

SUPPLEMENTARY DEED OF AGREEMENT

MARIAN COLLEGE, CHRISTCHURCH

THIS DEED OF AGREEMENT is made on the 17th day of *May*
One thousand nine hundred and ninety *five* (1995)
BETWEEN THE Roman Catholic Bishop of Christchurch as 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 12th day of January 1983 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 Marian College 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:

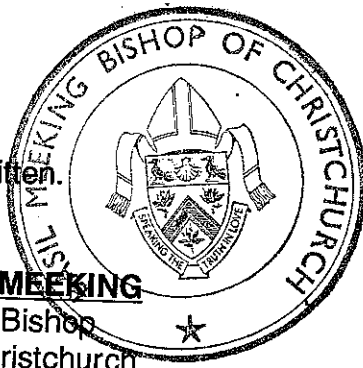
1. **THAT** any reference to the Board of Governors shall be deemed to be a reference to the Board of Trustees.
2. **THAT** any reference to the Director General or the Regional Superintendent of Education shall be deemed to be a reference to the Secretary of Education.

3. **THAT** the Integration Agreement be amended as follows:
- 3.1 By deleting 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."
- 3.2 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 (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."
- 3.3 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
- 3.4 By adding after the words "Deputy Principal" in the first line of **Clause 18** the words ",however described,"
- 3.5 By deleting the **Plan** annexed to the Second Schedule of the Deed of Agreement and substituting therefore the Plan annexed hereto.
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.



SIGNED by **BASIL MEEKING**

the Roman Catholic Bishop
of the Diocese of Christchurch
and sealed with his Seal of
Office in the presence of:

Gerard Mitten
Integrated Schools Officer
11 Kauri St
CHCH 4

EXECUTED BY BASIL MEEKING THE
ROMAN CATHOLIC BISHOP OF CHRISTCHURCH
FOR THE TIME BEING BY HIS ATTORNEY
JOHN JOSEPH CUNNEEN AND SEALED WITH
HIS SEAL OF OFFICE.

J. J. Cunneen
J. J. CUNNEEN

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

Judith Manchester
53 Creswick Terrace
Wellington 5

MARIAN COLLEGE - THIRD SCHEDULE

Building Requirements:

- 1) Provide by new construction one advanced science laboratory of 84 metres square.
- 2) Physics prep room of 19 metres square.

*JG
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