

**SUPPLEMENTARY DEED OF AGREEMENT**

**ST. MARK'S SCHOOL, CHRISTCHURCH**

THIS DEED OF AGREEMENT is made on the Twenty Sixth day February of One Thousand Nine Hundred and Ninety Six (1996) BETWEEN THE St. Mark's School Board (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 *17 November 1988* 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. Mark's School* 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 Plan attached to the Second Schedule with a new Plan and 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 School Committee or the Controlling Authority shall be deemed to be a reference to the Board of Trustees.



2. THAT any reference to the Director General or to any Education Board 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 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 amending Clause 3(i) by deleting the words 'Education Department' and replacing them with 'Ministry of Education.

3.3 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.'

3.4 By deleting **Clause 8B** and substituting the following therefor:

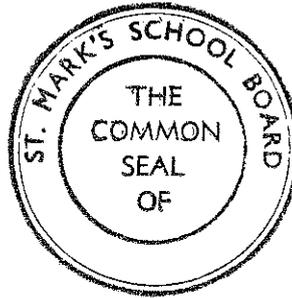
'8B IN ACCORDANCE with Section 7(6) (h) of the Private Schools Conditional Integration Act 1975, unless the Proprietor and the Secretary of Education otherwise agree, and subject to places being available, the number of pupils whose parents do not have preference of enrolment at the School in accordance 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.'

- 3.5 By deleting **Clause 13** and substituting the following Clause therefor:  
'13. WHENEVER there is a position of deputy principal at the School, however described, it is agreed pursuant to Section 66(1) of the Private Schools Conditional Integration Act 1975 that the position is to be a special position that requires particular capabilities in the teacher appointed, namely, to maintain programs and activities that reflect the Special Character of the School and an advertisement for the position of deputy principal shall state that possession of these capabilities shall be a condition of appointment.  
Any person so appointed to the position of deputy principal shall accept these requirements as a condition of appointment.'
- 3.6 By deleting from **Clauses 14 and 15** the words 'current staffing entitlement under the Education Act 1964 and regulations made thereunder' and substituting therefor the words 'Total Staffing Entitlement of the School as established pursuant to the Education Act 1989.'
- 3.7.1 By deleting from **Clause 23** the words 'under the same Controlling Authority'.
- 3.7.2 By deleting from **Clause 23** the words 'the Controlling Authority' and substituting therefor the words 'the Minister'.
- 3.8 By deleting the **Plan** annexed to the Second Schedule of the Deed of Agreement and substituting therefor the plan annexed hereto.
- 3.9 By deleting the **Third Schedule** 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** *Marton D. Sinclair* (Chairman, St. Mark's School Board) in the presence of:

*M. Sinclair*



*Sb Anderson*

**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:

*[Signature]*

*[Signature]*  
adviser  
Wellington

*[Signature]* *[Signature]* *[Signature]*

THIRD SCHEDULE

ST. MARK'S SCHOOL, CHRISTCHURCH

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 July 1994	1 July 1995	1 July 1996	1 July 1997
<i>Completion of Grounds Redevelopment</i>		<b>X</b>		
<i>Completion of the Junior School, Rooms 1-4</i>		<b>X</b>		



# St Mark's School

