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**SUPPLEMENTARY DEED OF AGREEMENT**

**MARCELLIN COLLEGE, AUCKLAND**

THIS DEED OF AGREEMENT is made on the *25th* day of *September* One thousand nine hundred and ninety-seven (1997) BETWEEN THE NEW ZEALAND MARIST BROTHERS TRUST BOARD a "Body Corporate" (hereinafter with his successors referred to as "the Proprietor") of the first part and HER MAJESTY THE QUEEN acting by and through the Minister of Education (hereinafter referred to as "The Minister") of the second part.

**WHEREAS**

- A** By Deed of Agreement bearing date the 30<sup>th</sup> day of March 1983 as varied by any subsequent supplementary agreements (hereinafter referred to as "the Deed of Agreement"), the Minister and the Proprietor pursuant to section 7(2) of the Private Schools Conditional Integration Act 1975 established **Marcellin College, Auckland** as an integrated school (hereinafter referred to as "the School").
- B** The Proprietor and the Minister are now agreed on the need to change the class of the school to a **Years 7 to 13 school** consequent upon the closure of the **attached Intermediate Department of the School** pursuant to section 7(9) of the Private Schools Conditional Integration Act 1975.

**NOW THIS DEED OF AGREEMENT WITNESSETH THAT IT IS HEREBY COVENANTED AGREED AND DECLARED BY AND BETWEEN THE PARTIES HERETO AS FOLLOWS:**

- 1** THAT the Integration Agreement be amended as follows :
- 2** By deleting from **Recital B** the words "Form Three (III) to Form Seven (VII) with an attached Intermediate Department" and substituting the words "Years 7 to 13" therefor.

By deleting **Clause 8** and substituting the following Clause therefor: "The combined maximum rolls of Marcellin College and the attached Intermediate Department were 720 as at the 1<sup>st</sup> day of March 1997. It is agreed by and between the parties hereto that the maximum roll of the school shall be seven hundred and twenty (720) pupils."

By deleting from **Clause 23** the words "from Form Three (III) to Form (VII) for boys and girls with an attached Intermediate Department" and substituting the words "for boys and girls from Years 7 to 13" therefor.

- 3** THAT the covenants conditions and restrictions contained and implied in the Deed of Agreement shall be read and construed subject to the modifications herein contained but in all other respects the Deed of Agreement is confirmed.



IN WITNESS WHEREOF these presents have been executed the day and year first hereinbefore written.

**THE COMMON SEAL OF THE  
NEW ZEALAND MARIST BROTHERS  
TRUST BOARD**

was hereunto affixed by and in the presence of

*H. Spinks*  
..... Trustee

*J. Gray*  
..... Trustee

*Michael Deaker*  
*for*

Signed by **KATHY PHILLIPS**  
pursuant to authority delegated by  
the Minister of Education acting  
on behalf of **HER MAJESTY THE QUEEN**  
in the presence of:

*[Signature]*  
.....  
*Adviser*  
.....  
*Wellington*