

## SUPPLEMENTARY DEED OF AGREEMENT

### ST MARY'S COLLEGE, AUCKLAND

THIS DEED OF AGREEMENT is made on the 27<sup>th</sup> day of April  
One thousand nine hundred and ninety-eight (1998) BETWEEN ST MARY'S COLLEGE AUCKLAND LIMITED a company registered under the Companies Act 1993 (hereinafter with its 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 11<sup>th</sup> day of November 1982 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 **St Mary's 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 Deed of Agreement is hereby 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.
- 3 By deleting **Clause 8** from the Deed of Agreement and substituting the following Clause therefor: "The combined maximum rolls of **St Mary's College and the attached Intermediate Department** totalled four hundred and sixty (460) pupils as at the 4<sup>th</sup> day of November 1994. It is agreed by and between the parties hereto that the maximum roll of the school shall be four hundred and sixty (460) pupils."
- 4 By deleting from **Clause 25** the words "from Form Three (III) to Form (VII) with an attached Intermediate Department" and substituting the words "from Years 7 to 13" therefor.

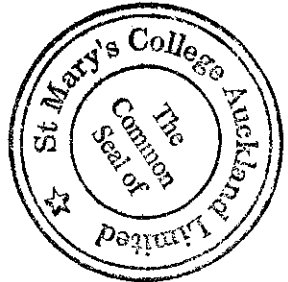


- 5 By deleting **Clause 18** of the Deed of Agreement.
- 6 By deleting from line 1 and from lines 12 and 13 of **Clause 19** of the Deed of Agreement the words "the Form III to Form VII section of".
- 7 By deleting the **Fifth Schedule** to the Deed of Agreement.
- 8. **THAT** the covenants conditions 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**  
**ST MARY'S COLLEGE AUCKLAND LIMITED**  
 was hereunto affixed by and in the presence of:

*J. Gillies* ..... Trustee  
*[Signature]* ..... Trustee



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]*  
 for Kathy Phillips

*[Signature]*  
 advises  
 Wellington