



## **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: AICTEC is not a government agency or statutory authority; therefore it does not have legislative power to impose fines or other penalties.

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### **1. BACKGROUND**

1.1. The Australian Information and Communications Technology in Education Committee (AICTEC) has decided that complaints made by registrants and others about decisions or actions of the .edu.au Registrar should be 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 Authority (ACA), the Telecommunications Industry Ombudsman (TIO), the Australian Broadcasting Authority (ABA), the Australian Competition and Consumer Commission (ACCC), or the Office of the Privacy 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 Registrar Agreement with the Commonwealth, represented by the Department of Education, Employment and Workplace Relations (DEEWR), or an AICTEC 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), AICTEC may take the following action:

- Suspend or terminate its authorisation of the .edu.au Registrar.

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

AICTEC approval date: 3 March 2009

- 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.

