Use this form to update the Licencing Authority of new directors or persons concerned with the ownership or management of your hostel

The form must be completed by the hostel owner. The final page of the form is a Statutory Declaration which **must be completed and signed by the owner.** A false declaration could lead to imprisonmentunder the [Crimes Act 1961](https://legislation.govt.nz/act/public/1961/0043/latest/DLM328799.html#:~:text=Every%20one%20is%20liable%20to,as%20such%20notary%2C%20makes%20a)**.**

There is no fee for this.

**Email** the signed and completed form and Fit and Proper declarations tohostel.licensing@education.govt.nz

For information about running a hostel, visit our website: [www.education.govt.nz](http://www.education.govt.nz)

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| 1. **HOSTEL PROVIDER DETAILS**
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| **Name of hostel**  |  |
| **Full name of licensee (hostel owner/s)** |  |
| **Physical street address(es) – Main hostel building** |  |
| **Postal address** |  |
|  | **Hostel Owners main contact** | **Hostel Management main contact** |
| **Name of contact person** |  |  |
| **Position/role** |  |  |
| **Telephone(s)** |  |  |
| **Email** |  |  |
| **Type of ownership** | [ ]  School board[ ]  Trust board(MOU required)[ ]  Charter School[ ]  Individual person(MOU required) | [ ]  Incorporated society(MOU required)[ ]  Company (MOU required)[ ]  Unincorporated body(MOU required) |

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| **OWNER DETAILS (Partners/Directors/Management Names)** |
| **NAME** | **RELATIONSHIP (e.g. Director, Trustee)** | **INCOMING/OUTGOING/NO CHANGE** |
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| **Statutory declaration – attach signed statutory declaration.**  |
| * As per Regulation 14, this statutory declaration must be **made by the person completing the form**, (e.g., member of the body corporate or hostel manager with delegated responsibilities), before a person authorised under section 9 of the Oaths and Declarations Act 1957.
* If the hostel is owned by a body corporate, each individual must complete a fit and proper declaration (see appendix 1). This statutory declaration should be completed after the fit and proper declarations.
* If the applicant is a school board, completion of the fit and proper statements is not required.
* **Please note** that as per Section 111 of the Oaths and Declarations Act 1957, everyone is liable to imprisonment for a term not exceeding 3 years who, on any occasion on which he is required or permitted by law to make any statement or declaration before any officer or person authorised by law to take or receive it, or before any notary public to be certified by him as such notary, makes a statement or declaration that would amount to perjury if made on oath in a judicial proceeding.

For more information about the statutory declaration, see note 1. |
| **STATUTORY DECLARATION**To accompany applications for licenses to operate a school hostel.*(First Schedule, Oaths and Declarations Act 1957)*I\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ of(Full name) (Position/role)\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, understand that:(Name of hostel)**I SOLEMNLY DECLARE THAT TO THE BEST OF MY KNOWLEDGE:*** I am the licensee of the hostel for which this application for a new hostel licence is being made ***or***
* I am authorised to make this application on behalf of the licensee **[*delete one]***.
* I have made all reasonable inquires and the information contained in this application is true and correct to the best of my knowledge and belief and is accompanied by all relevant information known to the licensee.

I make this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths and Declarations Act 1957. Signature of applicant \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Declared at\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ this\_\_\_\_\_\_\_\_\_\_\_ day of\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_20\_\_\_\_\_. (town or city) (insert day) (insert month and year)Before\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Witness name\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (witness’s signature)Capacity\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (e.g., Justice of the Peace, Solicitor, (Deputy) Registrar) |

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| **Privacy statement** |
| The personal information collected from you in relation to this statutory declaration is required by the Ministry of Education as the designated authority for hostel licensing. Regulation 14 of the Education (Hostels) Regulations 2005 sets out the requirements for this information. This information will not be disclosed to any other person or agency unless it is authorised or required by law.If there is information requested on this form that you do not want to provide, discuss your concerns with an appropriate officer of the authority who can explain the consequences of not providing it.The information provided will be held by the authority. You have the right under the Privacy Act 2020 to request access to and correction of this information. |

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| **NOTE 1: Completing the statutory declaration** (fit and proper persons) |
| **Who can I get to sign my statutory declaration?*** [Section 9 of the Oaths and Declarations Act 1957](https://www.legislation.govt.nz/act/public/1957/0088/latest/whole.html#DLM314584) lists those who are authorised to take a statutory declaration.
* You will need to sign the statutory declaration in the presence of the person you have chosen.
* It is your responsibility to ensure that the person you select is authorised to witness your declaration.
* You should check that the person includes on the form, with their signature, their full name and the capacity under which they are signing the declaration, e.g., Justice of the Peace, barrister of the High Court.

**Who does the statutory declaration have to cover?*** When the owner body corporate is made up of a group of people, the statutory declaration needs to cover the officers of the organisation that has identified itself as the owner. In most cases, the deed of incorporation for the legal entity will determine this. The following table outlines the most common scenarios for owner bodies:

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| **If the licensee is…** | **then the statutory declaration should cover …** |
| A school board  | n/a |
| an incorporated society | the office holders (such as Secretary, Treasurer and President) |
| a trust board | the board members |
| a company  | the company director(s) |
| an individual person (whether registered as a legal entity or not)  | only that person |
| an unincorporated body | the people that identify themselves as being part of the management body |

**How do I get the information I need from the people covered by the statutory declaration?*** As the person signing the statutory declaration, you must satisfy yourself that the information supplied is correct. How you collect this information from the other people covered by the statutory declaration is up to you and your organisation. There is a range of ways that this might be done, including:
	+ information gathered through your recruitment or election processes
	+ verbal assurances
	+ seeking police vets in relation to past convictions
	+ personal knowledge of the person
	+ written attestation
	+ individual statutory declarations from each person covered (so that the statutory declaration to the Authority becomes a composite of individual declarations to the applicant)

**How do I decide how to respond to the statements on the statutory declaration?*** You must circle one of the options at the beginning of each statement.
* If the owner is a group of people and an affirmative answer applies to one or more people, you must answer in the affirmative on the statutory declaration.
* Most of the statements are relatively straightforward – people will know whether or not they have any convictions, adjudications of bankruptcy etc.
* The main exception will be statement (b) regarding health conditions. It is important to be clear about the difference between (1) a mental/physical condition that might prevent people from managing their role in complying with the conditions of a licence or obligations under the regulations and (2) any other condition that would not have this kind of impact. Relevant factors to consider might include, for example, health problems that require frequent hospitalisation or sick leave, or that might render a person unconscious or quickly incapacitated. Frequency and severity of those conditions might also be relevant.

**What will the Authority do if I answer in the affirmative (i.e., ‘have’, ‘know of’, or ‘have had’ or ‘am aware of’) on the statutory declaration?** * If you answer in the affirmative for any statements, you must attach all relevant information in relation to the matter. Answering in the affirmative to any statement does not automatically exclude the owner from being deemed fit and proper to hold a licence. All decisions about whether or not to grant a licence are made on a case-by-case basis at the Authority’s discretion.
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| **Fit and proper declaration for members of the licensee body** |
| **FIT AND PROPER DECLARATION**To accompany applications for licenses to operate a school hostel.*(First Schedule, Oaths and Declarations Act 1957)*I\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ of(Full name) (Position/role) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, understand that:(Name of hostel)1. The following information is required for the purpose of enabling the Hostel Licensing Authority to determine whether members of the licensee body are suitable to be involved in the management of the owner.
2. This information is required pursuant to regulation 11(2)(c) of the Education (Hostels) Regulations 2005.
3. It is an offence under Section 111 of the Crimes Act 1961 to make a false declaration where that declaration would amount to perjury if made on oath in a judicial proceeding.

Where I have answered in the affirmative to any statement below, I have attached all the relevant details in relation to the matter. |
| To complete this declaration – you must CIRCLE one of the options at the beginning of each of the following statements.**I SOLEMNLY DECLARE THAT TO THE BEST OF MY KNOWLEDGE I:**

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| --- | --- | --- |
| a | have / do not have | any previous convictions for any offence involving harm to children, violence, or fraud. |
| b | have / do not have | any history of health problems that may affect the owner’s ability to comply with—(i) any conditions of a licence that is issued; or(ii) any obligations under the regulations |
| c | have had / have not had | any adjudication of bankruptcy under the Insolvency Act 2006 |
| d | have had / have not had | a licence cancelled under the regulations |
| e | am aware of / am not aware of | any other matter the Authority considers relevant and in respect of which the Authority requires a declaration |

I make this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths and Declarations Act 1957. Signature of applicant \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Declared at\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ this\_\_\_\_\_\_\_\_\_\_\_ day of\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_20\_\_\_\_\_. (town or city) (insert day) (insert month and year)Before\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Witness name\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (witness’s signature)Capacity\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (e.g. Justice of the Peace, Solicitor, (Deputy) Registrar) |