

**Government Information (Public Access) Act 2009  
Explanatory Table - WestConnex M4-M5 Link Schedules**

RMS has redacted the contractual provisions referred to below due to an overriding public interest against disclosure, in that disclosure of the information would prejudice the legitimate business and commercial interests of WCX M4-M5 Link PT Pty Limited (the **Project Trustee**), WCX M4-M5 Link AT Pty Limited (the **Asset Trustee**) (together, the **Trustees**) and RMS, and/or reveal the commercial-in-confidence provisions of a government contract. RMS will continue to review this information to ensure that where the prejudicial effect of disclosure will be removed due to a passage of time or change of circumstances, further disclosures will be made.

Item	Schedule - Item (and general description)	Reason under Government Information (Public Access) Act 2009	Explanation of the Reasons under the Government Information (Public Access) Act 2009
1.	<p>Schedule 8A - Rozelle Interchange Terms of Access</p> <p>Table 1 - Lane Occupancy Fees</p>	<p>Section 32(1)(a) and definitions (b) and (e) of "commercial-in-confidence provisions" (clause 1, Schedule 4).</p> <p>Section 32(1)(d) and items 4(b) and (d) of the Table to Section 14.</p> <p>The disclosure of this information could reasonably be expected to reveal commercial-in-confidence provisions of the contract and prejudice the legitimate business interests of the parties.</p>	<p>The information not disclosed is a set of dollar amounts in a table.</p> <p>RMS 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"> <li>(a) the masked information is the set of dollar amounts relating to Lane Occupancy Fees. Revealing this information would be expected to reveal the cost structures of the Trustees and place the parties at a commercial disadvantage;</li> <li>(a) revealing this amount would likely have an impact on the parties' ability to negotiate with other parties, as similar terms may be expected; and</li> <li>(b) the public interest has been served by disclosing the operation of the lane occupancy fees mechanism. In light of this disclosure, there is an overriding public interest against the disclosure of the precise fees involved.</li> </ul>
2.	<p>Schedule 22 - Pre-Agreed Changes</p>	<p>Section 32(1)(a) and definitions (b) and (e) of "commercial-in-confidence provisions" (clause 1, Schedule 4).</p>	<p>The information not disclosed is a set of dollar amounts.</p> <p>RMS weighed the competing public interest considerations</p>

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		<p>Section 32(1)(d) and items 4(b) and (d) of the Table to Section 14.</p> <p>The disclosure of this information could reasonably be expected to reveal commercial-in-confidence provisions of the contract and prejudice the legitimate business interests of the parties.</p>	<p>and determined that there was an overriding public interest against disclosure of this information because:</p> <ul style="list-style-type: none"> <li>(a) the masked information is a set of dollar amounts in a table detailing the change costs for certain pre-agreed changes. Revealing this information would be expected to reveal the contractor's cost structures and reduce the competitive commercial value of the information; and</li> <li>(a) the public interest has been served by disclosing the operation of the change costs mechanism. In light of this disclosure, there is an overriding public interest against the disclosure of the precise dollar amounts involved.</li> </ul>
3.	<p>Schedule 24 - Conditions precedent to Rozelle Interface Works Completion, Opening Completion and Completion</p> <p>Part A, Clause 11</p>	<p>Section 32(1)(a) and definitions (a) and (e) of "commercial-in-confidence provisions" (clause 1, Schedule 4).</p> <p>Section 32(1)(d) and items 4(b) and (d) of the Table to Section 14.</p> <p>The disclosure of this information could reasonably be expected to reveal commercial-in-confidence provisions of the contract and prejudice the legitimate business interests of the parties.</p>	<p>The information not disclosed is a dollar amount.</p> <p>RMS 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"> <li>(a) the masked information is a dollar amount indicating the amount of the unconditional undertaking provided to RMS. Revealing this information would be expected to reveal the contractor's financing arrangements; and</li> <li>(b) the public interest has been served by disclosing the fact that an unconditional undertaking is provided. In light of this disclosure, there is an overriding public interest against the disclosure of the precise dollar amount involved.</li> </ul>
4.	<p>Schedule 29 - Payments for Lane Closures and</p>	<p>Section 32(1)(a) and definitions (b) and (e) of "commercial-</p>	<p>The information not disclosed is a percentage amount and</p>

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	<p>Relocations</p> <p>Clause 4 - Definition of Loss Factor</p>	<p>in-confidence provisions" (clause 1, Schedule 4).</p> <p>Section 32(1)(d) and items 4(b) and (d) of the Table to Section 14.</p> <p>The disclosure of this information could reasonably be expected to reveal commercial-in-confidence provisions of the contract and prejudice the legitimate business interests of the parties.</p>	<p>a formula.</p> <p>RMS 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"> <li>(a) the masked information is a percentage amount indicating the approximate proportion of trips for which tolls are not recovered, and the formula for calculating compensation due to changes in traffic capacity. Revealing this information would be expected to reveal the contractor's cost structures and profit margins and diminish the competitive commercial value of the information.</li> <li>(a) the public interest has been served by disclosing the remainder of the calculation mechanism. In light of this disclosure, there is an overriding public interest against the disclosure of the precise percentage involved.</li> </ul>
5.	<p>Schedule 30 - Project Insurances</p>	<p>Section 32(1)(a) and definitions (b) and (e) of "commercial-in-confidence provisions" (clause 1, Schedule 4).</p> <p>Section 32(1)(d) and items 4(b) and (d) of the Table to Section 14.</p> <p>The disclosure of this information could reasonably be expected to reveal commercial-in-confidence provisions of the contract and prejudice the legitimate business interests of the parties.</p>	<p>The information not disclosed is a set of dollar amounts.</p> <p>RMS 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"> <li>(a) the masked information is a set of dollar amounts indicating the amounts of insurance which must be taken out by the Asset Trustee. Revealing this information would be expected to place the Asset Trustee at a substantial commercial disadvantage;</li> <li>(a) revealing this amount would likely have an impact on the parties' ability to negotiate with other parties, as similar terms may be expected; and</li> </ul>

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			(b) the public interest has been served by disclosing the operation of requirement for various insurances. In light of this disclosure, there is an overriding public interest against the disclosure of the precise figures involved.
6.	Schedule 33 - Rozelle Interchange Compensation Principles	<p>Section 32(1)(a) and definitions (a) and (e) of "commercial-in-confidence provisions" (clause 1, Schedule 4).</p> <p>Section 32(1)(d) and items 4(b) and (d) of the Table to Section 14.</p> <p>The disclosure of this information could reasonably be expected to reveal commercial-in-confidence provisions of the contract and prejudice the legitimate business interests of the parties.</p>	<p>The information not disclosed is the entire schedule.</p> <p>RMS 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 masked information is a schedule setting out compensation principles for the Rozelle Interchange. Revealing this information would be expected to place the Asset Trustee at a commercial disadvantage.</p>
7.	<p>Schedule 33A - RI Works Change Revenue Compensation Procedure</p> <p>Annexure A - Updating Stage 3 BCFM for NFI Compensation Amount</p>	<p>Section 32(1)(a) and definitions (b) and (e) of "commercial-in-confidence provisions" (clause 1, Schedule 4).</p> <p>Section 32(1)(d) and items 4(b) and (d) of the Table to Section 14.</p> <p>The disclosure of this information could reasonably be expected to reveal commercial-in-confidence provisions of the contract and prejudice the legitimate business interests of the parties.</p>	<p>The information not disclosed is a table for updating Model Outputs from the Base Case Financial Model.</p> <p>RMS 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 masked information is a table for updating Model Outputs from the Base Case Financial Model. Revealing this information would be expected to reveal the contractor's cost structures.</p>
8.	Schedule 34 - Delay Cost Caps	<p>Section 32(1)(a) and definitions (b) and (e) of "commercial-in-confidence provisions" (clause 1, Schedule 4).</p> <p>Section 32(1)(d) and items 4(b) and (d) of the Table to Section 14.</p> <p>The disclosure of this information could reasonably be</p>	<p>The information not disclosed is a set of dollar amounts.</p> <p>RMS 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 masked information is a set of dollar</p>

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		<p>expected to reveal commercial-in-confidence provisions of the contract and prejudice the legitimate business interests of the parties.</p>	<p>amounts indicating the delay cost caps. Revealing this information would be expected to reveal the contractor's cost structures and place the Asset Trustee at a substantial commercial disadvantage; and</p> <p>(b) revealing this amount would likely have an impact on the parties' ability to negotiate with other parties, as similar terms may be expected.</p>
9.	<p>Schedule 34A - Base Case Financial Model Financial Close Update Protocol</p>	<p>Section 32(1)(a) and definitions (b) and (e) of "commercial-in-confidence provisions" (clause 1, Schedule 4).</p> <p>Section 32(1)(d) and items 4(b) and (d) of the Table to Section 14.</p> <p>The disclosure of this information could reasonably be expected to reveal commercial-in-confidence provisions of the contract and prejudice the legitimate business interests of the parties.</p>	<p>The information not disclosed is a table for updating the Base Case Financial Model.</p> <p>RMS weighed the competing public interest considerations and determined that there was an overriding public interest against disclosure of this information because:</p> <p>(c) the masked information is a table for updating the Base Case Financial Model. Revealing this information would be expected to reveal the contractor's cost structures.</p>
10.	<p>Schedule 37 - Rozelle Interchange Collateral Warranty Minimum Terms</p> <p>Items 3, 4 and 13</p>	<p>Section 32(1)(a) and definitions (a), (b) and (e) of "commercial-in-confidence provisions" (clause 1, Schedule 4).</p> <p>Section 32(1)(d) and items 4(b) and (d) of the Table to Section 14.</p> <p>The disclosure of this information could reasonably be expected to reveal commercial-in-confidence provisions of the contract and prejudice the legitimate business interests of the parties.</p>	<p>The information not disclosed is a percentage amount, the terms of an unconditional undertaking, and a set of dollar amounts.</p> <p>RMS 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 masked information is the percentage amount for the limit on the Rozelle Interchange Contractor's liability, the entry in the table setting out the terms of bonding/unconditional undertaking, and the insurance amounts required to be maintained by the Rozelle Interchange Contractor. Revealing this amount would be expected to</p>

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			<p>reveal the financing arrangements and cost structures of the contractor and place the contractor at a substantial commercial disadvantage; and</p> <p>(b) revealing this would likely limit the parties' ability to negotiate with other parties, as similar terms may be expected.</p>
11.	Schedule 38 - Rozelle Interface Milestones	<p>Section 32(1)(a) and definition (e) of "commercial-in-confidence provisions" (clause 1, Schedule 4).</p> <p>Section 32(1)(d) and items 4(b) and (d) of the Table to Section 14.</p> <p>The disclosure of this information could reasonably be expected to reveal commercial-in-confidence provisions of the contract and prejudice the legitimate business interests of the parties.</p>	<p>The information not disclosed is a set of dates.</p> <p>RMS 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 masked information indicates the dates by which the Rozelle Interchange Milestones must be completed. Disclosure of this information could reasonably be expected to diminish the competitive commercial value of the information; and</p> <p>(b) revealing this amount would likely have an impact on the parties' ability to negotiate with other parties, as similar terms may be expected.</p>