



HIGH COURT OF AUSTRALIA

NOTICE OF FILING

This document was filed electronically in the High Court of Australia on 16 Oct 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 27C (A-G of WA) Intervener's Submissions
Filing party: Interveners
Date filed: 16 Oct 2026

Important Information

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IN THE HIGH COURT OF AUSTRALIA
SYDNEY REGISTRY

S163 of 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

SUBMISSIONS OF THE ATTORNEY GENERAL FOR THE STATE OF
WESTERN AUSTRALIA (INTERVENING)

PART I — CERTIFICATION

1. These submissions are in a form suitable for publication on the internet.

PARTS II & III — INTERVENTION/LEAVE TO INTERVENE

2. The Attorney General for the State of **Western Australia** intervenes pursuant to s 78A of the *Judiciary Act 1903* (Cth) in support of the defendants.

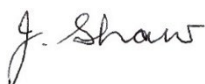
PART IV — ARGUMENT

3. Western Australia does not seek to be heard on the first question of law raised by the Special Case, namely whether the plaintiff has standing to challenge the validity of Pt 4A of the *Online Safety Act 2021* (Cth).
- 10 4. In respect of the second question of law raised by the Special Case, Western Australia:
 - (a) adopts its submissions in *Reddit, Inc v Commonwealth* (S166 of 2025), including to the extent that they generally adopt the submissions of the defendants in *Reddit* as to the relevant legal principles, the operation of Pt 4A and why Pt 4A does not impermissibly burden the implied freedom of political communication, contrary to the *Commonwealth Constitution*; and
 - (b) otherwise adopts the submissions of the first and third defendants as to the additional points raised in the present proceedings.
5. In light of the above, Western Australia respectfully submits that Question 2 of the Special Case should be answered "no".

20 PART V — LENGTH OF ORAL ARGUMENT

6. It is estimated that oral argument for Western Australia will take no more than 10 minutes (jointly in this matter and in *Reddit*).

Dated: 15 October 2026



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**ANNEXURE TO SUBMISSIONS OF THE ATTORNEY GENERAL FOR THE
STATE OF WESTERN AUSTRALIA (INTERVENING)**

Pursuant to Practice Direction No 1 of 2024, Western Australia sets out below a list of the constitutional provisions, statutes and statutory instruments referred to in its submissions.

No.	Description	Version	Provision(s)	Reasons for providing this version	Applicable date(s)
1.	<i>Online Safety Act 2021</i> (Cth)	Current	Pt 4A	Currently in force	All relevant times