

Summary of Underpinning Analysis: Education (Hostels) Amendment Regulations 2026

Agency responsible	Ministry of Education
Portfolio	Education portfolio
Date finalised	14 September 2026
Identification Number	REG-2293

Good law-making: 9(i)

The importance of consulting, to the extent that is reasonably practicable, the persons or representatives of the persons that the responsible agency considers will be directly and materially affected by the legislation

Inconsistency identified? NO

Summary of agency analysis

The Ministry of Education undertook targeted engagement on the proposed changes to the Regulations in two stages. The first stage occurred between 10 November and 2 December 2025. It included meetings with representative groups and peak bodies, webinars, and an online survey for school and hostel staff. Feedback received from the initial engagement identified that the proposed changes to overnight supervision and sleeping space requirements may have significant implementation and operational impacts.

As a result of this feedback, a second engagement occurred between 23 March and 7 April 2026 focusing on these proposals. The Ministry conducted webinars and generated an additional survey seeking information on these proposals including information on: hostels' current arrangements, baseline costs, potential implementation impacts, and implementation timeframes. The feedback generated from targeted engagements informed the development of the proposed regulatory amendments. Neither phase included direct engagement with boarders, parents, caregivers, or whānau.

Additional information, including the Regulatory Analysis Summary, survey summaries and policy advice can be found on the Ministry [Hostels webpage](#).

Good law-making: 9(j)

The importance of carefully evaluating—

- the issue concerned; and
- the effectiveness of any relevant existing legislation and common law; and
- whether the public interest requires that the issue be addressed; and
- any options (including non-legislative options) that are reasonably available for addressing the issue; and
- who is likely to benefit, and who is likely to suffer a detriment, from the legislation

Inconsistency identified?

NO

Summary of agency analysis

The Royal Commission of Inquiry into Abuse in State and Faith-based Care (RCOI) identified systemic failures that contributed to abuse and neglect, including weaknesses in safeguarding practices, reporting processes, and systems for identifying and responding to concerns. The Commission found that these weaknesses were present across education settings, including boarding schools.¹

As part of the Government's response to the RCOI findings, the Ministry reviewed the Education (Hostels) Regulations 2005 (the Regulations). The Regulations establish the minimum standards that hostels must meet to obtain and maintain a licence. The Regulations have not been substantively reviewed since introduction in 2005 and no longer fully reflect contemporary expectations for student safety and wellbeing, or the recommendations of the RCOI.

[Section 643](#) of the Education and Training Act 2020 (the Act) enables for Regulations relating to school hostels to be made. The Regulations are the primary mechanism for setting minimum licensing and compliance standards for school hostels. Non-regulatory options were not considered appropriate because hostel operators may not have sufficient incentives to invest in stronger safeguarding and safety measures voluntarily. When safeguarding systems fail, the resulting harms and costs are often borne by students, their families, and the wider community. Minimum regulatory requirements are therefore necessary to ensure all hostels maintain consistent standards that protect student safety and wellbeing.

Additional information, including the Regulatory Analysis Summary and policy advice are available on the Ministry's [Hostels webpage](#).

¹ [Summary of key findings | Abuse in Care - Royal Commission of Inquiry](#)

Good law-making: 9(k)

The importance of the responsible agency identifying and developing effective arrangements for implementing the legislation

Inconsistency identified? NO

Summary of agency analysis

From 1 September 2026, the Education Review Office (ERO) assumed responsibility for hostel regulatory functions, including licensing and enforcement. ERO has secured funding through Budget 2026 to support the transfer of these regulatory functions and will build on its existing operating model to implement and administer the new regulatory requirements. With the Ministry's support, ERO will begin providing guidance and information to hostel providers and the wider sector from early 2027 to support implementation of the changes.

Further information on implementation is set out in the Regulatory Analysis Statement (RAS) which is available on the Ministry [Hostel webpage](#).

Good law-making: 9(l)

Legislation should be expected to produce benefits that exceed the costs of the legislation to the public or persons

Inconsistency identified? NO

Summary of agency analysis

The Ministry has assessed the expected costs and benefits of the proposed amendments. While some impacts cannot be quantified due to limited available data, engagement with hostel providers indicates that some amendments will result in additional implementation costs, primarily borne by hostel operators.² Many of the expected benefits are difficult to quantify but include stronger safeguards for students, earlier identification of safety concerns, and improved oversight.

The RCOI estimated the lifetime cost of abuse for a survivor at approximately \$857,000. On balance, the Ministry considers that the expected benefits of the proposed amendments outweigh the associated costs.

Further information, including detailed analysis of the costs and benefits of the proposals, is available in the Regulatory Analysis Summary on the Ministry's [Hostels webpage](#).

² For example, the requirement to monitor buildings where students sleep overnight may require monitoring technology, with estimated one-off costs ranging from approximately \$3,000 to \$150,000 depending on the size of the hostel and the system required.

Good law-making: 9(m)

Legislation should be the most effective, efficient, and proportionate response to the issue concerned that is available

Inconsistency identified? NO

Summary of agency analysis

The Regulations are the primary mechanism for setting minimum licensing and compliance requirements for school hostels. Non-regulatory options, such as guidance, voluntary standards, and increased sector engagement, were considered but would not provide consistent minimum standards or support effective monitoring and enforcement.

The proposed amendments are the most efficient and proportionate response to the issues identified by the RCOI. While some hostel providers may incur implementation costs, these are expected to be outweighed by the benefits of stronger safeguards, improved oversight, earlier identification of risks, and a reduced risk of harm to students.

No alternative option was identified that would achieve the same outcomes more effectively, at lower cost, or with a more proportionate level of intervention.

Further information, including the Regulatory Analysis Summary and other policy development papers are available on the Ministry's [Hostels webpage](#).

Rule of Law: 9(a)(i)

The law should be clear and accessible

Inconsistency identified? NO

Summary of agency analysis

The Education (Hostels) Amendment Regulations 2026 are intended to be readily accessible to hostel operators, boarders, parents and caregivers, and the wider public. The Regulations also comply with the Legislation Act 2019 requirements and the [Legislation Design Advisory Committee guidelines](#). To support awareness of the changes, the new Regulations will be publicly notified in the New Zealand Gazette at least 28 days before coming into force on 1 January 2027. These Regulations will also be available on the New Zealand Legislation website and the Ministry's website.

Further information, including links to where the Regulations are published on the New Zealand Gazette, the New Zealand Legislation website, and supporting implementation materials, will be available on the Ministry's [Hostels webpage](#).



Rule of Law: 9(a)(ii)

The law should not adversely affect rights and liberties, or impose obligations, retrospectively

Inconsistency identified? NO

Summary of agency analysis

The proposed regulatory amendments do not impose obligations retrospectively.

Rule of Law: 9(a)(iii)

Every person is equal before the law

Inconsistency identified? NO

Summary of agency analysis

The proposed changes do not result in unequal application of the law, affect the operation of government functions, or impose any additional burden on the Crown beyond that borne by private individuals.

Rule of Law: 9(a)(iv)

There should be an independent impartial judiciary

Inconsistency identified? NOT APPLICABLE

Summary of agency analysis

Rule of Law: 9(a)(v)

Issues of legal right and liability should be resolved by the application of law, rather than the exercise of administrative discretion

Inconsistency identified? NO

Summary of agency analysis

The proposed changes are limited to the purposes of the regulation-making powers in section 643 of the Education and Training Act 2020. They do not enable arbitrary decision-making, restrict the courts' ability to review the exercise of those powers, or limit the right to judicial review.

Liberties: 9(b)

Legislation should not unduly diminish a person's liberty, personal security, freedom of choice or action, or rights to own, use, and dispose of property, except as is necessary to provide for, or protect, any such liberty, freedom, or right of another person

Inconsistency identified? NO

Summary of agency analysis

The proposed amendments may affect the privacy interests of hostel owners, staff, and boarders. For example, the overnight supervision requirements may involve monitoring measures such as in-person checks, CCTV, or alarms. While these measures may impact individual liberty and/or privacy, they are intended to improve student safety and wellbeing and must be implemented consistently with the Privacy Act 2020. The amendments also expand record-keeping requirements, including records of allegations and incidents involving abuse, harassment, serious neglect, and disciplinary action. Although this involves collecting and retaining personal information, the changes are intended to strengthen safeguards for boarders and staff, in line with the policy objectives and recommendations of the Royal Commission of Inquiry.

Further information, including the Regulatory Analysis Summary outlining the costs and benefits of the proposed options, is available on the Ministry [Hostels webpage](#), along other policy development and Cabinet papers.

Taking of property: 9(c)

Legislation should not take or severely impair, or authorise the taking or severe impairment of, property without the consent of the owner unless-

- **there is a good justification for the taking or severe impairment; and**
- **fair compensation for the taking or severe impairment is provided to the owner; and**
- **the compensation is provided, to the extent practicable, by or on behalf of the persons who obtain the benefit of the taking or severe impairment**

Inconsistency identified? NOT APPLICABLE

Summary of agency analysis

Taxes, fees and levies: 9(d)

The importance of maintaining consistency with section 22(a) of the Constitution Act 1996 (Parliamentary control of taxation)



Inconsistency identified? NOT APPLICABLE

Summary of agency analysis

Taxes, fees and levies: 9(e)

Legislation should impose, or authorise the imposition of, a fee for goods or services only if the amount of the fee bears a proper relation to the cost of providing the good or service to which it relates

Inconsistency identified? NOT APPLICABLE

Summary of agency analysis

Taxes, fees and levies: 9(f)

Legislation should impose, or authorise the imposition of, a levy to fund an objective or a function only if the amount of the levy is reasonable in relation to both—

- the benefits that the class of payers is likely to derive, or the risks attributable to the class, in connection with the objective or function; and
- the costs of efficiently achieving the objective or providing the function

Inconsistency identified? NOT APPLICABLE

Summary of agency analysis

Role of courts: 9(g)

Legislation should preserve the courts' constitutional role of ascertaining the meaning of legislation

Inconsistency identified? NO

Summary of agency analysis

The proposed changes do not limit or alter the courts' constitutional role of ascertaining the meaning of legislation.



Role of courts: 9(h)

Legislation should make rights and liberties, or obligations, dependent on administrative power only if the power is sufficiently defined and subject to appropriate review

Inconsistency identified?

NO

Summary of agency analysis

The proposed amendments clearly set out the nature, purpose, and application of the relevant requirements, and do not limit judicial review or remove rights of appeal.

Additional information

Relevant publicly available inquiry, review, or evaluation reports

The proposed Regulatory amendments were informed by the findings from the RCOI which is available at [Whanaketia – Through pain and trauma, from darkness to light | Abuse in Care - Royal Commission of Inquiry](#). Other findings, including the Dilworth Independent Inquiry report were used to inform the amendments, and is available at: [Dilworth Independent Inquiry](#).

Relevant international treaties, standards and obligations

Departures from the Legislation Guidelines

Other unusual provisions or features