

Mr. McKeen.

NEW ZEALAND FEDERATION OF FUNERAL DIRECTORS.

ANALYSIS.

Title.	
1. Short Title.	
2. Interpretation.	
<i>The New Zealand Federation of Funeral Directors.</i>	
3. Establishment and purposes of New Zealand Federation of Funeral Directors.	
4. How business of Federation to be carried on temporarily.	
5. Members of Federation.	
6. Resignation and expulsion of members.	
7. Constitution and meetings of Council.	
<i>Registration of Funeral Directors.</i>	
8. Who entitled to be registered as registered funeral directors.	
9. Registration of all funeral directors.	
10. Application for registration.	
11. Penalty for wrongfully procuring registration.	
12. Council to consider applications.	
13. Method of effecting registration.	
	<i>The Council.</i>
	14. Acts of Council not invalidated for informality.
	15. Election of Council.
	16. Election and appointment of officers of Federation.
	<i>Meetings of Council and Federation.</i>
	17. Quorum at meetings of Council and Federation.
	<i>Regulations of Federation.</i>
	18. Regulations of Federation.
	19. Powers of Council.
	20. Copy under seal to be proof of regulations.
	<i>Examinations.</i>
	21. Conduct of examinations.
	<i>Miscellaneous.</i>
	22. Cancellation of registration.
	23. Unqualified person practising as a funeral director.
	24. Offences to be dealt with summarily.
	25. Fees and levies.

A BILL INTITULED

AN ACT to make Provision for the Registration of Title.  
Funeral Directors.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the New Zealand Short Title.  
Federation of Funeral Directors Act, 1939.

2 *New Zealand Federation of Funeral Directors*

Interpretation.

2. In this Act, except where a different intention appears,—

“ Council ” means the Council of the New Zealand Federation of Funeral Directors (Incorporated) as heretofore constituted and any Council hereafter elected under the provisions of this Act: 5

“ Federation ” means the New Zealand Federation of Funeral Directors incorporated under this Act; and the “ Incorporated Federation ” means the New Zealand Federation of Funeral Directors (Incorporated) as existing at the commencement of this Act: 10

“ Funeral director ” means—

(a) A person engaged in the preparation (including embalming) of the dead human body for burial or other final disposition and/or directing and supervising the burial or disposal thereof, or maintaining a place therefor; or 15

(b) A person who shall in connection with his name and business use the words funeral director, or mortician, or undertaker, or any other title or words of similar meaning and import and such branches or subdivisions thereof as may from time to time be included in regulations under this Act: 20 25

“ Interim period ” means a period of six months immediately following the date of commencement of this Act:

“ Provincial Association ” means any one of the Provincial Associations of Funeral Directors which are members of the New Zealand Federation of Funeral Directors (Incorporated). 30

*The New Zealand Federation of Funeral Directors.* 35

Establishment and purposes of New Zealand Federation of Funeral Directors.

3. (1) The body registered under the provisions of the Incorporated Societies Act, 1908 (and hitherto known as the New Zealand Federation of Funeral Directors (Incorporated)), is hereby established and constituted a body corporate, with perpetual succession, to be called the New Zealand Federation of Funeral Directors. 40

(2) Upon the passing of this Act all property of the New Zealand Federation of Funeral Directors (Incorporated) shall become vested in the Federation. 45

(3) The said body corporate (which is hereinafter referred to as the Federation) is established for the general advancement of the profession of funeral directing, and for promoting and facilitating the  
5 acquirement of the knowledge of the various arts and sciences connected therewith, and, in particular, is established with power—

- 10 (a) To make provision for the training, education, examination, and registration of persons practising or intending to practise the profession of funeral directing in New Zealand:
- 15 (b) To grant or issue diplomas or certificates to members of the Federation or to other persons in recognition of their proficiency in funeral directing or in any matters relating to the duties of a funeral director:
- (c) To hold or assist in conferences on funeral directing and allied subjects:
- 20 (d) To publish a journal, giving an account of the proceedings of the Federation and such other matters as may be of interest:
- (e) To acquire, form, and maintain an art and science library and museum:
- 25 (f) To grant prizes or scholarships or subsidize lectureships in any school, college, or university in connection with any subjects of study relating to funeral directing or to the duties of a funeral director:
- 30 (g) To grant pecuniary or other assistance to any society, school, college, or university established in New Zealand in the interests of the profession of funeral directing:
- 35 (h) To establish a Benevolent Fund for the assistance of members of the Federation, or the wife, widow, or children of any member:
- (i) To raise money on mortgage of the property of the Federation, or by issue of debentures charged on all or any of the property or rights of the Federation:
- 40 (j) To do all such things as are incidental or conducive to the attainment of the above objects.

4. The rules of the incorporated Federation in force at the commencement of this Act shall be and remain  
45 the rules of the Federation, in so far as they are not

How business  
of Federation  
to be carried  
on temporarily.

4 *New Zealand Federation of Funeral Directors*

inconsistent with the provisions of this Act, until other rules of the Federation have been adopted.

Members of Federation.

5. (1) All members of the incorporated Federation at the time of the commencement of this Act, and also such persons or bodies corporate as are from time to time registered as members in accordance with the provisions of this Act, shall be members of the Federation. 5

(2) Every person who is on the passing of this Act or who becomes before the expiry of the interim period an ordinary or country member of a Provincial Association shall be entitled to be registered as a registered funeral director, and every person who is on one of the said dates an associate member of a Provincial Association shall be entitled to be registered as a registered associate funeral director, and every person who is on one of the said dates a trade associate member of a Provincial Association or of the incorporated Federation shall be entitled to be registered as a registered trade associate funeral director. 10 15 20

Resignation and expulsion of members.

6. (1) A member of the Federation may at any time resign his membership by writing under his hand delivered to the secretary. 20

(2) A member may have his certificate of membership suspended for such time and in such manner as may be prescribed by the regulations of the Federation which are for the time being in force. 25

(3) A member may be expelled from the Federation in the cases and in the manner prescribed by the regulations of the Federation which are for the time being in force. 30

Constitution and meetings of Council.

7. A funeral directors' registration authority is hereby established, consisting of the Council for the time being of the New Zealand Federation of Funeral Directors. 35

*Registration of Funeral Directors.*

Who entitled to be registered as registered funeral directors.

8. Every person shall on payment of the prescribed fee be entitled to be registered as a funeral director or associate funeral director or trade associate funeral director under this Act who— 40

(1) Is a person described under subsection *two* of section *five* of this Act; and

(2) Subsequent to the passing of this Act becomes a member of a Provincial Association and satisfies the Council that he is of good character and repute, that he has attained the age of twenty-one years, and has

5 either—

(a) Passed such examination or examinations as may be approved by the Council or prescribed by regulation; or

10 (b) Is at the time of the commencement of this Act fully competent to perform the duties of a funeral director; or

15 (c) Has served for a period of not less than three years as pupil or apprentice to a funeral director registered under this Act, or completed a course of study in subjects relating to funeral directing at any college, school, or educational institution, and has, in addition to either of these qualifications, had such practical experience in funeral directing as, in the opinion of the Council, will fit him to be registered, and who makes application for registration within five years after the commencement of this Act.

25 9. Subject to qualification under paragraph (a) or paragraph (b) of subsection *two* of section *eight*, any person who at the time of the passing of this Act is actively engaged in the business of funeral directing shall, within sixty days of the passing of this Act, register as such funeral director with the Council on a form prescribed by the said Council, and upon payment of the prescribed fee such persons shall be entitled to and the Council shall issue to such person a license as a funeral director, which such license shall remain in full force and effect until the thirty-first day of January following the issuance of such license. Thereafter such person or persons shall renew such license or licenses as herein provided for.

Registration of all funeral directors.

40 10. (1) Every application by any person to the Council to be registered as a registered funeral director shall be in writing, and the statements made therein shall be verified by a statutory declaration made by the applicant.

Application for registration.

(2) Every such application shall be accompanied by a registration fee of *twenty-one* shillings, which shall be returned to the applicant if the application is refused.

Penalty for  
wrongfully  
procuring  
registration.

11. Every person who makes any false or fraudulent representation or produces to the Council any false certificate or testimonial for the purpose of securing his registration under this Act commits an offence, and is liable to a fine of *fifty* pounds. 5

Council to  
consider  
applications.

12. (1) It shall be the duty of the Council to receive, consider, and determine all applications so made to it for registration. 10

(2) Any applicant who is dissatisfied with the determination of the Council may appeal from that determination to the Supreme Court. Notice of appeal shall be lodged in the Supreme Court within fourteen days from the date of the determination aforesaid. 15

(3) Any such appeal may be by motion for an order directed to the Council and its secretary that the person applying be registered, and the facts may be proved by affidavit unless the Court or a Judge shall order witnesses to be examined *viva voce*, and the Court may order that the person applying shall be registered, or that he shall be registered conditionally or upon terms, or may decline to make any order, with or without costs, and the Court may in such case make such order as may be proper, with or without costs, as it thinks fit. 20 25

Method of  
effecting  
registration.

13. (1) The registration of funeral directors by the Council shall be effected by the entry of the following particulars in a book or books to be kept for that purpose:— 30

(a) The name of the member:

(b) The qualifications by virtue of which he is registered:

(c) His postal address: 35

(d) Such other particulars (if any) as the Council thinks fit.

*The Council.*

Acts of  
Council not  
invalidated for  
informality.

14. The constitution or acts of the Council shall not be invalidated or questioned on the ground that the number of the members of the Council is incomplete, or because of any error or irregularity in the election of any member thereof. 40

15. (1) The Council shall be elected annually in accordance with the rules for the time being of the Federation. Election of Council.

5 (2) In the event of the Council being reduced in number by the death, resignation, or otherwise of a member elected under subsection *one* hereof the Council may, upon the recommendation of the district concerned, elect a registered funeral director in his stead, who shall hold office only for the unexpired  
10 portion of the term of office of his predecessor.

16. The officers of the Federation shall be elected in accordance with the rules for the time being of the Federation. Election and appointment of officers of Federation.

*Meetings of Council and Federation.*

15 17. (1) At every meeting of the Council three shall form a quorum, and no business shall be transacted at any meeting unless a quorum is present. Quorum at meetings of Council and Federation.

20 (2) At every conference of the Federation, until and unless the rules of the Federation otherwise provide, fifteen shall form a quorum, and no business shall be transacted at any meeting unless a quorum is present.

*Regulations of Federation.*

25 18. (1) At any conference of the Federation it shall be lawful for the members present thereat to make regulations, consistent with this Act, relating to any of the matters following:— Regulations of Federation.

- 30 (a) The constitution of the Federation:  
(b) The admission of members of the Federation and the modes in which membership thereof ceases:  
(c) The constitution, election, and tenure of the office of the Council:  
35 (d) The election, appointment, resignation, or removal of the President, Vice-Presidents, and other officers and servants of the Federation:  
40 (e) The qualifications and disqualifications of members of the Federation, or of the Council thereof, or of any officers or servants thereof:  
(f) The holding of meetings of the Council or of the Federation:

- (g) The use and custody of the common seal of the Federation: 5
- (h) The fees payable to the Federation by members thereof:
- (i) The powers, duties, and functions of the Council and of the President, Vice-Presidents, officers, and servants of the Federation: 5
- (j) The tuition and examinations of candidates for registration as funeral directors, and the fees payable for any such examinations; the establishment of scholarships, prizes, etcetera; and the granting of diplomas or certificates: 10
- (k) The classification from time to time of members of the Federation:
- (l) The custody, investment, and expenditure of the funds and property of the Federation: 15
- (m) The manner of voting at any meeting of the Council or of the Federation or at any election:
- (n) The regulation and good government of the Federation in all matters within its powers: 20
- (o) The establishment of branches of the Federation, establishing branch Councils, defining the powers and duties of branch Councils, and the framing of rules and regulations governing their proceedings. 25

(2) No regulations shall be made pursuant to this section, and no regulation of the Federation shall be altered or revoked unless notice in writing of the proposed regulation, alteration, or revocation has been given in accordance with the rules of the Federation. 30

Powers of Council.

19. Subject to this Act, and to any regulations made thereunder, the Council shall have the sole and entire management of the Federation and of the income and property thereof, and may exercise on behalf of the Federation all the powers and functions thereof not required by this Act or any regulation to be exercised by resolution of a general meeting. 35

Copy under seal to be proof of regulations.

20. In any legal proceedings the production of any document purporting to be a copy of any regulations made by the Federation, sealed with the seal of the Federation, shall, until the contrary is proved, be sufficient proof that those regulations have been duly made and are in full force and effect. 40



*Examinations.*

21. The Council shall direct and control and conduct all examinations under this Act, or may appoint examiners and make such other arrangements for the holding of such examinations as it thinks fit, and may grant or refuse certificates of having passed such examinations.

Conduct of examinations.

*Miscellaneous.*

22. The Council may cause to be removed from the register the name of every registered funeral director who has been registered in error, or who is convicted of any offence punishable by imprisonment and dishonouring him in the public estimation, or who has been guilty of such improper conduct as renders him, in the opinion of the Council, unfit to be registered under this Act, or whose subscription to any Provincial Association is in arrear more than six months.

Cancellation of registration.

23. (1) No person shall, unless he be registered in the register to be compiled under this Act, practise or hold himself out, whether directly or by implication as practising or as being prepared to practise, as a funeral director:

Unqualified person practising as a funeral director.

Provided that nothing in this Act shall affect the right of medical schools to dispose of the dead after scientific research or the right of burial at sea.

(2) Any person who acts in contravention of this section shall be guilty of an offence and shall be liable on summary conviction in respect of each such offence to a fine not exceeding *fifty* pounds.

(3) This section shall come into operation on the expiration of two years from the commencement of this Act or on the expiration of such further period, not exceeding one year, as the Governor-General may by Order in Council direct.

(4) Any person who has practised as a funeral director in New Zealand for not less than five years immediately prior to the commencement of this Act may, notwithstanding that he may not be qualified to be registered under this Act, continue in practice, and may use in connection with his business the designation of funeral director if he lodges his name with the Council

10 *New Zealand Federation of Funeral Directors*

---

not later than twelve months after the commencement of this Act, and satisfies the Council that he has been practising as aforesaid and that he is of good character and repute.

(5) Except under the instruction and personal supervision of a person registered under this Act, it shall be an offence for any person or incorporated body or company registered in New Zealand under any of the Companies Acts to employ upon funeral-directing duties, or upon duties in any way resembling such, any person who is not registered under this Act. 5 10

Offences to be dealt with summarily.

**24.** All information of offences against this Act shall be laid by the secretary or other officer appointed by the Council for the purpose, and such offences may be dealt with summarily in accordance with the Justices of the Peace Act, 1927. 15

Fees and levies.

**25.** Members of the Federation shall pay to the Federation such annual or other fees and/or levies as may from time to time be prescribed by the Council in accordance with the rules of the Federation. 20