

ALLOCATION STEERING COMMITTEE FOR COAL INTERIM TERMS OF REFERENCE



Regional
NSW

Purpose

The Allocation Steering Committee for Coal (ASCC) administers both the Competitive Allocation framework for coal (Competitive Allocation) and coal exploration licence applications for operational allocation purposes (Operational Allocation).

ASCC's key functions in relation to Competitive Allocation are:

- commissioning and considering the desktop-based Initial Suitability Assessment and Resource Assessment and determining whether further information is required to support a recommendation to the Minister and Cabinet for release
- making recommendations to the Minister on whether a resource is suitable for allocation under this pathway, another pathway, or unsuitable for release, before the Minister takes the decision on whether to release to Cabinet
- providing governance oversight of agencies that: administer or provide advice on pre-qualification; administer the public tender; set the reserve price; accept bids; and determine the final outcome of the tender
- determining the reserve price based on an independent valuation of the resource
- taking recommendations to the Minister on the grant of an exploration licence after a public tender
- if the tender is unsuccessful, making recommendations to the Minister on the refusal of any exploration licence applications that do not meet the reserve price; and whether to publicly commit the area will not be released in the future.

These Interim Terms of Reference only apply to ASCC's functions exercised in relation to the Competitive Allocation pathway, and do not cover ASCC's functions in relation to Operational Allocation.

Note: ASCC's administration of Operational Allocation is limited to overseeing the sub-committee, the Coal Resource Operational Allocation Committee. This document will be replaced with a final Terms of Reference that applies to ASCC's functions for Competitive Allocation and Operational Allocation once planned reforms to the Operational Allocation system are complete.

Membership

The ASCC will be comprised of one (1) Chairperson and four (4) Committee members.

The Chairperson will be the Deputy Secretary of Mining, Exploration and Geoscience in the Department of Regional NSW.

Committee members are Executive Directors or Directors from NSW Government agencies, specifically:

- Department of Regional NSW – Mining, Exploration and Geoscience (MEG)
- Department of Premier and Cabinet
- Treasury – Projects, Transport, Planning and Environment
- Department of Planning Industry and Environment – Planning and Assessment Group (Planning).

Governance and Secretariat

CHAIR

The Chairperson will conduct meetings and set meeting agendas. It is the Chairperson's and all members' duty to ensure they comply with governance and probity measures.

Once the pathway has been initiated, the Chairperson will report every six months to the decision-maker on the status and timeliness of preparing ASCC's recommendations. This is to be recorded in the Committee's meeting minutes or another location as agreed by the ASCC.

The Chair of the ASCC will advise the Chair of the Advisory Body for Strategic Release of decisions relating to the release of an area.

SECRETARIAT

MEG will provide Secretariat duties.

The Secretariat will generally:

- Circulate an agenda and agenda papers five working days prior to a meeting
- Circulate meeting minutes five working days after a meeting.

MEETING SCHEDULE

Scheduling of ASCC meetings will be as required to undertake its functions, at the discretion of the Chair.

The Chair should normally notify members of an upcoming meeting three weeks before its scheduled date.

All meetings will include videoconference and/or teleconference options for Committee members.

DECISION-MAKING

Where consensus cannot be reached on a recommendation, a meeting with MEG, Treasury and Planning Secretaries will be convened within four weeks of the ASCC's consideration of the recommendation.

The ASCC will provide a public notice that the pathway has been triggered and is under consideration and will notify at the earliest time DRNSW and DPIE of the Resource Assessment and Initial Suitability Assessment.

Where the Minister has referred an area to the Advisory Body for Strategic Release for consideration under the Strategic Release Framework, ASCC will provide written notice to the Advisory Body for Strategic Release as soon as practicable.

QUORUM

ASCC meetings may only be held if a quorum is achieved. A quorum will consist of the Chair and two other Committee members representing a total of at least two agencies.

ATTENDANCE

Representatives are expected to attend Committee meetings unless there is an unavoidable scheduling conflict. In this situation, the Committee may convene and make decisions out of session.

Representatives should provide reasonable notice to the Secretariat if they cannot attend and nominate a delegate who may be invited to attend in their place at the Chairperson's discretion.

If a Representative does not attend two consecutive meetings, the Chair may escalate the matter with the representative's Department.

PROBITY

Decision-making under the Competitive Allocation pathway must meet high probity and accountability standards to ensure fairness and openness of the process. ASCC's recommendations on whether to release a resource for public tender are subject to Ministerial and Cabinet oversight.

The Chairperson and ASCC members are required to:

- complete a confidentiality deed before the first Committee meeting
- declare actual or perceived conflicts of interest in a conflict of interest register before attending the first Committee meeting
- notify the Chair immediately of any known or potential integrity risks.

ASCC will appoint a probity officer at Executive Director, Director or manager at Grade 11/12 level to provide advice to the Committee on potential or actual probity risks.

The probity officer will submit a statement to the Minister which accompanies any recommendations from the Steering Committee and is endorsed by their supervisor, at Deputy Secretary level. The statement will advise on whether the process has complied with probity principles and how any probity risks have been addressed. The probity officer does not participate in making recommendations. The probity officer will be required to declare any actual or perceived conflicts of interest.

- The probity officer will develop and annually review a probity plan to manage potential risks of misconduct and undue influence.
- The probity officer will develop and annually review a conflict of interest register.

REPORTING

The monies received, managed and expended as part of the Competitive Allocation pathway by ASCC will be reported annually in MEG's annual financial reports.

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