

SUPPLEMENTARY DEED OF AGREEMENT

ST THOMAS OF CANTERBURY COLLEGE, CHRISTCHURCH

THIS DEED OF AGREEMENT is made on the *4th* day of *October*
One thousand nine hundred and ninety *five* (1995)
BETWEEN THE Trustees of the Christian Brothers New Zealand (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

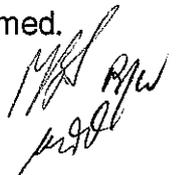
- A. By Deed of Agreement bearing date the 19th day of October 1981 as varied by any subsequent supplementary agreements (hereinafter referred to as "the Deed of Agreement"), the Minister and the Proprietor pursuant to section 7 (2) of the Private Schools Conditional Integration Act 1975 established St Thomas of Canterbury College, Christchurch 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 Schedule with a new First Schedule.
 - (3) To replace the Second Schedule and the Plan attached to the Second Schedule with a new Second Schedule and a new Plan.

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.

MBJ *MW*

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 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."
 - 3.2 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 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."
 - 3.3 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.
 - 3.4 By adding after the words "Deputy Principal" in the first line of **Clause 19** the words ",however described,"
 - 3.5 By replacing the First Schedule with the Schedule attached hereto.
 - 3.6 By deleting the Second Schedule and the Plan attached to the Second Schedule of the Deed of Agreement and substituting therefor the Second Schedule and the Plan annexed hereto.
 - 3.7 **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.

A handwritten signature in black ink, appearing to be 'M. J. W.' with a flourish underneath.

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

THE COMMON SEAL of the Trustees of the Christian Brothers, New Zealand was hereunto affixed by and in the presence of:



M. Beaulieu Trustee

R. J. Walsh Trustee

Anne Swonski

KP **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 Tranchesi
53 Coenick Terrace
Wellington 5

FIRST SCHEDULE

Description of total land buildings and other improvements comprising the proprietors land of which the school premises form part.

THE PROPRIETOR'S LAND

All that land school buildings and other improvements owned by the Trustees of the Christian Brothers New Zealand being known as St Thomas of Canterbury College, Christchurch, New Zealand and being more particularly described as follows:

FIRSTLY All that freehold parcel of land containing 2.9734 hectares or thereabouts situated in Block X of the Christchurch Survey District being Lot 2 on Deposited Plan 40543 and being all that land comprised and described in Certificate of Title Volume 26F Folio 772.

SUBJECT TO (1) Mortgage 260781/1 to Ichthus Limited

(2) Mortgage A.105205/2 to Trust Bank Canterbury Limited

SECONDLY All that freehold parcel of land containing 4.3872 hectares or thereabouts situated in Block X of the Christchurch Survey District being Lot 4 on Deposited Plan No. 21824 and Lot 2 on Deposited Plan No 23910 part of Rural Section 160 and all that land comprised and described in Certificate of Title Volume 5A Folio 643.

SUBJECT TO (1) Fencing Provisions contained in Transfers 574294 and 660553.

THIRDLY All that freehold parcel of land containing 774 sq.m or thereabouts situated in Block X of the Christchurch Survey District being Lot 3 on Deposited Plan No. 21824 part of Rural Section 160 and being all that land comprised and described in Certificate of Title Volume A1 Folio 1184.

FOURTHLY All that freehold parcel of land containing 777 sq.m or thereabouts situated in Block X of the Christchurch Survey District being Lot 1 on Deposited Plan No. 40543 and being all that land comprised and described in Certificate of Title Volume 18F Folio 109.

Handwritten signatures and initials in the bottom right corner of the page, including what appears to be 'MBT', 'AW', and a signature that looks like 'JST'.

SECOND SCHEDULE

Description of land buildings and other improvements comprising the School premises.

THE SCHOOL PREMISES

All that part of the Proprietor's land as described in the First Schedule hereto, delineated in red on the annexed Plans of the Proprietor's land, which Plan forms part of this Schedule TOGETHER WITH all the School buildings and other improvements now standing or erected thereon and shown on the said Plans, SAVE AND EXCEPT the buildings marked "E", "G" and "O" on the said Plan.

M/S P/W
per