

IN THE SUPREME COURT OF VICTORIA
COMMERCIAL COURT
GROUP PROCEEDINGS LIST

S ECI 2025 00287

BETWEEN:

SCOTT BYRNES

Plaintiff

- and -

ORIGIN ENERGY LIMITED (ACN 000 051 696)

Defendant

ORDER

JUDGE: The Honourable Justice Waller

DATE MADE: 11 March 2026

ORIGINATING PROCESS: Writ filed on 21 January 2025

HOW OBTAINED: Following the hearing on 2 February 2026 of the summons filed by the plaintiff on 29 October 2025

ATTENDANCE: Mr W Edwards KC with Ms R Howe, of counsel, for the plaintiff
Ms J Findlay, of counsel, for the defendant
Dr O Bigos KC with Ms K Browne, of counsel as contradictor

OTHER MATTERS:

A. This order is made following the ruling delivered on 11 March 2026 in *Byrnes v Origin Energy Ltd* [2026] VSC 97.

B. On 11 November 2025, the plaintiff filed and served the second affidavit of the plaintiff, Scott Byrnes, affirmed 11 November 2025 (**Second Byrnes Affidavit**), the third affidavit of Timothy Michael Luke Finney affirmed 11 November 2025 (**Third Finney Affidavit**) and **Submissions** in support of the plaintiff's **Summons** filed 29 October 2025 seeking a variation to the Group Costs Order made by the Honourable Justice Waller on 20 August 2025.

C. On 9 December 2025, the contradictor filed and served **Submissions** in response to the plaintiff's material. On 20 December 2025, the plaintiff filed and served **Submissions in Reply** and the fourth affidavit of Timothy Michael Luke Finney affirmed 20 December 2025 (**Fourth Finney Affidavit**).



- D. On 30 January 2026, the plaintiff filed and served the fifth affidavit of Timothy Michael Luke Finney affirmed 30 January 2026 (**Fifth Finney Affidavit**).
- E. The material referred to in paragraphs B, C and D above contained redactions in accordance with paragraph 7(a) of the orders of the Honourable Justice Waller made 29 October 2025, to protect the plaintiff's claims of confidentiality (**Redacted GCO Variation Material**).
- F. The question of whether the plaintiff is entitled to maintain confidentiality claims over any materials on a permanent basis was reserved for determination at the hearing on 2 February 2026.
- G. This order is authenticated by the Judge of the Court pursuant to Rule 60.02(1)(b) of the *Supreme Court (General Civil Procedure) Rules 2025* (Vic) (**Rules**).

THE COURT ORDERS THAT:

Group Costs Order

- 1. Pursuant to s 33ZDA(3) of the *Supreme Court Act 1986* (Vic), the percentage in paragraph 1(b) of the orders made on 20 August 2025 (by which a group costs order was made at a rate of 30% inclusive of GST) is amended in accordance with the following table:

For each dollar of any award or settlement that is recovered in the proceeding:	The applicable percentage (including GST) is:
Between \$0 - \$42,500,000	35%
Over \$42,500,000	25%

Confidentiality

- 2. Pursuant to rr 28.05(4) and 28A.06(1) of the Rules and/or ss 17(b) and 18(1)(a) of the *Open Courts Act 2013* (Vic), and/or in the inherent jurisdiction of the Court, and subject to further order, the information that has been redacted in the Redacted GCO Variation Application Material shall remain confidential, and unredacted forms of the Redacted GCO Variation Application Material must not be published or made available to any persons (including the defendant and its legal representatives), other than the Permitted Persons (as defined below).
- 3. The **Permitted Persons** are:
 - (a) the legal representatives (including their directors and employees) for the plaintiff in this proceeding;



- (b) the plaintiff in this proceeding;
 - (c) any counsel briefed by the plaintiff in this proceeding;
 - (d) the contradictor and junior counsel of his choosing appointed pursuant to paragraph 1 of the orders made on 3 November 2025;
 - (e) personnel of the Court; and
 - (f) any printing or IT service provider engaged to assist the persons from paragraphs 2(a)-(e); and
 - (g) any other person who enters into a confidentiality arrangement with the plaintiff's legal representatives in this proceeding.
4. The 'permitted persons' in paragraph 2 of the orders made on 30 July 2025 (by which 'permitted persons' was defined in respect of those persons to whom the plaintiff's Redacted GCO Materials may be made available) is amended to also include any other person who enters into a confidentiality arrangement with the plaintiff's legal representatives in this proceeding.

Other matters

- 5. The plaintiff shall bear his own costs of and incidental to the application.
- 6. The defendant's costs of and incidental to the application are reserved.
- 7. Subject to further order, the contradictor's reasonable costs of and incidental to the application which have been or are to be paid in the first instance by Phi Finney McDonald pursuant to the orders made on 3 November 2025 shall be the plaintiff's costs in the proceeding.

DATE AUTHENTICATED: 12 March 2026

THE HONOURABLE JUSTICE WALLER

