



Electronic Frontiers Australia 2018 AGM Report - from the Chair

2018 was a significant year for Digital Rights in Australia and for Electronic Frontiers Australia. We have strengthened our internal operations, and our collaboration with the community. The entire board has been committed and worked consistently to turn around the financial position of the organisation and to ensure that we are in a better position to move forward. It has been a great pleasure working with everyone on the board, without everyone's dedication, support and expertise our achievements this year would not have been possible.

The 2017 AGM saw a significant refresh of the EFA board. Four new members joined the board, Lachlan Simpson, Peter Tonoli, and Liam Pomfret, and myself, with Shaun Hadrill returning as treasurer. Policy Team Chair Angus Murray vacated his board position at the 2017 AGM. The board co-opted EFA life member Justin Warren to fill this vacancy. Katherine Phelps was given the position of Vice Chair, however decided to resign from the board in November for personal reasons.

Thanks to the Board and our Working Teams

None of the work we share with you here would have been possible without the dedication and work of board members. I came on to the board with a lot to learn about EFA. I thank the members for voting me onto the board, and to my fellow board members for having confidence in me to take on the challenge of the Chair role. It's been a privilege and an honour.

On behalf of the board I extend thanks to Angus Murray for taking on the Policy Team Chair role, and to each and every person that has contributed to the policy and systems team. We have improvements to make to ensure teams are supported to do their best work, and we will ensure that happens.

Since the beginning of 2018 the EFA became a volunteer only organisation. For most of the year we met fortnightly. The time and energy spent has been significant. Importantly, we've worked together, turning around work and decisions quickly, and working with mutual respect for everyone's capacity and experience.

I need to give individual thanks:

Alex Schlotzer - Alex's campaigning, membership management and insight into what makes an impact when engaging politically has been invaluable. Always supportive and knowledgeable, Alex provided stability and important experience and background to new board members.



Justin Warren - Justin asked the hard questions we all wanted to know the answers to before the 2017 AGM. We seconded him to the board for his skills and long time commitment to the organisation as a life member. Justin's credentials via the Australian Institute of Company Directors, his experience as a journalist, and business acumen have been invaluable to the internal work and outreach of the organisation. Justin has been an asset and personally I sincerely hope members appoint him to the board at the 2018 AGM.

Lachlan Mailman - As secretary Lachlan has been instrumental in keeping the board running effectively. Moving from monthly to fortnightly meetings literally doubled his workload! His insight, attention to detail, and ability to make decisions and move conversation forward have been critical to the functioning and accountability of the board.

Liam Pomfret - Liam wears many hats and the board has benefited significantly from this. His experience on the board of the Australian Privacy Foundation provided governance experience critical for board stability. His academic expertise provided insight into the ecosystem and was invaluable on a range of topics and submissions.

Peter Tonoli - Peter has been critical in the functioning of the operations of the organisation. An eye for detail, extensive knowledge of the Internet space, and being productive meant we got things done. Peter has provided a critical sounding board to myself and other members, and is flexible and adaptive. Peter also maintained a critical board link to the policy and systems team, as well as with other organisations and projects in the wider community.

Richard Burleigh - Richard's experience as a fundraiser and digital marketer and campaigner provided crucial strategy towards our fundraising efforts. This is certainly a skill that will be missed from the board with his decision not to recontest. We look forward to ongoing interactions with Richard in other capacities as he spreads his enthusiasm for technology and social good around the world.

Shaun Hadrill - As Treasurer Shaun deserves a special thanks and acknowledgement. Shaun has had to do a lot of work over and above the general business of the organisation to realign the accounting system, unpick issues and negotiate with debtors. His work alongside Justin on the audit and risk committee means that the organisation is now in a financially secure and transparent state. Thank you for your efforts.

Stuart Greig - Stuart provided critical stability and connection to policy and positions of the previous board. Stuart's positive support and guidance provided welcome reassurance and stability to the board.



Future Board Members

Without paid staff the role of a board member is hands on and operational. I ask members to consider the make up of the board and the skills a board and the organisation needs.

We will do our best to be a board that attracts excellent candidates. When voting and asking questions of future board members we ask you to consider diversity of gender, background, culture, industry and location. Also consider the governance, business, membership management, communications and administrative functions of the board.

Governance and Financial Management

The board prioritised governance and financial management as crucial to the organisation's sustainability. The audit process the board undertook has provided certainty and clarity that the organisation is now in a position to be in control of its finances.

Audit and Risk Committee

In October 2017 the Board created an Audit and Risk committee as the existing terms of reference for the Governance committee didn't cover audit and risk functions.

A report from the Audit and Risk Committee has been provided to members as a separate document.

Through this we discovered sufficient irregularities relating to the disclosure of the past financial position of EFA that warrant us making a report to the appropriate authorities, the South Australian Consumer and Business Services. The board has begun the process of preparing this report.

This committee has formed an integral part of the work of this year's board. It has taken time, detailed digging, and a huge amount of work from Justin Warren and Shaun Hadrill. This work has been important, and we thank them for their time, dedication, and commitment.

Policy Team

The following section on the Policy Team has been provided by Policy Team Chair, Angus Murray.

This has been another significant year for Australian digital rights. We have seen the introduction of the *Identity-matching Services Bill 2018* and the *Australian Passports Amendment (Identity-matching Services) Bill 2018* and the *Telecommunications and Other*



Legislation Amendment (Assistance and Access) Bill 2018 and been given ample reason to ensure that Australians remain constantly vigilant about the status of our digital rights.

The Policy Team continues to ensure that Electronic Frontiers Australia remains on top of legislative changes that affect digital rights and that we are constantly promoting digital rights across Australia.

The following is a non-exhaustive list of the work which has been achieved this year:

- 20 – 22 April 2018: Internet Freedom Hackathon where Angus Murray provided an opening presentation about allegorised justice, privacy and the panopticon in a dual capacity as a Vice President of the Queensland Council for Civil Liberties and the Chair of Electronic Frontiers Australia's Policy Team.
- 5 July 2018 - Submission to the Department of Communications and the Arts on amendments to the *Copyright Act*.
- 7 August 2018 – Submission to the Department of Prime Minister and Cabinet on Data Sharing and Release Legislation.
- 10 September 2018 – Submission to the Department of Home Affairs in relation to the *Telecommunications and Other Legislation Amendment (Assistance and Access) Bill 2018*.
- 12 September 2018 – Screen of Pre-Crime at ThoughtWorks in Brisbane, Sydney and Melbourne.
- 14 September 2018 – Angus Murray attended the Human Rights and Technology Roundtable meeting with the Human Rights Commissioner, Mr Ed Santow.
- 19 September 2018 – Angus Murray assisted facilitating and attended the Human Rights in Queensland (and beyond) Public Lecture with Prof. George Williams.
- 2 October 2018 – Joint Submission to the Human Rights Commissioner's Issues Paper on Human Rights and Technology.
- 19 October 2018 – Angus Murray gave evidence before the Parliamentary Joint Committee on Intelligence and Security in relation to the *Telecommunications and Other Legislation Amendment (Assistance and Access) Bill 2018*.
- 23 October 2018 – Australian Institute of International Affairs Panel Discussion on "A World Without Privacy" with Angus Murray, Dr Monique Man and Lemm Ex.
- 31 October 2018 – Focus (ABC Radio) on Privacy with the Queensland Privacy Commissioner, Mr Philip Green, Angus Murray and Dr Gavin Smith.



- 9 – 11 November 2018 - Internet Freedom Hackathon where Angus Murray provided an opening presentation about intellectual property, trade secrets and transparency in a dual capacity as a Vice President of the Queensland Council for Civil Liberties and the Chair of Electronic Frontiers Australia's Policy Team.
- 19 November 2018 - Submission on the *Copyright Amendment (Online Infringement) Bill 2018* referred to the Environment and Communications Legislation Committee

The Policy Team continues to work on developing a summarised and succinct series of policy statements so that we are able to quickly draw on historical resources and increase involvement with the broader membership when creating, changing or refining policy positions.

We hope to continue to develop better communication channels over the next year and increase member contributions to the Policy Team with local chapter meetings as well as continuing to use Riot and mailing lists for policy discussions.

As always, if there are any questions about the Policy Team or the events listed above, please feel free to contact me.

- Angus Murray, Chair of Electronic Frontiers Australia's Policy Team

Systems Team

The systems team focused on reduction and consolidation of systems to reduce cost to the organisation. We thank Richard Burleigh for responding swiftly to the two critical Drupal security upgrades released during the year. In late 2017 plans were underway for a website refresh, however capacity restraints stymied this, we hope to pick this up in 2019.

In January 2018 an issue with a Civi plugin install left the membership system non functioning, this coincided with the exiting of the previous Executive Officer. Unfortunately this meant down time and significant work to unpick what had occurred due to poor documentation and communication. The effect of this is still having an impact on the organisation as recurring payments stopped being processed. In 2019 we will invest in the work required to get recurring payments functioning again.

We are grateful to Lateral Plains and Serversaurus, our hosting supporters, for providing easy and reliable hosting to EFA, throughout the year.



Transition to a volunteer, board run organisation

In February the board took the decision to terminate employment of the Executive Officer.

In order to provide stability to the organisation and to ensure that the functions of EFA were maintained the board took over operations.

I cannot stress enough the time and dedication that board members have contributed to regaining control of the organisations operations and finances, and crucially, continuing the output of work and legacy of EFA. The board has committed to and maintained fortnightly meetings, fundraising, membership management, communications, and importantly ensured EFA maintained its position as a leading voice for digital rights in Australia during a crucial year. It is a testament to everyone involved that we have achieved so much, maintained momentum, and built strong internal and external relationships. I sincerely thank everyone and it has been a pleasure working with this great team.

The organisation is not in a financial position to employ a staff member at this time. If and when the time comes to once more employ staff, the roles, management, and financial sustainability need to be considered with care.

The Decision not to Pursue Reincorporation

Initially the board remained committed to pursuing the reincorporation of the organisation. However as the seriousness of financial, tax and employee issues came to light reincorporation was not seen as a viable option at this stage. Some consultation was done with other organisations who had gone down this path, including the likelihood of receiving the deductible gift recipient (DGR) status within current operations. On balance, the difficulty in achieving DGR status, the resourcing required to fulfill requirements, and the doubt that this would provide a short term solution to immediate financial issues made it an unviable to strategy to pursue.

Now that the organisation has a reduced ongoing liability as a volunteer run organisation the board's recommendation is that other fundraising strategies are given priority at this time.



Membership

We have found inconsistencies in the records of members with membership status not assigned correctly and end dates missing. We will do an audit in 2019 to ensure the membership system is accurate. This makes membership numbers and comparisons between previous years problematic.

We have seen positive signs of increased membership and past donors converting to members in 2018. Members keep the organisation economically viable, and they provide an important measure of relevance and impact and organisation is or can have.

We currently have 522 recorded as members in the system (two organisation members).

50 new members or renewed their membership after a significant break since the 2017 AGM. This compares to 18 for the year before.

We have 24 student/concession members of which 14 joined this year.

Two new life members joined, as well as new contributing and sustaining members.

A work around via Campaign Monitor has been in place for some years to send reminders information. This means manual processing of data and is time consuming and consistent. We will prioritise resolving this in the near future. We were concerned this would affect member retention, however 46 members chose not to renew which is comparable to 53 for the previous year. There are a range of reasons members do not renew, the highest proportion is students/concession.

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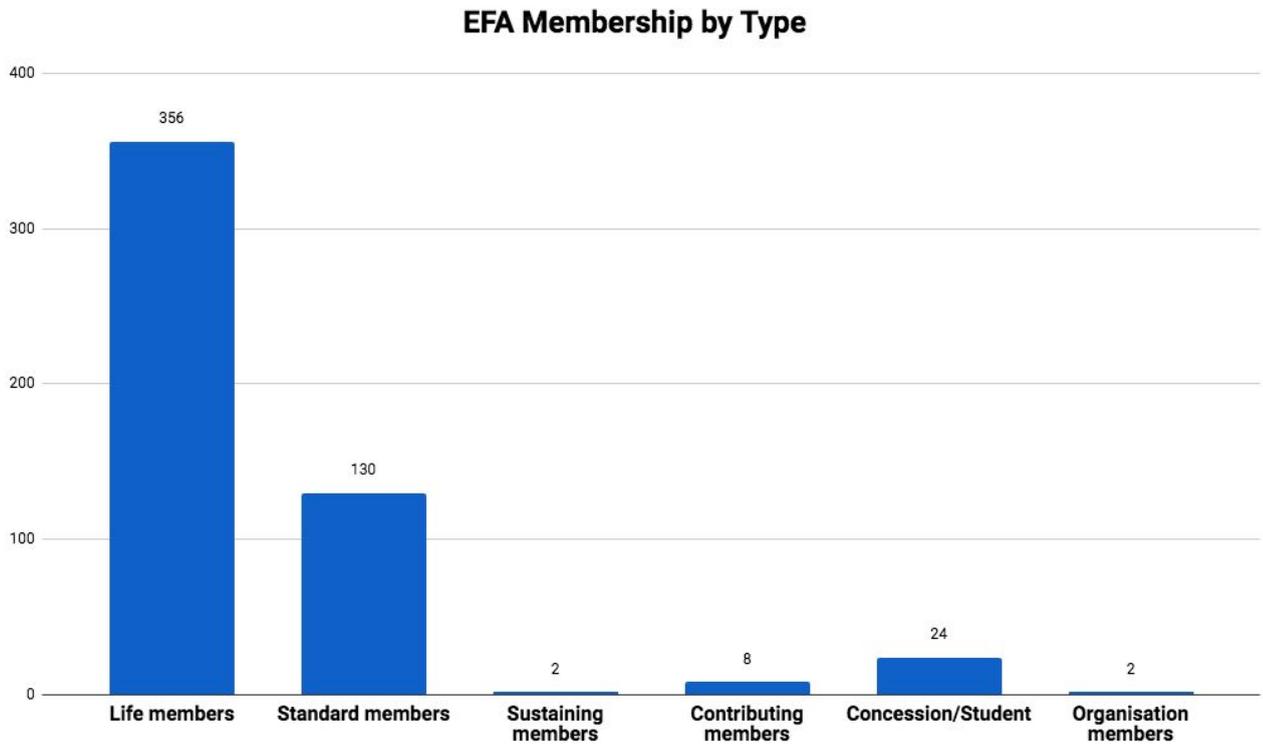
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Membership Tally as at 19 November 2018

Life members	356
Standard members	130
Sustaining members	2
Contributing members	8
Concession/Student	24
Organisational members	2
Total	522

Membership by type breakdown in a graph





Organisational Members

The board had advice in late 2017 that the organisation was in a position to accept organisational members. Via the pro bono legal advisor at the time, Rob Gregory from Maddocks, we were advised that were we to accept any organisational memberships under the current Rules of Incorporation, their votes would be counted alongside individual members in any General Meeting resolution. Also that Rule 5.3 "*Any unincorporated or non-profit organisation, body corporate or business partnership, which supports the Objects and Purposes of the Association may apply for Associate Membership of the Association.*" allowed us to accept memberships from for-profit corporations, such as Pty Limited and Limited companies.

The decision was made by the board to accept organisational members.

We thank early members FastMail and Top10VPN for coming on as early adopters and we look forward to expanding this program in 2019.

Google Donation

The board accepted a donation from Google, as this had been done in previous years. This donation does not come with conditions we happily accepted this money on behalf of the organisation, and we recognise and thank Google for their support.

Achievements

Reflecting on the list of major achievements this year demonstrates how active and committed this board has been in 2018. While we knew that we had to keep the organisations internal operations functioning, it was important that EFA delivered externally. What we report to you here is a summary of the major achievements, of which we are very proud. What you don't see are the hours of phone calls, emails, meetings and activity that happened to inform, create bonds between organisations, and respond to inquiries.

Collaboration and external relationships

United voices and supporting the expertise and points of difference of other digital rights and Internet organisations was a key priority for the board. The work of building and extending relationships was demonstrated with our coordinated response to the Access and Assistance Bill.



Access and Assistance Bill

The Federal Government provided four weeks for a response to its legislation. EFA has approached the response from two angles;

1. Forming an alliance with other organisations to create a comprehensive response and rejection of the legislation as it stands. In particular we recognise Angus Murray and Peter Tonoli for their sustained efforts and contribution. The comprehensive report was authored and supported by Digital Rights Watch, Australian Privacy Foundation, Future Wise, The Queensland Council for Civil Liberties, The New South Wales Council for Civil Liberties, Access Now and Blueprint for Free Speech. We thank David Paris for his work in coordinating the report and collective campaign response and actions.
2. We encouraged members and the public via social media to send in submissions directly and contact their members or parliament. Over 20 members shared their submissions with us. This was important because your insight and view help us to form our responses. Our member base is broad, and what really stood out was the diversity of how you see this legislation affecting Australians. In addition to concerns of privacy and security, were concerns to business confidence and international competitiveness, startup competitiveness, national security, the erosion of trust between citizens and government, and our ability to comply with international laws such as GDPR.

One submission that really stood out to me focused on the concern of elderly and others with low technical capacity, we tell people that it is safe for them to use government websites and store certain information on their personal devices, but if this legislation passes can we ever give those assurances again. This submission not only hit at the broad impact of this legislation, but it was a stark reminder that this issue is not one for the Department of Home Affairs alone, this affects many portfolios and many Ministers will have to speak to it for many years to come.

On October 19 Angus Murray addressed the Senate inquiry alongside Digital Rights Watch, Futurewise and Blueprint for Free Speech. Disappointingly organisations were only given four days notice of the invitation, it meant that there were a number of contributors unable to attend. We thank Angus for changing his schedule at short notice to attend. Their contribution was exceptional. As the last on the schedule for the day time was cut disappointingly short and we await word on whether the Senate will deliver on their promise of inviting us back for one of the upcoming two hearings (the second was held on November 16).



MyHealth Record

The Federal Government's decision to change the MyHealth Record from an opt in to an opt out system caused many concerns for EFA. We collaborated with FutureWise and the Australian Privacy Foundation to create a coordinated voice and encourage public discussion on this issue. Over 1 million Australians have opted out of the system, and the opt out date has been extended twice to January 2019. We still hold concerns about the system, its privacy management, data sharing between organisations and enterprise, and the effect this system could have on those without agency to manage or understand the impact of this system.

While the Federal Government and the Australian Digital Health Agency have been reluctant to engage with civil society and organisations like EFA, we remain willing to discuss our concerns whenever invited to do so.

Participation at the 2018 Internet Governance Forum in Paris

EFA was generously granted \$2,500 for a board member to attend the 2018 Internet Governance Forum in Paris, between the 12th and 14th of November. Someone was going to draw the short straw to attend the forum, and that was Peter Tonoli. [Peter has provided a reflective blog published on the EFA website](#), and has developed critical insight that will be an asset to the Australian Internet Community Forum as they forward plan.

The topic of this years IGF was titled "Internet of Trust". Based on Emmanuel Macron speech, citizens will be expected to increasingly trust governments and the UN in regulating the internet. At the open-mic session at the closing ceremony, Peter emphasised the fact that governments need to garner the trust of their citizens. He gave examples, which indicate a significant number of problems on the internet are caused by governments. He suggested, to engender trust, governments should stop, or at least reduce their dragnet surveillance of civilians on the internet; additionally, governments and the UN can not simply wrest control of the internet, we must persevere with multi-stakeholder opportunities, such as the IGF, and civil-society involvement, in the future of internet governance.

Pre-Crime film & digital rights event

Angus Murray initiated and led the film Pre-Crime event, held concurrently in Brisbane, Sydney and Melbourne on September 12 it was a great event. The event was hosted in collaboration with Queensland Council for Civil Liberties, New South Wales Council for Civil Liberties, Digital Rights Watch and ThoughtWorks. We thank all of these organisations for their participation. Surplus funds were raised on the night, and we are in discussion about how to use them to activate more events in 2019. We have had people from a number of other cities requesting to host similar events which is fantastic.



Australian Internet Governance Forum

In April 2018 meetings to reignite an Australian Internet Governance Forum in Australia commenced. Lyndsey and Peter have both been active participants from the start. On 18 July 2018 the group held a workshop of over 50 representatives in Canberra to strategise advancing a multistakeholder presence in the Australian Internet community forward. Australia has no current Internet Governance Forum presence and we remain committed to being active participants in this process.

Our thanks go to Linux Australia for providing sponsorship to assist with Chair Lyndsey Jackson and policy team member Sandra Raub, as well as Helena Qian and Bronwyn Mercer to attend. Sandra, Helena, and Bronwyn were IGF Youth Ambassadors in Geneva in 2017.

Humanity and Technology

To coincide with the on Australian Internet Governance Forum in Canberra we held an event at the Kurrajong Hotel on 17 July. Approximately 40 packed into a room to hear a panel hosted by Kathy Reid from Linux Australia discuss all things humanity and technology. Panellists were AI author and expert Ellen Broad, Dr Amy McLennan from the A3 Institute, and myself. This was a fantastic event, and very well received. Kathy Reid in particular needs a special mention, Kathy did an extraordinary job of leading the panel, organising a structured question list, inviting conversation and even provided gifts for the panelists.

Data Sharing and Release Act

EFA made a submission in response to the Federal Government's Data Sharing and Release Act. In addition Justin Warren and Lyndsey Jackson attended roundtables on the proposed legislation in Melbourne and Adelaide respectively.

While there are aspects of the proposed legislation and the policy underpinning it that are worthwhile, there appears to be a bias towards government entities sharing information they hold on individuals with each other rather than sharing information about government with citizens. The proposed legislation treats people primarily as customers and financial actors, rather than as citizens in a society.

There are disturbing signs that this legislation would override existing privacy protections in current legislation, such as the *Census and Statistics Act*¹, the *Privacy Act*², and the *Archives Act*³. EFA believes greater care should be taken to understand why existing restrictions on

¹ *Census and Statistics Act 1905*.

² *Privacy Act 1988*.

³ *Archives Act 1983*.



data sharing were enacted and that they are not carelessly discarded in a single-minded pursuit to share data indiscriminately.

Hack for Privacy

EFA continued to support Hack for Privacy, attending their hack day and Aaron Swartz day events. This initiative does important work and we are always impressed by the ideas and projects that emerge from the event.

Software Freedom Day

Held on 15 September 2018 by Electron Workshop board member Lachlan Simpson attended and spoke at the event.

Support for Chelsea Manning

EFA was one of a number of organisations called on to provide support for Chelsea Manning when it became clear her visa was to either be blocked or a decision delayed. EFA worked with organisers and other civil society groups on press and public statements. Unfortunately a decision was not made in time for Chelsea to visit Australia as scheduled and the Australian events were done via video. This was a disappointing outcome for those involved and for the public who were looking forward to hearing Manning speak.

Media

It has been a significant year for digital rights in Australia. [Our media page records around 50 media mentions of EFA](#), in addition to a range of radio interviews with stations such as ABC, 3CR and FBi Radio and an additional appearance on ABC news not captured on this page. The Access and Assistance bill, MyHealth, the Facebook debacle and far too many data breaches mean that digital rights was in the spotlight. The board worked together with Policy Chair Angus Murray to respond to as many media enquiries as possible. I thank everyone on the board for their responsiveness and support when it has come to media. I particularly want to recognise Justin Warren, his journalism and media experience has been invaluable when we have crafted press releases and responses.

We have also had a number of journalism student inquiries, we always do our best to support and make time for students. Their interest in digital rights ensures that emerging writers have the knowledge to understand the breadth of issues. I want to acknowledge Angus Murray in his generosity of information and support of responding to student queries.



Communications

It is never a nice feeling to think that a ball has been dropped and whether or not we have communicated enough with members and the public has weighed heavily on my mind. I do hope you felt like we maintained communication and we always welcome your feedback and suggestions. We sent over 18 email communications to members and engaged heavily and successfully on twitter. Facebook communications were sporadic, and this is something we will work to improve next year. Facebook is a useful tool for reach and in 2019 we will strive to have an active page within the best of our volunteer capability. After the departure of Jon Lawrence access to the EFA mailing lists was lost, George Fong from Lateral Plains kindly reinstated access. With discussion minimal and the board focused on other areas maintaining the lists has not been something we have prioritised; we will reassess the member list strategy in 2019.

Volunteers

If there is one ball we have dropped it is volunteers. As a Chair there is nothing more frustrating that seeing a list of volunteers willing to give their time and interest and simply not being able to accomodate. As we have built on the internal operations, one of the board's top priorities for 2019 is to do better at volunteer engagement. It is an asset to EFA to have volunteers enthusiastically wanting to support our work and be active in digital rights, next year we will prioritise the structures and projects that will make realising this possible.

I want to add a nice section here about how we haven't made the most of volunteers and this is a priority for next year.

Supporting Civil Society

The EFA Board believes in collegiality and supporting other civil society organisations. EFA has effected this support in co-signing of coalition letters. EFA co-signed the following:

- Open Technology Institute coalition regarding the Parliamentary Joint Committee on Intelligence and Security (PJCIS) review of the Telecommunication and Other Legislation Amendment (Assistance and Access) Bill 2018
- Alliance for a Safe and Secure Internet launch
- Toronto declaration for principles for ethical policy around Machine Learning/AI technology
- OpenMedia letter urging deletion of Article 11

Thank you all again for your support, and we are excited for 2019

Sincerely, Lyndsey Jackson, Chair.