

eSafety Commissioner FOI 25177

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Part 1

A breakdown of total legal costs incurred by the eSafety Commissioner from 1 January 2023 to [1 September 2025], including:

- External legal fees (law firms, counsel)
- Internal legal costs¹
- Court filing or hearing fees
- Settlement costs (if any)
- Any reimbursements or cost orders (either awarded or paid)

External legal fees (inc. GST where applicable)	Filing or hearing fees	Settlement costs	Reimbursements or costs orders ²
\$2,194,372.01	\$10,155.00	\$0	\$623,971.70

Part 2

A list of all legal actions or proceedings the eSafety Commissioner has been involved in (either as applicant or respondent) during the same period, including:

- Name of case and court/tribunal
- General nature of the case (e.g. takedown dispute, regulatory enforcement, free speech challenge)
- Outcome of the case (win/loss/settled/withdrawn)
- Whether a cost order was issued (and against whom)

Note: the following table reflects the state of affairs as at 1 September 2025, and does not capture subsequent developments unless marked.

Proceeding (parties + case ref)	Forum	General nature of case	Outcome if finalised	Costs ordered <u>against</u> whom?
<i>Baumgarten and eSafety Commissioner</i> (2024/3798)	Administrative Appeals/Review Tribunal	Review of a purported decision to give X Corp. a removal notice in relation to a post by the Applicant.	On appeal, not finalised.	N/A - the Administrative Review Tribunal is a 'no costs' jurisdiction.
<i>eSafety Commissioner v Baumgarten</i> (VID390/2025)	Federal Court of Australia	Whether the ART has jurisdiction to review a decision by eSafety to send a 'complaint alert' to X Corp.	Not finalised.	N/A - matter not finalised.
<i>Telegram FZ-LLC v eSafety Commissioner</i> (VID482/2025)	Federal Court of Australia	Judicial review regarding infringement notice given for alleged non-compliance with BOSE reporting notice.	Not finalised.	N/A - matter not finalised.
<i>eSafety Commissioner v X Corp.</i> (NSD474/2024)	Federal Court of Australia	Seeking injunction to require X Corp. to comply with a s 109 removal notice.	Proceedings discontinued by the eSafety Commissioner.	eSafety Commissioner
<i>X Corp. and eSafety Commissioner</i> (2024/2797)	Administrative Appeals/Review Tribunal	Challenge to the validity of a s 109 removal notice issued to X Corp.	Proceedings discontinued by the eSafety Commissioner.	N/A - the Administrative Review Tribunal is a 'no costs' jurisdiction.

¹ Internal legal costs are unable to be accurately calculated due to nature and structure of eSafety Legal Services Division and its predecessors.

² This figure for reimbursements and costs orders reflects only the finalised court order from one proceeding (made against eSafety). It does not reflect two costs orders that had been made at the date of this FOI request in eSafety’s favour that are yet to be quantified and finalised – see *X Corp. v eSafety Commissioner* (FCA VID956/2023) and *X Corp. v eSafety Commissioner* (FCA VID1186/2024). It also does not capture the costs order subsequently made by the Federal Court of Australia in eSafety’s favour in *eSafety Commissioner v Rotondo* (FCA QUD451/2023).

Proceeding (parties + case ref)	Forum	General nature of case	Outcome if finalised	Costs ordered <u>against</u> whom?
<i>X Corp. and eSafety Commissioner</i> (2024/2582) <i>Elston and eSafety Commissioner</i> (2024/2583)	Administrative Appeals/Review Tribunal	Challenge to the validity of a s 88 removal notice issued to X Corp.	Removal notice set aside. Tribunal found that the material in question did not meet the statutory threshold under s 7.	N/A - the Administrative Review Tribunal is a 'no costs' jurisdiction.
<i>X Corp. v eSafety Commissioner</i> (NSD751/2025)	Federal Court of Australia	Applicant seeking declaration that <i>Online Safety (Relevant Electronic Services – Class 1A and 1B Material) Industry Standard 2024</i> either does not apply to its service or was not validly made.	Not finalised.	N/A - matter not finalised.
<i>eSafety Commissioner v Rotondo</i> (QUD451/2023)	Federal Court of Australia	eSafety Commissioner seeking civil penalties for contraventions of sections 75, 80 and 83 of the <i>Online Safety Act</i> .	Not finalised. ³	N/A - matter not finalised.
<i>Collins v eSafety Commissioner</i> (2024/10368)	Administrative Appeals/Review Tribunal	Applicant seeking review of a decision to not give a removal notice under Part 6 of the Act.	Proceedings discontinued by the Applicant.	N/A - the Administrative Review Tribunal is a 'no costs' jurisdiction.
<i>Kirkham v eSafety Commissioner</i> (2025/1002)	Administrative Appeals/Review Tribunal	Applicant seeking statement of reasons where eSafety Commissioner had responded that there was no obligation to provide such a statement.	Administrative Review Tribunal found that there was a reviewable decision for the purposes of s 220 of the <i>Online Safety Act</i> and ordered the eSafety Commissioner to provide a statement of reasons.	N/A - the Administrative Review Tribunal is a 'no costs' jurisdiction.
<i>X Corp. v eSafety Commissioner</i> (2024/2579)	Administrative Appeals/Review Tribunal	Applicant sought review of decision to give notice under s 56(2) of the Act.	Administrative Review Tribunal found that the Commissioner does not have the power to ask questions which are framed by reference to a particular subtopic, such as Terrorist and Violent Extremism material. The Tribunal remitted the notice to eSafety for reconsideration.	N/A - the Administrative Review Tribunal is a 'no costs' jurisdiction.
<i>X Corp. v eSafety Commissioner</i> (VID956/2023) (related to VID/1186/2024 and VID1092/2023)	Federal Court of Australia	Applicant sought review of Commissioner's conduct to continue to rely on the s 56(2) notice that was given to Twitter, Inc. to issue an infringement notice to X Corp.	Justice Wheelehan found that X Corp. failed to show that it was not required to comply with the notice.	X Corp.
<i>X Corp. v eSafety Commissioner</i> (VID1186/2024) (related to VID956/2023 and VID 1092/2023)	Federal Court of Australia (Full Court)	Applicant appealed interlocutory decision of Wheelehan J in VID1092/2023.	Appeal dismissed with costs.	X Corp.
<i>eSafety Commissioner v X Corp.</i> (VID1092/2023) (related to VID956/2023 and VID1186/2024)	Federal Court of Australia	eSafety Commissioner seeking civil penalties for contravention of s 57 of the Act.	Not finalised. Matter has recently recommenced - it was stayed pending outcome of VID1186/2024.	N/A - matter not finalised.

³ This matter has subsequently been finalised, with the respondent ordered to pay a \$343,500 civil penalty and costs awarded to eSafety. eSafety's costs in this matter are yet to be quantified and finalised.