



Education (Hostels) Amendment Regulations 2009

Anand Satyanand, Governor-General

Order in Council

At Wellington this 21st day of September 2009

Present:

His Excellency the Governor-General in Council

Pursuant to section 144C of the Education Act 1989, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

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Regulations

1 Title

These regulations are the Education (Hostels) Amendment Regulations 2009.

2 Principal regulations amended

These regulations amend the Education (Hostels) Regulations 2005.

3 Commencement

These regulations come into force on 1 November 2009.

4 Other information required

Regulation 11 is amended by adding the following subclause:

“(3) Despite subclause (2)(c), if the applicant is a board, the board is not required to include in the information provided under subclause (1) the explanation referred to in subclause (2)(c).”

5 Relevant matters for regulation 11(2)(c)

Regulation 13 is amended by revoking paragraph (c) and substituting the following paragraphs:

“(c) any health problems that may affect the applicant’s ability to comply with any condition of a licence that is issued to the applicant under these regulations or to comply with any other obligations under these regulations; and

“(ca) any property order made under the Protection of Personal and Property Rights Act 1988; and

“(cb) any personal order made under the Protection of Personal and Property Rights Act 1988 that reflects adversely on the person’s—

“(i) competence to manage his or her own affairs in relation to his or her property; or

“(ii) capacity to make or to communicate decisions relating to any particular aspect or aspects of his or her personal care and welfare; and”.

6 Authority may grant or renew licences

Regulation 15 is amended by inserting the following subclause after subclause (1):

“(1A) Despite subclause (1)(c), if the applicant is a board, the authority is not required to be satisfied that the board is a fit and proper person to hold a licence.”

7 Notice of new directors, etc, of body corporate licensee

Regulation 27 is amended by adding the following subclause:

“(4) Despite subclause (1), a licensee that is a board is not required to comply with this regulation.”

8 Supervision, staffing, and security

Regulation 61 is amended by inserting the following subclause after subclause (2):

“(2A) Any of the following persons who has regular access to the hostel or has unsupervised contact with boarders must request a Police vet of himself or herself and provide it to the authority:
“(a) if the owner is an individual, the owner:
“(b) if the owner is a body corporate, any director or person concerned in the management of the owner.”

9 Procedure for resolving complaints

Regulation 68(2) is amended by revoking paragraph (c) and substituting the following paragraph:

“(c) the complainant is informed of any relevant internal complaints procedures and given a copy of these on request; and”.

Rebecca Kitteridge,
Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on 1 November 2009, amend the Education (Hostels) Regulations 2005 (the **principal regulations**).

Regulation 4 amends regulation 11 of the principal regulations, which relates to information required to apply for a licence for a hostel. Currently, regulation 11 requires the owner applying for the licence to explain how and why the owner is a fit and proper person to hold a licence. The amendment provides that if the owner is a board of trustees, it is not required to provide that explanation.

Regulation 5 amends regulation 13 of the principal regulations, which sets out some matters that are relevant to whether an owner is a fit and proper person to hold a licence. Currently, one of these matters is whether the owner has any history of mental illness or serious behavioural problems. This criterion is revoked and replaced by criteria of whether the owner has relevant health problems or is the subject of property or personal orders under the Protection of Personal and Property Rights Act 1988.

Regulation 6 amends regulation 15 of the principal regulations, which relates to the granting and renewal of licences by the licensing authority. The authority must be satisfied that the owner is a fit and proper person. The amendment provides that if the owner is a board of trustees this requirement does not apply.

Regulation 7 amends regulation 27 of the principal regulations, which requires the holder of a licence that is a body corporate to give notice to the licensing authority of new directors or persons concerned in the management of the licensee. The licensee is required to explain how and why it remains a fit and proper person taking into account all relevant matters in relation to the new directors or persons. The amendment provides that this requirement does not apply if the licensee is a board of trustees.

Regulation 8 amends regulation 61 of the principal regulations, which relates to the owner's obligations regarding supervision, staffing, and security. The amendment relates to an owner, or directors of, or persons concerned in, the management of the owner, who has, or have, regular access to the hostel or unsupervised contact

with boarders. The owner, director, or person must request a Police vet of himself or herself and provided it to the licensing authority.

Regulation 9 amends regulation 68 of the principal regulations, which relates to the procedure for resolving complaints. It requires the owner to ensure that a complainant is informed of relevant internal complaints procedures and given a copy of these on request.

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 24 September 2009.

These regulations are administered by the Ministry of Education.
