



HIGH COURT OF AUSTRALIA

NOTICE OF FILING

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Details of Filing

File Number: S163/2025
File Title: The Digital Freedom Project Incorporated (ABN 27 500 105 08)
Registry: Sydney
Document filed: Form 27B - Plaintiff's Chronology
Filing party: Plaintiff
Date filed: 09 Sep 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

S163/2025

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

PLAINTIFF'S CHRONOLOGY

PART I CERTIFICATION

1. This chronology is in a form suitable for publication on the internet.

PART II LIST OF PRINCIPAL EVENTS

2. References to **SC** are to the joint Special Case dated 22 July 2026. References to **SCB** are to the continuous pagination of the filed, joint Special Case Book.

Date	Event	References
<i>DFP background facts (undated)</i>		
<i>(Undated)</i>	The objects of The Digital Freedom Project Incorporated (DFP) as set out in its Constitution include advocating for the rights and freedoms of individuals, particularly young people, to access, use and communicate through digital and social media technologies; they also include promoting and defending freedom of expression, including the implied constitutional freedom of political communication in Australia, in digital contexts.	SC [8.1]-[8.2]; SCB 91.
<i>(Undated)</i>	DFP has members who are 16 years of age and younger.	SC [9]; SCB 91.
<i>Events before commencement of the proceeding</i>		
1 Dec 2021	A resolution of appointment was passed by the House of Representatives for an inquiry to be conducted by the House Select Committee on Social Media and Online Safety (House Inquiry).	SC [14]; SCB 92, 220-224.

Date	Event	References
Jan 2022	The eSafety Commissioner provided a submission to the House Inquiry.	SC [15]; SCB 92, 225-296.
15 Feb 2022	The resolution of appointment of the House Inquiry was amended by the House of Representatives.	SC [14]; SCB 92, 220-224.
15 Mar 2022	The report of the House Inquiry was tabled in the House of Representatives.	SC [16]; SCB 92, 307-552.
Mar 2023	The eSafety Commissioner published a report titled “Roadmap for age verification and complementary measures to prevent and mitigate harms to children from online pornography”.	SC [378]; SCB 204.
May 2024	The South Australian Government appointed the former Chief Justice of the High Court, the Hon Robert French AC, to conduct a legal examination into matters including opportunities for legislative or regulatory reform in South Australia relating to children’s access to social media.	SC [19]; SCB 93.
15-16 May 2024	The Joint Select Committee on Social Media and Australian Society (Joint Select Committee) was appointed by resolutions of the Senate and the House of Representatives.	SC [17.1]; SCB 92-93.
19 Jun 2024	The eSafety Commissioner determined the Online Safety (Relevant Electronic Services – Class 1A and Class 1B Material) Industry Standard 2024 (Cth).	SC [394]; SCB 208.
28 Jun 2024	Submissions to the Joint Select Committee were due following its public call for submissions.	SC [17.2]; SCB 93.
Jun-Oct 2024	The Joint Select Committee conducted public hearings, receiving evidence from government agencies, industry participants, civil society organisations and experts in child safety, digital platforms and online harms.	SC [17.3]; SCB 93.
8 Sep 2024	Mr French provided the final report of his examination (French Report) to the Premier of South Australia.	SC [20]; SCB 93-94, 801-1078.
10 Sep 2024	The Prime Minister and the then Minister for Communications announced that the Australian Government would introduce legislation before the end of 2024 “to enforce a minimum age for access to social media and other relevant digital platforms”.	SC [22]-[23]; SCB 94.
Oct 2024	The Joint Select Committee tabled an interim report.	SC [17.4]; SCB 93.

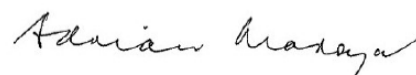
Date	Event	References
31 Oct 2024	Ms Delia Rickard PSM delivered the final report of her statutory review of the Online Safety Act 2021 (Cth) (Act), in which she recommended the adoption in Australia of a digital duty of care.	SC [399]; SCB 208.
8 Nov 2024	It was announced that the National Cabinet had met and First Ministers agreed to the Commonwealth legislating a minimum age of 16 to access social media.	SC [24]; SCB 95, 1105-1106.
13 Nov 2024	In a speech delivered to The Sydney Institute, the then Minister for Communications announced that the Australian Government had decided to develop a digital duty of care regulatory model for online platforms.	SC [400]; SCB 209, 2731-2743.
18 Nov 2024	The Joint Select Committee's final report, titled Social media: the good, the bad, and the ugly, was tabled.	SC [17.5]; SCB 93, 553-757.
21 Nov 2024	The Online Safety Amendment (Social Media Minimum Age) Bill 2024 (Cth) (Amendment Bill) was introduced into the House of Representatives.	SC [25]; SCB 95, 1107-1137.
	The Minister for Communications gave the second reading speech for the Amendment Bill.	SC [26]; SCB 95, 1138-1144.
	The Amendment Bill was referred to the Senate Environment and Communications Legislation Committee (Senate Committee) for inquiry. The Committee called for submissions to be lodged by 22 November 2024.	SC [27]; SCB 95.
22 Nov 2024	Submissions to the Senate Committee were due.	SC [27]; SCB 95.
25-26 Nov 2024	The House of Representatives debated the Amendment Bill.	SC [28]; SCB 95.
26 Nov 2024	The Senate Committee was required to report.	SC [27]; SCB 95.
27 Nov 2024	The House of Representatives passed the Amendment Bill.	SC [29]; SCB 95.
	The Amendment Bill was introduced into the Senate and read for the first time.	SC [30]; SCB 95.
28 Nov 2024	The Senate passed the Amendment Bill with amendments.	SC [31]; SCB 95.
29 Nov 2024	The House of Representatives agreed to the Senate's amendments to the Amendment Bill.	SC [32]; SCB 96, 1145-1152.
10 Dec 2024	The Amendment Bill received the Royal Assent.	SC [33]; SCB 96.

Date	Event	References
11 Dec 2024	<i>The Online Safety Amendment (Social Media Minimum Age) Act 2024</i> (Cth) commenced.	SC [34]; SCB 96.
19 Jun 2025	The eSafety Commissioner gave advice to the Minister for Communications under s 63C(7) of the Act.	SC [39]; SCB 97, 1169-1186.
29 Jul 2025	The Minister for Communications specified 10 December 2025 as the day s 63D of the Act would take effect.	SC [35]; SCB 96.
	The Minister for Communications made the <i>Online Safety (Age-Restricted Social Media Platforms) Rules 2025</i> (Cth).	SC [36]-[38]; SCB 96-97, 1153-1168.
Aug 2025	The Age Check Certification Scheme produced the Age Assurance Technology Trial report (Age Assurance Report), funded by the Department of Infrastructure, Transport, Regional Development, Communications, Sport and the Arts (Department).	SC [379]; SCB 204, 1743-2232, 2243-2376.
9 Sep 2025	The eSafety Commissioner registered the Relevant Electronic Services Online Safety Code (Class 1C and Class 2 Material).	SC [396]; SCB 208.
14 Oct 2025	DFP was incorporated in New South Wales under the <i>Associations Incorporation Act 2009</i> (NSW).	Instructions (date); SC [7], SCB 91 (status).
4 Nov 2025	The eSafety Commissioner issued a media release indicating that the Commissioner had informed the providers of Facebook, Instagram, Threads, Snapchat, X, TikTok, YouTube, Kick and Reddit of her view that, as at that date, those services were “age-restricted social media platforms” within s 63C of the Act.	SC [41]; SCB 97.
14 Nov 2025	The Department opened an online consultation process for the proposed digital duty of care.	SC [401]; SCB 209.
21 Nov 2025	The eSafety Commissioner published a non-exhaustive list of services she considered met the definition in s 63C of the Act: Facebook, Instagram, Kick, Reddit, Snapchat, Threads, TikTok, Twitch, X and YouTube.	SC [42]; SCB 97-98.
<i>Commencement of the proceeding and subsequent events</i>		
27 Nov 2025	The original Writ of Summons and Statement of Claim commencing the DFP proceeding, S163/2025 is filed.	SCB 3, index item 1 (not reproduced).

Date	Event	References
2 Dec 2025	The plaintiffs filed a notice of constitutional matter under s 78B of the <i>Judiciary Act</i> 1903 (Cth) in proceeding S163/2025.	SCB 11-15; filing notice at SCB 11.
7 Dec 2025	The Department's online consultation process for the proposed digital duty of care closed.	SC [401]; SCB 209.
10 Dec 2025	Section 63D of the Act took effect.	SC [35]; SCB 96.
10 Dec 2025 - 1 Mar 2026	Reddit suspended 43,962 Australian accounts identified as belonging to children under 16.	SC [47]; SCB 98.
12 Jan 2026	Meta reported that, between 4 and 11 December 2025, it removed access to 330,639 Instagram accounts, 173,497 Facebook accounts and 39,916 Threads accounts identified as being held by users under 16.	SC [48]; SCB 98.
End Jan 2026	Snap Inc. publicly reported that, as at the end of January 2026, it had locked or disabled over 415,000 Snapchat accounts in Australia belonging to users who declared an age under 16 or whom it believed to be under 16 based on its age detection technology.	SC [49]; SCB 99.
23 Feb 2026	DFP, Noah Jones (by his litigation guardian, Renee Jones) and Macy Neyland (by her litigation guardian, Carly Neyland) filed an Amended Writ of Summons and Statement of Claim in proceeding S163/2025.	SCB 16-19; filing notice at SCB 16.
Mar 2026	The eSafety Commissioner published the Social Media Minimum Age: Compliance Update.	SC [50]; SCB 99, 1187-1204.
24 Mar 2026	The eSafety Commissioner filed a submitting appearance, submitting to any order the Court may make save as to costs. It replaced the Commissioner's appearance filed on 3 December 2025.	SCB 31-32.
25 Mar 2026	The Minister for Communications made the Online Safety (Age-Restricted Social Media Platforms) Amendment Rules 2026 (Cth).	SC [40]; SCB 97.
27 Mar 2026	The first and third defendants filed their Defence to the Amended Statement of Claim. They admitted that DFP's membership included age-restricted users aged 13 to 15, but disputed DFP's standing.	SCB 33; Defence [1.3], [16.2] at SCB 35, 39.
5 May 2026	The eSafety Commissioner was interviewed by The Sydney Morning Herald in relation to, <i>inter alia</i> , the social media minimum age scheme.	SC [391]; SCB 207, 2492-2502.
26 May 2026	The Department published an issues paper on the digital duty of care.	SC [402]; SCB 209, 2744-2754.

Date	Event	References
21 Jul 2026	Noah Jones and Macy Neyland, the then second and third plaintiffs, filed a notice discontinuing their claims by consent.	SCB 54-56; filing notice at SCB 54.
22 Jul 2026	Gordon ACJ ordered that the second and third plaintiffs be removed from the proceeding, with the defendants and those plaintiffs bearing their own costs as against each other. DFP remained the sole plaintiff.	SCB 57-58.
	The joint Special Case was dated 22 July 2026. It states questions for the Full Court concerning DFP's standing, the constitutional validity of Part 4A of the Act, relief and costs.	SC [1], Part L; SCB 90, 218-219.
29 Jul 2026	Gageler CJ granted leave to file a joint Special Case in this proceeding and S166/2025, referred the stated questions to the Full Court, and directed a concurrent hearing and the filing of a Special Case Book, submissions and chronology.	SCB 59-61; orders 1-6 at SCB 60.
14 Aug 2026	DFP filed the Special Case Book in ten volumes, which were accepted for filing.	SCB 1-2; filing notices, Volumes 1-10.

Dated: 8 September 2026



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