



Education (Hostels) Amendment Regulations 2018

Patsy Reddy, Governor-General

Order in Council

At Wellington this 26th day of March 2018

Present:

Her Excellency the Governor-General in Council

These regulations are made under sections 144B and 144C of the Education Act 1989 on the advice and with the consent of the Executive Council.

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Regulations

- 1 Title**
These regulations are the Education (Hostels) Amendment Regulations 2018.
- 2 Commencement**
These regulations come into force on 1 July 2019.
- 3 Principal regulations**
These regulations amend the Education (Hostels) Regulations 2005 (the **principal regulations**).

4 Regulation 61 amended (Supervision, staffing, and security)

- (1) Revoke regulation 61(2)(b).
- (2) Replace regulation 61(2)(d) with:
 - (d) every person employed or engaged by the owner of the hostel—
 - (i) as a children’s worker (as defined by section 23 of the Vulnerable Children Act 2014) is safety checked in accordance with Part 3 of that Act; and
 - (ii) who is not covered by subparagraph (i) but who has regular access to the hostel or has unsupervised contact with boarders is the subject of a suitability check (including Police vetting); and
 - (iii) who is not covered by subparagraph (i) or (ii), but who visits the hostel occasionally, is supervised by a staff member; and
 - (da) every person not employed or engaged by the hostel, and who is not a boarder or a parent of a boarder,—
 - (i) who has regular access to the hostel or has unsupervised contact with boarders is the subject of a suitability check (including Police vetting); and
 - (ii) who is not covered by subparagraph (i), but who visits the hostel occasionally, is supervised by a staff member; and

Michael Webster,
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 July 2019, amend the Education (Hostels) Regulations 2005 (the **principal regulations**).

The regulations amend regulation 61 of the principal regulations, which outlines the obligations of an owner of a hostel in relation to supervision and suitability checks of staff members and other people who have access to a hostel. They revoke subclause (2)(b) and replace subclause (2)(d) with *new subclause (2)(d) and (da)*. The new paragraphs set out the safety check, suitability check, and supervision obligations of the owner of a hostel in relation to people employed or engaged by the hostel and other people respectively. The amendments in these regulations apply the safety check requirements in Part 3 of the Vulnerable Children Act 2014 to every person employed or engaged by the hostel who meets the definition of a children’s worker under section 23 of that Act. They replace the current requirements for a rigorous suitability check for staff members who have regular access to a hostel or unsupervised contact

with boarders and for substantial supervision of non-permanent staff members who visit a hostel occasionally.

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 29 March 2018.

These regulations are administered by the Ministry of Education.