

**THE MARIST SISTERS OF NEW ZEALAND TRUST BOARD**

**HER MAJESTY THE QUEEN ACTING BY AND THROUGH THE  
MINISTRY OF EDUCATION**

**ROMAN CATHOLIC BISHOP OF THE DIOCESE OF AUCKLAND**

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**Supplementary Deed of Agreement transferring  
the proprietorship of  
Marist College Mount Albert Auckland to the  
Roman Catholic Bishop of Auckland**

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**Shanahan Law**  
Barristers & Solicitors  
Wellington, New Zealand

DEED dated 27th November 2001  
~~January~~

## **PARTIES**

**THE MARIST SISTERS OF NEW ZEALAND TRUST BOARD ("Marist Sisters")**

**HER MAJESTY THE QUEEN ACTING BY AND THROUGH THE MINISTER OF EDUCATION ("Minister of Education")**

**ROMAN CATHOLIC BISHOP OF THE DIOCESE OF AUCKLAND ("Roman Catholic Bishop of the Diocese of Auckland")**

## **INTRODUCTION**

- A. The Marist Sisters as the owner of Marist Sisters College Mt Albert Auckland ("**School**") and the Minister of Education signed an Integration Agreement dated 13 October 1981 ("**Integration Agreement**") pursuant to section 7 (2) of the Private Schools Conditional Integration Act 1975.
- B. The Marist Sisters and the Minister of Education have signed the following Supplementary Agreements dated 23 February 1983, 1 June 1984, 29 March 1992, 8 December 1993, 24 August 1994, 6 September 1996, 16 December 1997, 7 April 1999 and 7 April 1999. These Supplementary Agreements amending the Integration Agreement are included in the term "Integration Agreement".
- C. The Marist Sisters subject to the terms of the Integration Agreement and the written approval of the Minister of Education have agreed to transfer the School to the Roman Catholic Bishop of the Diocese of Auckland as the new proprietor.
- D. The Minister of Education has agreed to the Marist Sisters transferring the School subject to the Integration Agreement to the Roman Catholic Bishop of the Diocese of Auckland as the new proprietor subject to the parties entering into this supplementary deed of agreement to the Integration Agreement pursuant to section 7 (9) of the Private Schools Conditional Integration Act 1975 to record the transfer of the Integration Agreement to the Roman Catholic Bishop of the Diocese of Auckland as the new proprietor of the School and certain other matters.

## **OPERATIVE PROVISIONS**

1. **TRANSFER OF INTEGRATION AGREEMENT**
  - 1.1 The Marist Sisters hereby transfer all their right title and interest as proprietor of the School under the Integration Agreement to the Roman Catholic Bishop of the Diocese of Auckland as from the Effective Date.
  - 1.2 The Roman Catholic Bishop of the Diocese of Auckland hereby accepts the transfer of the interest of the Marist Sisters as proprietor of the School under the Integration Agreement as from the Effective Date and agrees as the new proprietor to be bound by all the terms of the Integration Agreement.

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- 1.3 The Minister of Education consents to the transfer of the interest of the Marist Sisters as proprietor of the School under the Integration Agreement to the Roman Catholic Bishop of the Diocese of Auckland as the new proprietor as from the Effective Date.

## 2. VARIATIONS TO INTEGRATION AGREEMENT FOR THE SCHOOL

- 2.1 The Roman Catholic Bishop of the Diocese of Auckland as the new proprietor and the Minister of Education hereby agree that the Integration Agreement for the School is amended as follows:

- (a) By deleting the name of "The Marist Sisters of New Zealand Trust Board" as the proprietor wherever it occurs and substituting in its place the name of the "Roman Catholic Bishop of the Diocese of Auckland" as the proprietor.
- (b) By adding clause 5 (A) as follows:

### Clause 5(A)

The Roman Catholic Bishop of the Diocese of Auckland as the proprietor pursuant to this supplementary deed of agreement confirms its commitment to continue to maintain and preserve the Special Character of the School as described in the Integration Agreement and to maintain and nurture the charism of the Marist Sisters in the School as originally promoted by the Marist Sisters of New Zealand Trust Board as the founding proprietor of the School.

## 3. EFFECTIVE DATE

- 3.1 The effective date of this Supplementary Deed of Agreement is the date it is signed by all parties ("**Effective Date**").

## 4. CONFIRMATION OF INTEGRATION AGREEMENT

- 4.1 The Roman Catholic Bishop of the Diocese of Auckland as the proprietor and the Minister of Education hereby confirms that in all other respects the Integration Agreement for the School as amended by this Supplementary Deed of Agreement is confirmed.

### SIGNED AS A DEED

THE COMMON SEAL OF THE  
MARIST SISTERS OF NEW ZEALAND  
TRUST BOARD was affixed in the  
presence of:



*Jubiana L. Massey sm*  
Signature of Trustee

*Lenani M. Campbell sm*  
Signature of Trustee

*uh*

**SIGNED** by **PATRICK J DUNN** THE  
**ROMAN CATHOLIC BISHOP OF THE**  
**DIOCESE OF AUCKLAND** in the  
presence of:

*P J Dunn*

P J Dunn

Witness to signature:

*C A Emmett*

Signature of witness

*Catherine Anne Emmett*

Name of witness

*Secretary*

Occupation

*AUCKLAND*

City/town of residence

**SIGNED** for and on behalf of **HER**  
**MAJESTY THE QUEEN** acting by and  
through **THE MINISTER OF**  
**EDUCATION** by **Kathy Phillips**, Senior  
Manager National Operations, Ministry  
of Education the presence of:

*Kathy Phillips*

K Phillips

Witness to signature:

*Warren Henson*

Signature of witness

*Warren Henson*  
Public Servant  
13a Feist Street  
Naenae

Name of witness

Occupation

City/town of residence