

**SUPPLEMENTARY DEED OF AGREEMENT**

**SACRED HEART COLLEGE, AUCKLAND**

THIS DEED OF AGREEMENT is made on the *24<sup>th</sup>* day of *May*  
One thousand nine hundred and ninety five (1995) between THE NZ MARIST  
BROTHERS TRUST BOARD a body Corporate registered under the Religious  
Charitable and Education Trusts Act 1957 (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 30 March 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 Sacred Heart  
College, Auckland, 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 First, Third and Sixth Schedules with new schedules.

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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 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 Secretary of Education 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 (d) 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

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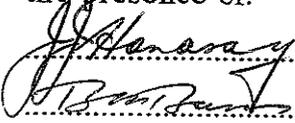
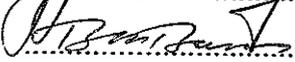
number PROVIDED THAT to maintain and preserve the Special Character of the School and the Controlling Authority in classifying such pupils so enrolled shall endeavour to reasonably distribute them through the range of classes offered by the School."

- 3.4 By deleting from **Clause 16** 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 20** the words 'however described'.
- 3.6 By deleting the First, Third and Sixth Schedules to the Deed of Agreement and substituting with the new schedules herewith.
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  
NZ MARIST BROTHERS TRUST BOARD

was hereunto affixed by and in the presence of:

.....Trustee  
.....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 Creech Terrace  
Wellington 5

## FIRST SCHEDULE

Description of total land, buildings and other improvements comprising the Proprietor's land of which the School premises form part.

### The Proprietor's Land

All that land, buildings and other improvements owned by the New Zealand Marist Brothers Trust Board, situated in West Tamaki Road, Glen Innes, Auckland, being known as Sacred Heart College, Auckland, and being more particularly described as follows and delineated in green on the plan forming part of the Second Schedule hereto.

All that freehold parcel of land containing 21.8891 hectares more or less being Lot 2 on Deposited Plan 45876 and Parts Allotments 15 and 92 District of Tamaki part being more particularly shown as Lot 60 Deposited Plan 18394 and being all the land comprised and described in Certificate of Title Volume 24D Folio 1213 North Auckland Registry.

### Subject to:

B.459402.1 Variation of terms of Mortgage  
193319.4 - 16.9.1985

B.708967.1 Variation of the terms of Mortgage  
193319.4 - 24.7.1987

B.708967.2 Variation of the terms of Mortgage  
193319.4 - 24.7.1987

B.708967.3 Variation of the terms of Mortgage  
193319.4 - 24.7.1987

B.708967.4 Variation of the terms of Mortgage  
193319.4 - 24.7.1987

B.918669.1 Variation of terms of Mortgage  
193319.4 - 23.11.1988

B.943986.1 Variation of terms of Mortgage  
193319.4 - 24.1.1989

C.031825.1 Mortgage to Her Majesty The Queen -  
22.8.1989



### THIRD SCHEDULE

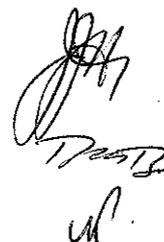
Amend as follows:

Driveways and Sealed Areas: to be completed by 1 July 1997:

1. Replace all existing cracked concrete with new concrete.
2. Provide overcoating and concrete edging to sealed area between Blocks I and J.
3. Provide concrete edge kerbing and recoat fracturing surface in Block I Centre court.
4. Repair and reseal area from gate 4 to road.
5. Reseal whole drive.
6. Upgrade metal road north from Block K to incinerator and provide concrete kerbs.
7. Patch and reseal damaged seal north end of court between Blocks N and F.
8. Upgrade metal drive to former cycle shed and provide falls to yard sump.
9. Reseal from road to gate 3 and fill in kerb stone joints on drive.
10. Reseal whole area north of Blocks E & F, provide concrete kerbs. (Remark basketball lines if required.)
11. Reseal ramp west end Block E.
12. Rebuild and reseal whole area north of Block C.
13. Rebuild and reseal carpark between Blocks C and O.
14. Rebuild and reseal main driveway from Gate 1 to Admin and around north end of Chapel to main carpark.
15. Repair tennis court mesh fences and gates.
16. Rebuild where necessary and reseal whole surface; remark.
17. Replaster steps where necessary and provide suitable handrail.
18. Provide pipe rail to top of supports east side of ramp to field.
19. Upgrade all boundary fencing and gates to State School standard.

Building Requirements:

1. BLOCK A - Structural  
Investigate and strengthen hall section to code requirements by the year 2013.
2. BLOCK B - Structural  
Strengthen ground floor of E-W wing and N-S wing to code standards.  
Strengthen steel framed first floor section of E-W wing to code standards.  
Strengthen first floor section of E-W wing adjacent to N-S wing to code standards.  
Complete N-S wing by the year 2008.
3. BLOCK F - Structural  
Strengthen building to code standards by the year 1998.
4. Provide the following by remodelling or new construction:  
Gymnasium 510m<sup>2</sup>  
PE Store 15m<sup>2</sup>  
Equipment bay 27m<sup>2</sup>  
Weight training 27m<sup>2</sup>  
Changing block 94m<sup>2</sup>



Outside PE Store 19m<sup>2</sup>  
 Kiln Shed 10m<sup>2</sup>  
 Music Store/Resource 23m<sup>2</sup>  
 Music Practice Rooms (1 x 11m<sup>2</sup>, 1 x 7.5m<sup>2</sup>)  
 Study Room 47m<sup>2</sup>  
 Lecture Room 74m<sup>2</sup>  
 Common Room 112m<sup>2</sup>  
 Principal's office 19m<sup>2</sup>  
 Deputy Principal's office 11m<sup>2</sup>  
 Senior Master's office 11m<sup>2</sup>  
 Counsellor's office 12m<sup>2</sup>  
 Timetable Room 14m<sup>2</sup>  
 Staff Rest Room 4.5m<sup>2</sup>  
 Interview Room 9.5m<sup>2</sup>  
 School Office 19m<sup>2</sup>  
 Duplicating Room 9.5m<sup>2</sup>  
 Maths Workroom 14m<sup>2</sup>  
 Language Store 9.5m<sup>2</sup>  
 Dangerous Goods Store 9m<sup>2</sup>  
 Pool Chemical Store 10m<sup>2</sup>  
 Female Staff Shower  
 Public toilets:  
     Female: 2 WCs, 1 WHB and sanitary towel disposal unit  
     Male: 1 WC, 1 WHB and 7 stall urinal

### SIXTH SCHEDULE

#### **Resumé of the historical and traditional connections between the Order and the School**

The New Zealand Marist Brothers' Trust Board, proprietors of Sacred Heart College, established the school in Richmond Road, Ponsonby, in 1903. In 1953 the College was relocated to Glen Innes and is a boarding and day school for boys only in Forms III to VII with an attached intermediate day school for boys.

Sacred Heart College, being founded and administered by the Marist Brothers' Order, has been influenced by the traditions and spirit of this international community of Brothers, who were founded in the nineteenth century in France to educate the less-favoured students in the post-Revolution period and then to extend their work into other needy areas of the world. Thus, in 1876, the first Marist Brothers arrived in the South Pacific to open schools in New Zealand, Fiji, the Samoas and Tonga. These countries today form one administrative unit called the Province, which is headed by a Brother Provincial Superior.

The Marist Brothers are proprietors of three Colleges in New Zealand:

ST PAUL'S COLLEGE, PONSONBY  
 SACRED HEART COLLEGE, GLEN INNES  
 MARCELLIN COLLEGE, EPSOM

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In addition, they provide staff in the following schools:

HATO PETERA COLLEGE  
JOHN PAUL II HIGH SCHOOL, GREYMOUTH  
VERDON COLLEGE, INVERCARGILL  
ST BERNARD'S COLLEGE, LOWER HUTT  
ST PATRICK'S SCHOOL, NAPIER

In all the above-mentioned schools, the Brothers bring their own particular traditions and spirit of Christian Community, care for the less-favoured, willingness to go to new areas or needs indicated by the Bishops, and they maintain a strong link with the Pacific Islands, where New Zealand Brothers staff thirteen schools. With the changing needs in all of these places, the Brothers are transferred within New Zealand and between New Zealand and the Pacific.

Against this background of national and international involvement, therefore, Sacred Heart College endeavours to develop within the families and staff who make up the College Community, 'a spirit of humility, and a love of awareness of the poor, and apostolic zeal, a sense of the Church and a love of the blessed Virgin'. (Constitution of the Marist Brothers)

The College organisation, courses, programme and the environment that they create contributes towards this development. Of particular significance in the life of the College are:

1. The Christian Living and Retreat Programme
2. Staff training with religious and pastoral emphasis
3. The emphasis placed on family and community spirit among students, parents, staff and past students
4. The development of prayer and worship.

This resumé shall not be construed as adding to or amending the Special Character of the School as defined in Clause 5 of this agreement.

#### Supplementary Agreement

Agreement dated 1 May 1984 deleted and replaced by new Third Schedule.

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