

POLICY 6: EDU.AU COMPLAINTS POLICY

This policy sets out process for the handling of complaints made by registrants and other members of the public about the decisions and actions of the edu.au Registrar for the closed edu.au second level domain (2LD).

In addition it details the process for seeking a review of decisions made by the Registrar.

Note: The edu.au Domain Administration Committee (eDAC) is not a government agency or statutory authority; therefore it does not have legislative power to impose fines or other penalties.

1 BACKGROUND

- 1.1 Complaints made by registrants and others about decisions or actions of the edu.au Registrar are handled through a two-tier process, namely: internal consideration and response to the complainant, administered by the edu.au Registrar; and if the complainant is not satisfied; referral to the edu.au Domain Administration Committee (eDAC) by the edu.au Registrar for review and response.

2 EDAC'S JURISDICTION TO HANDLE COMPLAINTS

- 2.1 eDAC's jurisdiction to handle requests for review of decisions made by the edu.au Registrar is limited to matters relating to the allocation and management of a domain name in the edu.au domain space. This includes complaints about:
- a) the registration of a domain name;
 - b) the renewal of a domain name;
 - c) the delegation/re-delegation of a domain name;
 - d) the transfer of a domain name licence to another registrant; and
 - e) possible breaches of edu.au Published Policy.
- 2.2 eDAC does not have the jurisdiction to handle complaints about:
- a) Internet access or email services;
 - b) Web hosting, website management or website design services;
 - c) Objectionable or offensive website content; and
 - d) Possible breaches of the Telecommunications Act 1997, the Broadcasting Services Act 1992, the Trade Practices Act 1974, the Privacy Act 1988 or any other legislation. For complaints about matters listed in Section 2.2d), the relevant government authority should be contacted, such as the Australian Communications and Media Authority (ACMA), the Telecommunications Industry Ombudsman (TIO), the Australian Competition and Consumer

Commission (ACCC), or the Office of the Australian Information Commissioner.

3 COMPLAINTS OUTSIDE THE SCOPE OF THIS POLICY

- 3.1 This Policy does not deal with complaints about the eligibility of a registrant to hold a domain name licence in the closed edu.au domain space.
- 3.2 Complaints under Item 3.1 are handled under Policy 7: edu.au Complaints (Registrant Eligibility).

4 HOW TO MAKE A COMPLAINT

- 4.1 As the first step, you must try to resolve the problem directly with the edu.au Registrar. The edu.au Registrar will initially refer the complaint to their Internal Review Officer. You must allow a reasonable period of time for the edu.au Registrar to respond to your complaint. You should keep a record of your dealings with the edu.au Registrar, including copies of any correspondence, the names of customer support staff that you speak to and the key points discussed.
- 4.2 If the complaint/dispute is not settled, you can request the Registrar to refer your complaint to the eDAC Secretariat who will arrange for review and resolution.
- 4.3 When requesting a review by eDAC, you should provide any relevant supporting documentation, such as agreements, policies, emails and other correspondence with the edu.au Registrar. Failure to do so may mean that eDAC is unable to investigate your complaint for lack of evidence.

You should also think about what you want to achieve by requesting a review, having regard to the remedies available to complaints listed in Section 6. In some cases, even if your request is justified, there may be legal or technical reasons why eDAC is unable to grant the remedy that you seek.

- 4.4 eDAC reserves the right not to investigate a complaint that is frivolous, vexatious, abusive or offensive.

5 COMPLAINTS-HANDLING PROCESS

- 5.1 eDAC will acknowledge receipt of your request and indicate the timeframe in which you can expect a response. eDAC will endeavour to resolve your request as quickly as possible, but if your request is complex it may take longer to resolve. If this is the case, eDAC will keep you informed of the progress.
- 5.2 On receipt of your request for review, eDAC will seek a response from the edu.au Registrar. eDAC will investigate the matter based on the facts provided by both parties. eDAC may seek further information from either party to assist with its investigation.

- 5.3 After conducting a full investigation, eDAC will notify you in writing (usually by email) of the outcome of the review. You should be aware that eDAC may determine that although you may have suffered inconvenience or disappointment, the edu.au Registrar is not at fault.

6 REMEDIES AVAILABLE TO COMPLAINANTS

- 6.1 Depending on the circumstances of the matter under review, eDAC may take one or more of the following actions:
- a) request the edu.au Registrar to remedy their error and/or refund any payment for services not received;
 - b) request the edu.au Registrar to amend the practice or procedure that led to the review;
 - c) notify the edu.au Registrar that they are in breach of the Interim Registrar Agreement with auDA or an edu.au Published Policy, and request them to immediately remedy the breach;
 - d) refer your complaint to the relevant government authority; or
 - e) uphold the decision of the Registrar
- 6.2 If the edu.au Registrar does not comply with eDAC's request pursuant to Section 6.1a)-d), auDA may take the following action:
- Suspend or terminate Interim Registrar Agreement.

7 COMPLAINTS ABOUT THE CLARITY OR OPERATION OF EDU.AU POLICIES

- 7.1 Members of the public or registrants can raise concerns regarding the clarity or operation of edu.au policies including suggestions for improvements. Your concerns can be lodged with the Registrar who will pass them on to eDAC for consideration in response. Alternatively, your concerns can be lodged with the eDAC Secretariat.
- 7.2 The Chair of eDAC will consider the merits of your concern, and if appropriate submit it for consideration by eDAC. If it is considered that the matter is adequately dealt with by existing edu.au or auDA policy the Chair will respond to you outlining why this is the case.
- 7.3 If eDAC considers that a concern raised under this section 7 warrants the amendment of edu.au policy then eDAC will proceed with changes to the edu.au policy in accordance with section 7 of Policy 1. You will be advised by the Chair if AICTEC approves any amendments as a result of the concern you have raised.