

CALL FOR EXPRESSION OF INTEREST

MCINTYRE CENTRE	DATE: 24 October 2023
	CLOSING DATE: 8 December 2023

1. Background Information

HELP Enterprises Ltd (ACN 009 776 032) ('HELP') is a charitable not-for-profit organisation which seeks to create an inclusive world where people with disability lead fulfilling and independent lives. HELP provides a broad range of support services and employment opportunities consistent with the *Disability Services Act 1986* (Qld) and the *National Disability Insurance Scheme Act 2013* (Cth) for people with varying levels and types of disability.

In 2017, HELP acquired the McIntyre Centre by way of a Deed of Gift from McIntyre Centre Riding for Disabled Limited ('McIntyre'). The Deed established and preserved a charitable trust for the continued use of the assets in line with the purposes of McIntyre.

McIntyre was an entity established to achieve the charitable purpose of providing direct relief of suffering to people with a disability by, without limitation:

- a. offering a variety of equine assisted development programs in a caring environment for people with a disability; and
- b. providing quality equestrian programs for people with a disability to encourage and assist them to ride to the best of their ability

HELP continued to operate the McIntyre Centre from 2017 until its recent closure in July of 2023 due to financial viability pressures of the activities of the Centre. HELP's continued commitment over that time was to meet the conditions of the charitable trust by continuing the programs and activities of the McIntyre Centre (and making further significant investments in the charitable trust purposes) which had been a pillar of Brisbane's disability services community for over 50 years.

2. Objective of the Call for Expression of Interest

HELP committed to the McIntyre Centre in 2017 because we have experienced first-hand through our clients the value of equine therapy to people living with disabilities, and also to their families and the community.

The present Call for Expressions of Interest seeks to identify an organisation that is in a position to receive the trust assets by way of gift and assume the charitable trust obligations associated

with the McIntyre Centre with a view to continuing with the operation of the Centre in line with the original trust purposes.

3. Who May Apply Under the Call?

The Call for Expression of Interest is open to organisations who are involved in, or who are seeking to provide, services to people with disabilities (**'Applicant'**). Organisations must be registered charities, or otherwise willing to establish a suitably constituted, registered and tax concession endorsed charitable trust for receipt of the McIntyre Centre.

As part of the terms of the charitable trust under which the McIntyre Centre is held, Applicants must be able to demonstrate their wiliness and capacity to abide by its terms, namely:

- a. Support the programs of McIntyre by:
 - i. offering a variety of equine assisted development programs in a caring environment for people with a disability;
 - ii. providing quality equestrian programs for people with a disability to encourage and assist them to ride to the best of their ability;
 - iii. providing riding and groundwork programs for people with a disability; and
 - iv. continuing the Post School Operations Programs as well as the use of equine activities generally;
- b. Supporting the McIntyre brand in the community by supporting events and causes specified by McIntyre prior to the merger; and
- c. The development of increased capacity and investment in improved infrastructure at the McIntyre Centre and the investment of funds on research to further validate the therapeutic effects of horse-riding programs.

4. Selection Process

The selection process for Expressions of Interest under this Call is made on a comparative basis. HELP is committed to a fair process to evaluate and select organisations that best fit the goals and aims of the McIntyre Centre and are best placed to assume the trust obligations impressed on the trust assets.

5. Selection Criteria

In order to facilitate the Expression of Interest process, Applicants must demonstrate the following:

- a. Registration with the Australian Charities and Not-for-Profits Commission (ACNC) as charitable organisation (or willingness to register a suitably constituted, registered and tax concession endorsed charitable trust as a charity to receive the trust assets);
- b. Financial capacity sufficient to comply with the terms of the charitable trust including specifically available funds to invest in the development and improvement of the trust assets and the research contemplated above;
- c. Capacity or ability to develop capacity to operate and manage the McIntyre Centre within a 6-month period of accepting the trust assets and obligations; and
- d. Ability to enter into a Deed of Gift transferring and accepting the charitable trust obligations.

As a minimum, the Applicants must demonstrate their ability to meet these criteria by submitting the following documents:

- a. ACNC Registration or details of intended application;
- b. Contact details for Applicant's key Responsible Persons;
- c. A copy of the Applicant's constitution, rules or other governing document;
- d. The most recent audited financial statements; and
- e. A statutory declaration with supporting evidence attesting to the Applicant's capacity or ability to develop the capacity to operate and manage the McIntyre Centre.

6. Procedure for Submission of Expression of Interest

How to submit

If you wish to continue your participation in the Expression of Interest process, please email McIntyre@helpenterprises.com.au and we will register your organisation and send you an information pack. The information is shared with Applicants on a commercial-in-confidence basis and must not be used for purposes other than preparing and submitting an EOI.

HELP will endeavour to answer all questions about the process from registered parties and, where appropriate, will make these questions and answers available to all registered parties. If HELP proposes any changes to the process, this will be done by issuing an addendum to the Expression of Interest which will be notified to all registered parties.

Applicants should express their interest by providing information to satisfy the Selection Criteria outlined in this Call to the following email address: McIntyre@helpenterprises.com.au

Please note that the Call for Expressions of Interest is an invitation only, and is not an offer, nor does it create a contract or agreement of any kind between HELP and any Applicant. Nor is an Expression of Interest submitted by an Applicant intended to be an offer capable of acceptance so as to form a binding agreement.

Deadline for submission and time-frames for Assessment

Deadline for submission of Expressions of Interest is no later than **5pm on 8 December 2023** to McIntyre@helpenterprises.com.au

HELP will endeavour to review all Expressions of Interest within 6 weeks of the date of submission, but may extend this period to ensure that thorough consideration is provided to all Expressions of Interest. HELP reserves the right to request further information from any of the Applicants to finalise this review.

The successful Applicant chosen in the absolute discretion of HELP will be invited to enter into a Deed of Gift with HELP to assume the responsibilities under the charitable trust (such Deed of Gift yet to be prepared by the lawyers for HELP).

All Applicant's will be provided with a response on their submission on completion of the review. HELP will engage in further discussion or negotiation with successful Applicant/s. If those further negotiations end up being unfruitful, HELP is at liberty to then negotiate with any other Applicant/s without having to again start a fresh EOI process.

Enquiries

Please direct any queries relating to this Call for EOI to McIntyre@helpenterprises.com.au

Other terms and conditions relating to this Call and the EOI process

HELP is not obliged to accept any Expression of Interest, nor even the most favourable Expression of Interest.

HELP is at liberty to answer questions of any Applicant, without being obliged to share the responses with other Applicants.

A binding agreement to gift or take over the trust assets and its obligations will only be formed when a new Deed of Gift is prepared, negotiated, signed and exchanged.



Enhancing the **lifestyle** and **independence** of people with disability

The successful Applicant will be required, prior to the entry into a new Deed of Gift to be independently legally advised on the terms of the Deed of Gift.

HELP and the Applicant will each bear their own legal costs.

Please direct any queries relating to this Call for EOI to McIntyre@helpenterprises.com.au