

SUPPLEMENTARY DEED OF AGREEMENT

VIARD COLLEGE, PORIRUA

THIS DEED OF AGREEMENT is made on the *22nd* day of *August*  
One thousand nine hundred and ninety *four* (1994) BETWEEN THE  
ROMAN CATHOLIC ARCHBISHOP OF THE ARCHDIOCESE OF WELLINGTON, a  
"Corporation Sole" (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 21 Day of July One thousand nine hundred and eighty one (1981) as varied by any subsequent supplementary agreements (hereinafter referred to as "Deed of Agreement"), the Minister and the Proprietor pursuant to section 7 (2) of the Private Schools Conditional Integration Act 1975 established Viard College, PORIRUA as an integrated school (hereinafter referred to as "the School").
- B The Proprietor and the Minister wish to vary the Deed of Agreement:
- (1) To take account of the changes introduced to the education system consequent on the passing of the Education Act 1989 and its subsequent amendments, and
  - (2) To delete the Third Schedule.

*JPW*  
*cf.*

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

1. THAT any reference to the Board of Governors shall be deemed to be a reference to the Board of Trustees.

2. THAT any reference to the Director General or the Regional Superintendent of Education shall be deemed to be a reference to the Secretary of Education.

3. THAT the Integration Agreement be amended as follows:

3.1. By deleting Clause 3(d).

3.2. By deleting the existing Clause 7 and replacing it with the following:

"7 (a) THE Board of Trustees shall be the Controlling Authority of the School and shall be constituted pursuant to Part IX of the Education Act 1989.

(b) THE control and management of the School shall be exercised subject to the provisions of Section 25(6) of the Private Schools Conditional Integration Act 1975."

3.3. By deleting subclauses (b) and (c) of Clause 10 and substituting the following therefor

"(b) In accordance with section 7(6)(h) of the Private Schools Conditional Integration Act 1975, unless the Proprietor and the Secretary of Education otherwise agree, and subject to places being available, the number of pupils whose parents do not have preference of enrolment at the School in accordance with the

provisions of Section 29(1) of the Private Schools Conditional Integration Act 1975 shall be limited at all times to five (5) per cent of the maximum roll as determined by Clause 8 hereof and the Board of Trustees shall not enrol more than that number PROVIDED THAT to maintain and preserve the Special Character of the School the Controlling Authority in classifying such pupils so enrolled shall endeavour to reasonably distribute them through the range of classes offered by the School."

3.4. By deleting from Clause 15 the words "as established by Regulations made under the Education Act 1964" and substituting the words "as established pursuant to the Education Act 1989" therefor.

3.5. By adding after the words "Deputy Principal" in the first line of Clause 19 the words, "however described,".

3.6. By deleting Third Schedules to the Deed of Agreement.

4. 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.

*JWS*  
*UP.*

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

SIGNED by THOMAS STAFFORD WILLIAMS

THE ROMAN CATHOLIC ARCHBISHOP OF

THE ARCHDIOCESE OF WELLINGTON

and sealed with his Seal of Office in the presence of:

+ *Thomas Card. Williams*

*John Eaton*

John Bernard Eaton J.P.  
Director  
Archdiocese of Wellington  
Catholic Education Office

SIGNED by KATHY PHILLIPS

Senior Manager, National Operations  
Ministry of Education pursuant  
to authority delegated by the  
Ministry of Education acting on  
behalf of HER MAJESTY THE QUEEN  
in the presence of:

*Kathy Phillips*

*Judith Manchester  
53 Creanich Tee  
Wellington 5*