

Government Information (Public Access) Act 2009

Explanatory Table

Sydney Metro City & Southwest – Deed of Novation and Variation – Continuation of Early Works Letter (Trains and CBTC)

Capitalised terms in this table have the meaning given to them in the Deed of Novation and Variation Continuation of Early Works Letter (Trains and CBTC) unless the context indicates otherwise.

In preparing this explanatory table (**Explanatory Table**), the Principal has:

- (a) identified the reason(s) under the *Government Information (Public Access) Act 2009* (NSW) (**GIPA Act**) for each redaction; and
- (b) weighed each redaction against the following key public interest considerations for disclosure:
 - (i) promoting open discussion of public affairs, enhancing Government accountability or contributing to positive and informed debate on issues of public importance;
 - (ii) creating public awareness and understanding on issues of public importance;
 - (iii) enhancing government transparency and accountability;
 - (iv) informing the public about the operations of the agency;
 - (v) ensuring effective oversight of the expenditure of public funds and the best use of public resources; and
 - (vi) ensuring fair commercial competition within the economy.

Item	Clause (and general description)	Information redacted	Reason(s) for redaction under GIPA Act	Public interest considerations
1.	Clause 7 - Release	The information redacted is part of the clause.	<p><i>Section 32(1)(d), item 4(b), (c) and (d) of the table in section 14</i></p> <p>The disclosure of this information could reveal commercial-in-confidence provisions of a government contract, diminish the competitive commercial value of information to a person and prejudice a person's legitimate business and commercial interests.</p> <p>There is an overriding public interest against disclosure.</p>	<p>The Principal weighed the competing public interest considerations and determined that there was an overriding public interest against disclosure of this information because:</p> <ul style="list-style-type: none"> a) revealing the information would disclose commercial in confidence provisions under the Continuation of Early Works Letter (Trains and CBTC) entered into between Sydney Metro and the Significant Contractor; b) exposing the redacted information would reveal details of third party works and the apportionment of risk in relation to such agreements; and c) the redacted information is commercially sensitive and represents a commercial approach which, if disclosed, could place the contractor at a commercial disadvantage in future projects of a similar nature, as the information would be readily accessible to potential future clients, competitors and contractors. Therefore the disclosure of the information could prejudice the parties' legitimate business, commercial or financial interests. <p>Review: This information would be reviewed for disclosure as events and circumstances change.</p>
2.	Clause 9 - Notices	The information redacted is an email address and people's names	<p><i>Section 32(1)(d), item 3(a) of the table in section 14</i></p> <p>The disclosure of this information would reveal an individual's personal</p>	<p>The Principal weighed the competing public interest considerations and determined that there was an overriding public interest against disclosure of this information because the redacted information would disclose personal information, including the names and email addresses of individual persons and specifies an</p>

Item	Clause (and general description)	Information redacted	Reason(s) for redaction under GIPA Act	Public interest considerations
			information. There is an overriding public interest against disclosure.	individual's name in relation to the organisation the individual works for. The Principal considers that any public interest in favour of the disclosure is not significantly advanced by the disclosure of this information, and is outweighed by the public interest against the disclosure as identified above.
3.	Execution page of the Deed of Novation and Variation Continuation of Early Works Letter (Trains and CBTC)	The information redacted is the signature blocks.	<i>Section 32(1)(d), item 3(a) of the table in section 14</i> The disclosure of this information would reveal an individual's personal information. There is an overriding public interest against disclosure.	The Principal weighed the competing public interest considerations and determined that there was an overriding public interest against disclosure of this information because the redacted information would disclose personal information, including names and signatures of individual persons. The Principal considers that any public interest in favour of the disclosure is not significantly advanced by the disclosure of this information, and is outweighed by the public interest against the disclosure as identified above.
4.	Schedule 1 (Continuation of Early Works Letter (Trains and CBTC) - Address panel of letter	The information redacted is a person's name	<i>Section 32(1)(d), item 3(a) of the table in section 14</i> The disclosure of this information would reveal an individual's personal information. There is an overriding public interest against disclosure.	The Principal weighed the competing public interest considerations and determined that there was an overriding public interest against disclosure of this information because the redacted information specifies an individual's name in relation to the organisation the individual works for. The Principal considers that any public interest in favour of disclosure is not significantly advanced by the disclosure of this information, and is outweighed by the public interest against the disclosure as identified above.

Item	Clause (and general description)	Information redacted	Reason(s) for redaction under GIPA Act	Public interest considerations
5.	Schedule 1 (Continuation of Early Works Letter (Trains and CBTC) - Clause 1.1 - Definition of Sydney Metro's Representative	The information redacted is a person's name	<p><i>Section 32(1)(d), item 3(a) of the table in section 14</i></p> <p>The disclosure of this information would reveal an individual's personal information.</p> <p>There is an overriding public interest against disclosure.</p>	<p>The Principal weighed the competing public interest considerations and determined that there was an overriding public interest against disclosure of this information because the redacted information specifies an individual's name in relation to the organisation the individual works for.</p> <p>The Principal considers that any public interest in favour of disclosure is not significantly advanced by the disclosure of this information, and is outweighed by the public interest against the disclosure as identified above.</p>
6.	Schedule 1 (Continuation of Early Works Letter (Trains and CBTC) - Clause 1.1 - Definition of Total SM Early Works Payments	The information redacted is a dollar amount	<p><i>Section 32(1)(d), item 4(b), (c) and (d) of the table in section 14</i></p> <p>The disclosure of this information could reveal commercial-in-confidence provisions of a government contract, diminish the competitive commercial value of information to a person and prejudice a person's legitimate business and commercial interests.</p> <p>There is an overriding public interest against disclosure.</p>	<p>The Principal weighed the competing public interest considerations and determined that there was an overriding public interest against disclosure of this information because:</p> <ul style="list-style-type: none"> a) the redacted information sets out sensitive information in relation to the payment arrangements under the contract; and b) revealing the information would place the parties at a substantial commercial disadvantage in future projects of a similar nature, as the information would be readily accessible to potential future clients, competitors and contractors. Therefore the disclosure of the information could reduce the information's competitive commercial value and prejudice the parties' legitimate business, commercial or financial interests and also prejudice the effective exercise by the Principal of its functions. <p>Review: This information would be reviewed for disclosure as events and circumstances change.</p>

Item	Clause (and general description)	Information redacted	Reason(s) for redaction under GIPA Act	Public interest considerations
7.	Schedule 1 (Continuation of Early Works Letter (Trains and CBTC) - Clause 5 – Sydney Metro Limitation of liability	The information redacted is the entire clause.	<p><i>Section 32(1)(d), item 1(f) of the table in section 14</i></p> <p>The disclosure of this information could prejudice the effective exercise by an agency of the agency's functions.</p> <p><i>Section 32(1)(d), item 4(b), (c) and (d) of the table in section 14</i></p> <p>The disclosure of this information could reveal commercial-in-confidence provisions of a government contract, diminish the competitive commercial value of information to a person and prejudice a person's legitimate business and commercial interests.</p> <p>There is an overriding public interest against disclosure.</p>	<p>The Principal weighed the competing public interest considerations and determined that there was an overriding public interest against disclosure because:</p> <ul style="list-style-type: none"> a) the redacted information sets out commercially sensitive information regarding the Principal's limitation of liability; b) exposing the redacted information would reveal the apportionment of risk between the Principal and the Significant Contractor in relation to liability under the Continuing Early Works Trains and CBTC letter. Exposing this information may provide insight into the Principal's views on its potential capabilities and likelihood of the Principal being held liable for the events identified in this clause; and c) revealing the information would place the parties at a substantial commercial disadvantage in future projects of a similar nature, as the information would be readily accessible to potential future clients, competitors and contractors. Therefore the disclosure of the information could prejudice the parties' legitimate business, commercial or financial interests. <p>Review: This information would be reviewed for disclosure as events and circumstances change.</p>
8.	Schedule 1 (Continuation of Early Works	The information redacted is the signature blocks.	<p><i>Section 32(1)(d), item 3(a) of the table in section 14</i></p> <p>The disclosure of this</p>	The Principal weighed the competing public interest considerations and determined that there was an overriding public interest against disclosure of this information because the redacted

Item	Clause (and general description)	Information redacted	Reason(s) for redaction under GIPA Act	Public interest considerations
	<i>Letter (Trains and CBTC) - Execution page of the Continuing Early Works Trains and CBTC letter</i>		<p>information would reveal an individual's personal information.</p> <p>There is an overriding public interest against disclosure.</p>	<p>information would disclose personal information, including names and signatures of individual persons.</p> <p>The Principal considers that any public interest in favour of the disclosure is not significantly advanced by the disclosure of this information, and is outweighed by the public interest against the disclosure as identified above.</p>
9.	Schedule 1 (<i>Continuation of Early Works Letter (Trains and CBTC) - Schedule 1 – Scope of SM Early Works</i>)	The information redacted is the entire schedule.	<p><i>Section 32(1)(a) (paragraph (e) of the definition of "commercial-in-confidence provisions" at clause 1 of Schedule 4)</i></p> <p>The disclosure of this information would place the parties at a substantial commercial disadvantage in relation to other contractors or potential contractors.</p> <p><i>Section 32(1)(d) (items 4(b), 4(c) and 4(d) of the table in section 14)</i></p> <p>The disclosure of this information could reveal commercial-in-confidence provisions of a government contract, diminish the</p>	<p>The Principal weighed the competing public interest considerations and determined that there was an overriding public interest against disclosure of this information because:</p> <ul style="list-style-type: none"> a) the redacted information relates to the scope of the SM Early Works, and the redacted information provides particulars of the scope of work to be performed; and b) revealing the information would place the parties at a substantial commercial disadvantage in future projects of a similar nature, as the information would be readily accessible to potential future clients, competitors and contractors. Therefore the disclosure of the information could reduce the information's competitive commercial value and prejudice the parties' legitimate business, commercial or financial interests. <p>Review: This information would be reviewed for disclosure as events and circumstances change.</p>

Item	Clause (and general description)	Information redacted	Reason(s) for redaction under GIPA Act	Public interest considerations
			<p>competitive commercial value of information to a person and prejudice a person's legitimate business and commercial interests.</p> <p>There is an overriding public interest against disclosure.</p>	
10.	Schedule 1 (Continuation of Early Works Letter (Trains and CBTC) - Schedule 2- SM Early Works Payments	The information redacted is the entire schedule.	<p><i>Section 32(1)(d), item 4(b), (c) and (d) of the table in section 14</i></p> <p>The disclosure of this information could reveal commercial-in-confidence provisions of a government contract, diminish the competitive commercial value of information to a person and prejudice a person's legitimate business and commercial interests.</p> <p>There is an overriding public interest against disclosure.</p>	<p>The Principal weighed the competing public interest considerations and determined that there was an overriding public interest against disclosure of this information because:</p> <ul style="list-style-type: none"> a) the redacted information sets out sensitive information in relation to payment arrangements under the contract; and b) revealing the information would place the parties at a substantial commercial disadvantage in future projects of a similar nature, as the information would be readily accessible to potential future clients, competitors and contractors. Therefore the disclosure of the information could reduce the information's competitive commercial value and prejudice the parties' legitimate business, commercial or financial interests and also prejudice the effective exercise by the Principal of its functions. <p>Review: This information would be reviewed for disclosure as events and circumstances change.</p>
11.	Schedule 1	The information	<i>Section 32(1)(d), item 4(b), (c) and (d) of the table in section</i>	The Principal weighed the competing public interest considerations

Item	Clause (and general description)	Information redacted	Reason(s) for redaction under GIPA Act	Public interest considerations
	<i>(Continuation of Early Works Letter (Trains and CBTC) - Schedule 3 - MTR Early Works Subcontract, Clause 1.1 - Definition of a contract</i>	redacted is the name of a contract	<p>14</p> <p>The disclosure of this information could reveal commercial-in-confidence provisions of a government contract, diminish the competitive commercial value of information to a person and prejudice a person's legitimate business and commercial interests.</p> <p>There is an overriding public interest against disclosure.</p>	<p>and determined that there was an overriding public interest against disclosure of this information because:</p> <ul style="list-style-type: none"> a) revealing the information would disclose commercial in confidence provisions under the Early Works Deed entered into between Sydney Metro and MTR; and b) the redacted information is commercially sensitive and represents a unique commercial approach with respect to the current contract which, if disclosed, could place the Principal at a commercial disadvantage and prejudice the parties' legitimate business, commercial or financial interests. <p>Review: This information would be reviewed for disclosure as events and circumstances change.</p>
12.	Schedule 1 <i>(Continuation of Early Works Letter (Trains and CBTC) - Schedule 3 - MTR Early Works Subcontract, Clause 1.1 - Definition</i>	The information redacted is a definition	<p><i>Section 32(1)(d), item 4(b), (c) and (d) of the table in section 14</i></p> <p>The disclosure of this information could reveal commercial-in-confidence provisions of a government contract, diminish the competitive commercial value of information to a person and prejudice a person's legitimate business and commercial</p>	<p>The Principal weighed the competing public interest considerations and determined that there was an overriding public interest against disclosure of this information because:</p> <ul style="list-style-type: none"> d) the redacted information is a definition relating to an option under a contract; e) revealing the information would disclose commercial in confidence provisions under the Early Works Deed entered into between Sydney Metro and MTR; and f) the redacted information is commercially sensitive and represents a unique commercial approach which, if disclosed, could place the contractor at a substantial commercial

Item	Clause (and general description)	Information redacted	Reason(s) for redaction under GIPA Act	Public interest considerations
			<p>interests.</p> <p>There is an overriding public interest against disclosure.</p>	<p>disadvantage in future projects of a similar nature, as the information would be readily accessible to potential future clients, competitors and contractors. Therefore the disclosure of the information could reduce the information's competitive commercial value and prejudice the parties' legitimate business, commercial or financial interests.</p> <p>Review: This information would be reviewed for disclosure as events and circumstances change.</p>
13.	Schedule 1 (Continuation of Early Works Letter (Trains and CBTC) - Schedule 3 – MTR Early Works Subcontract, Clause 1.1 - Definition of a contract	The information redacted is the name of a contract	<p><i>Section 32(1)(d), item 4(b), (c) and (d) of the table in section 14</i></p> <p>The disclosure of this information could reveal commercial-in-confidence provisions of a government contract, diminish the competitive commercial value of information to a person and prejudice a person's legitimate business and commercial interests.</p> <p>There is an overriding public interest against disclosure.</p>	<p>The Principal weighed the competing public interest considerations and determined that there was an overriding public interest against disclosure of this information because:</p> <ul style="list-style-type: none"> a) revealing the information would disclose commercial in confidence provisions under the Early Works Deed entered into between Sydney Metro and MTR; and b) the redacted information is commercially sensitive and represents a unique commercial approach with respect to the current contract which, if disclosed, could place the Principal at a commercial disadvantage and prejudice the parties' legitimate business, commercial or financial interests. <p>Review: This information would be reviewed for disclosure as events and circumstances change.</p>
14.	Schedule 1 (Continuation of	The information redacted is a	<i>Section 32(1)(d), item 4(b), (c) and (d) of the table in section</i>	The Principal weighed the competing public interest considerations and determined that there was an overriding public interest

Item	Clause (and general description)	Information redacted	Reason(s) for redaction under GIPA Act	Public interest considerations
	<i>Early Works Letter (Trains and CBTC) - Schedule 3 – MTR Early Works Subcontract, Clause 1.1 – Definition</i>	definition	<p>14</p> <p>The disclosure of this information could reveal commercial-in-confidence provisions of a government contract, diminish the competitive commercial value of information to a person and prejudice a person's legitimate business and commercial interests.</p> <p>There is an overriding public interest against disclosure.</p>	<p>against disclosure of this information because:</p> <ul style="list-style-type: none"> a) the redacted information is a definition relating to an option under a contract; b) revealing the information would disclose commercial in confidence provisions under the Early Works Deed entered into between Sydney Metro and MTR; and c) the redacted information is commercially sensitive and represents a unique commercial approach which, if disclosed, could place the contractor at a substantial commercial disadvantage in future projects of a similar nature, as the information would be readily accessible to potential future clients, competitors and contractors. Therefore the disclosure of the information could reduce the information's competitive commercial value and prejudice the parties' legitimate business, commercial or financial interests. <p>Review: This information would be reviewed for disclosure as events and circumstances change.</p>
15.	<i>Schedule 1 (Continuation of Early Works Letter (Trains and CBTC) - Schedule 3 – MTR Early Works Subcontract,</i>	The information redacted is a person's name	<p><i>Section 32(1)(d), item 3(a) of the table in section 14</i></p> <p>The disclosure of this information would reveal an individual's personal information.</p> <p>There is an overriding public</p>	<p>The Principal weighed the competing public interest considerations and determined that there was an overriding public interest against disclosure of this information because the redacted information specifies an individual's name in relation to the organisation the individual works for.</p> <p>The Principal considers that any public interest in favour of disclosure is not significantly advanced by the disclosure of this information, and is outweighed by the public interest against the</p>

Item	Clause (and general description)	Information redacted	Reason(s) for redaction under GIPA Act	Public interest considerations
	Clause 1.1 - Definition of Integrator's Representative		interest against disclosure.	disclosure as identified above.
16.	Schedule 1 (<i>Continuation of Early Works Letter (Trains and CBTC)</i>) - Schedule 3 - MTR Early Works Subcontract, Clause 1.1 - Definition of Significant Contractor's Representative	The information redacted is a person's name	<p><i>Section 32(1)(d), item 3(a) of the table in section 14</i></p> <p>The disclosure of this information would reveal an individual's personal information.</p> <p>There is an overriding public interest against disclosure.</p>	<p>The Principal weighed the competing public interest considerations and determined that there was an overriding public interest against disclosure of this information because the redacted information specifies an individual's name in relation to the organisation the individual works for.</p> <p>The Principal considers that any public interest in favour of disclosure is not significantly advanced by the disclosure of this information, and is outweighed by the public interest against the disclosure as identified above.</p>
17.	Schedule 1 (<i>Continuation of Early Works Letter (Trains and CBTC)</i>) - Schedule 3 - MTR Early Works Subcontract,	The information redacted is the name and business address of the guarantor.	<p><i>Section 32(1)(d), item 4(b), (c) and (d) of the table in section 14</i></p> <p>The disclosure of this information could reveal commercial-in-confidence provisions of a government contract, diminish the</p>	<p>The Principal weighed the competing public interest considerations and determined that there was an overriding public interest against disclosure of this information because:</p> <ul style="list-style-type: none"> a) the redacted information sets out the identity of the guarantor providing the Significant Contractor Parent Company Guarantee; b) exposing this information may provide insight into the guarantor's potential financial liability and place the parties at

Item	Clause (and general description)	Information redacted	Reason(s) for redaction under GIPA Act	Public interest considerations
	Clause 1.1 - Definition of Significant Contractor Parent Company Guarantee		<p>competitive commercial value of information to a person and prejudice a person's legitimate business and commercial interests.</p> <p>There is an overriding public interest against disclosure.</p>	<p>a substantial commercial disadvantage in future projects of a similar nature, as the information would be readily accessible to potential future clients, competitors and contractors. Therefore the disclosure of the information could reduce the information's competitive commercial value and prejudice the parties' legitimate business, commercial or financial interests; and</p> <p>c) the public interest has been served by revealing the fact that a guarantee is required. In light of the disclosure of this information there is an overriding public interest against the disclosure of the precise identity of the guarantor providing the Significant Contractor Parent Company Guarantee.</p> <p>Review: This information would be reviewed for disclosure as events and circumstances change.</p>
18.	Schedule 1 (Continuation of Early Works Letter (Trains and CBTC) - Schedule 3 - MTR Early Works Subcontract, Clause 1.1 - Definition	The information redacted is a definition	<p><i>Section 32(1)(d), item 4(b), (c) and (d) of the table in section 14</i></p> <p>The disclosure of this information could reveal commercial-in-confidence provisions of a government contract, diminish the competitive commercial value of information to a person and prejudice a person's legitimate business and commercial</p>	<p>The Principal weighed the competing public interest considerations and determined that there was an overriding public interest against disclosure of this information because:</p> <p>a) the redacted information is a definition relating to an option under a contract;</p> <p>b) revealing the information would disclose commercial in confidence provisions under the Early Works Deed entered into between Sydney Metro and MTR; and</p> <p>c) the redacted information is commercially sensitive and represents a unique commercial approach which, if disclosed, could place the contractor at a substantial commercial</p>

Item	Clause (and general description)	Information redacted	Reason(s) for redaction under GIPA Act	Public interest considerations
			<p>interests.</p> <p>There is an overriding public interest against disclosure.</p>	<p>disadvantage in future projects of a similar nature, as the information would be readily accessible to potential future clients, competitors and contractors. Therefore the disclosure of the information could reduce the information's competitive commercial value and prejudice the parties' legitimate business, commercial or financial interests.</p> <p>Review: This information would be reviewed for disclosure as events and circumstances change.</p>
19.	Schedule 1 (Continuation of Early Works Letter (Trains and CBTC) - Schedule 3 – MTR Early Works Subcontract, Clause 3.2A – Options	The information redacted is the entire clause.	<p><i>Section 32(1)(d), item 4(b), (c) and (d) of the table in section 14</i></p> <p>The disclosure of this information could reveal commercial-in-confidence provisions of a government contract, diminish the competitive commercial value of information to a person and prejudice a person's legitimate business and commercial interests.</p> <p>There is an overriding public interest against disclosure.</p>	<p>The Principal weighed the competing public interest considerations and determined that there was an overriding public interest against disclosure of this information because:</p> <ul style="list-style-type: none"> a) the redacted information is a clause relating to an option under a contract; b) revealing the information would disclose commercial in confidence provisions under the Early Works Deed entered into between Sydney Metro and MTR; and c) the redacted information is commercially sensitive and represents a unique commercial approach which, if disclosed, could place the contractor at a substantial commercial disadvantage in future projects of a similar nature, as the information would be readily accessible to potential future clients, competitors and contractors. Therefore the disclosure of the information could reduce the information's competitive commercial value and prejudice the parties' legitimate business, commercial or financial interests.

Item	Clause (and general description)	Information redacted	Reason(s) for redaction under GIPA Act	Public interest considerations
				Review: This information would be reviewed for disclosure as events and circumstances change.
20.	Schedule 1 (Continuation of Early Works Letter (Trains and CBTC) - Schedule 3 - MTR Early Works Subcontract, Clause 7 - Pre-Agreed Option	The information redacted is the entire clause.	<p><i>Section 32(1)(d), item 4(b), (c) and (d) of the table in section 14</i></p> <p>The disclosure of this information could reveal commercial-in-confidence provisions of a government contract, diminish the competitive commercial value of information to a person and prejudice a person's legitimate business and commercial interests.</p> <p>There is an overriding public interest against disclosure.</p>	<p>The Principal weighed the competing public interest considerations and determined that there was an overriding public interest against disclosure of this information because:</p> <ul style="list-style-type: none"> a) the redacted information is a pre-agreed option; b) revealing the information would disclose commercial in confidence provisions under the MTR Early Works Subcontract; and c) the redacted information is commercially sensitive and represents a unique commercial approach which, if disclosed, would place the Significant Contractor at a substantial commercial disadvantage in future projects of a similar nature, as the information would be readily accessible to potential future clients, competitors and contractors. Therefore the disclosure of the information could reduce the information's competitive commercial value and prejudice the parties' legitimate business, commercial or financial interests. <p>Review: This information would be reviewed for disclosure as events and circumstances change.</p>
21.	Schedule 1 (Continuation of Early Works Letter (Trains and CBTC) -	The information redacted is a percentage number.	<i>Section 32(1)(a), paragraphs (b) and (e) of the definition of "commercial-in-confidence provisions" at clause 1 of</i>	<p>The Principal weighed the competing public interest considerations and determined that there was an overriding public interest against disclosure because:</p> <ul style="list-style-type: none"> a) the redacted information identifies the percentage of the

Item	Clause (and general description)	Information redacted	Reason(s) for redaction under GIPA Act	Public interest considerations
	Schedule 3 – MTR Early Works Subcontract, Clause 9.4 – Provision of documentation and other requirements		<p><i>Schedule 4</i></p> <p>The disclosure of this information discloses MTR's cost structure or profit margins and would place the Significant Contractor at a substantial commercial disadvantage in relation to potential contractors and provide visibility on the contractor's profit margins.</p> <p><i>Section 32(1)(d), item 4(b), (c) and (d) of the table in section 14</i></p> <p>The disclosure of this information could reveal commercial-in-confidence provisions of a government contract, diminish the competitive commercial value of information to a person and prejudice a person's legitimate business and commercial interests.</p> <p>There is an overriding public interest against disclosure.</p>	<p>amount set out in the payment schedule that MTR is obliged to pay the Significant Contractor if the Significant Contractor has not complied with the conditions listed in clause 9.4;</p> <p>b) the redacted information reflects a negotiated amount which the Significant Contractor has priced and accepted; and</p> <p>c) revealing the information would place the parties at a substantial commercial disadvantage in future projects of a similar nature, as the information would be readily accessible to potential future clients, competitors and contractors. Therefore the disclosure of the information could reduce the information's competitive commercial value and prejudice the parties' legitimate business, commercial or financial interests.</p> <p>Review: This information would be reviewed for disclosure as events and circumstances change.</p>

Item	Clause (and general description)	Information redacted	Reason(s) for redaction under GIPA Act	Public interest considerations
22.	Schedule 1 (Continuation of Early Works Letter (Trains and CBTC) - Schedule 3 – MTR Early Works Subcontract, Clause 10.1 – Limitation of liability	The information redacted is the entire clause.	<p><i>Section 32(1)(d), item 1(f) of the table in section 14</i></p> <p>The disclosure of this information could prejudice the effective exercise by an agency of the agency's functions.</p> <p><i>Section 32(1)(d), item 4(b), (c) and (d) of the table in section 14</i></p> <p>The disclosure of this information could reveal commercial-in-confidence provisions of a government contract, diminish the competitive commercial value of information to a person and prejudice a person's legitimate business and commercial interests.</p> <p>There is an overriding public interest against disclosure.</p>	<p>The Principal weighed the competing public interest considerations and determined that there was an overriding public interest against disclosure because:</p> <ul style="list-style-type: none"> a) the redacted information sets out commercially sensitive information regarding the Significant Contractor's limitation of liability; b) exposing the redacted information would reveal the apportionment of risk between MTR and the Significant Contractor in relation to liability under the Early Works Deed. Exposing this information may provide insight into the Significant Contractor's views on its potential capabilities and likelihood of the Significant Contractor being held liable for the events identified in this clause; and c) revealing the information would place the parties at a substantial commercial disadvantage in future projects of a similar nature, as the information would be readily accessible to potential future clients, competitors and contractors. Therefore the disclosure of the information could prejudice the parties' legitimate business, commercial or financial interests. <p>Review: This information would be reviewed for disclosure as events and circumstances change.</p>
23.	Schedule 1 (Continuation of Early Works	The information redacted is the names of the	<p><i>Section 32(1)(d), item 3(a) of the table in section 14</i></p> <p>The disclosure of this</p>	<p>The Principal weighed the competing public interest considerations and determined that there was an overriding public interest against disclosure of this information because the redacted</p>

Item	Clause (and general description)	Information redacted	Reason(s) for redaction under GIPA Act	Public interest considerations
	<i>Letter (Trains and CBTC) - Schedule 3 - MTR Early Works Subcontract, Clause 16 - Notices</i>	representatives.	information would reveal an individual's personal information. There is an overriding public interest against disclosure.	information would disclose personal information, including the names of individual persons. The Principal considers that any public interest in favour of the disclosure is not significantly advanced by the disclosure of this information, and is outweighed by the public interest against the disclosure as identified above.
24.	Schedule 1 (<i>Continuation of Early Works Letter (Trains and CBTC) - Schedule 3 - MTR Early Works Subcontract, Execution page of the MTR Early Works Subcontract</i>)	The information redacted is the signature blocks.	<i>Section 32(1)(d), item 3(a) of the table in section 14</i> The disclosure of this information would reveal an individual's personal information. There is an overriding public interest against disclosure.	The Principal weighed the competing public interest considerations and determined that there was an overriding public interest against disclosure of this information because the redacted information would disclose personal information, including names and signatures of individual persons. The Principal considers that any public interest in favour of the disclosure is not significantly advanced by the disclosure of this information, and is outweighed by the public interest against the disclosure as identified above.
25.	Schedule 1 (<i>Continuation of Early Works Letter (Trains and CBTC) - Schedule 3 -</i>	The information redacted is the entire schedule.	<i>Section 32(1)(a) (paragraph (e) of the definition of "commercial-in-confidence provisions" at clause 1 of Schedule 4)</i> The disclosure of this	The Principal weighed the competing public interest considerations and determined that there was an overriding public interest against disclosure of this information because: a) the redacted information relates to the scope of the Early Works, and the redacted information provides particulars of

Item	Clause (and general description)	Information redacted	Reason(s) for redaction under GIPA Act	Public interest considerations
	MTR Early Works Subcontract, Schedule 2 – Scope of the Early Works		<p>information would place the parties at a substantial commercial disadvantage in relation to other contractors or potential contractors.</p> <p><i>Section 32(1)(d) (items 4(b), 4(c) and 4(d) of the table in section 14)</i></p> <p>The disclosure of this information could reveal commercial-in-confidence provisions of a government contract, diminish the competitive commercial value of information to a person and prejudice a person's legitimate business and commercial interests.</p> <p>There is an overriding public interest against disclosure.</p>	<p>the scope of work to be performed and the dates for performance; and</p> <p>b) revealing the information would place the parties at a substantial commercial disadvantage in future projects of a similar nature, as the information would be readily accessible to potential future clients, competitors and contractors. Therefore the disclosure of the information could reduce the information's competitive commercial value and prejudice the parties' legitimate business, commercial or financial interests.</p> <p>Review: This information would be reviewed for disclosure as events and circumstances change.</p>
26.	Schedule 1 (Continuation of Early Works Letter (Trains and CBTC) -	The information redacted is the entire schedule.	<p><i>Section 32(1)(d), item 4(b), (c) and (d) of the table in section 14</i></p> <p>The disclosure of this</p>	<p>The Principal weighed the competing public interest considerations and determined that there was an overriding public interest against disclosure of this information because:</p> <p>a) the redacted information sets out sensitive information in</p>

Item	Clause (and general description)	Information redacted	Reason(s) for redaction under GIPA Act	Public interest considerations
	Schedule 3 – MTR Early Works Subcontract, Schedule 5 – Early Works Payments		<p>information could reveal commercial-in-confidence provisions of a government contract, diminish the competitive commercial value of information to a person and prejudice a person's legitimate business and commercial interests.</p> <p>There is an overriding public interest against disclosure.</p>	<p>relation to payment arrangements under the contract; and</p> <p>b) revealing the information would place the parties at a substantial commercial disadvantage in future projects of a similar nature, as the information would be readily accessible to potential future clients, competitors and contractors. Therefore the disclosure of the information could reduce the information's competitive commercial value and prejudice the parties' legitimate business, commercial or financial interests and also prejudice the effective exercise by the Principal of its functions.</p> <p>Review: This information would be reviewed for disclosure as events and circumstances change.</p>
27.	Schedule 1 (<i>Continuation of Early Works Letter (Trains and CBTC)</i>) - Schedule 3 – MTR Early Works Subcontract, Schedule 6 – Insurances	The information redacted is a dollar amount and each attachment to Part B.	<p><i>Section 32(1)(a) (paragraphs (a), (b) and (e) of the definition of "commercial-in-confidence provisions" at clause 1 of Schedule 4)</i></p> <p>The disclosure of the information could disclose, the Significant Contractor's cost structure or profit margins, and would place the contractor at a substantial commercial disadvantage in relation to other contractors or potential contractors.</p>	<p>The Principal weighed the competing public interest considerations and determined that there was an overriding public interest against disclosure of this information because:</p> <p>a) the redacted information sets out the limits of the insurance policies that the Significant Contractor is required to effect and maintain;</p> <p>b) exposing the redacted information would reveal the level of insurance risk that the Significant Contractor was willing to price and accept;</p> <p>c) revealing the information would make available the terms of the insurance policies for the project, and if the redacted information were to be disclosed, potential contractors/insurance providers may be able to use that</p>

Item	Clause (and general description)	Information redacted	Reason(s) for redaction under GIPA Act	Public interest considerations
			<p><i>Section 32(1)(d) (item 1(f) and 4(b) of the table in section 14)</i></p> <p>The disclosure of the information may prejudice a person's legitimate business or commercial interests.</p> <p>There is an overriding public interest against disclosure.</p>	<p>information to their advantage in negotiations with the parties, thereby prejudicing their negotiating position. Therefore the disclosure of the information could reduce the information's competitive commercial value and prejudice the Principal's legitimate business, commercial or financial interests; and</p> <p>d) the public interest has been served by revealing the insurances procured by the Principal for the project. In light of this disclosure, there is an overriding public interest against the disclosure of the relevant dates.</p> <p>Review: This information would be reviewed for disclosure as events and circumstances change.</p>
28.	Schedule 1 (Continuation of Early Works Letter (Trains and CBTC) - Schedule 4 – Checkpoint Milestones (SM)	The information redacted is the entire schedule.	<p><i>Section 32(1)(d), item 1(f) of the table in section 14</i></p> <p>The disclosure of this information could prejudice the effective exercise by an agency of the agency's functions.</p> <p><i>Section 32(1)(d) (items 4(b), 4(c), and 4(d) of the table in section 14)</i></p> <p>The disclosure of this information could reveal commercial-in-confidence</p>	<p>The Principal weighed the competing public interest considerations and determined that there was an overriding public interest against disclosure of this information because:</p> <p>a) the redacted information sets out:</p> <ul style="list-style-type: none"> a. the description of certain Milestones; and b. the Date for Achievement of each Milestone; and <p>b) revealing the information would place the parties at a substantial commercial disadvantage in future projects of a similar nature, as the information would be readily accessible to potential future clients, competitors and contractors. Therefore the disclosure of the information could reduce the information's competitive commercial value and prejudice the</p>

Item	Clause (and general description)	Information redacted	Reason(s) for redaction under GIPA Act	Public interest considerations
			<p>provisions of a government contract, diminish the competitive commercial value of information to a person and prejudice a person's legitimate business and commercial interests.</p> <p>There is an overriding public interest against disclosure.</p>	<p>parties' legitimate business, commercial or financial interests; and</p> <p>c) the public interest has been served by revealing the obligation of the Significant Contractor to achieve Milestone Achievement of the relevant Milestones by the relevant Date for Achievement. In light of this disclosure there is an overriding public interest against the disclosure of the precise dates and dollar amounts.</p> <p>Review: This information would be reviewed for disclosure as events and circumstances change.</p>
29.	Schedule 1 (Continuation of Early Works Letter (Trains and CBTC) - Schedule 5 – Excluded and amended provisions	The information redacted is an email address	<p><i>Section 32(1)(d), item 3(a) of the table in section 14</i></p> <p>The disclosure of this information would reveal an individual's personal information.</p> <p>There is an overriding public interest against disclosure.</p>	<p>The Principal weighed the competing public interest considerations and determined that there was an overriding public interest against disclosure of this information because the redacted information would disclose personal information, including the names and email addresses of individual persons.</p> <p>The Principal considers that any public interest in favour of the disclosure is not significantly advanced by the disclosure of this information, and is outweighed by the public interest against the disclosure as identified above.</p>
30.	Schedule 1 (Continuation of Early Works Letter (Trains and CBTC) - Schedule 6 –	The information redacted is the entire schedule.	<p><i>Section 32(1)(d), item 1(f) of the table in section 14</i></p> <p>The disclosure of this information could prejudice the effective exercise by an agency</p>	<p>The Principal weighed the competing public interest considerations and determined that there was an overriding public interest against disclosure of this information because:</p> <p>a) the redacted information sets out sensitive information concerning the project program; and</p>

Item	Clause (and general description)	Information redacted	Reason(s) for redaction under GIPA Act	Public interest considerations
	SM Indicative Delivery Programme		<p>of the agency's functions.</p> <p><i>Section 32(1)(d) (items 4(b), 4(c), and 4(d) of the table in section 14)</i></p> <p>The disclosure of this information could reveal commercial-in-confidence provisions of a government contract, diminish the competitive commercial value of information to a person and prejudice a person's legitimate business and commercial interests.</p> <p>There is an overriding public interest against disclosure.</p>	<p>b) revealing the information would place the parties at a substantial commercial disadvantage in future projects of a similar nature, as the information would be readily accessible to potential future clients, competitors and contractors. Therefore the disclosure of the information could reduce the information's competitive commercial value and prejudice the parties' legitimate business, commercial or financial interests; and</p> <p>Review: This information would be reviewed for disclosure as events and circumstances change.</p>
31.	Schedule 1 - Sydney Metro City and Southwest – Variation to the Significant Contract Early Works Subcontract –	The information redacted is a person's name	<p><i>Section 32(1)(d), item 3(a) of the table in section 14</i></p> <p>The disclosure of this information would reveal an individual's personal information.</p> <p>There is an overriding public</p>	<p>The Principal weighed the competing public interest considerations and determined that there was an overriding public interest against disclosure of this information because the redacted information specifies an individual's name in relation to the organisation the individual works for.</p> <p>The Principal considers that any public interest in favour of disclosure is not significantly advanced by the disclosure of this information, and is outweighed by the public interest against the</p>

Item	Clause (and general description)	Information redacted	Reason(s) for redaction under GIPA Act	Public interest considerations
	Trains and CBTC		interest against disclosure.	disclosure as identified above.
32.	Schedule 1 - Sydney Metro City and Southwest – Variation to the Significant Contract Early Works Subcontract – Trains and CBTC	The information redacted is a dollar amount	<p><i>Section 32(1)(d), item 4(b), (c) and (d) of the table in section 14</i></p> <p>The disclosure of this information could reveal commercial-in-confidence provisions of a government contract, diminish the competitive commercial value of information to a person and prejudice a person's legitimate business and commercial interests.</p> <p>There is an overriding public interest against disclosure.</p>	<p>The Principal weighed the competing public interest considerations and determined that there was an overriding public interest against disclosure of this information because:</p> <ul style="list-style-type: none"> a) the redacted information sets out sensitive information in relation to the payment arrangements under the contract; and b) revealing the information would place the parties at a substantial commercial disadvantage in future projects of a similar nature, as the information would be readily accessible to potential future clients, competitors and contractors. Therefore the disclosure of the information could reduce the information's competitive commercial value and prejudice the parties' legitimate business, commercial or financial interests and also prejudice the effective exercise by the Principal of its functions. <p>Review: This information would be reviewed for disclosure as events and circumstances change.</p>
33.	Schedule 1 - Sydney Metro City and Southwest – Variation to the Significant Contract Early	The information redacted is the signature blocks.	<p><i>Section 32(1)(d), item 3(a) of the table in section 14</i></p> <p>The disclosure of this information would reveal an individual's personal information.</p>	<p>The Principal weighed the competing public interest considerations and determined that there was an overriding public interest against disclosure of this information because the redacted information would disclose personal information, including names and signatures of individual persons.</p> <p>The Principal considers that any public interest in favour of the disclosure is not significantly advanced by the disclosure of this</p>

Item	Clause (and general description)	Information redacted	Reason(s) for redaction under GIPA Act	Public interest considerations
	Works Subcontract – Trains and CBTC		There is an overriding public interest against disclosure.	information, and is outweighed by the public interest against the disclosure as identified above.
34.	Schedule 3 – Checkpoint Milestones (SM) achieved and certified	The information redacted is part of the schedule.	<p><i>Section 32(1)(d), item 1(f) of the table in section 14</i></p> <p>The disclosure of this information could prejudice the effective exercise by an agency of the agency's functions.</p> <p><i>Section 32(1)(d) (items 4(b), 4(c), and 4(d) of the table in section 14)</i></p> <p>The disclosure of this information could reveal commercial-in-confidence provisions of a government contract, diminish the competitive commercial value of information to a person and prejudice a person's legitimate business and commercial interests.</p> <p>There is an overriding public</p>	<p>The Principal weighed the competing public interest considerations and determined that there was an overriding public interest against disclosure of this information because:</p> <ul style="list-style-type: none"> a) the redacted information sets out the status of certain Milestones and the corresponding payments; b) revealing the information would place the parties at a substantial commercial disadvantage in future projects of a similar nature, as the information would be readily accessible to potential future clients, competitors and contractors. Therefore the disclosure of the information could reduce the information's competitive commercial value and prejudice the parties' legitimate business, commercial or financial interests; and c) the public interest has been served by revealing the obligation of the Significant Contractor to achieve Milestone Achievement of the relevant Milestones by the relevant Date for Achievement. In light of this disclosure there is an overriding public interest against the disclosure of the precise dates and dollar amounts. <p>Review: This information would be reviewed for disclosure as events and circumstances change.</p>

Item	Clause (and general description)	Information redacted	Reason(s) for redaction under GIPA Act	Public interest considerations
			interest against disclosure.	
35.	Schedule 4 – Checkpoint Milestones (SM) achieved but not certified	The information redacted is part of the schedule.	<p><i>Section 32(1)(d), item 1(f) of the table in section 14</i></p> <p>The disclosure of this information could prejudice the effective exercise by an agency of the agency's functions.</p> <p><i>Section 32(1)(d) (items 4(b), 4(c), and 4(d) of the table in section 14)</i></p> <p>The disclosure of this information could reveal commercial-in-confidence provisions of a government contract, diminish the competitive commercial value of information to a person and prejudice a person's legitimate business and commercial interests.</p> <p>There is an overriding public interest against disclosure.</p>	<p>The Principal weighed the competing public interest considerations and determined that there was an overriding public interest against disclosure of this information because:</p> <ul style="list-style-type: none"> a) the redacted information sets out the status of certain Milestones and the corresponding payments; b) revealing the information would place the parties at a substantial commercial disadvantage in future projects of a similar nature, as the information would be readily accessible to potential future clients, competitors and contractors. Therefore the disclosure of the information could reduce the information's competitive commercial value and prejudice the parties' legitimate business, commercial or financial interests; and c) the public interest has been served by revealing the obligation of the Significant Contractor to achieve Milestone Achievement of the relevant Milestones by the relevant Date for Achievement. In light of this disclosure there is an overriding public interest against the disclosure of the precise dates and dollar amounts. <p>Review: This information would be reviewed for disclosure as events and circumstances change.</p>
36.	Schedule 5 – Outstanding	The information redacted is part of	<i>Section 32(1)(d), item 1(f) of</i>	The Principal weighed the competing public interest considerations and determined that there was an overriding public interest

Item	Clause (and general description)	Information redacted	Reason(s) for redaction under GIPA Act	Public interest considerations
	Checkpoint Milestones (SM)	the schedule.	<p><i>the table in section 14</i></p> <p>The disclosure of this information could prejudice the effective exercise by an agency of the agency's functions.</p> <p><i>Section 32(1)(d) (items 4(b), 4(c), and 4(d) of the table in section 14)</i></p> <p>The disclosure of this information could reveal commercial-in-confidence provisions of a government contract, diminish the competitive commercial value of information to a person and prejudice a person's legitimate business and commercial interests.</p> <p>There is an overriding public interest against disclosure.</p>	<p>against disclosure of this information because:</p> <ul style="list-style-type: none"> a) the redacted information sets out the status of certain Milestones and the corresponding payments; b) revealing the information would place the parties at a substantial commercial disadvantage in future projects of a similar nature, as the information would be readily accessible to potential future clients, competitors and contractors. Therefore the disclosure of the information could reduce the information's competitive commercial value and prejudice the parties' legitimate business, commercial or financial interests; and c) the public interest has been served by revealing the obligation of the Significant Contractor to achieve Milestone Achievement of the relevant Milestones by the relevant Date for Achievement. In light of this disclosure there is an overriding public interest against the disclosure of the precise dates and dollar amounts. <p>Review: This information would be reviewed for disclosure as events and circumstances change.</p>