



IANA Report on Request for Redelegation of the .au Top-Level Domain

IANA Report

Subject: Request of the .au Domain Administration (auDA) for Redelegation of .au
Top-Level Domain

Date: 31 August 2001

The Internet Assigned Numbers Authority (the IANA), as part of the administrative functions associated with management of the domain-name system root, is responsible for receiving requests for delegation and redelegation of top-level domains, investigating the circumstances pertinent to those requests, and reporting on the requests. In May 2001, the IANA received a request for redelegation of the .au (Australia) top-level domain. This report gives the findings and conclusions of the IANA on its investigation of that request.

Factual and Procedural Background

In March 1986, the University of Southern California's Information Sciences Institute (which then performed the IANA functions) approved a request for establishment of the .au ccTLD. At that time and today, that two-letter code was and is set forth on the ISO 3166-1 list maintained by the ISO 3166 Maintenance Agency (ISO 3166/MA) as the approved alpha-2 code for Australia.

Australia, with a population of nearly 20,000,000, is a member of the British Commonwealth. Australia is the world's smallest continent and is located south of Asia and between the Pacific and Indian Oceans. The country consists of six states, two territories on the Australian continent, and several smaller islands.

Australia was an early participant in the Internet, beginning with the Australian Computer Science Network (ACSnet) in the mid-1970s. As noted above, the .au ccTLD was established in March 1986, shortly after the Internet domain-name system was deployed in 1985. With the benefit of an excellent communications system with international connectivity provided by submarine cables and Intelsat and Inmarsat service, Australian Internet usage has grown rapidly, with an estimated 8,000,000 users at the end of 2000.

Upon its establishment in 1986, the .au ccTLD was delegated to Robert Elz, a network programmer at the University of Melbourne. Mr. Elz has been a longstanding leader in the development of the Internet in Australia, having played a key role in the deployment of ACSnet. Taking into account the best interests of the Australian Internet community, Mr. Elz has selflessly served in a volunteer capacity since his appointment as the .au ccTLD's manager.

Since the delegation of the .au ccTLD to Mr. Elz, the use of the Internet in Australia has undergone tremendous growth. This expansion of Internet use has resulted in strong demand for registrations under the .au ccTLD. To meet this demand for convenient names within the .au ccTLD, eleven second-level domains have been established under .au: asn.au, com.au, conf.au, csiro.au, edu.au, gov.au, id.au, info.au, net.au, org.au, and oz.au. The first eight are basically open to all users, subject to some eligibility criteria, while the last three have defined communities of interest.

As the .au ccTLD has evolved to accommodate increased Internet usage under Mr. Elz's personal stewardship, the Australian Internet community has recognized that the task of administering the .au ccTLD should move from a single person's responsibility to a private-sector self-regulatory regime capable of taking on the responsibility for administering the .au ccTLD in a manner that is more formally accountable to the community. In the past several years the Australian Internet community, with the assistance of the Australian Government, has been engaged in efforts to establish such an organization to facilitate continued robust and scalable growth and operation of the Internet naming system in Australia.

In 1997, Internet stakeholders established the Australian Domain Name Administration (ADNA), with the primary objective of ensuring the operation of a functional Internet naming system in Australia for the .au domain. The participants in the ADNA initiative, however, ultimately concluded that organization did not have the necessary authority to operate effectively and be accountable to the local Internet community. As a result, the ADNA Board, together with Internet industry stakeholders, requested the assistance of the Australian National Office for the Information Economy (NOIE), an office of the Commonwealth of Australia's Ministry of Communications, Information Technology and the Arts, to facilitate the development of an effective Internet industry self-regulatory regime and to oversee the transfer of delegation for the administration of the .au domain space to the new regime.

In 1999, the Australian Government, through NOIE, agreed to assist in facilitating the development of a self-regulatory regime to assume responsibility from Mr. Elz for management of the .au ccTLD. NOIE initiated a consultative process, originally intended to be completed in April 2000, with the Australian industry and the local Internet community in an effort to develop a broadly accepted mechanism for overseeing .au's administration in a way that includes participation by the stakeholders within the Australian Internet community. The consultation addressed key issues and was led by a working group chaired by Greg Crew (who also served as an initial Director of ICANN) and including representatives of various stakeholders. The working group recommended creation of a new, not-for-profit body to administer the .au domain space. Following that recommendation, the .au Domain Administration (auDA) was formed. On 15 November 1999, Mr. Elz sub-delegated to auDA the authority to manage the .com.au namespace, which comprises approximately 85% of all domain names within the .au ccTLD.

On 9 October 2000, auDA submitted to NOIE a comprehensive report describing auDA's achievements as of that time and its goals for the next 12-18 months. That report described the steps that auDA had taken to meet the objectives for Governmental endorsement of auDA to become responsible for management of the .au ccTLD:

- operate as a fully self-funding and not-for-profit organization;
- be inclusive of, and accountable to, members of the Internet community including both the supply and demand sides;
- adopt open, transparent and consultative processes;
- aim to enhance benefits to Internet users through the promotion of competition, fair trading and provisions for consumer protection and support;
- establish appropriate dispute resolution mechanisms; and

- represent Australian Internet industry interests in the Internet domain-name system at national and international fora.

The report observed:

At this point, auDA has made considerable progress towards achieving its aims. However these aims cannot be fully realised until the transfer of authority for .au has been affected. *The very fact that auDA does not have formal authority for the .au ccTLD is now starting to limit the organisation's capability to undertake its business.* This is clearly demonstrated by a number of the second level domain registrars that have not yet entered into interim agreements with auDA, in particular those for the .gov.au and .edu.au domains. There is a significant likelihood of these agreements being quickly finalised once authority has been transferred.

It concluded:

auDA already has strong community and stakeholder support, and its achievements to date show that it has the skills and experience necessary to undertake the role. In addition, auDA has been able to meet, or put in place the mechanisms necessary to meet, all of Government's objectives for an industry self-regulatory body. The remaining impediment to auDA assuming responsibility for the .au ccTLD is endorsement by Government as the appropriate industry self-regulatory body.

In December 2000, the Minister for Communications, Information Technology and the Arts, Senator Richard Alston, formally endorsed auDA as the appropriate entity to manage the .au domain space. This endorsement was memorialized in a 31 December 2000 agreement between auDA and the Government of Australia, by which the Government of Australia designated auDA to hold administrative authority for the .au ccTLD.

In parallel with these industry self-regulatory developments, on 7 December 2000, the Australian Parliament passed amendments to its Telecommunications Act of 1997 and the Australian Communications Authority Act of 1997, both which clarified the Government's role regarding the .au ccTLD among other "electronic addressing" services. To this end, they amended the Australian Communications Authority Act to give the Australian Communications Authority responsibility for managing Internet addressing when instructed to do so by the Minister for Communications, Information Technology, and the Arts, should self-regulation prove ineffective in the future. While maintaining Australia's commitment to responsible self-regulatory private-sector management structures in the communications industry, these amendments were intended "to establish safety net mechanisms for management of electronic addressing, particularly Internet addressing" Australia Senate Environment, Communications, Information Technology and the Arts Legislation Committee, Telecommunications Legislation Amendment Bill 2000 Report (8 November 2000) ¶ 1.2.

On 28 May 2001, auDA formally requested the IANA to redelegate the .au ccTLD to auDA. That request was accompanied by:

- the auDA Constitution, which serves as its organic charter;
- a Technical Report on the Provision of Domain Name Registration Services in the .au ccTLD;
- a report, dated 15 March 2001, to the IANA entitled "Transfer of Authority for the .au ccTLD";
- the Australian Government's endorsement of auDA, dated 31 December 2001; and

- a summary of the amendments enacted in 2000 to the Australian telecommunications laws.

auDA's Chief Executive Officer, Chris Disspain, wrote to Senator Alston on 18 June 2001 requesting that the Australian Government communicate its endorsement of auDA to ICANN. In that letter, Mr. Disspain confirmed auDA's commitment to uphold its obligations towards the local Internet community, as well as its commitment to the Government of Australia to comply with the provisions outlining its obligations as the delegee of the Government of Australia for the .au ccTLD (clause 9 of the Government Advisory Committee (GAC) Principles for Delegation and Administration of ccTLDs).

In response to that letter of assurance, on 4 July 2001 Senator Alston wrote to ICANN formally confirming the Government of Australia's endorsement of auDA as the organization to administer the .au ccTLD. The letter explained the rationale for its endorsement of auDA as follows:

The auDA Board comprises a good cross-section of the Internet community, deliberately having representation from the supply and demand side of the industry, representative associations and the Internet community in general. The Board has also appointed two Independent Directors, Mr Tony Staley and Mr Greg Crew. A representative from NOIE attends all auDA meetings as an observer and maintains a close working relationship with the auDA Board and its administrative staff.

In light of this I am confident that should a situation arise which would suggest that auDA is no longer operating in the interest of the global Internet community the Government would be made aware of this and actions would be taken to resolve the matter. Guidance would also be sought from ICANN on how best to deal with such a situation.

Senator Alston also noted that, while no time frame had been initially specified for which auDA was to administer .au, it was:

implied in the [31 December 2001] letter of endorsement that the timeframe will be dependent upon auDA's adherence to the conditions set out in the letter and operating within the provisions of its company Constitution. This is confirmed in a recent letter I received from Mr Disspain, CEO, auDA concerning auDA's commitment to clause 9 of the [ICANN Governmental Advisory Committee] Principles.

In his letter, Senator Alston noted the pioneering efforts of the current manager, Robert Elz, in promoting the evolution of the Internet in Australia over the past two decades, making it appropriate for the management of the .au ccTLD also to evolve to a more formally representative organization:

I would like to take this opportunity to acknowledge the significant contribution made to the domain-name system by Mr Robert Elz, particularly with regard to his administration of the .au ccTLD. The Government's endorsement of auDA as the appropriate entity to administer the .au ccTLD is not to be construed as criticism of Mr Elz. Rather it is recognition that the task at hand is now too great for one person and is better suited to an organisation which is representative of the Internet community and has been established with the appropriate resources to move Australia forward in the global world of the Internet with the full support of Government.

Having received the auDA request for redelegation and the Governmental endorsement, the IANA conducted an investigation and analysis of the circumstances to supplement its

monitoring of the ongoing discussion of the Australian Internet community concerning evolution of the management of the .au ccTLD.

Evaluation

This report is being provided under the contract for performance of the IANA function between the United States Government and ICANN. Under that contract, ICANN performs the IANA function, which includes receiving delegation and redelegation requests concerning ccTLDs, investigating the circumstances pertinent to those requests, and reporting on the requests.

In acting on redelegation requests, the IANA currently follows the practices summarized in "Internet Domain Name System Structure and Delegation" (ICP-1). ICP-1 represents an update of the portions of RFC 1591 (which was issued in March 1994) dealing with ccTLDs, and reflects subsequent documents and evolution of the policies followed by the IANA through May 1999.

In considering delegation or redelegation of a ccTLD, the IANA seeks input from persons significantly affected by the transfer, particularly those within the nation or territory which the ccTLD has been established to benefit. As noted in ICP-1, the parties affected include especially the relevant government or public authority: "The desires of the government of a country with regard to delegation of a ccTLD are taken very seriously. The IANA will make them a major consideration in any TLD delegation/transfer discussions."

Upon receiving auDA's redelegation request, the IANA consulted over several weeks with the current manager of the .au ccTLD, Robert Elz. As the manager of the .au ccTLD for 15 years, Mr. Elz has accumulated great familiarity with the circumstances of the Australian Internet community and the .au ccTLD. In addition, the IANA consulted with members of the Australian Internet community, as well as seeking clarifications as necessary from auDA and the Australian Government.

Based on this investigation, it is the IANA's conclusion that there is widespread—nearly universal—support for moving the delegation of the .au ccTLD to an organization permitting broad participation of the Australian Internet community in the development of policy for the .au ccTLD. Although the .au ccTLD has developed well to date under the personal stewardship of Mr. Elz, to achieve its future potential it should be managed by an organization formally accountable to the Australian Internet community. As noted in the U.S. Government's White Paper, "Internet names increasingly have commercial value" so that decisions about DNS policies and structure "cannot be made on an *ad hoc* basis by entities or individuals that are not formally accountable to the Internet community." The White Paper made this observation in 1998 to support the migration of the IANA function from the personal stewardship of Jon Postel to the more formalized structure of ICANN. Today similar considerations support migrating the .au ccTLD delegation from Mr. Elz to a formally accountable organization.

auDA's structure is based on principles of private-sector self-regulation of the type that have allowed and will continue to allow the Internet globally to flourish. Its structure reflects the principle that the Internet is best coordinated by private-sector efforts, with governments playing a supportive and generally non-intervening role. That principle is embodied in Australian Government policy, which endorses industry self-regulation, with the Government serving to ensure that the self-regulation serves the public interest.

In February 2000, the ICANN Governmental Advisory Committee (GAC) issued a document entitled "Principles for the Delegation and Administration of Country Code Top Level Domains," commonly known as the "GAC Principles." These principles serve as "best practices" to guide governments in assuming proper roles with respect to the

Internet's naming system, which the GAC has observed is a public resource to be administered in the public interest. In general, they recognize that each government has the ultimate responsibility within its territory for its national public-policy objectives, but also that ICANN has the responsibility for ensuring that the Internet domain-name system continues to provide an effective and interoperable global naming system. The GAC Principles recommend that governments and ICANN pursue their respective roles by creating a framework for accountability memorialized in communications with each other and with the ccTLD manager (see [clause 2](#)). The GAC Principles guide governments on how to responsibly structure their relations with ccTLD managers (see [clauses 5.5](#) and [9](#)). Among these specific principles, the best practices contemplate that governments will assist in ensuring that the ccTLD manager complies with ICANN policies related to global coordination of the Internet DNS ([clauses 9.1.7](#) and [9.1.8](#)).

These principles are reflected in Australian Government policy and contained in the December 2000 amendments to its Telecommunications Act of 1997, which confirm the Government's commitment to private-sector management of the .au ccTLD while providing the Government with "safety net" authority to intervene should the private sector be unable to fulfill this function.

The IANA's consultations with the Australian Internet community have demonstrated substantial support for auDA's assumption of the role as manager of the .au ccTLD. In consultations with the IANA, Mr. Elz has acknowledged that the management of the .au ccTLD should be transferred to a broadly supported organization.

Mr. Elz, however, has expressed concern that auDA is still not fully formed and that in practice its base of participants is not as broad as desirable. [Melbourne IT](#), a major stakeholder in the Australian Internet community and operator of the principal registry (.com.au) within the .au ccTLD, also [expressed concern](#) that auDA is a new, untested organization that may not prove effective in broadly representing all parts of the Internet community. Both Mr. Elz and Melbourne IT suggested that the management of the .au ccTLD would more appropriately be performed directly by the Australian Government.

Because this suggestion for direct governmental management appeared contrary to the Australian Government's stated desires, on 8 August 2001 Stuart Lynn, ICANN's President, [wrote Senator Alston](#) requesting reconfirmation of the Australian Government's endorsement of redelegation of .au to auDA. In a [reply letter dated 16 August 2001](#), Senator Alston reaffirmed "that the Australian Government is committed to an industry self-regulatory regime being responsible for the management of the .au domain space, rather than a Government authority." Senator Alston's letter also reiterated the Australian Government's endorsement of auDA as the appropriate vehicle for that management and emphasized that the Australian Government took seriously its responsibility to ensure that auDA served the interests of the Australian Internet community:

The Government's ongoing endorsement is subject to auDA continuing to meet [stated criteria including inclusiveness of, and accountability to, the Australian Internet community] as well as operating within the provisions of its company constitution and recognizing that the management and administration of the au ccTLD is subject to the ultimate authority of the Commonwealth of Australia. Should the situation arise whereby auDA was no longer administering the .au ccTLD for the benefit of the Australian community, the Government would take the appropriate action to remedy this situation, and has the legislative authority to do so.

In the letter, the Australian Government also recognizes the desirability of private-sector technical coordination of the Internet on a global scale: "The Australian Government is committed to ICANN and considers it to be the appropriate international entity to oversee

the technical coordination of the Internet in a manner that will preserve it as an effective and convenient mechanism for global communication and commerce."

According to the design described in its constitution, auDA is well-suited to be inclusive of, and accountable to, the Australian Internet community and to operate through open, transparent, and inclusive processes. Mr. Elz's and Melbourne IT's concerns appear to be that auDA will not develop according to this design. These concerns, however, are obviated by the Australian Government's desire to have the .au ccTLD managed by the private sector, combined with the Government's commitments that it will ensure that auDA operates in an open, transparent, inclusive, and representative way.

Conclusion

The structure proposed by auDA and endorsed by the Australian Government is to have auDA undertake management of the .au ccTLD under appropriate oversight of the Australian Government (concerning national public-policy interests) and ICANN (concerning global technical-coordination interests). This structure is consonant with the principle of private-sector responsibility for technical coordination under which the Internet has flourished. In reviewing the request and in light of the Australian Government's endorsement of auDA as the appropriate private-sector manager, the IANA concludes that, provided auDA's commitment to these responsibilities is effectively ensured, auDA is the appropriate delegee of the .au ccTLD.

One mechanism to reflect these commitments is the arrangement embodied in the GAC Principles. Where, as here, the relevant government is prepared to carry out the ultimate responsibility for overseeing the ccTLD manager's service to the local Internet community and the manager is prepared to conduct itself within that framework, the interests of the local and global Internet communities are served by ICANN joining into that cooperative arrangement.

Two of the three parts of that arrangement—the auDA/Government and Government/ICANN communications—have already been implemented. Upon conclusion of a mutually satisfactory agreement between ICANN and auDA reflecting the principles set forth in clause 10 of the GAC principles, adjusted as necessary to suit local circumstances, the .au ccTLD should be redelgated to auDA. Once such an agreement is entered, the U.S. Department of Commerce should establish revised procedures for maintenance of the .au entry in the root zone file that enable ICANN to perform its obligations under that agreement, and that permit moving forward responsibly with the transition to private-sector technical management of the Internet.

Comments concerning the layout, construction and functionality of this site should be sent to webmaster@icann.org.

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