



Deed of Variation of the Sponsor Agreement

Between

**The State of New South Wales by its Department of Education through
its Learning and Teaching Directorate**

And

**The Ministry of Education of the Republic of Korea through the Korean
Education Centre in Sydney**

Deed of Variation

Parties

The State of New South Wales by its Department of Education through its Learning and Teaching Directorate (ABN: 40 300 173 822) of 105 Phillip Street, Parramatta NSW 2150 (the Department)

The Ministry of Education of the Republic of Korea through the Korean Education Centre in Sydney of Level 6, 287 Elizabeth Street, Sydney NSW 2000 (the Sponsor)

Background

- A. The Department and the Sponsor consider Korean to be a language of growing importance in NSW and agreed to collaborate in order to strengthen and increase the study of the Korean language in NSW public schools through the "plant-a-school" program.
- B. The Sponsor committed to provide **Funding amount** in funding to the Department in an agreement dated 18 December 2015 (**Agreement**). The funding was paid to the Department in eight instalments over 5 years.
- C. The funding was provided to schools selected for the program over a two year period for use in the implementation of Korean language programs, with **Funding amount** allocated to each school each year. Four schools started the program in 2019 and these have only received funding for one of the two years.
- D. The Agreement is currently due to conclude on 31 December 2019. The Parties wish to extend the end date of the Agreement to 31 December 2020 so that the schools currently on the program are able to receive funding for the second year.
- E. The Sponsor has further agreed to contribute an additional **Funding amount** to fund the second year of the program for the four schools.
- F. The Parties agree to vary the terms of the Initial Agreement on the terms contained in this Deed of Variation (**Deed**).
- G. Agreement negotiations for the continuation of the program in 2021 and beyond will commence in Term 1 2020.

Name/signature of
third party removed

General terms

1. Definitions and interpretation

1.1. Definitions

Unless the contrary intention appears, terms capitalised but not defined in this Deed have the same meaning as that given to them in the Agreement.

1.2. Interpretation

This Deed will be interpreted according to the interpretation provisions of the Agreement.

2. Variations

Variations to the Agreement

The Agreement is varied according to the provisions set out in Schedule 1.

3. All other Agreement terms apply

With the exception of the provisions in the Agreement that are varied in this Deed, all other terms in the Agreement continue to apply unchanged.

4. Notices

The requirements in relation to notice or other communication connected with this Deed will be the same as the requirements set out in the notice provisions set out in the Agreement.

5. General

5.1. Costs

Each Party must pay its own legal costs and other expenses connected with the negotiation, preparation and execution of this Deed.

5.2. Further assurance

Each Party must promptly at its own cost do all things (including executing and if necessary delivering all documents) necessary or desirable to give full effect to this Deed.

Name/signature of third party removed

5.3. **Severability**

If anything in this Deed is unenforceable, illegal or void then it is severed and the rest of this Deed remains in force.

5.4. **Variation**

An amendment or variation to this Deed is not effective unless it is in writing and signed by the Parties.

Name/signature of
third party removed

Executed as a Deed on

December 2019

EXECUTED by the **Ministry of Education of the Republic of Korea** through the **Korean Education Centre in Sydney** by its authorised officer, in the presence of:

Name/signature of third party removed

Signature of Witness

Name/signature of third party removed

Name of Witness

Name/signature of third party removed

Signature of Authorised Officer

5/12/2019

Name/signature of third party removed

Name of Authorised Officer

EXECUTED by the **State of New South Wales** through its **Department of Education** by its authorised officer, in the presence of:

[Handwritten Signature]

Signature of Witness

Elisabeth Robertson

Name of Witness

[Handwritten Signature]

Signature of Authorised Officer

Deborah Summerhayes

Name of Authorised Officer

Name/signature of third party removed

Schedule 1 - Variations to the Agreement

In accordance with clause 2 of this Deed, the Agreement is amended as below:

1 Agreement expiry date

The End Date in Item 3 of the Schedule in the Agreement (**Agreement Schedule**) is changed to 31 December 2020.

2 Agreement value and Sponsor contribution

In Item 4 of the Agreement Schedule, the total sum paid by the Sponsor to the Department is changed to **Funding amount** excluding GST.

3 Payment terms

An additional payment instalment is added to Item 5 of the Agreement Schedule. The following is inserted after the "Eighth Instalment":

"Ninth Instalment (invoice at start of December 2019) - **Funding amount**

- The Ninth Instalment is to be paid before 31 December 2020."

4 Benefit to be provided to the sponsor by the Department

Item 6 of the Agreement Schedule is deleted and replaced with:

"The Department will:

- Provide program management including:
 - The program timeline and set-up process
 - The information package and letter of agreement
 - Invoicing the Sponsor and distributing the funds to schools
- Identify a Korean language teacher
- Provide curriculum and syllabus support
- Complete an annual progress report in December of each year of the commitment."

5 Special conditions

The following is inserted at the end of Item 7 of the Initial Agreement Schedule:

"2020 – one teacher day per week each to East Hills Girls Technology High School, Bonnyrigg High School, Laguna Street Public School, and St Peters Public School.

Name/signature of
third party
removed

No new schools will be selected for the "plant-a-school" program for 2020. The program is restricted in 2020 only to funding the second year for the four schools selected for the program in 2019, being East Hills Girls Technology High School, Bonnyrigg High School, Laguna Street Public School, and St Peters Public School."

Name/signature of
third party removed