

Central West Orana – REZ, RNI Independent Certifier Deed

Government Information (Public Access) Act 2009 – Explanatory Table

Energy Corporation of New South Wales has redacted certain provisions of the ‘*Central West Orana – REZ RNI Independent Certifier Deed*’ between Energy Corporation of New South Wales (**Infrastructure Planner**) and GHD Pty Ltd and Jacobs Group Australia Pt Ltd (together, the **Independent Certifier**) dated 11 December 2023 (**IC Deed**).

Upon execution of the accession deed between the Infrastructure Planner, the Independent Certifier and the ACEREZ Partnership dated 18 December 2023, the ACEREZ Partnership became a party to the IC Deed and is to perform the role of the ‘Network Operator’ under the IC Deed.

The ACEREZ Partnership is a partnership between the following partners Cobra CWO NO Pty Limited ACN 670 780 631, Concesiones CWO REZ NO Pty Limited ACN 670 755 521 in its capacity as trustee of the Concesiones CWO REZ NO Trust and the Endeavour Energy REZ NO Partnership (a partnership between the following partners, Edwards REZ NO Pty Limited ACN 670 791 321 in its capacity as trustee of the Edwards REZ NO Trust; ERIC Epsilon REZ NO 1 Pty Ltd ACN 669 396 801 in its capacity as trustee of the ERIC Epsilon REZ NO Trust 1; ERIC Epsilon REZ NO 2 Pty Ltd ACN 669 396 909 in its capacity as trustee of the ERIC Epsilon REZ NO Trust 2; ERIC Epsilon REZ NO 3 Pty Ltd ACN 669 397 040 in its capacity as trustee of the ERIC Epsilon REZ NO Trust 3; and ERIC Epsilon REZ NO 4 Pty Ltd ACN 669 397 237 in its capacity as trustee of the ERIC Epsilon REZ NO Trust 4) (together, the **Network Operator**).

The redactions have been made due to an overriding public interest against disclosure, in that disclosure of the information would prejudice the legitimate business and commercial interests of the Infrastructure Planner, the Independent Certifier, the Network Operator, and/or reveal the commercial-in-confidence provisions of a government contract.

In preparing this Explanatory Table, the Infrastructure Planner has identified the reason(s) under the *Government Information (Public Access) Act 2009 (GIPA Act)* for each redaction and weighed each redaction against the major relevant public interest considerations for disclosure.

The Infrastructure Planner 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.

Capitalised terms in this table have the meaning given to them in the IC Deed unless specified otherwise.

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| Item | Clause | Information redacted | Reason(s) for redaction under the GIPA Act | Explanation of Reasons under the GIPA Act / public interest considerations |
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| 1 | Definition of 'Consequential Loss' | The information redacted is the entire definition | <p>Section 32(1)(a) and paragraph (e) of the definition of "commercial-in-confidence provisions" at section 1 of Schedule 4</p> <p>The disclosure of this information (or the combination of this information with other information that is not included) would place the Independent Certifier at a substantial commercial disadvantage in relation to other contractors or potential contractors.</p> <p>Section 32(1)(d), items 4(b), 4(c) and 4(d) of the table in section 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>The Infrastructure Planner 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"> the redacted information sets out commercially sensitive information regarding the Independent Certifier's total aggregate liability; exposing the redacted information could reveal the apportionment and level of risks the Independent Certifier was prepared to price and accept in relation to its total aggregate liability; and revealing the redacted information would place the parties at a substantial commercial disadvantage in projects of a similar nature, and is expected to prejudice the Independent Certifier's legitimate business, commercial or financial interests. |
| 2 | Definition of 'Criminal Conduct' | The information redacted is the entire definition | <p>Section 32(1)(a) and paragraph (e) of the definition of "commercial-in-confidence provisions" at section 1 of Schedule 4</p> <p>The disclosure of this information (or the combination of this information with other information that is not included) would place the Independent Certifier at a substantial commercial disadvantage in relation to other contractors or potential contractors.</p> <p>Section 32(1)(d), items 4(b), 4(c) and 4(d) of the table in section 14</p> | <p>The Infrastructure Planner 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"> the redacted information sets out commercially sensitive information regarding the Independent Certifier's total aggregate liability; exposing the redacted information could reveal the apportionment and level of risks the Independent Certifier was prepared to price and accept in relation to its total aggregate liability; and |

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| | | | <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> | <ul style="list-style-type: none"> revealing the redacted information would place the parties at a substantial commercial disadvantage in projects of a similar nature, and is expected to prejudice the Independent Certifier's legitimate business, commercial or financial interests. |
| 3 | Definition of 'Financial Close Sunset Date' | The information redacted is the date by which Financial Close must be achieved by | <p>Section 32(1)(d) and item 4(d) of the Table at Section 14.</p> <p>The disclosure of this information could reasonably be expected to prejudice the legitimate business interests of the parties.</p> | <p>The Infrastructure Planner weighed the competing public interest considerations and determined that there was an overriding public interest against disclosure of this information because it would prejudice the Infrastructure Planner, the Independent Certifier and the Network Operator's legitimate business, commercial, professional or financial interests as it would place them at a disadvantage in negotiating with other parties in respect of future projects.</p> |
| 4 | Definition of 'Fraud' | The information redacted is the entire definition | <p>Section 32(1)(a) and paragraph (e) of the definition of "commercial-in-confidence provisions" at section 1 of Schedule 4</p> <p>The disclosure of this information (or the combination of this information with other information that is not included) would place the Independent Certifier at a substantial commercial disadvantage in relation to other contractors or potential contractors.</p> <p>Section 32(1)(d), items 4(b), 4(c) and 4(d) of the table in section 14</p> <p>The disclosure of this information could reveal commercial-in-confidence provisions of a government contract, diminish the competitive commercial value of</p> | <p>The Infrastructure Planner 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"> the redacted information sets out commercially sensitive information regarding the Independent Certifier's total aggregate liability; exposing the redacted information could reveal the apportionment and level of risks the Independent Certifier was prepared to price and accept in relation to its total aggregate liability; and revealing the redacted information would place the parties at a substantial commercial disadvantage in |

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| | | | <p>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>projects of a similar nature, and is expected to prejudice the Independent Certifier's legitimate business, commercial or financial interests.</p> |
| 5 | Definition of 'Gross Negligence' | The information redacted is the entire definition | <p>Section 32(1)(a) and paragraph (e) of the definition of "commercial-in-confidence provisions" at section 1 of Schedule 4</p> <p>The disclosure of this information (or the combination of this information with other information that is not included) would place the Independent Certifier at a substantial commercial disadvantage in relation to other contractors or potential contractors.</p> <p>Section 32(1)(d), items 4(b), 4(c) and 4(d) of the table in section 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>The Infrastructure Planner 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"> the redacted information sets out commercially sensitive information regarding the Independent Certifier's total aggregate liability; exposing the redacted information could reveal the apportionment and level of risks the Independent Certifier was prepared to price and accept in relation to its total aggregate liability; and revealing the redacted information would place the parties at a substantial commercial disadvantage in projects of a similar nature, and is expected to prejudice the Independent Certifier's legitimate business, commercial or financial interests. |
| 6 | Definition of 'Infrastructure Planner's Representative' | The information redacted is the name of the Infrastructure Planner's Representative | <p>Section 32(1)(d), item 3(a) of the table in section 14</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 Infrastructure Planner 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 the name of an individual person.</p> <p>The Infrastructure Planner considers that any public interest in favour of disclosure is not significantly advanced by the disclosure of this information, and is</p> |

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| | | | | outweighed by the public interest against the disclosure as identified above. |
| 7 | Definition of 'Liquidated Damages Loss' | The information redacted is the entire definition | <p>Section 32(1)(a) and paragraph (e) of the definition of "commercial-in-confidence provisions" at section 1 of Schedule 4</p> <p>The disclosure of this information (or the combination of this information with other information that is not included) would place the Independent Certifier at a substantial commercial disadvantage in relation to other contractors or potential contractors.</p> <p>Section 32(1)(d), items 4(b), 4(c) and 4(d) of the table in section 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>The Infrastructure Planner 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"> the redacted information sets out commercially sensitive information regarding the Independent Certifier's total aggregate liability; exposing the redacted information could reveal the apportionment and level of risks the Independent Certifier was prepared to price and accept in relation to its total aggregate liability; and revealing the redacted information would place the parties at a substantial commercial disadvantage in projects of a similar nature, and is expected to prejudice the Independent Certifier's legitimate business, commercial or financial interests. |
| 8 | Definition of 'Minimum Aboriginal Participation Requirements' | The information redacted is the percentage amounts | <p>Section 32(1)(a) and paragraphs (b) and (e) of the definition of "commercial-in-confidence provisions" at section 1 of Schedule 4</p> <p>The disclosure of this information (or the combination of this information with other information that is not included) would place the Independent Certifier at a substantial commercial disadvantage in relation to other contractors or potential contractors and may provide insight into the Independent Certifier's cost structure and profit margins.</p> | <p>The Infrastructure Planner 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"> the redacted information sets out proportion of the Fee payable to the Independent Certifier that must be allocated under the Aboriginal Participation Plan under the IC Deed; |

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| 9 | Definition of 'Probity Plan' | The information redacted is the entire definition | <p>Section 32(1)(a) and paragraph (e) of the definition of "commercial-in-confidence provisions" at section 1 of Schedule 4</p> <p>The disclosure of this information (or the combination of this information with other information that is not included) would place the Independent Certifier at a substantial commercial disadvantage in relation to other contractors or potential contractors.</p> <p>Section 32(1)(d), item 4(d) of the table in section 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> | <ul style="list-style-type: none"> • the disclosure of this information would disclose elements of the Independent Certifier's cost structure and profit margin and would place it at a substantial commercial disadvantage in negotiations as against other contractors or with suppliers and subcontractors; • the Infrastructure Planner considers that any public interest in favour of the disclosure of this information is not significantly advanced by the disclosure of this information and is outweighed by the public interests against disclosure identified above. <p>The Infrastructure Planner 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"> • the redacted information sets out commercially sensitive information regarding the Independent Certifier's personnel; • exposing the redacted information could reveal commercial sensitive information; and • revealing the redacted information would place the parties at a substantial commercial disadvantage in projects of a similar nature, and is expected to prejudice the Independent Certifier's legitimate business, commercial or financial interests. |

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| 10 | Definition of 'RNI Service Payment Loss' | The information redacted is the entire definition | <p>Section 32(1)(a) and paragraph (e) of the definition of "commercial-in-confidence provisions" at section 1 of Schedule 4</p> <p>The disclosure of this information (or the combination of this information with other information that is not included) would place the Independent Certifier at a substantial commercial disadvantage in relation to other contractors or potential contractors.</p> <p>Section 32(1)(d), items 4(b), 4(c) and 4(d) of the table in section 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>The Infrastructure Planner 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"> the redacted information sets out commercially sensitive information regarding the Independent Certifier's total aggregate liability; exposing the redacted information could reveal the apportionment and level of risks the Independent Certifier was prepared to price and accept in relation to its total aggregate liability; and revealing the redacted information would place the parties at a substantial commercial disadvantage in projects of a similar nature, and is expected to prejudice the Independent Certifier's legitimate business, commercial or financial interests. |
| 11 | Definition of 'Wilful Misconduct' | The information redacted is the entire definition | <p>Section 32(1)(a) and paragraph (e) of the definition of "commercial-in-confidence provisions" at section 1 of Schedule 4</p> <p>The disclosure of this information (or the combination of this information with other information that is not included) would place the Independent Certifier at a substantial commercial disadvantage in relation to other contractors or potential contractors.</p> <p>Section 32(1)(d), items 4(b), 4(c) and 4(d) of the table in section 14</p> <p>The disclosure of this information could reveal commercial-in-confidence provisions of a government contract, diminish the competitive commercial value of</p> | <p>The Infrastructure Planner 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"> the redacted information sets out commercially sensitive information regarding the Independent Certifier's total aggregate liability; exposing the redacted information could reveal the apportionment and level of risks the Independent Certifier was prepared to price and accept in relation to its total aggregate liability; and revealing the redacted information would place the parties at a substantial commercial disadvantage in |

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| | | | <p>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>projects of a similar nature, and is expected to prejudice the Independent Certifier's legitimate business, commercial or financial interests.</p> |
| 12 | Clause 3.6(g) (Personnel) | The information redacted is part of the clause | <p>Section 32(1)(a) and paragraph (e) of the definition of "commercial-in-confidence provisions" at section 1 of Schedule 4</p> <p>The disclosure of this information (or the combination of this information with other information that is not included) would place the Independent Certifier at a substantial commercial disadvantage in relation to other contractors or potential contractors.</p> <p>Section 32(1)(d), items 4(b), 4(c) and 4(d) of the table in section 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>The Infrastructure Planner 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"> • the redacted information sets out commercially sensitive information regarding the Independent Certifier's personnel; • exposing the redacted information could reveal commercial sensitive information; and • revealing the redacted information would place the parties at a substantial commercial disadvantage in projects of a similar nature, and is expected to prejudice the Independent Certifier's legitimate business, commercial or financial interests. |
| 13 | Clause 3.9A (Infrastructure Completion) | The information redacted is the entire clause | <p>Section 32(1)(a) and paragraph (e) of the definition of "commercial-in-confidence provisions" at section 1 of Schedule 4</p> <p>The disclosure of this information (or the combination of this information with other information that is not included) would place the Independent Certifier at a substantial</p> | <p>The Infrastructure Planner weighed the competing public interest considerations and determined that there was an overriding public interest against disclosure for the following reasons:</p> <ul style="list-style-type: none"> • revealing this information would place the parties at a substantial commercial disadvantage in respect of future projects of similar nature, as the information would be readily accessible to potential future clients, |

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| | | | <p>commercial disadvantage in relation to other contractors or potential contractors.</p> <p>Section 32(1)(d), items 4(b), 4(c) and 4(d) of the table in section 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>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> <ul style="list-style-type: none"> the Infrastructure Planner 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. |
| 14 | Clause 3.9B (Directions) | The information redacted is the entire clause | <p>Section 32(1)(a) and paragraph (e) of the definition of "commercial-in-confidence provisions" at section 1 of Schedule 4</p> <p>The disclosure of this information (or the combination of this information with other information that is not included) would place the Independent Certifier at a substantial commercial disadvantage in relation to other contractors or potential contractors.</p> <p>Section 32(1)(d), items 4(b), 4(c) and 4(d) of the table in section 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>The Infrastructure Planner weighed the competing public interest considerations and determined that there was an overriding public interest against disclosure for the following reasons:</p> <ul style="list-style-type: none"> revealing this information would place the parties at a substantial commercial disadvantage in respect of future projects of 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 the Infrastructure Planner 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. |

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| 15 | Clause 3.9C (Operation of clauses 3.9A and 3.9B) | The information redacted is the entire clause | <p>Section 32(1)(a) and paragraph (e) of the definition of "commercial-in-confidence provisions" at section 1 of Schedule 4</p> <p>The disclosure of this information (or the combination of this information with other information that is not included) would place the Independent Certifier at a substantial commercial disadvantage in relation to other contractors or potential contractors.</p> <p>Section 32(1)(d), items 4(b), 4(c) and 4(d) of the table in section 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>The Infrastructure Planner weighed the competing public interest considerations and determined that there was an overriding public interest against disclosure for the following reasons:</p> <ul style="list-style-type: none"> revealing this information would place the parties at a substantial commercial disadvantage in respect of future projects of 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 the Infrastructure Planner 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. |
| 16 | Clause 4.3 (Exclusivity) | The information redacted is the entire clause | <p>Section 32(1)(a) and paragraph (e) of the definition of "commercial-in-confidence provisions" at section 1 of Schedule 4</p> <p>The disclosure of this information (or the combination of this information with other information that is not included) would place the Independent Certifier at a substantial commercial disadvantage in relation to other contractors or potential contractors.</p> <p>Section 32(1)(d), items 4(b), 4(c) and 4(d) of the table in section 14</p> <p>The disclosure of this information could reveal commercial-in-confidence provisions of a government</p> | <p>The Infrastructure Planner weighed the competing public interest considerations and determined that there was an overriding public interest against disclosure for the following reasons:</p> <ul style="list-style-type: none"> the redacted information regulates the scope of the Independent Certifier's exclusivity obligations in respect of the independent certification of the RNI Works; revealing this information would place the parties at a substantial commercial disadvantage in respect of future projects of similar nature, as the information would be readily accessible to potential future clients, |

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| | | | <p>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>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> <ul style="list-style-type: none"> the Infrastructure Planner 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. |
| 17 | <p>Clauses 7.1(a), 7.1(d)(iii) and 7.1(m) (Additional Services)</p> | <p>The information redacted is part of the clause</p> | <p>Section 32(1)(d), items 4(b), 4(c) and 4(d) of the table in section 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>The Infrastructure Planner weighed the competing public interest considerations and determined that there was an overriding public interest against disclosure for the following reasons:</p> <ul style="list-style-type: none"> revealing this information would place the parties at a substantial commercial disadvantage in respect of future projects of 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 the Infrastructure Planner 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. |

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| 18 | Clause 8 (Liability, Insurance and Indemnity) | The information redacted is the entire clause | <p>Section 32(1)(a) and paragraphs (b) and (e) of the definition of "commercial-in-confidence provisions" at section 1 of Schedule 4</p> <p>The disclosure of this information (or the combination of this information with other information that is not included) would place the Independent Certifier at a substantial commercial disadvantage in relation to other contractors or potential contractors and may provide insight into the Independent Certifier's cost structure and profit margins.</p> <p>Section 32(1)(d), items 4(b), 4(c) and 4(d) of the table in section 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>The Infrastructure Planner 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"> the redacted information sets out commercially sensitive information regarding the Independent Certifier's total aggregate liability and insurance policies, including scope and cover to be provided in the policies; exposing the redacted information could reveal the apportionment and level of risks the Independent Certifier was prepared to price and accept in relation to its total aggregate liability and the apportionment and level of insurance risk the Independent Certifier was prepared to price and accept in relation to its insurance obligations and insurance risk. This may provide insight into the contractor's financial arrangements and may also prejudice the business, commercial and financial interests of the Independent Certifier; and revealing the redacted information will therefore diminish the competitive commercial value of the information to the Independent Certifier, would place the parties at a substantial commercial disadvantage in projects of a similar nature, and is expected to prejudice the Independent Certifier's legitimate business, commercial or financial interests. |
| 19 | Clauses 12.1(c)(i)B.1 to 3) (Notices) | The information redacted is names and contact details | <p>Section 32(1)(d), item 3(a) of the table in section 14</p> <p>The disclosure of this information would reveal an individual's personal information.</p> | <p>The Infrastructure Planner weighed the competing public interest considerations and determined that there was an overriding public interest against disclosure of this</p> |

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| | | of individual persons. | There is an overriding public interest against disclosure. | <p>information because the redacted information would disclose personal information of individuals.</p> <p>The Infrastructure Planner 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> |
| 20 | Schedule 1, paragraph 5 (Key Personnel and Minimum Skill requirements) | The information redacted is names, rolls, minimum commitment of individual persons and minimum skills of roles. | <p>Section 32(1)(a) and paragraphs (b) and (e) of the definition of "commercial-in-confidence provisions" at section 1 of Schedule 4</p> <p>The disclosure of this information (or the combination of this information with other information that is not included) would place the Independent Certifier at a substantial commercial disadvantage in relation to other contractors or potential contractors and may provide insight into the Independent Certifier's cost structure and profit margins.</p> <p>Section 32(1)(d), items 3(a), 4(b), 4(c) and 4(d) of the table in section 14</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 Infrastructure Planner 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"> the redacted information would disclose personal information of individuals as well as the Independent Certifier's allocation of, and requisite degrees of skill, knowledge, experience and responsibilities for, its resources for the provision of Services. That allocation of resources was prepared by the Independent Certifier and forms part of the Independent Certifier's overall commercial strategy for the discharge of its obligations under the IC Deed; the Independent Certifier has developed its team and the allocation of resources for the project so as to discharge its obligations under the IC Deed effectively and disclosure of this information would result in the disclosure of the Independent Certifier's intellectual property; the redacted information contains information aimed at ensuring the effective certification and monitoring of the RNI Works. Significant investment by the |

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| 21 | Schedule 1 – Services, Attachment 1 (Initial Certification and Monitoring Plan) | The information redacted is the entirety of the Initial Certification and Monitoring Plan | <p>Section 32(1)(a) and paragraphs (d) and (e) of the definition of "commercial-in-confidence provisions" at section 1 of Schedule 4</p> <p>The disclosure of this information (or the combination of this information with other information that is not included) would place the Independent Certifier at a substantial commercial disadvantage in relation to other contractors</p> | <p>Independent Certifier was made in the development of the document and therefore contains the Independent Certifier's intellectual property and provides visibility on the Independent Certifier's commercial strategy. The Independent Certifier may benefit from using its intellectual property in future projects of a similar nature to obtain a commercial advantage;</p> <ul style="list-style-type: none"> • as a result, exposing the redacted information is reasonably expected to prevent the Independent Certifier from using its competitive advantage, diminish the competitive commercial value of information to the Independent Certifier and prejudice the Independent Certifier's legitimate business, commercial or financial interests; • the Infrastructure Planner considers that any public interest in favour of the disclosure of this information is not significantly advanced by the disclosure of this information and is outweighed by the public interests against disclosure identified above; and • disclosure would result in the inappropriate disclosure of individual's personal information. <p>The Infrastructure Planner 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"> • the redacted information sets out the Independent Certifier's Initial Certification and Monitoring Plan. That document was prepared by the Independent Certifier and forms part of the Independent Certifier's |

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| | | | <p>or potential contractors and would reveal intellectual property in which the Independent Certifier has an interest.</p> <p>Section 32(1)(d) and items 4(c) and 4(d) of the Table at Section 14</p> <p>The disclosure of this information could reasonably be expected to diminish the competitive commercial value of the plan and prejudice the legitimate business interests of the parties.</p> <p>There is an overriding public interest against disclosure.</p> | <p>overall commercial strategy for the discharge of its obligations under the IC Deed;</p> <ul style="list-style-type: none"> the redacted information contains information aimed at ensuring the effective certification and monitoring of the RNI Works. Significant investment by the Independent Certifier was made in the development of the document and therefore contains the Independent Certifier's intellectual property and provides visibility on the Independent Certifier's commercial strategy. The Independent Certifier may benefit from using its intellectual property in future projects of a similar nature to obtain a commercial advantage; as a result, exposing the redacted information is reasonably expected to prevent the Independent Certifier from using its competitive advantage, diminish the competitive commercial value of information to the Independent Certifier and prejudice the Independent Certifier's legitimate business, commercial or financial interests. |
| 22 | Schedule 2 (Payment Schedule) | The information redacted is the entirety of the schedule an includes the value of the fees, names of the key personnel and their rates, details of changes to | <p>Section 32(1)(a) and paragraphs (b), (d) and (e) of the definition of "commercial-in-confidence provisions" at section 1 of Schedule 4.</p> <p>The disclosure of this information (or the combination of this information with other information that is not included) would place the Independent Certifier at a substantial commercial disadvantage in relation to other contractors or potential contractors and would reveal intellectual property in which the Independent Certifier has an interest,</p> | <p>The Infrastructure Planner 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"> the redacted information sets out the amount payable to the Independent Certifier for the performance of the Services; the disclosure of this information would disclose elements of the Independent Certifier's cost structure and profit margin and would place it at a substantial |

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| | | rates, disbursement values, adjustments rationale which are specific to the Independent Certifier's offer | <p>and may provide insight into the Independent Certifier's cost structure and profit margins.</p> <p>Section 32(1)(d) and items 1(f), 4(b), 4(c) and 4(d) of the Table at Section 14.</p> <p>The disclosure of this information could prejudice the effective exercise by an agency of the agency's functions, 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>Section 32(1)(d) and item 3(a) of the Table at Section 14.</p> <p>The disclosure of this information would disclose personal information.</p> | <p>commercial disadvantage in negotiations as against other contractors or with suppliers and subcontractors.</p> <ul style="list-style-type: none"> exposing the redacted information is expected to place the Infrastructure Planner at a commercial disadvantage when negotiating payment schedules for future contracts of a similar nature, thereby prejudicing the business and commercial interests of relevant third parties and the State. This is reasonably expected to have flow on effects to future Independent Certifiers that may be expected to share the costs of independent certification works; the Infrastructure Planner considers that any public interest in favour of the disclosure of this information is not significantly advanced by the disclosure of this information and is outweighed by the public interests against disclosure identified above. <p>In addition, in respect of clause 4, the Infrastructure Planner weighed the competing public interest considerations and determined that there was an overriding public interest against disclosure of this information because it would involve revealing an individual's personal information.</p> |
| 23 | Schedule 4 (Draft Third Party Agreements) | The information redacted is the entirety of each draft Third Party Agreement | <p>Section 32(1)(a) and paragraph (e) of the definition of "commercial-in-confidence provisions" at section 1 of Schedule 4.</p> <p>The disclosure of this information (or the combination of this information with other information that is not included) would place the Independent Certifier at a substantial</p> | <p>The Infrastructure Planner 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"> the redacted information sets out the draft forms of various Third Party Agreements; |

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| | | | <p>commercial disadvantage in relation to other contractors or potential contractors.</p> <p>Section 32(1)(d) and items 1(f), 1(g), 4(b), 4(c) and 4(d) of the Table at Section 14.</p> <p>The disclosure of this information could prejudice the effective exercise by an agency of the agency's functions, could found an action against an agency for breach of confidence 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> | <ul style="list-style-type: none"> revealing the information would disclose the apportionment of risk between the parties in relation to the draft Third Party Agreements and the nature of risk the Independent Certifier was willing to price and accept. This 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 the Infrastructure Planner considers that any public interest in favour of the disclosure of this information is not significantly advanced by the disclosure of this information and is outweighed by the public interests against disclosure identified above. |
| 24 | Schedule 5 (Draft Deed Poll/Deed) | The information redacted is the entire schedule with the exception of the title. | <p>Section 32(1)(a) and paragraph (e) of the definition of "commercial-in-confidence provisions" at section 1 of Schedule 4.</p> <p>The disclosure of this information (or the combination of this information with other information that is not included) would place the Independent Certifier at a substantial commercial disadvantage in relation to other contractors or potential contractors.</p> <p>Section 32(1)(d) and items 1(f), 1(g), 4(b), 4(c) and 4(d) of the Table at Section 14.</p> <p>The disclosure of this information could prejudice the effective exercise by an agency of the agency's functions,</p> | <p>The Infrastructure Planner 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"> the redacted information sets out the draft form of Deed Poll /Deed the Independent Certifier will provided to relevant third parties.; revealing the information would disclose the apportionment of risk between the parties in relation to the Third Party Agreements and the nature of risk the Independent Certifier was willing to price and accept. This would place the parties at a substantial commercial disadvantage in future projects of a |

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| | | | <p>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>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> <ul style="list-style-type: none"> the Infrastructure Planner considers that any public interest in favour of the disclosure of this information is not significantly advanced by the disclosure of this information and is outweighed by the public interests against disclosure identified above. |
| 25 | Schedule 8 (Draft RNI Commitment Deed) | The information redacted is the entirety the schedule | <p>Section 32(1)(a) and paragraph (e) of the definition of "commercial-in-confidence provisions" at section 1 of Schedule 4</p> <p>The disclosure of this information (or the combination of this information with other information that is not included) would place the Infrastructure Planner and Network Operator at a substantial commercial disadvantage in relation to other contractors or potential contractors.</p> <p>Section 32(1)(d) and items 1(f), 1(g), 4(b), 4(c) and 4(d) of the Table at Section 14</p> <p>The disclosure of this information could prejudice the effective exercise by an agency of the agency's functions, could found an action against an agency for breach of confidence 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>The Infrastructure Planner 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"> the redacted information points to the location of the draft RNI Commitment Deed; revealing the information would disclose the apportionment of risk between the parties in relation to the draft RNI Commitment Deed and the nature of risk the Independent Certifier, Network Operator and the Infrastructure Planner are willing to price and /or accept (as applicable). This 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 |

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| | | | | <p>prejudice the parties' legitimate business, commercial or financial interests; and</p> <ul style="list-style-type: none"> the Infrastructure Planner considers that any public interest in favour of the disclosure of this information is not significantly advanced by the disclosure of this information and is outweighed by the public interests against disclosure identified above. |
| 26 | IC Deed execution pages | The information redacted is the execution blocks which includes method of execution, names and details of signatories | <p>Section 32(1)(d), items 1(f) and 3(a) of the table in section 14</p> <p>The disclosure of this information could prejudice the effective exercise by an agency of the agency's functions and reveal an individual's personal information.</p> <p>There is an overriding public interest against disclosure.</p> | <p>The Infrastructure Planner 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 parties methods of execution and or an individual's name and details.</p> <p>The Infrastructure Planner 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> |