HIGH COURT OF AUSTRALIA

NOTICE OF FILING

This document was filed electronically in the High Court of Australia on 04 Nov 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
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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

No. S166 of 2025

BETWEEN:

REDDIT, INC.
Plaintiff

and

COMMONWEALTH OF AUSTRALIA
First Defendant

MINISTER FOR COMMUNICATIONS
Second Defendant

IN THE HIGH COURT OF AUSTRALIA
SYDNEY REGISTRY

No. 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

OUTLINE OF ORAL ARGUMENT OF THE ATTORNEY-GENERAL OF THE AUSTRALIAN CAPITAL TERRITORY (INTERVENING)

PART I INTERNET PUBLICATION

This outline of oral submissions is in a form suitable for publication on the internet.

PART II PROPOSITIONS TO BE ADVANCED IN ORAL ARGUMENT

1. The plaintiffs are wrong to assert that the Rules have recalibrated the purpose of Part 4A of the Act: Reddit Submissions [40]-[41]; Reddit Reply Submissions [8]; Digital Freedom Project Reply Submissions [12]; *Master Education Services Pty Ltd v Ketchell* (2008) 236 CLR 101 at [19] (**JBA 1983-1984**).

2. Parliament intentionally chose a responsive architecture that utilises delegated legislation: Explanatory Memorandum to the *Online Safety Amendment (Social Media Minimum Age) Bill 2024* (**SCB 1111-1112**); Second Reading Speech for the *Online Safety Amendment (Social Media Minimum Age) Bill 2024* (**SCB 1141-1142**); ACT Digital Freedom Project submissions [6]-[8]; Commonwealth Reddit submissions [9], [11]-[12].

3. The purpose of Part 4A is stated expressly in s 63B.

4. The Rules are properly considered as part of assessing the nature of the scheme that Part 4A implements to give effect to that purpose.

5. The rule-making architecture in Part 4A is not a standard, mechanical provision merely permitting "not inconsistent" regulations. It is one which explicitly provides for the Act's own modification: *Plaintiff M47/2012 v Director-General of Security* (2012) 251 CLR 1 at 42 [56] (**JBA 2457**); *O'Connell v Nixon* (2007) 16 VR 440 at 447 [28] (**JBA 3845**) and 449 [34] (**JBA 3847**).

Date: 4 November 2026

Peter Garrisson **Prue Bindon**