Climate 200 Submission to Inquiry into the 2025 Federal Election

13 November 2025

Introduction

Climate 200 thanks the Joint Standing Committee on Electoral Matters for the opportunity to put forward our position on the *Electoral Legislation Amendment (Electoral Reform) Act 2025* and to provide feedback on our experience during the May 2025 Federal Election.

Our submission makes recommendations on the following topics:

1. Addressing significant fairness issues with recent changes to the Electoral Act
2. Levelling the playing field
3. Increasing participation, safety and integrity
4. Making the new transparency laws workable for political entities and donors.

On 20 February 2025, the Parliament passed significant amendments to the Commonwealth Electoral Act 1918 through the Electoral Legislation Amendment (Electoral Reform) Act 2025, with the bulk of the changes scheduled to take effect on 1 July 2026.

Whilst the new transparency and disclosure measures are a long-awaited addition to federal politics in Australia, Climate 200 strongly believes that some of the campaign finance measures are unbalanced, exacerbating the electoral advantage already enjoyed by the major parties.

As legislated, the new measures will serve to entrench major party incumbency and reduce voter choice and true democratic representation.

The new 'reforms' would appear to have been perfectly designed to minimally impact donation income for major parties while dramatically increasing their public funding, at the same time squeezing out legitimate crowdfunding models and applying unfair spending caps that ensure independent candidates can always be outspent and 'out-campaigned' by major party opponents.

The new 'reforms' are unbalanced to the extent that constitutional expert Professor Anne Twomey AO expressed concern in her testimony to this committee that the laws may infringe upon Australia's well recognised constitutionally-implied freedom of political communication.

Climate 200 notes that the constitutional validity of so-called nominated entities in Victoria's capped system is already set to be challenged in early 2026 by two independent candidates.

A well-functioning democracy should not inhibit new entrants from running for parliament or significantly advantage major party or incumbent candidates over others. Candidates of equal merit and equal appeal should be given equal opportunity to represent their communities.

The new campaign finance measures fail to give equal opportunity to all candidates, and for this reason, Climate 200 encourages JSCEM to give serious consideration to the recommendations contained within this submission.

Kate Hook and Simon Holmes à Court
Co-convenors, Climate 200

Addressing significant fairness issues with recent changes to the Electoral Act

New laws squeeze out legitimate crowdfunding models

Recommendation 1: Establish a new category for crowdfunding entities that support independent candidates.

The new campaign finance laws have entrenched structural advantages for incumbents and major parties while placing independents and community-backed candidates at a disadvantage. Major parties enjoy established fundraising networks, permanent infrastructure and continuous taxpayer-funded visibility. Independents, by contrast, must build their campaigns from the ground up — typically within a single year — relying on small donations from ordinary Australians who wish to see genuine competition and local representation.

Crowdfunding entities such as Climate 200 have played a positive and demonstrable role in strengthening Australian democracy, regardless of one's view of the independent movement. By enabling thousands of citizens to participate collectively in campaign financing, Climate 200 has increased transparency, broadened engagement and allowed credible, community-backed challengers to contest elections that might otherwise be dominated by major parties. This model represents a modern, accountable and decentralised form of political participation.

Importantly, Climate 200 is not alone. In the last electoral cycle, other community-backed crowdfunding initiatives — such as the Vida Fund and the Regional Voices Fund — have emerged to help local candidates and movements organise and compete. Together, the popularity of these initiatives demonstrate the growing relevance of this model to Australia's democratic landscape.

Under the current laws, however, no other entity type has been hit as hard. The recent amendments significantly hobble this legitimate activity, constraining one of the few mechanisms that helps to level the playing field. Crowdfunding entities represent a new and distinct model of democratic participation — different from the party model but no less legitimate — and they should not be disadvantaged simply because they operate outside the traditional structures of party politics.

Donation caps should apply only at the point where funds enter the political finance system — not when already-compliant funds are redistributed. Donations which are fully disclosed, capped and traceable, should be able to be distributed by a crowdfunding vehicle to political participants in an amount above the cap. This maintains integrity without eliminating the emerging form of crowdfunded political participation by communities. The law should make this distinction clear.

To correct these inequities, the Commonwealth Electoral Act should be amended to create a dedicated category for crowdfunding entities, separate from Significant Third Parties and Associated Entities. This category should explicitly allow the aggregation and redistribution of compliant, traceable donations, subject to full disclosure and audit obligations.

Recognising crowdfunding entities in law would ensure that community independents can continue to contribute to a more competitive and representative democracy — whether or not one supports their political success — while achieving the stated objectives of the recent amendments.

Recommendation 2: Remove the $250,000 state-level donation cap.

The newly introduced $250,000 state-level aggregate cap on donations serves no clear integrity purpose. Its only purpose could be to restrict funding to independents and community-backed state-based campaigns.

Under the current framework, a person or entity may donate up to $50,000 per calendar year to each registered political participant. The additional $250,000 state-level ceiling does not further those aims; it simply reduces the overall amount an individual may lawfully contribute across multiple campaigns within a state or territory, regardless of the independence and separation of those campaigns.

In practice, this measure has little effect on major parties, which will only have a maximum of one branch in a state, but it constrains independents who campaign within a single state. A generous donor who wishes to support several independent candidates or community movements in their region can quickly reach the $250,000 cap, even though no individual recipient would receive more than $50,000. The result is an unnecessary restriction on legitimate political participation and a direct reduction in funds available to new entrants.

The $250,000 state-level limit is therefore redundant, inequitable and inconsistent with the stated objectives of the amendments. Removing the state-level aggregate cap would not weaken transparency or accountability.

New public funding settings take an unfair system and make it worse

The significant increase in public funding (per-vote funding) has not been justified on any policy grounds and takes an already uneven playing field and tilts it decisively further towards the major parties.

While the new donation caps might give the appearance of reform, they will have little to no meaningful impact on the major parties' revenue.

Climate 200's analysis of publicly disclosed donations has determined that major party donation income will likely not drop significantly under the new rules. If donors had spread their donations between party branches in the financial years leading up to the 2025 election, the Liberal Party would have lost only around $190,000 and the Labor Party nothing at all.

These negligible reductions are overwhelmed by a massive increase in taxpayer-funded income.

Based on the 2025 election results, the Coalition will receive an additional $5.3 million in administrative assistance in the lead up to the 2028 federal election and $21.8 million in per-vote funding shortly thereafter. Labor will gain an additional $24.7 million in per-vote funding and $10.2 million in administrative assistance — a combined increase of almost $35 million. In total, this represents $62 million in new public funding flowing to the major parties every cycle, even though the donation caps will have virtually no effect on their private income.[1]

Party	2025	2028e	increase
LNP	$32,369,144	$59,537,853	$27,168,709
ALP	$36,562,297	$71,434,933	$34,872,636
Greens	$12,547,336	$21,622,820	$9,075,484
One Nation	$6,327,654	$10,782,491	$4,454,837
UAP	$2,373,365	$4,022,755	$1,649,390
Successful independents	$2,318,607	$4,567,703	$2,249,096
Unsuccessful independents	$2,389,385	$4,152,128	$1,762,742
Others	$10,047,539	$16,839,841	$6,792,301
Total	**$104,935,328**	**$192,960,523**	**$88,025,195**

Party	2025	2028e	2025 to 2028
LNP+ALP	**$68,931,441**	**$130,972,786**	**$62,041,345**

Estimate of public and administrative funding, assuming no change in voter behaviour, calculated based on 2025 election results, modelling for population growth and indexation by 2028

At the same time, less established candidates — who enter campaigns with little or no public funding — are facing significant new burdens from caps and unfunded compliance costs.

To begin restoring fairness to public funding, the following reforms are recommended:

Recommendation 3: Make per-vote public funding electorate-based and limited to electoral expenditure in the electorate.

Public funding should be linked to actual electoral expenditure within each division, ensuring that resources correspond to campaign effort and preventing parties from harvesting large profits from safe or unwinnable seats.

For example, a major party might spend only $25,000 campaigning in a safe or unwinnable seat yet receive 30,000 votes in both houses. At $5 per vote, this yields $300,000 in public funding — a $275,000 profit on that seat. By repeating this pattern across the majority of seats, major parties harvest millions in surplus taxpayer funding and redeploy it into targeted 'battleground' seats, compounding their advantage over independents and smaller parties.

If a party has spent only $25,000 campaigning in a seat, then the public funding for the votes in that seat should be limited to no more than $25,000.

Recommendation 4: Prevent public funding double-dipping from the House and the Senate.

Political parties should be eligible to claim per-vote public funding from either their lower-house or upper-house campaigns — whichever is greater — but not both.

It does not cost a party twice as much to contest both chambers; campaigns are run jointly, sharing the same staff, offices, advertising and campaign materials. Claiming public funding for the same activity in both houses effectively doubles the subsidy, providing a windfall that entrenches the financial advantage of the major parties.

Recommendation 5: Target administrative funding towards activities that incur compliance costs, not simply to reward incumbency.

Administrative funding should offset regulatory burden.

Under the new campaign finance laws, administrative funding support is paid throughout the cycle for each member of the House and Senate. If it were in place already, the Coalition and Labor would receive $5.3 million and $10.2 million in administrative funding through this cycle, a combined total of $15.5 million.

Of the 162 independent candidates who contested the 2025 Federal Election, just $1.1 million would be directed to the 13 who were successful. (Third party entities, such as Climate 200, are subject to high administrative burden under these laws and receive no administrative funding.)

The cost of complying with donation-disclosure and expenditure-cap requirements scales with the number of donations and campaigns, not with the number of successful candidates.

Every campaign — successful or not — must meet the same administrative obligations, yet under the new laws only the winning campaigns receive administrative support.

It is indefensible that a senator contesting an election once every six years is entitled to quarterly administrative payments, while a candidate who runs two unsuccessful campaigns in the same period receives no support.

The new laws impose substantial compliance costs on every campaign but compensate only the winners, further tilting the electoral field toward major parties and away from challengers.

The administrative-funding formula should therefore be rewritten to provide modest, cost-reflective support for *every* donation processed and *every* campaign contested, ensuring fairness and accountability across the system.

Recommendation 6: Remove the nominated entity loophole.

Climate 200 is particularly disappointed to see the introduction of 'nominated entities' at the federal level. Nominated entities provide established political parties with a significant and permanent advantage over the new entrants.

The Cormack Foundation is the nominated entity for the Liberal Party of Victoria and holds assets in excess of $125 million.[2] The entity is permitted to make donations outside the cap and gave $1,772,129 of donations in the lead up to the 2022 state election, well above the $4,320 donation cap.[3]

Independent candidates are not permitted to have a nominated entity. The nominated entity loophole provides a large and unjustified financial advantage.

It should be noted that the 2023 Victorian Electoral Review Expert Panel recommended the removal of nominated entities from Victoria's Electoral Act.[4] In early 2026 two independent candidates are set to argue in the High Court that nominated entities in a capped system breach the constitutionally-implied right to freedom of political communication.

Climate 200 recommends that the nominated entity loophole be removed from the new campaign finance laws.

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[2] https://www.afr.com/politics/federal/heat-on-liberals-over-500k-donation-20250209-p5lao3

[3] https://disclosures.vec.vic.gov.au/public-annual-returns/

[4] https://www.parliament.vic.gov.au/parliamentary-activity/tabled-documents-database/tabled-document-details/8066

New expenditure caps advantage incumbents over independent challengers

Recommendation 7: Make donation and expenditure caps apply per cycle rather than per calendar year.

Applying donation and expenditure caps on a calendar-year basis unfairly advantages incumbents and disadvantages new entrants.

Over the three years between elections, an incumbent can raise funds up to the donation cap and spend up to the divisional cap each year. In practice, this allows an incumbent to expend $2.4 million over the cycle.

Unlike major party candidates, independents are typically in the field for only a year or less before an election. Expecting an independent to campaign and fundraise continuously over a three-year cycle is unrealistic — few could sustain the cost, personal commitment or community engagement required for that length of time. With only a year in the field, the new laws cap the challenger's expenditure to just $800,000 if they declare their candidacy in the election year.

The imbalance is even greater when the incumbent's $973,000[5] communications budget and the value of their taxpayer-funded office, staff and travel, are taken into account. The incumbent's

potential spending power of around $3.4 million dwarfs that of a new entrant limited to a single-year cap.

The timing of candidacy announcements at the May 2025 federal election illustrates the inequity: of the 27 challengers supported by Climate 200, nine announced in the 2025 calendar year, eleven in November or December 2024, six between May and October 2024 and only one more than two years before the election.

While moving to election-cycle caps would not remove all the benefits of incumbency, it would restore fairness by ensuring both incumbents and challengers operate under comparable fundraising and expenditure limits across the electoral period.

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[5]https://maps.finance.gov.au/offices-resources-and-budgets/office-expenses-budget/annual-budget-office-expenses — Distribution component calculated using the average number of electors in each electorate (currently 120,900)

Expenditure Caps

Expenditure caps, a new addition to our Federal electoral laws, should ensure that all candidates, regardless of affiliation or incumbency, compete on fair and transparent terms. The following recommendations aim to address significant new inequities in the campaign finance framework and to realign expenditure caps with their intended purpose.

Recommendation 8: General party expenditure should be apportioned against divisional expenditure caps.

The new divisional expenditure cap gives major party candidates a significant structural advantage over both incumbent and challenger independents. While all candidates are notionally limited to spending $800,000 per calendar year, the legislation allows political parties to spend unlimited additional amounts on campaign activity that supports their candidate, provided that expenditure does not reference the candidate or the division.

In practice, this means a party can invest millions of dollars to support its endorsed candidate, while the independent opponent remains strictly capped. Party expenditure might not name the candidate directly but still serves the same electoral purpose — boosting the party's brand, promoting its policies, or attacking rivals. The result is a profound inequity: an independent challenger cannot realistically compete against a candidate backed by a major party's national war chest.

To restore fairness, general party electoral expenditure should be apportioned against each division's expenditure cap. This would ensure all candidates in a seat operate within a genuinely level playing field, regardless of affiliation.

Recommendation 9: Electoral expenditure should be limited solely to the production and distribution of material intended to influence votes.

The current framework also privileges incumbents by excluding substantial publicly funded benefits from expenditure caps — such as parliamentary offices, staff, communications budgets, travel entitlements and electoral allowances. These taxpayer-funded resources directly assist an incumbent's visibility, profile and voter outreach during an election period, yet are not treated as campaign expenditure.

A more principled approach would be to limit what counts as electoral expenditure solely to the production and distribution of materials intended to influence votes — for example, advertising, promotional content and campaign communications.

This definition would focus the cap on genuine voter persuasion activity and prevent incumbents or parties from exploiting structural or publicly funded advantages to outspend challengers indirectly.

Recommendation 10: Communications budget expenditure in the calendar year of an election should be counted towards expenditure caps.

An incumbent's publicly funded communications budget provides a significant electoral advantage — around $325,000 per year — helping them to maintain a high public profile throughout the parliamentary term. This funding often supports newsletters, mail-outs and advertising that promote the MP's image and record in ways that are indistinguishable from campaign activity, particularly in the months leading up to an election.

Because these communications are funded by taxpayers yet functionally serve a campaigning purpose, they should be treated as electoral expenditure when incurred in the calendar year of an election. Counting such spending towards an incumbent's divisional cap would close a loophole that currently allows public money to subsidise political campaigns and ensure a fairer contest between incumbents and challengers.

This change would not prevent MPs from communicating with their constituents, but it would help ensure a level playing field between incumbents and challengers by acknowledging the campaign value of publicly funded communications.

Recommendation 11: Set a higher expenditure cap for independent challengers in recognition of the greater barriers faced.

An independent challenger is invariably less well known than the incumbent and/or the major parties. To gain a similar level of name recognition and awareness of their credentials and politics, an independent challenger has a larger hill to climb and more costs to bear.

The challenges faced by independent candidates were recognised in the JSCEM Interim Report on the Conduct of the 2022 Federal Election, which recommended higher expenditure caps for independents:

> "The expenditure caps should… have regard to features such as being higher for independent candidates, noting they generally have less existing structural support than candidates endorsed by a national political party."

The Committee also stated that when setting the expenditure caps, there should be recognition of:

> "the additional hurdles to entry faced by independents or new entrants."

These recommendations acknowledged the structural disadvantages independents face and should be reflected in the new legislation with a higher expenditure cap for independents.

A precedent for providing independent challengers a higher expenditure cap already exists in New South Wales, Queensland and South Australia.

Levelling the playing field

There are many unintended barriers to fair elections in Australia. Here we list a number of modest amendments that collectively would help level the electoral playing field.

Independent Campaign Entities

Recommendation 12: Create a new entity type for independent campaigns.

At the last federal election a community independent ran in almost 1-in-4 electorates with a campaign loosely based on the first community independent campaign run in 2013 in the federal seat of Indi.

The absence of an entity type within the Electoral Act for independents results in a structural disadvantage for both incumbent independents and independent challengers. Without such an entity, significant administrative, financial and taxation burdens fall on the individual, a burden not experienced by party candidates.

Climate 200 calls for the creation of a new entity type within the Commonwealth Electoral Act — to be known as an Independent Campaign Entity — that can register to run independent campaigns in a single, specified federal electorate.

Such entities would:

- have similar officeholder and compliance requirements as a party
- endorse no more than one candidate at a time, and only within the specified electorate
- be responsible for all aspects of campaign management, including receipt of donations, disclosures, authorisations and annual returns
- maintain a federal campaign account to receive donations and public funding related to the endorsed independent candidate/MP
- use the federal campaign account for any successor independent candidate endorsed by the entity for within the specified electorate
- receive memberships and subscriptions in the same way a party does
- enjoy similar tax-deductibility of donations as the parties (see below)
- enjoy access to the electronic electoral roll for the specified electorate (see below)
- separate campaign income/expenditure entirely from the candidate's personal finances

A similar submission was made to the 2023 Victorian Electoral Review Expert Panel, which responded with a recommendation for such an entity, by another name.

The panel recommended that such entities would nominate a specific electorate and endorse no more than one candidate at a time for the nominated electorate. The entities would have registration requirements similar to, but scaled lower than parties in terms of registration fees and minimum membership numbers, recognising the much smaller 'catchment area'.

Climate 200 recommends that an independent campaign entity type be created federally (and in each jurisdiction) to resolve the significant structural, tax and compliance burdens that unfairly fall on independent candidates.

Electoral Roll

Recommendation 13: Independent campaigns should have the same access to the electoral roll as political parties.

Parties and Incumbent MPs have access to the digital electoral roll throughout the political cycle. Independent challengers only gain access to a printed (not digital) roll a few weeks out from an election; at that point, there is not enough time remaining to utilise the electoral roll for campaigning.

Not having access to the electoral roll increases the costs of running a data-driven campaign, placing an even greater burden on challengers in light of donation and expenditure caps.

Climate 200 recommends that each bona fide independent campaign has access to the electoral roll — only in a specified electorate — throughout the political cycle, subject to the same strict restrictions as parties and elected representatives

Tax Deductibility

Recommendation 14: Independent campaigns should have the same tax deductibility status for donations as parties.

Donations of up to $1,500 per year to parties and incumbents are tax-deductible year-round. Donations to independent challengers, on the other hand, do not become tax-deductible until the candidate's nomination is listed by the electoral commission, just weeks before the polls open.

This significantly disadvantages independent candidates, as some donors will not donate until donations are tax-deductible. This reduces the spending power of an independent at the start of the campaign, when funds are most needed.

Climate 200 recommends that each bona fide independent campaign has access to tax-deductibility throughout the electoral cycle.

Postal Votes

Recommendation 15: Assign exclusive responsibility for postal vote registration to the Australian Electoral Commission.

Postal vote registration should be handled entirely by the AEC, and the AEC should be appropriately resourced to run a postal vote application process that is independent of political parties and candidates.

Removing political parties and candidates from all aspects of postal vote registration will prevent the harvesting of voter data and the inclusion of electoral material with application forms.

Climate 200's position on postal vote arrangements aligns with the recommendations of JSCEM's inquiry into the 2022 federal election. The Committee recommended that:

1. *'Section 184AA of the Commonwealth Electoral Act 1918, application forms for postal votes, be amended or removed, so that postal vote applications can no longer be included with other material'*

2. *'Section 184 of the Commonwealth Electoral Act 1918 be amended to clarify that postal vote applications must be sent directly to the Australian Electoral Commission's nominated addresses.'*

Implementing these reforms would strengthen electoral integrity, protect voter privacy, and ensure that the administration of postal voting remains impartial, transparent and fully independent of political influence.

Increasing participation, safety and integrity

Automatic Enrolment

Recommendation 16: Automatically enrol all eligible Australians as soon as they become eligible to vote.

Climate 200 commends the AEC for its work in achieving a national enrolment rate of 98.2% and, in particular, applauds the AEC for raising Indigenous enrolment from 79.3% in 2022 to 92.9% in 2025.

However, the AEC's efforts (and expenditure of taxpayer funds) on this endeavour would not be necessary if Australia had automatic enrolment.

It is unacceptable that 8% of young voters would be ineligible to vote if they presented at a polling booth on election day. Ensuring that young voters and new citizens are enrolled is an ongoing process that would be eliminated with automatic enrolment, freeing up the AEC to focus on other important matters, such as voter turnout.

JSCEM's report on the 2022 election proposed 'on-the-day enrolment'. We note that such a system would create an additional administrative burden on AEC staff on election day and during pre-polling. Automatic enrollment would make on-the-day enrolment obsolete.

In a country with compulsory voting, automatic enrolment is a sensible solution to maximise enfranchisement and ensure that all eligible Australians can vote.

Safety and intimidation

Recommendation 17: Grant AEC Officers in Charge enhanced powers to manage voter intimidation, harassment and other anti-social behaviour at polling places.

Incidents of harassment, intimidation and other anti-social behaviour at polling booths during the 2025 federal election were widely reported in the media. We also heard directly from many volunteers and voters in the independents movement who found the experience distressing or traumatic.

In its submission to JSCEM, the AEC reported receiving 550 complaints relating to 'voter harassment and intimidation by campaign workers.' The AEC also highlighted its limited capacity to act beyond the six-metre boundary of polling places:

> *There were times during the election when voters and candidates seemed frustrated by the limitations of the AEC's legislative powers. The AEC's powers around polling places are largely restricted to within the six-metre boundary from the entrance to the polling place, as outlined in section 340 of the Commonwealth Electoral Act 1918 (Electoral Act). Outside that zone, the AEC can only regulate the authorisation of campaign communications.*

With the growing prevalence of behaviour that voters and volunteers find threatening or intimidating, it is essential that the AEC's powers be strengthened to ensure a safe and orderly voting environment.

Specifically, AEC Officers in Charge should have the authority to direct any individual engaging in intimidation, harassment or anti-social conduct to leave the vicinity of a polling booth (beyond the current six-metre boundary) for a period the AEC deems appropriate. The AEC should have discretion to issue temporary removal orders or, in more serious cases, to exclude offenders for the duration of the election period.

To support enforcement, breaching an AEC removal order should constitute a criminal offence, attracting significant penalties for both the individual and, where applicable, the political entity they represent.

Strengthening the AEC's authority in this way would help protect voters, volunteers and campaign workers and reinforce public confidence in the fairness and integrity of the electoral process.

Recommendation 18: No cap on volunteer numbers or campaign material volume at polling booths.

Some have proposed reducing the number of volunteers or limiting the volume of campaign materials at polling booths as a means of addressing voter harassment.

Climate 200 rejects the implied link between volunteer numbers, campaign material volume and voter intimidation. The problem lies in behaviour, not participation.

Capping volunteer numbers would unfairly disadvantage campaigns with strong community engagement and would infringe on volunteers' rights to political communication.

Similarly, restrictions on campaign materials risk arbitrary and uneven enforcement, as seen under Victoria's model which advantages political parties (six signs — two signs each for a party, its upper and lower house candidates — versus two total for an independent). While campaign materials may sometimes be excessive or visually overwhelming, they are not dangerous — merely an expression of political enthusiasm that can, at worst, be self-defeating. By contrast, harassment, intimidation and threatening conduct are dangerous and should be addressed through stronger behavioural standards and enhanced AEC powers — as stated above — and not through limits on expression or participation.

Recommendation 19: Individuals canvassing at a polling booth on behalf of an entity should clearly identify that entity.

At the 2025 election, a third party deployed representatives wearing clothing emblazoned with 'Community Advisor'. Many voters would reasonably have assumed that the representatives were appearing in an official capacity.

There should be no room for deliberate deception of voters — elections should be a contest of ideas, not of trickery.

Climate 200 recommends that those canvassing at polling booths on behalf of an organisation wear clothing or a badge that clearly names the entity. The AEC should remove anyone not complying with this rule from the vicinity of the polling booth.

Social Media Authorisation

Recommendation 20: Authorisation on social media should not be required when the authorising entity name is identical to the name on the account and an authorisation statement appears in the bio of that account.

The current authorisation laws, as they apply to social media, are needlessly cumbersome for both political participants and the AEC.

The AEC website lists the purpose of authorisation as[6]: 'to ensure voters know the source of certain communications likely to influence how they vote in a federal election.'

Where the name of the social media account matches the name of the authorising entity, the source of political communication is already apparent to the voter.

Unlike other forms of communication, on social media, the name of the person or entity posting

content is prominently displayed on all posts and a voter can click on the account to learn more information.

In situations where the name on the account does not match the name of the authorising entity, the current interpretation of the rules should apply.

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[6] https://www.aec.gov.au/About_AEC/Publications/backgrounders/authorisation.htm

Recommendation 21: Fixed campaign periods for when communication is electoral.

During the 2025 federal election, the AEC directed Climate 200 to take down social media posts from July 2024. The posts were not electoral material at the time of posting and therefore didn't require authorisation at the time, yet the AEC deemed the posts to be electoral communication some nine months later in April 2025. All posts were on Climate 200's social accounts, which contain an authorisation in the bio.

The nature of social media means that posts made outside an electoral period (and therefore not requiring authorisation) can appear in a voter's social media feed during an election.

Complaints relating to historical posts are predominantly made by political actors rather than voters. Such complaints waste the limited resources of the AEC — and campaigns — with little discernable benefit for voters.

Climate 200 notes that fixed campaign periods for electoral communication exist in New South Wales and Victoria. Requiring only social media posts made during a fixed period to be authorised would save the AEC and campaigns significant time in attending to vexatious complaints.

AI Deepfakes

Recommendation 22: Legislate a ban on deepfake content in political advertising

Advancements in AI technology now make it possible to 'deep fake' audio and visual content of another person. While many of these videos are obviously AI, it is becoming increasingly difficult for the public to distinguish between what is real and what is fake.

It is likely that believable deepfake videos will be quick and easy to produce by the next federal election. Such content could reasonably mislead voters and interfere with the election result.

Climate 200 recommends that a ban on deepfake content in political advertising be legislated as a matter of urgency to protect the integrity of our elections.

Making the new transparency laws workable for political entities and donors

Recommendation 23: The onus of real-time disclosure should be on the recipient, not the donor.

Recommendation 24: Allow political donations to be disclosed in bulk via API and CSV upload.

Recommendation 25: Ensure disclosure systems don't repeat mistakes made in other jurisdictions.

Climate 200 is pleased that the AEC has established the Funding and Disclosure Reform program (FAD) and is looking forward to providing input in the development of the new disclosure system.

New entrant campaigns are predominantly funded by donations (and solely for newcomer independents) while major parties are much less so. As such, any unnecessary barriers imposed by cumbersome disclosure processes will disproportionately impact new entrants and impinge on donors rights of participation.

Given the above, the AEC's design of the new disclosure system should be done with the user experience of donors and new entrants front of mind.

When participating in state campaigns, Climate 200 has experienced significant administrative burden imposed by poorly implemented donation disclosure systems. It is important that the AEC learns from those mistakes and does not repeat them.

Systems that require both donors and recipients to register donations frequently cause duplicate or subtly mismatched records requiring inordinate efforts by donor, recipient and the electoral commission to resolve. It is Climate 200's strong recommendation that the process be simplified such that when it comes to reportable donations, recipients report and donors confirm.

From our experience in other jurisdictions, Climate 200 strongly recommends that the AEC ensures that the new disclosure system:

- does not require paper receipt books
- places the onus of real-time disclosure solely on donation recipients
- requires no more of donors than to confirm or reject the registration of their donation — either by secure AEC website from a link which can be sent by email or SMS, or by mail.
- allows donors and recipients to easily resolve spelling mistakes and duplicate donations on records already in the AEC's disclosure system
- allow donation records to be added in bulk by both API and CSV upload — allowing campaigns with a range of sophistication to comply with maximum efficiency.
- allows all disclosure data to be downloaded via CSV
- recognises that platform fees are not part of a donation.

Recommendation 26: Conduct a review of the AEC's new disclosure system after its first year of operation.

In the interest of ensuring that the new disclosure system is robust and fit for purpose ahead of the 2028 federal election, Climate 200 recommends that the AEC conducts a transparent and public review of the new disclosure system after its first year of operation with the aim of implementing any urgent improvements ahead of 2028.

Conclusion

Climate 200 submits that the new 'campaign finance' laws result in the following indisputable facts:

- Expenditure caps allow a major party candidate to spend beyond the $800k cap enforced on an independent candidate.
- Yearly caps effectively allow a higher donation and expenditure cap over the cycle for incumbents compared to candidates who announce their candidacy during the year of an election.
- Donation caps will have minimal impact on the donation income of the major parties when splitting large donations across multiple branches of their party.
- The Labor and Liberal/National parties will receive a combined $62 million in additional public funding each cycle.
- Political parties will be able to receive uncapped donations from their nominated entity, but independents cannot appoint a nominated entity.
- Unsuccessful new entrants receive zero taxpayer-funded assistance despite having the same disclosure obligations as incumbents.
- Crowdfunding organisations like Climate 200 will be limited to making donations of $50k, even though this money was already subject to donation caps when originally donated.

When considering the above, it is clear that the new campaign finance laws provide significant and unjustified advantages to the major parties (and incumbents) in an electoral system already tilted heavily in their favour.

Climate 200 respectfully requests that the committee engage with the impact these new laws will have on the fairness of elections in Australia and consider the recommendations put forward in this submission to improve the fairness of elections for all participants.

Climate 200 would welcome the opportunity to appear before the Committee to discuss this submission and our experience at the 2025 federal election.

Summary of recommendations

Addressing significant fairness issues with recent changes to the Electoral Act

Recommendation 1: Establish a new category for crowdfunding entities that support independent candidates.

Recommendation 2: Remove the $250,000 state-level donation cap.

Recommendation 3: Make per-vote Public Funding electorate-based and limited to electoral expenditure in the electorate.

Recommendation 4: Prevent public funding double-dipping from the House and the Senate.

Recommendation 5: Target administrative funding towards activities that incur compliance costs, not simply to reward incumbency.

Recommendation 6: Remove the nominated entity loophole.

Recommendation 7: Make donation and expenditure caps apply per cycle rather than per calendar year.

Recommendation 8: General party expenditure should be apportioned against divisional expenditure caps.

Recommendation 9: Electoral expenditure should be limited solely to the production and distribution of material intended to influence votes.

Recommendation 10: Communications budget expenditure in the calendar year of an election should be counted towards expenditure caps.

Recommendation 11: Set a higher expenditure cap for independent challengers in recognition of the greater barriers faced.

Levelling the playing field

Recommendation 12: Create a new entity type for independent campaigns.

Recommendation 13: Independent campaigns should have the same access to the electoral roll as political parties.

Recommendation 14: Independent campaigns should have the same tax deductibility status for donations as parties.

Recommendation 15: Assign exclusive responsibility for postal vote registration to the Australian Electoral Commission.

Increasing participation, safety and integrity

Recommendation 16: Automatically enrol all eligible Australians as soon as they become eligible to vote.

Recommendation 17: Grant AEC Officers in Charge enhanced powers to manage voter intimidation, harassment and other anti-social behaviour at polling places.

Recommendation 18: No cap on volunteer numbers or campaign material volume at polling booths.

Recommendation 19: Individuals canvassing at a polling booth on behalf of an entity should clearly identify that entity.

Recommendation 20: Authorisation on social media should not be required when the authorising entity name is identical to the name on the account and an authorisation statement appears in the bio of that account.

Recommendation 21: Fixed campaign periods for when communication is electoral.

Recommendation 22: Legislate a ban on deepfake content in political advertising.

Making the new transparency laws workable for political entities and donors

Recommendation 23: The onus of real-time disclosure should be on the recipient, not the donor.

Recommendation 24: Allow political donations to be disclosed in bulk via API and CSV upload.

Recommendation 25: Ensure disclosure systems don't repeat mistakes made in other jurisdictions.

Recommendation 26: Conduct a review of the AEC's new disclosure system after its first year of operation.