

SUPPLEMENTARY DEED OF AGREEMENT

ST DOMINIC'S COLLEGE, HENDERSON

THIS DEED OF AGREEMENT is made on the *16th* day of *November* One thousand nine hundred and ninety four (1994) BETWEEN THE NEW ZEALAND DOMINICAN SISTERS TRUST BOARD a body corporate registered under the Charitable 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 **10 February 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 **St Dominic's College, Henderson**, 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 Third 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:

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

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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 Controlling Authority in classifying such pupils so enrolled shall endeavour to reasonably distribute them through the range of classes offered by the School."

- 3.5 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.
- 3.6 By adding after the words "Deputy Principal" in the first line of **Clause 19** the words "however described."
- 3.8 By deleting **Third 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.

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

THE COMMON SEAL OF THE NEW ZEALAND
DOMINICAN SISTERS TRUST BOARD

was hereunto affixed by
and in the presence of :



Trustee: Judith W. F. McGinley

Trustee: Margaret L. Challis

Neil McDonald

Neil McDonald

SIGNED by KATHY PHILLIPS

Acting 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

THIRD SCHEDULE

ST DOMINIC'S COLLEGE, HENDERSON

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:

1/7/94 1/7/95 1/7/96 1/7/97

BLOCK B

Exterior:

Refix spouting on east side of area 36

x

Structural

Strengthen east wall to ensure a better distribution of load resisting elements

BLOCK D

Structural

Strengthen unreinforced masonry partitions

x

BLOCK I

Structural

Strengthen end walls of three wing (North, East and South elevations

x

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1/7/95
1/7/96
1/7/97*

BUILDING REQUIREMENT

Provide the following by new construction or remodelling:

Bulk chemical storage of 17m²

AGREED PHASING OF WORK TO BE COMPLETED BY:

1/7/94 1/7/95 1/7/96 1/7/97

x