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
File Title:	The Digital Freedom Project Incorporated (ABN 27 500 105 08
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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 S166/2025

BETWEEN: **REDDIT, INC.**
Plaintiff

and

COMMONWEALTH OF AUSTRALIA
First Defendant

MINISTER FOR COMMUNICATIONS
Second Defendant

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

MINISTER FOR COMMUNICATIONS
Third Defendant

OUTLINE OF ORAL SUBMISSIONS OF THE ATTORNEY-GENERAL FOR THE STATE OF TASMANIA (INTERVENING)

Part I: Certification

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

Part II: Outline of propositions to be advanced in oral argument

2. Tasmania relies on its written submissions and seeks only to address the following points.

Identification of Purpose

3. Whilst it is permissible in some circumstances to construe the meaning of a statute by reference to delegated legislation (*O'Connell v Nixon* (2007) 16 VR 440; **JBA V10 3838**), the construction of purpose is a different matter: *Ravbar v Commonwealth* (2025) 99 ALJR 1000 at [43] (**JBA V11 Tab 54 4002**); *Hopper v Victoria* (2026) 100 ALJR 582 [45], [91] (**JBA V9 Tab 45 3547**).

4. The purpose of Part 4A (being the mischief which the law is designed to address) may be ascertained at the level of the statute, without the need to refer to the Rules (**Tas in Reddit [24]**); **DS in Reddit [26]**).

5. The purpose is sufficiently disclosed by considering s 63B of the Act and the extrinsic materials:

   (a) Explanatory Memorandum at 4 **(SCB V3 SC-9 1112**) including Notes on Clauses at [25], [29] and [35] (**SCB V3** [25, 29, 35];

   (b) Second Reading Speech 8272 (**SCB V3 SC-9, 1142**).

6. The purpose of Part 4A is not narrowed by the Rules (**Tas in Reddit [18]**; **DS in Reddit [26];** cf **PS in Reddit [41]**).

   (a) Rule 4A reflects the purpose as to why Part 4A was enacted (**Tas in Reddit [18]**; **DS in Reddit [26]**).

Requirement for evidence

7. Parliament should be able to react to a perceived social harm and do so without having to prove the scientific evidentiary basis of that perceived harm.

8. Tasmania agrees with the Defendants' contention that "Parliament may act prophylactically upon reasonable inferences supported by an adequate factual foundation: *Spence v Qld* (2019) 268 CLR 355, at 417 [95]-[96]" (**DS in Reddit [30]**).

9. Although Parliament does not generally have to prove the basis for legislation, it is recognised that where legislation burdens the implied freedom that Parliament's choices have to be justifiable and within its "domain of selections": *Unions NSW v State of New South Wales* (2019) 264 CLR 595 at [45], [101] (**JBA V8 Tab 35 2985**; **Tas [34], [53]**).

10. There is an adequate factual basis to support Part 4A. Tasmania supports the Defendants' reliance upon credible risks as contained in the agreed facts and in the further particulars provided to the Court to bring Part 4A within Parliament's domain of selections (**DS in Reddit [30]**).

Dated: 3 November 2026

Sarah Kay SC
Solicitor-General for the State of Tasmania

Sarah Piggott
Counsel for the Attorney-General (Tas)