

HER MAJESTY THE QUEEN
Acting by and through the Minister of Education

AND

MARCELLIN COLLEGE LIMITED

**SUPPLEMENTARY AGREEMENT TO
INTEGRATION AGREEMENT
Marcellin College, Royal Oak**

DEED dated day of 2005

PARTIES

HER MAJESTY THE QUEEN acting by and through the Minister of Education ("Minister")

MARCELLIN COLLEGE LIMITED ("Proprietor")

BACKGROUND

- A. The Minister and the Proprietor under the name NZ Marist Brothers Trust Board on 31 March 1983 entered into an integration agreement under section 7 of the Private Schools Conditional Integration Act 1975 ("**Integration Agreement**") for Marcellin College ("**School**").
- B. The Proprietor changed its name from the NZ Marist Brothers Trust Board to Marcellin College Limited on 16 December 2003.
- C. The Minister and the Proprietor signed a deed dated 7 April 1999 as a Supplementary Agreement ("**Supplementary Agreement**") varying the Integration Agreement for the School pursuant to section 7(9) of the Private Schools Conditional Integration Act 1975.
- D. Under the Integration Agreement the Minister has an obligation to the Proprietor to maintain the School's premises. The Minister and the Proprietor agreed in the Supplementary Agreement that this obligation is discharged annually in two ways;
- (i) by the Minister funding the Board of Trustees of the School to carry out a certain part of the maintenance of the School premises; and
 - (ii) by the Minister paying a sum of money to the Proprietor for the Proprietor to carry out that part of the maintenance of the School premises not undertaken by the Board of Trustees of the School.
- E. The Minister at the Proprietor's request has agreed to amend the Supplementary Agreement to specify a fixed percentage as the depreciation rate being part of the formula to calculate the sum of money to be paid annually by the Minister to the Proprietor to carry out that part of the maintenance of the School's premises not undertaken by the Board of Trustees of the School.
- F. Pursuant to section 7(9) of the Private Schools Conditional Integration Act 1975 the Minister and the Proprietor have agreed to vary the Supplementary Agreement to the Integration Agreement by this supplementary agreement.

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The parties agree as follows:

1. PROPRIETOR NAME CHANGE

- 1.1 The Integration Agreement is amended by omitting the expression "NZ Marist Brothers Trust Board" wherever it occurs and substituting the expression "Marcellin College Limited" effective as at the date of this deed.

2. VARIATION OF SUPPLEMENTARY AGREEMENT

- 2.1 The Supplementary Agreement dated 7 April 1999 varying the Integration Agreement for the School shall be varied as follows:

Clause 1.2.2 specifying the definition of "Depreciation Rate" shall be revoked and replaced with the following definition:

Clause 1.2.2 "Depreciation Rate" means four per cent (4%) of the depreciated value of state school buildings as set out in the "Statement of Accounting Policies" in the Ministry of Education's Annual Report";

3. EFFECTIVE DATE

- 3.1 The Effective Date of this deed amending the Supplementary Agreement is the **1st day of January 2005**.

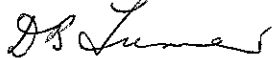
4. GENERAL

- 4.1 The Minister and the Proprietor agree that this supplementary agreement only varies the Integration Agreement and Supplementary Agreement to the Integration Agreement to the extent set out in this deed.

SIGNATURES:

**SIGNED FOR AND ON BEHALF OF
MARCELLIN COLLEGE LIMITED**

in the presence of:



Signature of trustee

DENIS BOURING TURNER

Name of trustee




Signature of trustee

Henry Isaac SPINKS


Name of trustee

SIGNED by **KATHY PHILLIPS**, Senior Manager, National Operations Ministry of Education pursuant to authority delegated by the Minister of Education acting on behalf of **HER MAJESTY THE QUEEN** in the presence of:






Signature of witness



Occupation



City/town of residence