



HIGH COURT OF AUSTRALIA

NOTICE OF FILING

This document was filed electronically in the High Court of Australia on 30 Jul 2026 and has been accepted for filing under the *High Court Rules 2004*. Details of filing and important additional information are provided below.

Details of Filing

File Number: S163/2025
File Title: The Digital Freedom Project Incorporated (ABN 27 500 105 08)
Registry: Sydney
Document filed: Form 3 - Order -29.07.2026
Filing party: HCA
Date filed: 30 Jul 2026

Important Information

This Notice has been inserted as the cover page of the document which has been accepted for filing electronically. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties and whenever the document is reproduced for use by the Court.



IN THE HIGH COURT OF AUSTRALIA
SYDNEY REGISTRY

BETWEEN:

THE DIGITAL FREEDOM PROJECT
INCORPORATED (ABN 27 500 105 086)
Plaintiff

and

THE COMMONWEALTH OF AUSTRALIA
First Defendant

THE ESAFETY COMMISSIONER
Second Defendant

THE MINISTER FOR COMMUNICATIONS
Third Defendant

ORDER

JUSTICE: Chief Justice Gageler
DATE GIVEN: 29 July 2026
INITIATING PROCESS: Special Case / Consent



BY CONSENT THE COURT ORDERS THAT:

1. The parties have leave to file a special case jointly in this proceeding and in the proceeding *Reddit, Inc. v Commonwealth of Australia & Anor* (S166/2025).
2. Pursuant to r 27.08.1 of the *High Court Rules 2004* (Cth), the questions of law stated by the parties in the special case be referred for the opinion of the Full Court.
3. The special case be heard concurrently with the special case in the proceeding *Reddit, Inc. v Commonwealth of Australia & Anor* (S166/2025). The submissions referred to in orders 6 to 9 below are to be served on the plaintiff in that proceeding.
4. The matter be set down for a hearing of 2 days' duration on a date to be fixed in the November 2026 sittings.
5. On or before 4.00 pm on 14 August 2026, the plaintiff file and serve a special case book in accordance with an index settled by the Registrar.
6. On or before 4.00 pm on 28 August 2026, the plaintiff file and serve written submissions, not exceeding 20 pages, and a chronology.
7. On or before 4.00 pm on 25 September 2026, the defendants file and serve written submissions, not exceeding 20 pages.

This Order was prepared in the Registry.

8. On or before 4.00 pm on 9 October 2026, any interveners in support of the defendants, or in support of neither party, file and serve written submissions, not exceeding 20 pages.
9. On or before 4.00 pm on 16 October 2026, the plaintiff file and serve written submissions in reply, not exceeding 5 pages.
10. There be a single joint book of authorities filed in both *The Digital Freedom Project Incorporated v The Commonwealth of Australia & Ors* (S163/2025) and *Reddit, Inc. v Commonwealth of Australia & Anor* (S166/2025).
11. On or before 12 noon on 23 October 2026, the plaintiff file and serve a joint book of authorities prepared in accordance with Practice Direction No 2 of 2024.
12. Unless otherwise ordered or directed, Part 44 of the *High Court Rules 2004* (Cth) relating to written and oral submissions apply, with any necessary adaption, to this proceeding.
13. The parties have liberty to apply on three days' written notice.
14. Costs be costs in the cause.

DATE AUTHENTICATED: 30 July 2026

