



Australian Government  
Indigenous Land and Sea Corporation



The ILSC GROUP

PEOPLE. COUNTRY. OPPORTUNITY.

# National Centre of Indigenous Excellence (NCIE) Ltd Services and Operations Divestment – Expression of Interest

## Redfern, Sydney New South Wales

### Significant opportunity to operate essential community services

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<b>Opening date:</b>	2 <sup>nd</sup> April
<b>Closing date and time:</b>	5pm (AEST) 19 <sup>th</sup> April 2024
<b>Administrating entity:</b>	Indigenous Land and Sea Corporation (ILSC)
<b>Enquiries:</b>	If you have any questions, contact the ILSC by email: <a href="mailto:NCIELtd_EOI@ilsc.gov.au">NCIELtd_EOI@ilsc.gov.au</a> Questions should be sent no later than 5pm (AEST) on 12 <sup>th</sup> April 2024
<b>Opportunity type:</b>	Expression of Interest (EOI) for the divestment of the National Centre of Indigenous Excellence (NCIE) Limited.

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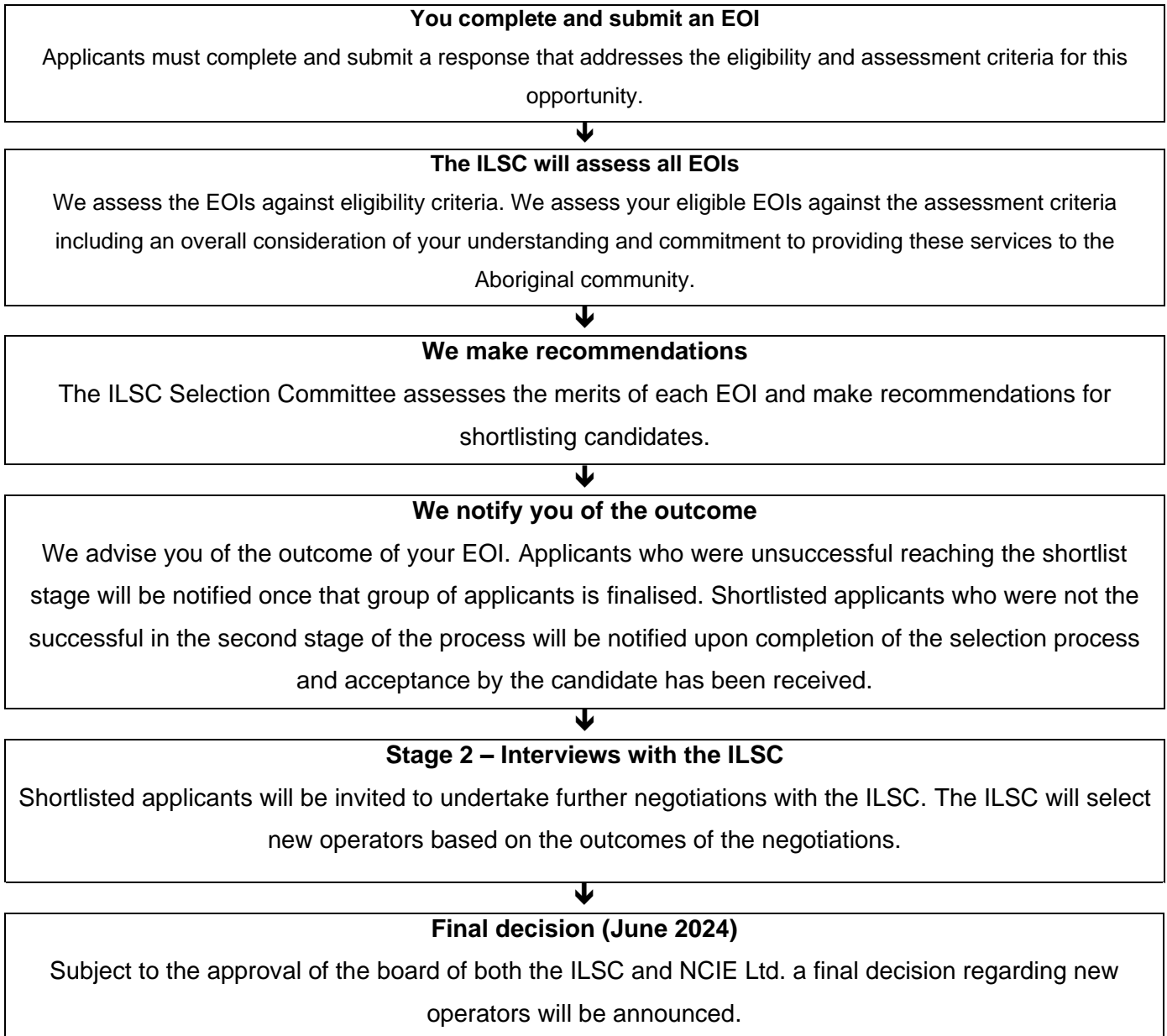
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## Opportunity Process

Applicants must complete and submit their EOI before the close date 19<sup>th</sup> April to be considered for the divestment of National Centre of Indigenous Excellence Limited (NCIE Ltd.) services and operation. All EOIs will be assessed against the eligibility criteria (see Section 2) and recommendations will be made to the ILSC Selection Committee based on the merits of each EOI. The Selection Committee will evaluate each submission based on the assessment criteria and provide recommendations to the ILSC for shortlisting applicants. Finally, applicants will be notified of the results and shortlisted applicants will be invited to undertake subsequent negotiations with the ILSC in stage two.

The following provides a summary of the NCIE Ltd. Service and Operations Divestment process.



## Introduction

These guidelines contain information for NCIE Ltd. services and operations EOI administered by the ILSC.

You must read these guidelines before filling out an EOI.

This document sets out:

- The eligibility and assessment criteria.
- The selection process for the EOI
- How applicants will be notified of the outcome and the process moving forward.
- Responsibilities and expectations for successful applicants.

Note that all EOIs will be assessed by the ILSC's Selection Committee.

## 1. About the opportunity

The National Centre of Indigenous Excellence (NCIE) Ltd is a wholly owned subsidiary of the Indigenous Land and Sea Corporation (ILSC), established as an independent not-for-profit social enterprise in 2010. The purpose of NCIE Ltd is to provide support to Aboriginal and Torres Strait Islander peoples suffering disadvantage by providing them access to opportunities for education, development and wellness. NCIE Ltd achieves this by ensuring all programs and services are designed and delivered with the purpose of creating long term improvements in wellbeing. Underpinning the success of NCIE Ltd is strong and effective partnerships with Aboriginal and Torres Strait Islander peoples and organisations, as well as like-minded government, philanthropic and corporate partners.

In June 2022, the ILSC divested ownership of the NCIE site (160-180 George Street Redfern) to the New South Wales Aboriginal Land Council (NSWALC) who is now the current landlord and owner of NCIE site and fixed assets. Originally, NCIE Ltd. services were to be included as part of the land divestment to NSWALC however, a suitable agreement could not be reached. Since this time, the ILSC have been working with NSWALC, local community-controlled organisations and community to identify suitable operators to manage and operate the NCIE Ltd services. As part of this process, the ILSC is seeking to divest existing services operated by NCIE Ltd. to one or more Indigenous operator/s and is inviting expressions of interest from individuals, businesses and organisations interested in operating NCIE Ltd. services.

### 1.1. Services and Operations that will be divested as part of this opportunity

The current NCIE Ltd. services, including the pool, gym, sporting field and conferencing spaces, support long-term improvements in health and wellbeing outcomes for community aligned to the National *Closing the Gap* priority reform areas and outcomes. Each program/service is driven and underpinned by the NCIE Ltd.'s vision to create long-term improvements in Aboriginal and Torres Strait Islander people's wellbeing.

The ILSC is seeking expressions of interest (EOI) for new operators to manage the existing fitness and aquatics services (e.g., pool, gymnasium and sports field) and conferencing spaces. ILSC is committed to the ongoing divestment of the NCIE Ltd. to Aboriginal controlled organisations. NSWALC as the owners of the NCIE site and fixed assets are committed to supporting the ongoing delivery of the services and providing certainty of tenures for new operators. The process for designing the EOI was also guided by the NCIE Transition Advisory Committee (NTAC), which include the Redfern Aboriginal Alliance, Metro Land Council, NSWALC and ILSC.

Table 1 below provides an overview of the NCIE Ltd. services that will be divested through this EOI.

Table 1 - Overview of NCIE Ltd. services to be divested

NCIE Ltd. service	Description
<b>Fitness and Aquatics</b>	The NCIE Fitness Centre is a one-stop shop for fitness needs including indoor and outdoor training areas, group fitness facilities, undercover heated pool, indoor sports stadium and outdoor sports field. Gym membership offers group fitness classes and personal training, and learn to swim caters for all levels, teaching a balance of

	swimming skills and water safety. Facilities are hireable, which service several local Aboriginal and Torres Strait Islander organisations and community groups.
<b>Conferencing</b>	Offering a wide selection of rooms and spaces, site facilities and Indigenous-inspired catering for conferences, workshops or events. Conference spaces can host up to 150 guests with small, medium and large rooms available. The indoor stadium can host larger conferences and events for up to 400 people. Unique extras include traditional Aboriginal smoking ceremony, fire pit, courtyard and BBQ area, fitness and aquatics centre, and cultural activities and experiences.

## 1.2. Key considerations

NSWALC is the owner of the site, is looking to support the continuation of NCIE Ltd services and is investigating site redevelopment to ensure ongoing benefits to First Nations peoples. NSWALC is engaging with Aboriginal Stakeholder groups about the future development of the site. NSWALC will offer the successful applicant a three-year lease with an option to renew. NSWALC will negotiate lease terms and the successful applicant will be able to access the Community Benefits Scheme.

NSWALC and ILSC will be responsible for the repair of the existing infrastructure. Both parties will work with the new operator to develop a plan for repairs including time and any impact upon revenue due to shut down.

Applicants invited to Stage Two will be given access to the data room, which contains additional information regarding the financials, operating model, and lease agreements for the NCIE Ltd. services.

## 1.3. Process for the divestment of NCIE Ltd.

The opportunity will involve a two-stage process for the divestment:

- Stage One – EOI
- Stage Two – Interviews with the ILSC

To apply for the EOI, you will need to register your interest in this opportunity by emailing [NCIELtdEOI@ilsc.gov.au](mailto:NCIELtdEOI@ilsc.gov.au) by 5pm (AEST) 12th April.

The expected outcome of the EOI is to identify a shortlist of preferred operators for the remaining services at NCIE Ltd.

The objective of the EOI opportunity is to ensure that the NCIE Ltd. can continue to deliver essential services and programs that support the long-term health and wellbeing of community. The divestment process will achieve this through:

- Ensuring a clear and transparent divestment process for applicants, underpinned by the aspirations of community; and
- Ensuring clear communication and transparency with community throughout the divestment process to ensure successful applicants are best placed to deliver the services.

## 2. Eligibility criteria

This opportunity is open to Indigenous owned entities and joint ventures (majority Indigenous owned) that can support the expected outcomes of the divestment. As part of your EOI, applicants must ensure that they address the eligibility criteria as this will be used to provide recommendations to the Selection Committee for further consideration and shortlisting for Stage Two. Applicants that do not meet the eligibility criteria or have not clearly articulated this in their EOI will not be considered for the opportunity.

### 2.1. Who is eligible?

To be eligible, applicants must:

- Demonstrate Indigenous majority control in alignment with the ILSC's core priorities, including: (1) maximising the employment of Aboriginal persons and Torres Strait Islanders; and (2) maximising the use of goods and

services provided by businesses owned or controlled (whether directly or indirectly) by Aboriginal persons or Torres Strait Islanders. For this reason, the ILSC will preference EOI participants who can demonstrate majority Indigenous ownership and/or partnerships which can demonstrate Indigenous majority control.

- If you are an Indigenous company or organisation registered, or currently going through the registration process, under the Office of the Registrar for Indigenous Corporations (ORIC), or demonstrate compliance under the corporations (Aboriginal and Torres Strait Islander) Act (CATSI Act) –see ORIC rule book for further details [Rule book | Office of the Registrar of Indigenous Corporations \(oric.gov.au\)](#);
- Have a registered Australian Business Number (ABN); and
- Have Public Liability Insurance (Please identify the amount of cover).

## 2.2. Who is not eligible?

You are not eligible to apply if you:

- Are not a wholly Indigenous owned enterprise or joint venture recognised under the ILSC's Indigenous Procurement Policy;
- Are not registered under ORIC or compliant under the CATSI Act;
- Do not have a registered ABN; and
- Are currently in administration or at significant risk of going into administration.

## 2.3. What qualifications, skills or checks are required?

Whilst you are required to be compliant with all relevant laws and regulations, you may be requested to demonstrate compliance with the following legislation/policies/industry standards:

- ORIC rule book and/or CATSI Act.
- The UN Declaration on the Rights of Indigenous Peoples - [The Australian Business Guide to Implementing the UN Declaration on the Rights of Indigenous Peoples \(kpmg.com\)](#);
- Fair Work Act (2009).
- Work Health and Safety (WHS) Act 2011 - [Legislation | SafeWork NSW](#); and
- Working with Children Check.

# 3. Assessment criteria

## 3.1. Stage One - EOI

In order to progress to stage two, applicants will need to address all of the following assessment criteria in their standard EOI response. The Selection Committee will assess your EOI based on the answers to each of the criterion, which should be no longer than 150 words per criterion. Attachments to the EOI are not included in the word limits.

Only Stage One EOIs that are assessed as having addressed the assessment criteria and score average or higher for each criterion will be considered for shortlisting to proceed to Stage Two.

The assessment criteria for this opportunity are:

1. Opportunity and outcomes
  - The purpose for seeking to operate an NCIE Ltd. service(s);
  - What the applicant sees as important opportunities for operating NCIE Ltd. service(s);

- The benefits for First Nations peoples (e.g. number of jobs, training, employment type etc.); and
  - The applicant's proposed business plan and/or strategy that will support operating NCIE Ltd. services (optional).
2. Experience and capacity
- The applicant has appropriate governance and organisational structures that can support operating NCIE Ltd. services, but also ensures First Nations people are engaged proactively and are involved in decision-making;
  - The applicant's experience operating and managing similar services, including the staff who will operate the service. Please make reference to transferrable skills;
  - The applicant's experience and capacity for engaging with First Nations peoples and communities; and
  - Any previous or existing partnerships with First Nations businesses, entrepreneurs and organisations.
3. Financial performance
- Evidence that the applicant is able to financially support operating NCIE Ltd. services – all subsidies and guarantees considered,
  - The process the applicant will use to monitor, track and review financial performance, and
  - Evidence of financial policies, frameworks and governance bodies that will support the applicant to operate NCIE Ltd. service(s).
4. Any additional information you would like to add.

All assessment criteria are weighted equally, and we encourage applicants, as much as possible, to ensure their response aligns to each of the criteria. The ILSC may choose to enquire about specific details in the applicant's response during the Stage Two negotiations.

### **3.2. Stage Two – Interviews with the ILSC**

Based on your response in stage one, applicants will be considered for progression to stage two, which will involve formal negotiations with the ILSC. Applicants will be required to prepare for the negotiations and provide details regarding the financials, operational capacity and capability and any other relevant supporting documentation requested by the ILSC as part of stage 2. Applicants will also be provided with additional information relating to:

- Financials – current financial performance, including operations cost, cash flow and financial projections;
- Operating model – governance and organisational structure, policy frameworks, insurances and Work Health Safety;
- Tenure and leases – the indicative lease agreement and costs, including the Community Benefit Scheme available through NSWALC and any other applicable subsidies and benefits; and
- Cultural and Social Impact – future plans and strategic priorities of NCIE Ltd. and core responsibilities of new operators for supporting Community.

The applicant will have an opportunity to discuss this information with the ILSC.

## **4. How to apply**

### **4.1. Stage One EOI**

Before applying, you must read and understand these guidelines. You will then need to register your interest in this opportunity by emailing [NCIELtdEOI@ilsc.gov.au](mailto:NCIELtdEOI@ilsc.gov.au) by 5pm (AEST) 12<sup>th</sup> April.



Any alterations and addenda will be published on the ILSC website. The ILSC is the authoritative source for the NCIE Ltd. services divestment process. It should be noted that applicants can request to take on ownership of one or more services on offer.

We require the following documents with Stage One EOI:

- A completed application form, including any additional attachments.

You must attach supporting documentation with your submission in line with the instructions provided for this form.

Note: joint ventures between Indigenous and non-Indigenous organisations/businesses will be accepted for the EOI.

Applicants must submit a standard EOI response using the provided response form that addresses the eligibility and assessment criteria (note: no greater than 20 pages in total). We ask that applicants ensure their responses, as much as possible, do not exceed the allocated word limit. Responses that exceed the word count and page limit may not be considered for the EOI.

Your response should provide the ILSC with a clear view of the following:

- Your organisation, including your history, governance and ownership structure, and organisational purpose;
- Your understanding of the purpose and importance of the NCIE Ltd. services to community and how the services for divestment support the improved outcomes for community;
- Your experience engaging and working with Indigenous communities to support their aspirations and self-determination;
- Your high-level proposed approach to the ongoing operation of the service(s);
- Your experience and capabilities experience in managing and operating similar services;
- Two references for your work; and
- Your capacity to operate one or more of the services for divestment.

To apply you must:

- Register your interest in the opportunity by emailing [NCIELtd\\_EOI@ilsc.gov.au](mailto:NCIELtd_EOI@ilsc.gov.au) by 12th April 2024;
- Develop an EOI that addresses the key areas identified above;
- Provide all the information requested;
- Address all eligibility criteria and assessment criteria;
- Include all necessary attachments; and
- Submit your response as a pdf document to the [NCIELtd\\_EOI@ilsc.gov.au](mailto:NCIELtd_EOI@ilsc.gov.au) by 5pm (AEST) 19<sup>th</sup> April 2024 – this should also include any additional attachments that support your response.

You are responsible for ensuring that your EOI is complete and accurate. Giving false or misleading information is a serious offence under the Criminal Code 1995 and we will investigate any false or misleading information and may exclude your EOI from further consideration.

If you find an error in your EOI after submitting it, you should contact us immediately on [NCIELtd\\_EOI@ilsc.gov.au](mailto:NCIELtd_EOI@ilsc.gov.au) or call 08 8100 7100. We do not have to accept any additional information, nor requests from you to correct your EOI after the closing time.

If we find an error or information that is missing, we may ask for clarification or additional information from you that will not change the nature of your EOI. However, we can refuse to accept any additional information from you that would change your submission after the EOI closing time.



You should keep a copy of your EOI and any supporting documents. We will acknowledge that we have received your EOI within two working days. If you need further guidance around the EOI process or if you are unable to submit an EOI via email, [NCIELtd\\_EOI@ilsc.gov.au](mailto:NCIELtd_EOI@ilsc.gov.au) or call 08 8100 7100

## 4.2. Stage Two – Interviews with the ILSC

Shortlisted applicants will be invited to participate in further negotiations with the ILSC. Applicants will be required to prepare for the negotiations and will be provided with additional information regarding NCIE Ltd.

If you are shortlisted for stage two the ILSC may request additional information from shortlisted applicants regarding their experience and capability. We advise applicants to prepare a response and/or information that aligns to the key assessment criteria outlined in Section 3.2.

## 4.3. Timing of the opportunity

You must submit the EOI between the published opening and closing dates.

If you are assessed as suitable to progress to Stage 2 you must submit the additional information to be assessed for Stage Two by the due date advised by the ILSC.

In the interest of fairness, the ILSC reserves the right not to accept late EOIs. In considering whether it would be fair to accept a late EOI, the ILSC will determine if your EOI was late due to exceptional circumstances beyond the applicant's control that meant that the deadline could not be met. The ILSC reserves the right to reject any expression/s of interest and to cancel this EOI process at any time.

Table 2: Expected timing for the EOI.

Activity	Expected timeframe
<b>Stage 1 – EOI</b>	
EOI opens	2 <sup>nd</sup> April
Registration of Interest in EOI	Registration due by 5pm (AEST) 12 <sup>th</sup> April
EOI Closes	Responses due by 5pm (AEST) 19 <sup>th</sup> April
Assessment stage of EOI	22 <sup>nd</sup> – 26 <sup>th</sup> April
Approval of outcomes of selection process	Week commencing 29 <sup>th</sup> April
Notification to unsuccessful applicants	Week commencing 29 <sup>th</sup> April
<b>Stage 2 – Interviews</b>	
Additional information relating to the key considerations to be shared with shortlisted applicants	Week commencing 29 <sup>th</sup> April
Invitation for further negotiations sent to shortlisted applicants	Week commencing 20 <sup>th</sup> May
Applicants to accept invitation	Response due by 2pm (AEST) Friday 24 <sup>th</sup> May
Negotiations with the ILSC	27 <sup>th</sup> May – 7 <sup>th</sup> June
Outcome of negotiations and final decision	Mid-late June

## 5. The selection process for the EOI

### 5.1. Assessment of EOI

#### *Stage One - EOI*

For Stage One EOI we review your response against the eligibility criteria as outlined in Section 4 of these guidelines. Only eligible EOIs will move to the next stage of assessment. We consider eligible EOIs through a targeted and practical divestment process.

Eligible EOIs will be assessed by the Selection Committee based on:

- how well your EOI meets the assessment criteria; and
- how it compares to other EOIs.

#### *Stage Two – Interviews with the ILSC*

For Stage Two, shortlisted applicants will be invited to participate in an interview(s) with the ILSC. The ILSC may request additional information from the applicant as outlined in Section 3.2. The ILSC will also provide access to a data room, which includes key financial and operational information for the services.

### 5.2. Who will assess your EOI?

For Stage One, each EOI will be assessed on its merits and compared to other eligible EOIs before providing a score. EOIs will be assessed by the NCIE Ltd. Divestment Selection Committee which will comprise key members across the ILSC and may include representatives from other areas of organisation and externally, as appropriate.

The Selection Committee may seek additional information about you or your EOI. They may do this from within the Commonwealth, even if the sources are not nominated by you, as referees. The assessment committee may also consider information about you that is available through the normal course of business.

The Selection Committee makes recommendations to the Decision Maker on which EOIs should be shortlisted for Stage Two.

### 5.3. Who will approve the EOI?

For both stages, the Decision Maker is the Group Chief Executive Officer within the ILSC. The Decision Maker decides which EOIs to approve considering the insights shared by community and the recommendations of the Selection Committee. Noting that leasing is subject to NSWALC approval the ILSC will determine the preferred bidder in any EOI process.

The Decision Maker's decision is final in all matters, including:

- the approval of the EOI; and
- The divestment of NCIE Ltd.

It should be noted that the final outcome and decision regarding new operators will be subject to the approval of board of both the ILSC and NCIE Ltd.

## 6. How applicants will be notified of the outcome and process moving forward

We will advise you in writing of the outcome of your EOI. If you are successful, we will advise you of any specific conditions for the transition of the service.

If you are unsuccessful, we will give you an opportunity to receive feedback. A request for individual feedback should be made to the ILSC within 30 days of being notified of the outcome. We will provide feedback within one month of your request.