

**SUPPLEMENTARY DEED OF AGREEMENT**

**CARMEL COLLEGE, MILFORD**

**THIS DEED OF AGREEMENT** is made on the *12th* day of *December* One thousand nine hundred and ninety four (1994) **BETWEEN** **THE SISTERS OF MERCY (AUCKLAND) TRUST BOARD** a body Corporate registered under the Religious Charitable and Education Trusts Act 1908. (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 **9 October 1981** 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 **Carmel College, Milford**, 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 replace the Plan annexed to the Second Schedule with a new Plan.

**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.

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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 amending **Clause 3(d)** by adding after the word 'hereto' the second time it occurs, the words 'or such other dates as may be agreed from time to time between the Minister and the Proprietor'.

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 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 and 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 the Plan annexed to the Second Schedule of the Deed of Agreement and substituting therefore the Plan annexed hereto.
- 3.7 By deleting the Fourth Schedule 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.



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

THE COMMON SEAL OF THE SISTERS  
OF MERCY (AUCKLAND) TRUST BOARD

was hereunto affixed by and in the presence of:

Judith Leydon Trustee  
Francis Stewart Trustee



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:

Judith Manchester  
53 Creswick Terrace  
Wellington 5

Kathy Phillips

*[Handwritten mark]*