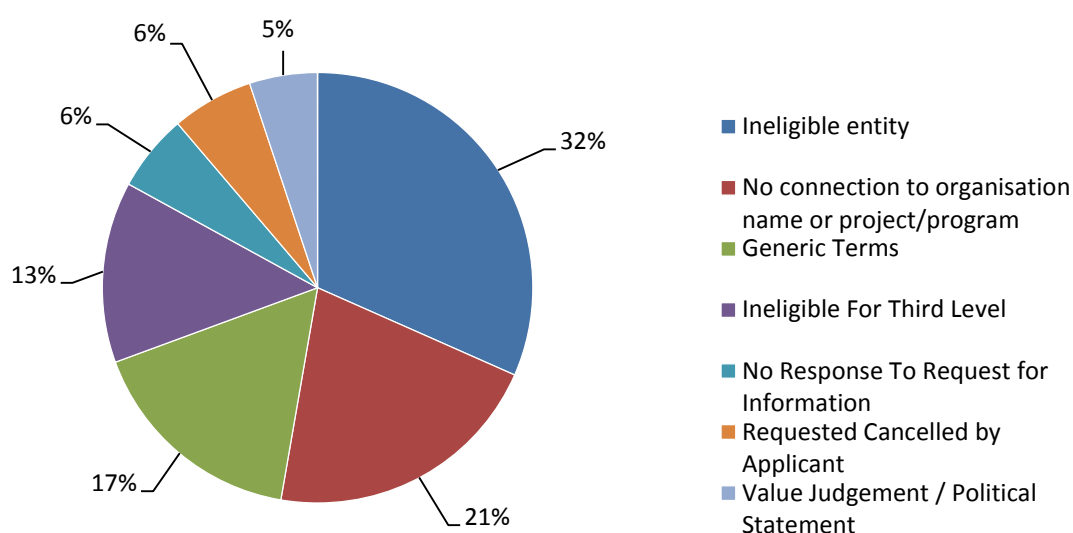


Applications for a domain name licence can be rejected for a range of reasons related to the domain name eligibility rules or allocation rules. While the rules are explained in the

following sections, Figure 7 illustrates that the main reasons for application rejections, with the four reasons that are most prevalent throughout the 12 month period being:

- Ineligible entity (policy 2);
- No connection to organisation name or project/program (policy 1, section 5.1);
- Generic Terms (Policy 1, section 5.3); and
- Ineligible for third level (Policy 1, section 3.1).

Figure 7 edu.au domain name rejections by reason for last 12 months



4.1 Eligibility Rules

In order to be eligible for an edu.au domain name licence an applicant has to prove that they are a recognised Australian education and training entity.

4.1.1 Eligibility Types

[Policy 2: edu.au Eligibility Policy](#) contains specific eligibility requirements for different types of education and training entities that apply for an edu.au domain name. These requirements are detailed in Table 6.

Table 6 Eligibility types and requirements

Eligibility Type	Eligibility Requirements
School or pre-school	Applicants must be registered with the relevant accreditation authority (listed in Policy 2).
Training organisation	Applicants must be registered with the relevant accreditation authority.
Higher education institution	Applicants must be established under Australian legislation or approved to provide higher education by a relevant accreditation authority.
Research organisation	Applicants must provide a warranty showing that they are receiving funding from an appropriate research authority or organisation. The Registrar may ask the applicant to support their application with references from up to three current licence-holders in the edu.au domain space.

Eligibility Type	Eligibility Requirements
National bodies	<p>Applicants must provide a warranty showing that their primary function is the provision of education, training or related services in Australia.</p> <p>Applicants must support their application with one of the following:</p> <ul style="list-style-type: none"> • proof of registration with the with the relevant accreditation authority; or • if there is no relevant accreditation authority, with references from up to three current licence-holders in the edu.au domain space.
Education and care services (child care)	Applicants must registered with the relevant accreditation authority.
Non-profit associations	<p>Applicants must provide a warranty showing that their primary function is the provision of education, training or related services in Australia.</p> <p>Applicants must support their application with references from up to three current licence-holders in the edu.au domain space.</p>
Entities not otherwise listed	<p>Applicants must provide a warranty showing that their primary function is the provision of education, training or related services in Australia.</p> <p>Applicants must support their application with one of the following:</p> <ul style="list-style-type: none"> • proof of registration with the with the relevant accreditation authority; or • if there is no relevant accreditation authority, with references from up to three current licence-holders in the edu.au domain space.

A number of the edu.au domain's eligibility types outlined in Table 6 are self-explanatory. However, some of the other eligibility types are open to interpretation as to what entities they apply. Clarifying the scope of these eligibility types could improve certainty for applicants and enhance the integrity of the domain.

Review Questions

7. What types of entities should be eligible under the following eligibility types?
 - a. Research organisation
 - b. National bodies
 - c. Non-profit associations
 - d. Entities not otherwise listed
8. Are there other types of entities that should be eligible for an edu.au domain name?
9. Are there other issues you would like to raise regarding the domain's eligibility types?

4.1.2 Eligible Entities

Policy 2 currently provides that edu.au domain name licences are only issued to:

- entities that are registered with the relevant accreditation authority;
- entities that warrant that they are in receipt of funding from an appropriate body to conduct education and training research; or
- where there is no relevant accreditation authority, entities that warrant that their primary focus is the provision of education and/or training (or related services) in

Australia and can provide references from current licence-holders in the edu.au domain.

In this latter category, the Registrar's current practice is to only issue an edu.au domain name licence if the entity is an incorporated body.

The current rules mean that some applicants are not able to register an edu.au domain name licence, for example:

- Individuals involved in the provision of education and/or training (i.e. teachers, tutors, students, etc.).
- Businesses that provide products and/or services to the education and training sector, but are not directly involved in the provision of education or training (e.g. specialist educational book suppliers).
- Education and training related entities for which there is no relevant accreditation authority and which cannot prove that their primary focus is the provision of education and/or training (or related services) in Australia (e.g. non-accredited training organisations).

Widening the scope of entities that are eligible to register an edu.au domain name licence is likely to increase the growth in the number of edu.au domain name licences, thereby improving the financial stability of the domain.

However, widening the scope of eligibility too far could also weaken the integrity of the domain by providing licences to entities that are not recognised as *bona fide* participants in the Australian education and training sector.

Conversely, placing further restrictions on the eligibility criteria could further ensure the integrity of the domain, but could also reduce the number of entities eligible to register a domain name. This could potentially result in a rise in the domain name licence fee to secure the financial stability of the domain.

Review Questions

10. Are the current eligibility rules appropriate for maintaining the integrity and sustainability of the edu.au domain?
11. Should the edu.au domain eligibility rules be amended to allow for more, or less, types of entities to register edu.au domain names?
12. If so, what types of entities should be allowed to register edu.au domain name licences? How should their eligibility for an edu.au domain name licence be established?
13. Are there other issues you would like to raise in regards to the edu.au domain's rules for eligible entities?

4.1.3 Projects and Programs

Policy 1 - edu.au Policy and Governance Framework provides that edu.au domain names can either be based on the name of the applicant or on a project or program owned or being administered by the applicant.

If the application is for a domain name for a project or program, both the applicant and the project or program has to meet certain criteria to be eligible for a licence. Specifically the applicant has to:

- pass one of the eligibility criteria contained in Table 6;
- must be the owner or principal administrator of that educational project or program; and
- show that their project or program:
 - has a clear education and/or training focus; and
 - meets the domain’s working definitions of a project or program.

Currently the Registrar, when deciding whether an application relates to a project or program, uses the parameters outlined in Box 1.

Finally, in relation to a domain name for an educational project or program, there must be a semantic relationship between the proposed name and the project or program.

Box 1 Working definition of an educational project or program

To determine whether an edu.au domain name licence application based on an educational project or program is eligible the following factors must be considered:

- Is the applicant an eligible entity according to edu.au domain policy?
- Is the applicant the owner or principal administrator of the project or program?
- Does the project or program have a clear education and/or training focus?
- Does the project or program being applied for match either of the following descriptions?
 - Projects require organisations to commit staff and funds to achieve a clearly defined goal within a specified timeframe. Projects tend to deliver outputs within the budget and timeframe allowed.
 - Programs require organisations to commit staff and funds to a high level, long term goal. Organisations undertake programs with the understanding that factors such as timelines, staff and funding factors may change over time in order to achieve the program’s goals. Programs will often consist of many projects that are designed to achieve short term aims that move the program towards completion.

For example the Premier’s Reading Challenge is a program that has a goal to ‘encourage in students a love of reading for leisure and pleasure, and to enable students to experience quality literature’. Within this program are multiple annual projects that aim to further the program’s ultimate goals (e.g. Premier’s Reading Challenge 2011).

Courses and curriculums offered by education and training entities are not considered to be projects and programs for .edu.au domain name purposes.

Review Question

14. Should the current rules relating to the registration of an edu.au domain name licence for a project or program be changed? If so, how?

4.1.4 Related Services and Research

A number of the domain’s eligibility types require applicants to warrant that their primary function is the provision in Australia of education, training, education and training research, and/or related services.

The concept of what is considered to be an ‘education and training related service’ or ‘education and training research’ has caused some confusion amongst applicants in the

past. Currently it is considered that the types of related services and research being referred to in these criteria are those that are being provided primarily to directly support the operation of the Australian education and training sector.

For instance, currently the following types of entities are considered to provide education and training related services:

- Australian, State and Territory Government departments; and
- education and training associations which represent groups such as:
 - parents and teachers;
 - providers; and
 - professionals.

Review Question

15. What types of related services should an entity deliver for it to be considered eligible for an edu.au domain name?

4.2 Allocation Rules

If an entity is found to be eligible for an edu.au domain name licence, the Registrar then determines whether the domain name that the applicant wants to register is consistent with the allocation rules contained in [Policy 1: edu.au Policy and Governance Framework](#).

The current allocation rules are largely a carry-over from rules that applied in the period prior to the formal formation of the edu.au domain in 2001 and AICTEC's approval of the initial policies in 2003.

In reviewing the allocation rules, it is useful to consider some basic principles:

- edu.au domain names should be allocated on a fair and equitable basis;
- naming conventions should be as flexible as possible to support the dynamic business environment of the education and training sector;
- as far as possible, naming conventions should not impede education and training organisations from achieving their business objectives; and
- the rules should refrain from introducing judgments about the merits of stakeholders' business objectives, including the content that they wish to use on their websites.

4.2.1 First come, first served

edu.au domain names are allocated on a 'first come, first served' basis. There is no hierarchy of rights in the edu.au domain space. The use of a trademark or business name does not imply any priority for the use of a domain name that reflects that trademark or business name. This is consistent with auDA's policies governing the open .au domains.

To allocate domain names in a manner consistent with trademark and business name rights could potentially:

- result in an increased number of disputes regarding the right of an entity to their domain name;

- result in registrants losing access to established domain names and incurring the costs involved in changing their domain presence and related business documentation;
- be more labour intensive for the Registrar; and
- result in increased domain name licence fees to cover the additional work conducted by the Registrar.

Review Question

16. Should the edu.au domain continue to allocate domain names on a 'first come, first served' basis? If not, what alternative allocation rule should apply?

4.2.2 Domain name level

Policy 1 provides that edu.au domain names can either be registered as a third (anyname.edu.au) or a fourth level (anyname.childzone.edu.au) domain name. Third level childzones refer to geographical locations (e.g. anyname.nsw.edu.au) or specific education or training sectors (e.g. anyname.catholic.edu.au).

There are specific rules detailing what types of applicants can register a third or a fourth level domain name, specifically:

- Applicants that have national interests and responsibilities must be registered at the third level. This includes entities with a national scope such as universities, national organisations and Australian Government departments.
- Applicants which are vocational education and training institutions or training organisations (e.g. some TAFEs and other Registered Training Organisations, or RTOs) and which deliver education and training services in more than one state or territory must be registered at the third level if they request it. If they do not specifically request it, they must be registered at the fourth level.
 - To determine whether an RTO can deliver education and training services in more than one state or territory, the Registrar refers to its scope of registration as approved by the Australian Skills Quality Authority. If the scope indicates the RTO can deliver in more than one state or territory, then the RTO is considered eligible for a third level domain name.
 - International delivery of education or training services by a state or territory based entity does not qualify an entity for a third level domain name. Rather, the entity still has to provide services in more than one state or territory to qualify.
- State or territory based applicants must be registered at the fourth level. This includes (but is not limited to) schools, pre-schools, state education departments, child care centres, some TAFEs, RTOs and non-profit educational entities.
- The use of fifth level domain names, or higher, is prohibited.

There are some existing edu.au domain names that do not conform to the current allocation rules. These names have been grandfathered as they either:

- stemmed from the period prior to the AICTEC's approval of the initial policies in 2003; or

- were fifth level or higher domain names (e.g. anyone.schools.nsw.edu.au) that were specifically quarantined from certain changes to the allocation rules approved by AICTEC in 2007.

Review Question

17. Should the rules controlling the level of edu.au domain name that different applicant types can register be changed? If so, how?

4.2.3 Composition of a domain name

Domain names must refer either to the name of the applying organisation or to an educational project or program owned or administered by the applicant.

- Where a domain name refers to the name of the applying organisation, it must either:
 - exactly match the applying organisation's name;
 - be substantially and closely connected to the applying organisation's name; or
 - be an acronym or an abbreviation of the applying organisation's name.
- Where a domain name refers to an educational project or program, there must be a semantic relationship between the name and the project or program.

Current domain name composition rules require there to be a direct link between the name of the applying organisation (or a project/program owned or administered by the applying organisation) and the proposed domain name.

Relaxing these rules could allow applicants to register a wider range of edu.au domain names. However, this could result in the link between the registrant and the domain name not being as easily understood by the public.

Review Question

18. Should the rules requiring that there to be a direct link between the name of the applying organisation (or related project or program) and the proposed edu.au domain name be changed? If so, how?

4.2.4 Restricted or Unacceptable Words and Terms

There are a number of rules regarding the types of words and terms that can be used in an edu.au domain name, such as:

- The following are not permitted to be registered:
 - personal names, except for names which are part of the applying organisation's name (e.g. 'Edith Cowan University');
 - obscene or offensive words or terms;
 - words or terms deemed by the Registrar as being likely to compromise the reputation of edu.au domain;

- words or terms that express a value judgment or political statement (e.g. clevercountry.edu.au, nofees.edu.au, etc.); and
- words and terms that are prohibited or restricted from use by auDA's [Reserved List Policy](#).
- Applicants are only able to register a domain name containing a geographic reference if that geographic reference forms part of the applicant's name or the name of the project/program owned or administered by them.
- Generic words or combinations of generic words which are commonly used across the education and training industry are not permitted as domain names. This includes:
 - generic education and training terms (e.g. school, teacher, etc.);
 - generic education and training course names (e.g. Certificate III in Hairdressing);
 - types of education and training (e.g. OHS Training); and
 - references to education and training faculties (e.g. History Department).

Proposed domain names may be approved if they comprise generic words in combination with non-generic words. For example, "sciencetraining.edu.au" would not be approved due to its generic nature. However, "smithssciencestraining.edu.au" could be considered for approval (subject to the other eligibility requirements for domain names).

Relaxing the rules regarding the types of words and terms permitted could allow applicants to register a wider range of edu.au domain names. However, such changes could have adverse consequences, such as compromising the reputation of edu.au domain or reducing the fairness and equitability in the allocation of these domain names.

For example, relaxing the rules relating to the use of generic words in domain names could result in some entities gaining an unreasonable advantage over other education and training entities which may offer the same or similar services.

A recent trend encountered by the Registrar is for some applicants to register trading names specifically to enable them to apply for domain names that they believe will gain them a marketing or 'search term' advantage (e.g. admintraining.edu.au).

Review Question

19. Should the rules governing the types of words and terms that are restricted or that cannot be registered as an edu.au domain name be changed? If so, how?

4.2.5 Other Allocation Rules

There are a number of allocation rules in the edu.au domain that are out-of-scope of this review. Table 7 details these rules.

Table 7 Other allocation rules

Allocation Rules	Details
Two year licence period	Under the terms of the current registry licence agreement between auDA and AusRegistry .au domain name licences (including edu.au licences) are issued for two year periods only. Registrants must renew their licence every two years if they want to continue using their domain name.
Technical requirements for domain names	All domain names must meet the following technical requirements: <ul style="list-style-type: none"> • be at least 2 characters long; • contain only letters (a-z), numbers (0-9) and hyphens (-), or a combination of these; • start and end with a number or a letter, not a hyphen; and • not contain hyphens in the third and fourth position (e.g. ab—cd.edu.au).
Exact replicas of existing edu.au names	The national registry operator (AusRegistry) will not register exact replicas of existing edu.au domain names.

Attachment A: Review Terms of Reference

Terms of Reference for the review of the edu.au domain's eligibility and allocation policies are outlined below.

Issue	Detail
Scope	<p>The edu.au Domain Administration Committee (eDAC) is to conduct a public review of the:</p> <ul style="list-style-type: none"> • governance and supporting administration arrangements for the edu.au domain; and • policy that governs the domain name eligibility and allocation rules for the edu.au domain (which are contained in <i>Policy 1 - edu.au Policy and Governance Framework</i> and <i>Policy 2 - edu.au Eligibility Policy</i>). <p>The aim of the Review is to ensure that:</p> <ul style="list-style-type: none"> • the governance and supporting administration arrangements for the edu.au domain are in the public interest and act for the benefit of Australian education and training sector; • the domain name eligibility and allocation policies allow the domain to continue to grow, while maintaining the integrity of the domain; • the domain name eligibility and allocation policies are consistent with: <ul style="list-style-type: none"> – auDA's policies and practices for the management of the .au domain; and – current trends and practices in the use of the internet.
Stakeholders	<p>The audience for the review includes:</p> <ul style="list-style-type: none"> • all Australian Commonwealth, State and Territory education and training focused Government Departments; • education and training sector peak bodies; • current edu.au registrants and those eligible for edu.au domain name licences; • entities involved in the education and training sector that may not be eligible for an edu.au domain name licence under current policy, and • others that have an interest in or who are users of the Australian domain name system.

Attachment B: edu.au Interim Governance Arrangements



auDA PUBLISHED POLICY

Policy Title: INTERIM GOVERNANCE ARRANGEMENTS FOR THE EDU.AU 2LD

Policy No: 2014-04

Publication Date: 01/07/2014

Status: Current

1. BACKGROUND

- 1.1 This document sets out the interim governance arrangements for the edu.au second level domain (2LD). These arrangements have been put in place to facilitate the transition of governance functions from the Australian Information and Communications Technology In Education Committee (AICTEC) to auDA.
- 1.2 On 6 March 2003, auDA entered into a 2LD Sub-Sponsorship Agreement for edu.au with AICTEC (through the Commonwealth Department of Education), under which auDA delegated policy and management authority for the edu.au 2LD to AICTEC. AICTEC in turn sub-delegated its responsibilities to the edu.au Domain Administration Committee (eDAC).
- 1.3 AICTEC ceased to operate in December 2013. Pursuant to the machinery of government provisions, AICTEC's role was reassigned to the Commonwealth Department of Education for the remaining duration of the Sub-Sponsorship Agreement through to 30 June 2014.
- 1.4 At its meeting in April 2014, the auDA Board approved a recommendation that auDA resume responsibility for edu.au as a self-managing, closed 2LD and delegate to eDAC the role of administering edu.au on its behalf.

2. ROLE, MEMBERSHIP AND OPERATIONS OF eDAC

- 2.1 The role of eDAC is set out in the eDAC Terms of Reference at Schedule A.
- 2.2 eDAC membership is to comprise:
 - a) one representative from the Commonwealth Government;
 - b) one representative from the higher education sector;
 - c) four representatives from the schools sector, specifically:
 - i) two Government schools representatives;
 - ii) one Catholic school representative;

- iii) one independent schools representative; and
 - d) two representatives from the Vocational Education and Training sector.
- 2.3 eDAC will transition existing members (who do not have fixed terms) to a fixed term model with each new representative appointed for a period of 4 years, with half of the membership terms retiring every two years.
- 2.4 Any eDAC member can resign by notifying the Chair in writing. Where an eDAC member resigns, the replacement member shall serve the remainder of the term of that eDAC member. If that remaining term is nine months or less, then that residual shall be added to the normal term of a new member.
- 2.5 When a vacancy arises on eDAC either through the resignation of a member or the retirement of a member at expiry of their term, the relevant peak body (or its successor) from the following table will be invited by eDAC to provide a single nominee:

Sector	Relevant Peak Body
Commonwealth Government	Commonwealth Department of Education
Australian higher education sector	Universities Australia
Schools sector	
Government schools	Schools Policy Group (SPG) of the Standing Council on School Education and Early Childhood (SCSEEC)
Catholic schools	National Catholic Education Commission
Independent schools	Independent Schools Council of Australia
Vocational Education and Training Sector	Industry and Skills Council Advisory Committee (which reports to the COAG Industry and Skills Council (CISC))

- 2.6 A retiring eDAC member may be nominated/renominated by a relevant peak body.
- 2.7 If the relevant peak body fails to provide a nominee within a reasonable timeframe (or the identified peak body for that sector does not exist at that point in time or advises is not able to provide a nominee), eDAC may use its discretion to determine appropriate alternative measures to obtain a suitable nomination from the relevant sector.
- 2.8 When a nominee is provided to eDAC in accordance with this Interim Policy, eDAC will forward the details of the nominee to auDA for appointment as a new eDAC member.
- 2.9 eDAC shall elect a Chair and may elect a deputy Chair from its members, with the period of these positions being the remainder of the member's term. Resignation of these positions must be done by notifying eDAC in writing. In the event that eDAC does not have a Chair, it shall elect a new Chair as soon as reasonably practicable.
- 2.10 eDAC is responsible for determining its own meeting procedures.

3. POLICY FRAMEWORK FOR EDU.AU

- 3.1 eDAC can make policies for the edu.au domain. Such policies must be ratified by auDA before they have any effect.
- 3.2 The edu.au domain is governed by:
- a) edu.au Published Policies that are published on the edu.au registrar's website (<http://www.domainname.edu.au/policy.htm>); and
 - b) auDA's Published Policies that specifically apply to the edu.au domain and that are published on the auDA website (www.auda.org.au/policies/).
- 3.3 If auDA proposes to introduce Published Policies for the .au domain, which are expressly stated to apply to the edu.au domain, then auDA will consult with eDAC when developing those policies.

- 3.4 To the extent of any inconsistencies between edu.au Published Policies and auDA's Published Policies, (where they are expressly stated to apply to the edu.au domain), then auDA's Published Policies will prevail.

4. REGISTRY AND REGISTRAR SERVICES FOR EDU.AU

- 4.1 Registry services for edu.au are provided by the 2LD Registry Operator licensed by auDA, under the terms and conditions of the Registry Licence Agreement.
- 4.2 Registrar services for edu.au are provided by Education Services Australia Ltd, under the terms and conditions of the Interim Registrar Agreement for edu.au. These services shall comply with:
- a) edu.au Published Policies; and
 - b) auDA's Published Policies that specifically apply to the edu.au domain.
- 4.3 The registrar shall report to eDAC on the performance of its registrar functions as required by eDAC.
- 4.4 The registrar shall collect domain name licence fees for the edu.au domain and use these fees to:
- a) pay the operating costs of the Registrar;
 - b) arrange for contractual payments for secretariat services to eDAC;
 - c) maintain an appropriate financial reserve to sustain the operation of the edu.au domain; and
 - d) implement financial decisions as directed by eDAC;
- in accordance with an annual budget to be approved by eDAC. Variations to the budget and expenditure from the financial reserve must be approved by eDAC.

5. REVIEW OF EDU.AU GOVERNANCE ARRANGEMENTS

- 5.1 eDAC will undertake a public review of the governance arrangements for edu.au and the edu.au domain name eligibility and allocation policies before 30 June 2015. Upon completion of the review, eDAC will provide the auDA Board with recommendations on any changes that need to be made to the interim governance arrangements set out in this document.

SCHEDULE A**EDU.AU DOMAIN ADMINISTRATION COMMITTEE (eDAC)****TERMS OF REFERENCE**

Under delegation from auDA, the edu.au Domain Administration Committee (eDAC) will:

1. Through consultation with key stakeholders, establish and maintain policies and procedures to apply to the management and administration of the edu.au domain in accordance with the overarching principles and policies determined by auDA.
2. Maintain an overarching policy framework for the governance of domain names in the edu.au domain incorporating the establishment of eligibility criteria for registration in the edu.au domain.
3. Provide a point of coordination for the management of licensing and reporting arrangements between auDA, the nominated edu.au domain Registrar, and the 2LD Registry Operator, including monitoring, reporting and advising on service, cost and performance levels.
4. Ensure that policies and procedures relating to the edu.au domain are effectively communicated to education and training stakeholders including potential entrants to the domain.
5. Administer a decision review process incorporating complaint and dispute resolution policies and mechanisms allowing for appeals to be handled by eDAC without the need for recourse to the legal system or to auDA in the first instance.
6. Set the domain name licence fee in consultation with the edu.au Registrar and manage the financial performance of the edu.au domain to ensure that it operates on a financially self-sustaining basis whilst keeping fees for domain names at a minimum. The registration fee must be set at a level that will enable the Registrar to maintain an adequate financial reserve, which must be used to sustain the operation of the edu.au domain.
7. Provide advice to auDA on:
 - a) any matters impacting on the stability, performance or financial self-sustainability of the edu.au domain; and
 - b) whether the domain is continuing to operate in the public interest and for the benefit of Australian education and training as a whole.
8. Provide reports to auDA, as required, on the operational and financial performance of the edu.au domain.
9. Monitor changes being considered for the .au domain that may impact on the edu.au domain or on the edu.au domain name policy framework.

Attachment C: edu.au Domain Policy Framework

The edu.au domain is subject to edu.au specific policies as well as several policies set by auDA² that apply across the whole .au domain space.

The policies that currently govern the edu.au domain are:

- [Policy 1 - Policy and Governance Framework.](#)
- [Policy 2 – edu.au Eligibility Policy.](#)
- [Policy 3 - Privacy Policy.](#)
- Policy 4 - Guidelines for Applicants and Registrants on edu.au Policy Rules (rescinded by AICTEC in 2012).
- [Policy 5 - edu.au Reserved List Policy.](#)
- [Policy 6 - edu.au Complaints Policy.](#)
- [Policy 7 - edu.au Complaints \(Registrant's Eligibility\).](#)
- [Policy 8 - edu.au Transfers \(Change of Registrant\) Policy.](#)
- Policy 9 - Guidelines for the Registrar on Interpretation of Rules (rescinded by AICTEC in 2012).
- [Policy 10 - edu.au Mandatory Terms and Conditions Policy.](#)

The key auDA policies that apply to the edu.au domain are set out in the auDA policy titled [2014-05 - Application of auDA Published Policies to the edu.au 2LD](#). The main impact of these auDA policies are:

- The Registrar must collect and maintain registrant contact and technical contact details from the time each domain name is registered.
- Domain names must be discoverable on auDA WHOIS service (<http://whois.ausregistry.net.au/>):
 - This means the domain name must be listed on auDA's official registry operated by AusRegistry - it cannot be in an unofficial registry.
- Registrants cannot sell their domain name, as they only hold a licence to use the domain name for two years.

All edu.au policies are consistent with auDA published policies and practices. Policies applying to edu.au are regularly revised by eDAC.

² Policies for the .au domain are consistent with and subordinate to policies governing the global ICANN framework.