

## SUPPLEMENTARY DEED OF AGREEMENT

### VILLA MARIA COLLEGE

THIS DEED OF AGREEMENT is made on the 12<sup>th</sup> day of March  
One thousand nine hundred and ninety nine (1999)  
BETWEEN THE SISTERS OF MERCY (DIOCESE OF CHRISTCHURCH) TRUST  
BOARD (hereinafter with their 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 9<sup>th</sup> 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 Villa Maria 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.
  - (2) To amend the First and the Second Schedules and 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 references 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:

#8 MCA  
A. L.

- 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 five (5) per cent of the maximum roll as determined by Clause 8 thereof 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 deleting **Clause 26**.
- 3.6 By substituting new First and Second Schedules and Plan as attached 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.

HS MSA  
A.C.

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

**THE COMPANY SEAL OF VILLA MARIA COLLEGE  
CHRISTCHURCH LIMITED** as attorney for **THE  
SISTERS OF MERCY (DIOCESE OF CHRISTCHURCH)  
TRUST BOARD** as Proprietor was hereto affixed  
in the presence of:

*Margaret E. Austin*  
..... Director  
02.03.99

*Anna Labadie*  
..... Director  
02.03.99



**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:

*pp Helen Stewen*

*[Signature]*  
adviser  
Wellington

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 the land, buildings and other improvements owned by the Sisters of Mercy (Diocese of Christchurch) Trust Board situated at Peer Street, Yaldhurst Road and Brodie Street Christchurch being known as Villa Maria College and being more particularly described as follows and delineated in green on the plan forming part of the second schedule hereto.

FIRSTLY all that estate in fee simple containing 1.0150 hectares being Lot 1 on Deposited Plan 75040 and being all the land in Certificate of Title 43B/315

SECONDLY all that estate in fee simple containing 4.8840 hectares being Lot 2 on the Deposited Plan 75040 and being all the land in Certificate of Title 43B/316

BOTH ESTATES subject to Mortgage 817896

#8 MEA  
a. b

SECOND SCHEDULE

Description of land and 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 plan 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 as shown on the said plan SAVE AND EXCEPT those blocks delineated in blue on the annexed plan FURTHER RESERVING to the Proprietor the right to enter upon so much of the school premises as may be necessary to effect the installation laying maintenance or repair of any or all high pressure water, stormwater, sewage, electric power or telephone lines conduits lines or cables serving those parts of the Proprietor's lands excluded from this Deed of Agreement.

HS      MEA  
            A. L.

CERTIFICATE OF NON-REVOCATION OF POWER OF ATTORNEY

VILLA MARIA COLLEGE CHRISTCHURCH LIMITED hereby certify:

1. THAT by Deed dated the 5<sup>th</sup> day of May 1998 THE SISTERS OF MERCY (DIOCESE OF CHRISTCHURCH) TRUST BOARD appointed the company as its attorney to act for it in its name and on its behalf and in its interests in all matters pursuant to the Private Schools Conditional Integration Act 1975 and the Integration Agreement affecting Villa Maria College in Christchurch on the terms and subject to the conditions set out in the said deed.

2. THAT at the date hereof the company has not received any notice or information of the revocation of that appointment and such Power of Attorney remains in full force and effect.

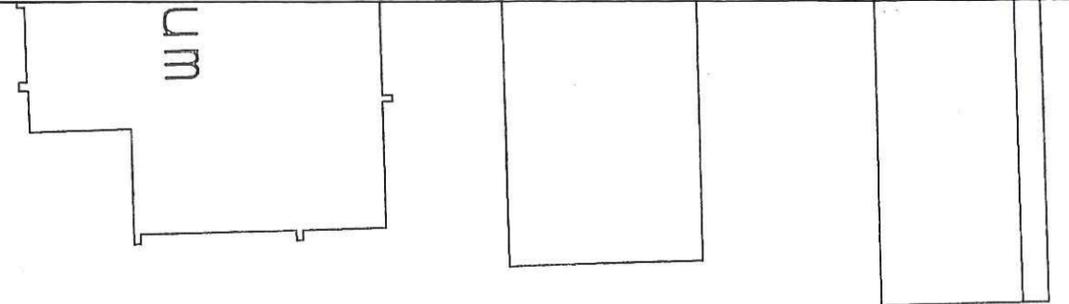
Signed at Christchurch this 12<sup>th</sup> day of March 1999.

THE COMMON SEAL of VILLA )  
MARIA COLLEGE CHRISTCHURCH)  
LIMITED was hereto affixed in the )  
presence of: )

*Margaret E. Austin Director*  
*Anna Clarke - Director*

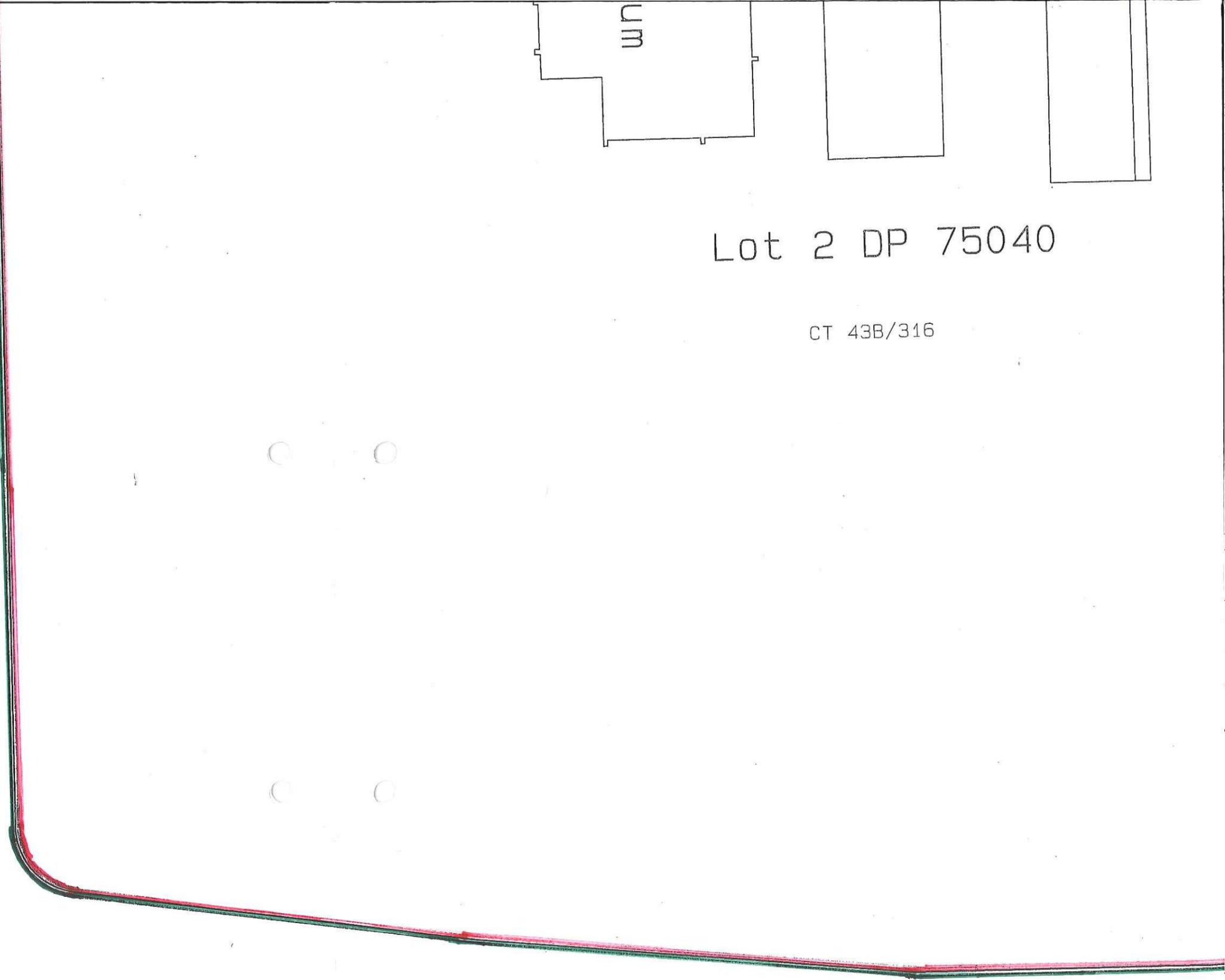


Nurst Road



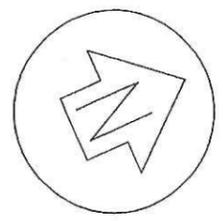
Lot 2 DP 75040

CT 43B/316



287100mE

This is a Site and Building Location Plan.



706500mN

287200mE

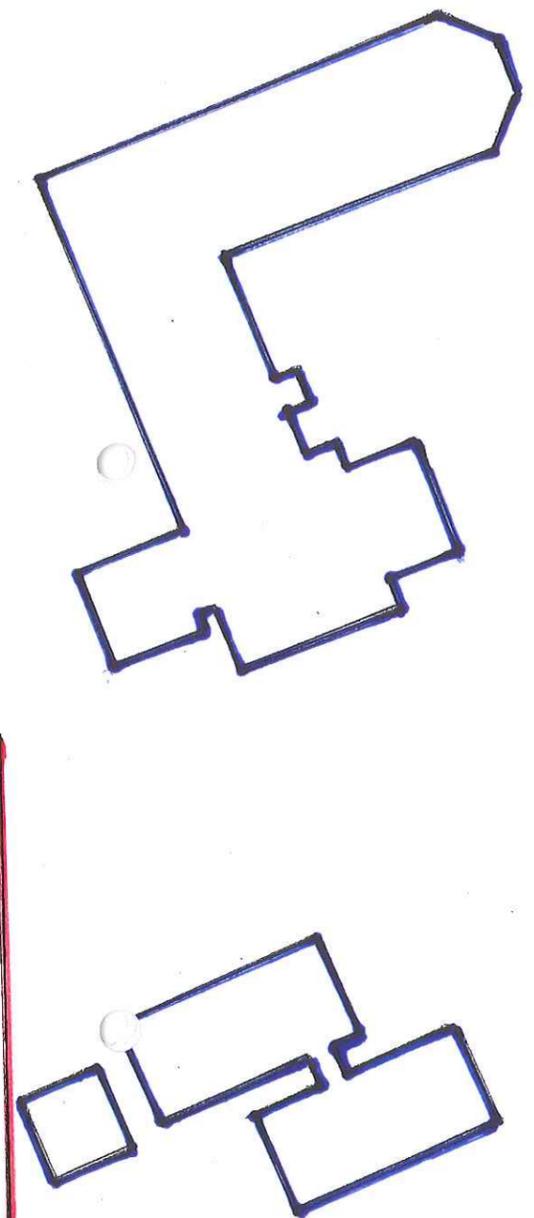
Scale 1:500

25 NOV 1997

Villa M

driveway

Netball and tennis courts



Peer Street

Proprietors Land - Green  
 Integrated Area - Red  
 Non Integrated Buildings - Blue

706600M

706700M

Marisa College - Christchurch

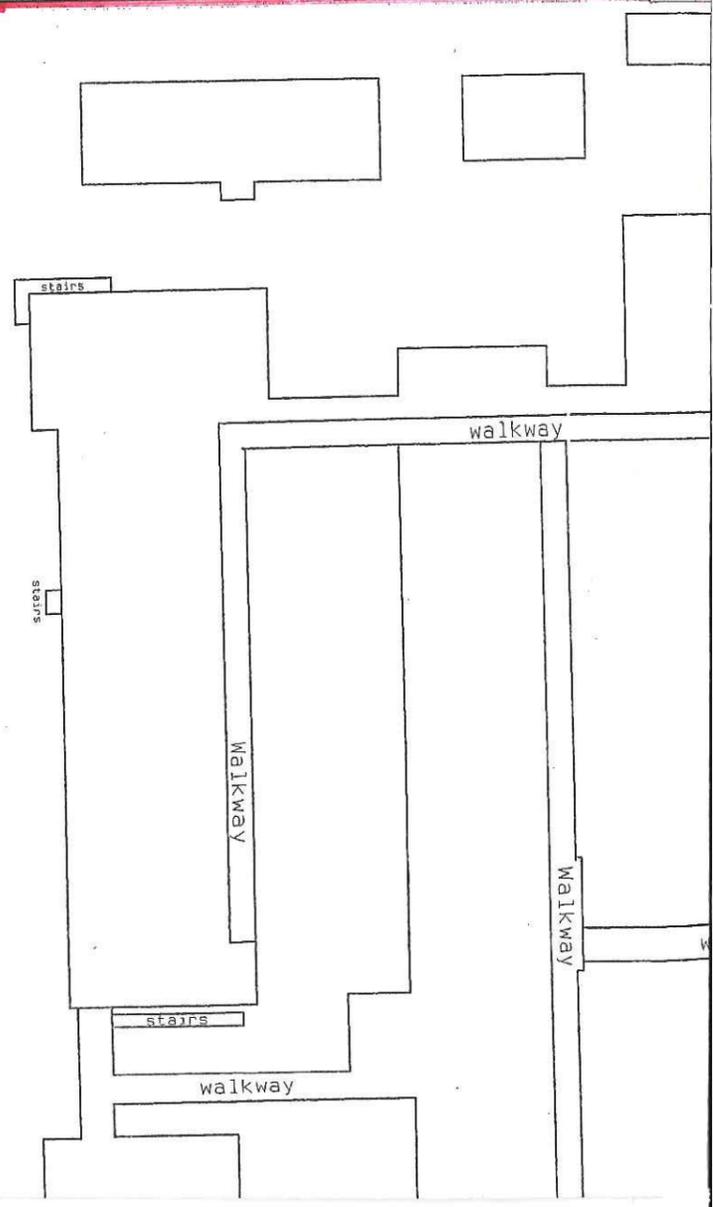
Miles, Fowler and Fear

*AS*  
*ME*

Brodie Str

Yalidi

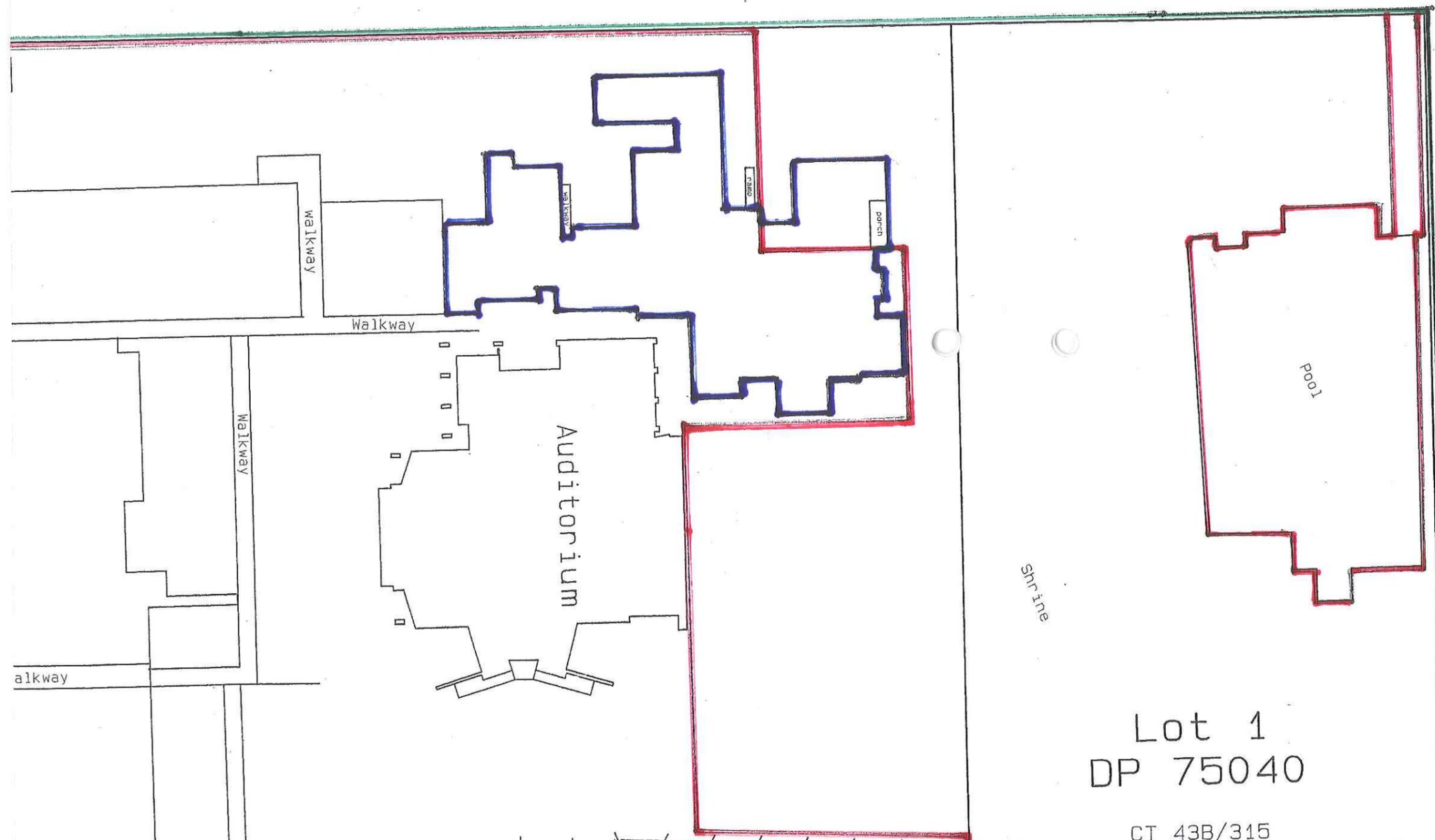
Gymnasi



706500mN

287000mE

heet



Lot 1  
DP 75040

CT 43B/315