

Peter Zenni

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**From:** [REDACTED]  
**Sent:** Monday, 23 December 2024 10:00 AM  
**To:** Peter Zenni  
**Subject:** Interim CRC/LG Arrangements - Exchange of Letters - Peter - Merredin

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Peter,

Thanks for your query about extending the lease with the CRC.

As there are a few things outstanding matters to address before entering the new lease (e.g. outcome of CRC funding application), you need to have something in place in the short term.

The most convenient option is for an “exchange of letters”. This would essentially be Merredin’s leaders (the CEO, President, or both, as authorised by a Council decision) typing up a letter saying the Shire intends to carry on the current arrangements with the CRC until new arrangements are finalised – sign it and send it to the CRC. Have the CRC write up a letter saying they received the Shire’s letter and that the CRC also intends to carry on under the current arrangements until the new arrangements are agreed to. You can put a timeframe on this, or just leave it open ended.

***The “Legally” Bit:***

As the CRC is not-for-profit, you can use the regulation *Local Government (Functions and General) Regulations 1996*:

*A disposition that is described in the regulations as an exempt disposition is excluded from the application of section 3.58 of the Act... a disposition of land is exempt if...the land is disposed of to a body, whether incorporated or not, the objects of which are charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and the members of which are not entitled or permitted to receive any pecuniary profit from the body’s transactions. So, if the Shire knows the CRC is operating to serve the community and not for anyone’s personal profit, you won’t have to worry about 3.58 of the Local Government Act 1995.*

Hope that gives you a path forward Peter. Let me know if you have any questions about the above.

Merry Christmas,

**Jason Russell | Senior Governance Specialist | WALGA**  
[REDACTED]