

● **10 October 2024**

Senate Legal and Constitutional Affairs Committee
Submitted via webform

To whom it may concern:

Subject: Submission in response to the *Inquiry into the Privacy and Other Legislation Amendment Bill 2024 [Provisions]*

The .au Domain Administration Limited ([auDA](https://www.auda.org.au)) is the trusted administrator of the .au country code Top Level Domain (ccTLD). The .au ccTLD is part of Australia's critical infrastructure, supporting more than 4.2 million .au domain names. auDA is endorsed by the Commonwealth Government to administer the .au for the benefit of all Australians under its [Terms of Endorsement](#).

As a critical part of the digital economy, auDA's role is to ensure the .au ccTLD remains stable, reliable and secure. Additionally, auDA performs the following functions:

- Administering a licensing regime for .au domain names based in multi-stakeholder processes, including:
 - Developing policies for the .au domain with a multi-stakeholder approach to provide the greatest benefit for the Australian community.
 - Managing enquiries from the public about the licensing rules
 - Maintaining an appropriate compliance and dispute resolution process associated with the licensing rules
 - Making limited information available on the holder of a domain name licence through a publicly accessible tool at <https://whois.auda.org.au/> (a standard feature of domain name systems around the world and an essential element of online accountability)
- Accrediting registrars to provide domain name registration services to the Australian internet community
- Advocating for, and actively participating in, multi-stakeholder internet governance processes both domestically and internationally.

In performing its functions, auDA operates under a multi-stakeholder model, working closely with the technical community, suppliers, business users, industry, civil society, consumers and the Australian Government.



auDA welcomes the opportunity to contribute to the *Inquiry into the Privacy and Other Legislation Amendment Bill 2024 [Provisions]*. We support the intent of the legislation to strengthen Australia's privacy regime and have offered some comments below.

We previously made a [submission to the Attorney General's Department on the Privacy Act Review Report](#) that may be of interest to the Committee in understanding the context of our positions.

As outlined in [auDA's Public Policy Agenda 2024-25](#), we believe that privacy principles and laws should encourage organisations to minimise the collection, retention and utilisation of individuals' personal and sensitive information. Breaches of such obligations should attract meaningful penalties. Laws and policy settings should also give Australians more control over their data and how it is shared. We believe that greater control for individuals over their data combined with greater disincentives for unnecessary collection, retention and use would minimise the impact of data breaches and enhance trust and confidence in the online world.

Our [Digital Lives of Australians 2024 research report](#) highlights that consumers are changing or limiting their online behaviours due to concerns regarding privacy and data security. It also showed rising interest in AI and concerns around regulatory safeguards for this emerging technology. The report was informed by a survey of 1,500 consumers and 400 small businesses and found:

- 64% of consumers and 55% of small businesses avoid at least one online activity due to concerns about data security
- 48% of consumers and 35% of small businesses do not know where to report a data security breach
- Australians have high expectations of companies with access to their data
 - 83% of consumers and 79% of small businesses believe companies should be doing more to protect the personal information of customers from cyber attack
- 81% of consumers and 74% of small businesses feel failure to protect the personal information of customers should result in penalties
- 61% of consumers and 67% of small businesses would feel more comfortable about AI if there were stronger regulatory safeguards around it.

While we acknowledge the complexity and sensitivity of reforms of this nature, we encourage the Government to consider the need for certainty for Australian businesses on what future regulatory or legislative steps are planned. When considering future reforms, it is important to incorporate a multi-stakeholder approach, ensuring there is comprehensive consultation with the broad range of stakeholders impacted by these decisions and an adequate timeframe for consideration and response.



Yours sincerely

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