

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

AND

ST MARY'S COLLEGE AUCKLAND LTD

SUPPLEMENTARY AGREEMENT TO
INTEGRATION AGREEMENT
St Mary's College, Ponsonby

DEED dated 23 day of May 2005

PARTIES

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

ST MARY'S COLLEGE AUCKLAND LTD ("the Proprietor")

BACKGROUND

- A. The Minister and the Proprietor signed a deed dated 7 April 1999 as a Supplementary Agreement ("**Supplementary Agreement**") varying the Integration Agreement dated Thursday, 17 November 1982 ("**Integration Agreement**") for St Mary's College, Ponsonby ("**School**") pursuant to section 7(9) of the Private Schools Conditional Integration Act 1975.
- B. 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.
- C. 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.
- D. 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.

The parties agree as follows:

1. VARIATION OF SUPPLEMENTARY AGREEMENT

- 1.1 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";

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2. EFFECTIVE DATE

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

3. GENERAL

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

SIGNATURES:

COMMON SEAL OF ST MARY'S COLLEGE AUCKLAND LTD hereunto affixed in the presence of:

Anne Corry

Trustee
Director

A.M. Fisher

Signature of ~~witness~~ Director

Accountant

Occupation

Auckland.

City/town of residence

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:

Kathy Phillips

MBe

Signature of witness

House

Occupation

Ngata

City/town of residence