

SUPPLEMENTARY DEED OF AGREEMENT

SACRED HEART GIRLS' COLLEGE, NEW PLYMOUTH

THIS DEED OF AGREEMENT is made on the 15th day of *May*
One thousand nine hundred and ninety ^{six} ~~five~~ (1995⁶) **BETWEEN THE INSTITUTE DE**
NOTRE DAME DES MISSIONS TRUST BOARD a "Body Corporate" (hereinafter
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 6th day of February, One thousand nine hundred and eighty two (1982) 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 Girls College, New Plymouth 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.
 - (2) To replace the First Schedule and the plan attached to the Second Schedule.
 - (3) To delete the Third Schedule.
 - (4) To amend Clause 8.

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

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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 further 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 subclause (b) 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 1974 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 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 Schedule and substituting therefor the Schedule attached hereto.
- 3.7 By deleting the Plan annexed to the Second Schedule and substituting therefore the Plan attached hereto.
- 3.8 By deleting the Third Schedule.
- 3.9 By deleting from **Clause 8** all words after "the maximum roll of the school shall be four hundred and seventy (470) pupils."
- 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.

*for up
H. M. M.*

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

The Common Seal of **THE INSTITUTE**
DE NOTRE DAME DES MISSIONS
TRUST BOARD, was hereunto affixed
by and in the presence of:

M. A. Monaghan Trustee
Clare M. Murphy Trustee
Procurator



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 Coleridge Terrace
Wellington 5

SCHEDULE**New First Schedule****"FIRST SCHEDULE****SACRED HEART GIRLS' COLLEGE, NEW PLYMOUTH**

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, Convent, Boarding School, School buildings and other improvements owned by the Institute De Notre Dame Des Missions Trust Board situate at Pukaka Street, Fitzroy, New Plymouth, and being more particularly described as follows:

All that freehold parcel of land containing 7.9961 ha more or less situate in the City of New Plymouth being Lots 1, 2 and 3, Deposited Plan 2473 and being part Section 92 and Part Maori Reserves 18 and 23 Fitzroy District and being all the land in Certificate of Title Volume B4 Folio 1179 (Taranaki Registry)

SUBJECT TO

- (1) Transfer 188763 (Easement in gross) Grant of the right to convey water over part herein Certificate of Title B4/1179.
- (2) There is a debt to the Housing Corporation of New Zealand.

*M. A. G. M.
Can. ed.*