

SUPPLEMENTARY DEED OF AGREEMENT

McAULEY HIGH SCHOOL, OTAHUHU

THIS DEED OF AGREEMENT is made on the *24th* day of *August* One thousand nine hundred and ninety four (1994) BETWEEN THE ROMAN CATHOLIC BISHOP OF THE DIOCESE OF AUCKLAND 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 **14 April 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 **McAuley High School, Otahuhu**, 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 Fourth Schedule with a new Schedule.

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

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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 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 18** the words "however described"
- 3.6 By deleting **Clause 30** from the Deed of Agreement.
- 3.7 By deleting **Fourth Schedules** to the Deed of Agreement and substituting the Schedule attached 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 BISHOP DENIS BROWNE,

THE ROMAN CATHOLIC BISHOP OF
THE DIOCESE OF AUCKLAND in the
presence of:

Shawcross
Neil Lawson
Apri. 94
37-39 Federal Str;
Auckland

D. J. Brown

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 Cassinick Tce
Wellington 5

Kathy Phillips

MCAULEY HIGH SCHOOL, OTAHAUHU

FOURTH SCHEDULE

WORKS TO BE CARRIED OUT BY THE PROPRIETOR IN RELATION TO THE INTEGRATED SCHOOL

These works are to be planned, executed and paid for by the proprietor subject to the provisions of this schedule in relation to the buildings and associated facilities to bring them up to the minimum standard for a comparable state school. All work is to be carried out by competent tradesmen or in a workmanlike manner to Ministry of Education standards.

AGREED PHASING OF WORK TO BE COMPLETED BY:

Provide the following by new construction or remodelling:

Drama room		93.0m ²)
Drama store		19.0m ²)
Library		175.0m ²)
Advanced laboratory		84.0m ²)
Advanced preparation room		11.5m ²)
Music room		70.0m ²)
Music store		23.0m ²)
Music practice rooms	1 of	11.0m ²)
	1 of	7.5m ²)
HOD/PR office		7.5m ²)
Interview room		7.5m ²)
Caretakers room		9.5m ²)
Maintenance staff workroom		7.0m ²)
Store workshop		19.0m ²)
Resource room		19.0m ²)
Maths workroom		47.0m ²)
Language store		14.0m ²)
1 shower for female staff		9.5m ²)

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Provide the following by new construction or remodelling (continued)

1 shower for male staff)
Kiln shed (and relocate kiln) 10.0m²)
Dangerous goods store 9.0m²)

Block 1 - Structural
Check all trussed beams and strengthen to MWD standards

Block 1 - Mechanical
Provide permanently wired electrical heaters on time switch and thermostat control where required to bring heating up to state school standards in Areas 1, 3 and 4

Block 1 - Electrical
Upgrade lighting to state school standards in Areas 1-4

Block 2A - Structural
Check assembly hall trusses and strengthen to MWD standards.
Check and strengthen trussed beams to MWD standards.
Check and strengthen east-west wall bracing to MWD standards.

Block 2A - Mechanical
Provide permanently wired electric heaters on time switch and thermostat control where required to bring heating up to state school standards in Areas 24-30.

AGREED PHASING OF WORK TO BE COMPLETED BY
1/7/94 1/7/95 1/7/96 1/7/97

AGREED PHASING OF WORK TO BE COMPLETED BY:
1/7/94 1/7/95 1/7/96 1/7/97

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Block 2A - Electrical
Upgrade lighting in all areas to state school standards.

Block 2B - Structural
Upgrade the lateral strength in both directions to MWD standards.
Check and strengthen all trussed beams to MWD standards.

Block 2B - Mechanical
Provide permanently wired electric heaters on time switch and thermostat control where required to bring heating up to state school standards in Areas 38-40, 43-44 and 46-49.

Block 2B - Electrical
Upgrade lighting to state school standards in all areas

Block 3 - Structural
Upgrade lateral strength to MWD standards.
Check and strengthen trussed beams to MWD standards.
Check and strengthen block wall at egress to MWD standards

Block 3 - Mechanical
Provide permanently wired electric heaters on time switch and thermostat control where required to bring heating up to state school standards in Areas 5-7, 10, 12, 13, 15, 17, and 22.
Provide ventilation in Area 16.

AGREED PHASING OF WORK TO BE COMPLETED BY:
1/7/94 1/7/95 1/7/96 1/7/97

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Block 3 - Electrical
Upgrade lighting to state school standards
in all areas except 17 and 19.

Block 4 - Structural
Check and upgrade lateral strength particularly
at north and east walls, to MWD standards.

Block 5 - Structural
Check and strengthen in lateral direction to
MWD standards.