



ANALYSIS

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1968, No. 53

**An Act to make provision for the registration and control
of quantity surveyors** [12 December 1968]

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

1. Short Title and commencement—(1) This Act may be cited as the Quantity Surveyors Act 1968.

(2) This Act shall come into force on the first day of April, nineteen hundred and sixty-nine.

2. Interpretation—In this Act, unless the context otherwise requires,—

“Board” means the Quantity Surveyors Registration Board constituted under this Act:

“Building Surveyors Institute” means the New Zealand Branch of the Building Surveyors Institute, of London, England:

“Institute” means the Quantity Surveyors’ Institute of New Zealand Incorporated:

“Investigation Committee” means the Quantity Surveyors Investigation Committee constituted under section 9 of this Act:

“Minister” means the Minister of Works:

“Registered quantity surveyor” means a person registered as a quantity surveyor under this Act:

“Register” means the register kept by the Registrar under subsection (6) of section 12 of this Act:

“Registrar” means the Registrar of the Quantity Surveyors Registration Board appointed under section 8 of this Act.

PART I

REGISTRATION BOARD AND INVESTIGATION COMMITTEE

3. Constitution of Board—(1) There is hereby established a Board to be known as the Quantity Surveyors Registration Board.

(2) The Board shall consist of—

(a) Three members, being members of the Institute, to be appointed by the Minister on the nomination of the Institute:

(b) One member, to be appointed by the Minister:

- (c) One member, to be appointed by the Minister on the nomination of the New Zealand Institute of Architects:
 - (d) One member, to be appointed by the Minister on the nomination of the New Zealand Master Builders' Federation Incorporated:
 - (e) Two members, to be appointed by the Minister on the nomination of the Building Surveyors Institute:
 - (f) One member to be appointed by the Minister on the nomination of the New Zealand Institution of Engineers Incorporated.
- (3) Except as provided in section 11 of this Act, every member of the Board shall hold office for a term of two years, but may from time to time be reappointed.
- (4) The Minister may appoint any member of the Institute nominated as such by the Institute to be the deputy of any nominee of the Institute on the Board, to act in the event of the absence from any meeting of the Board of the member whose deputy he is.
- (5) Where any member (being an employee of the Government service and not being a nominee of the Institute) is absent from any meeting, he may authorise any other officer of his Department to attend the meeting in his stead. While any person is attending any meeting of the Board pursuant to this subsection, he shall be deemed for all purposes to be a member of the Board.

4. Functions of Board—The functions of the Board shall be—

- (a) To advise and make recommendations to the Minister in respect of any matter affecting the profession of quantity surveying:
- (b) To determine courses of training and instruction to be undergone by candidates for examination under this Act:
- (c) To approve institutions at which the whole or any part of any course of training or instruction for the purposes of this Act may be undergone:
- (d) To conduct examinations under this Act; to appoint examiners and make all necessary arrangements for the purpose of the examinations; and to issue certificates of having passed examinations to persons entitled thereto:
- (e) To receive applications for registration under this Act and to authorise registration in proper cases:

- (f) To prepare and publish from time to time a code of practice and professional conduct to be observed by registered quantity surveyors:
- (g) To exercise disciplinary powers in accordance with the provisions of this Act:
- (h) To carry out such other functions and to exercise such other powers as are conferred on it.

5. Meetings of Board—(1) The first meeting of the Board shall be held at a time and place of which notice shall be given by the Minister to the members, and meetings shall be held thereafter at such times and places as the Board or the Chairman decides.

(2) At every meeting of the Board five members shall form a quorum.

(3) Every matter before the Board shall be determined by a majority of votes of the members present at a meeting of the Board and voting thereon.

6. Chairman—(1) The Board shall from time to time elect one of its members as Chairman of the Board.

(2) The Chairman shall preside at every meeting of the Board at which he is present. If at any meeting of the Board the Chairman for the time being is not present or there is no Chairman, the Board shall appoint some member present to act as Chairman in respect of that meeting.

(3) At any meeting of the Board the Chairman of that meeting shall have a deliberative vote, and in the case of an equality of votes he shall also have a casting vote.

7. Procedure of Board—Except as expressly provided in this Act or in any regulations made under this Act, the Board may regulate its procedure in such manner as it thinks fit.

8. Officers of Board—The Board may from time to time appoint a Registrar and such other officers and servants as it may require.

9. Quantity Surveyors Investigation Committee—(1) There shall be a Committee to be called the Quantity Surveyors Investigation Committee.

(2) The Committee shall consist of three members, to be appointed by the Minister on the nomination of the Board. One of the members shall be so appointed as Chairman of the Committee.

(3) No person shall be appointed as a member of the Committee unless he is a member of one of the bodies referred to in subsection (2) of section 3 of this Act, and no member of the Board shall be appointed as a member of the Committee.

(4) Except as otherwise provided in section 11 of this Act, every member of the Committee shall hold office for a period of one year, but may from time to time be reappointed.

(5) The decision of any two members of the Committee shall be the decision of the Committee.

(6) Subject to the foregoing provisions of this section, the Committee may regulate its procedure as it thinks fit.

10. Remuneration and travelling expenses—(1) The Board and the Investigation Committee are hereby declared to be statutory Boards within the meaning of the Fees and Travelling Allowances Act 1951.

(2) There may be paid to members of the Board or of the Investigation Committee, out of the funds of the Board, remuneration by way of fees, salary, or allowances, and travelling allowances and expenses, in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly.

11. Extraordinary vacancies on Board and Committee—

(1) Any member of the Board or of the Investigation Committee may at any time be removed from office by the Minister for disability, bankruptcy, neglect of duty, or misconduct, proved to the satisfaction of the Minister, or may at any time resign his office by writing addressed to the Registrar.

(2) If any member of the Investigation Committee becomes a member of the Board, his office as a member of the Committee shall be thereby vacated.

(3) If any member of the Board or Committee dies or is removed from office or resigns, the vacancy so created shall, as soon as practicable, be filled in the manner in which the appointment to the vacant office was originally made. Every person so appointed shall be appointed for the residue of the term for which his predecessor was appointed.

(4) Unless he sooner vacates his office as provided in the foregoing provisions of this section, every member of the Board or of the Committee shall continue in office until his successor comes into office, notwithstanding anything to the contrary in this Act.

(5) The powers of the Board and of the Committee shall not be affected by any vacancy in the membership thereof.

PART II

REGISTRATION OF QUANTITY SURVEYORS

12. Registration—(1) Every person shall be entitled to be registered under this Act who satisfies the Board—

- (a) That he has passed the prescribed examinations and has had such practical experience in quantity surveying in New Zealand or elsewhere as in the opinion of the Board will enable him to perform efficiently the duties of a quantity surveyor; or
- (b) That he is the holder of a recognised certificate (as defined in subsection (3) of this section) and has had such practical experience in quantity surveying in New Zealand as in the opinion of the Board will enable him to perform efficiently the duties of a quantity surveyor; or
- (c) That he is the holder of a certificate or other documentary evidence of qualification issued before the commencement of this Act or within three years thereafter which satisfies the Board that he has qualified as a quantity surveyor; or
- (d) That at any time before the commencement of this Act he has acquired such knowledge and has had in New Zealand such practical experience in quantity surveying as in the opinion of the Board is sufficient to enable him to perform efficiently the duties of a quantity surveyor.

(2) No person shall be entitled to be registered as a quantity surveyor under paragraph (c) or paragraph (d) of subsection (1) of this section, unless he makes application for registration within one year after the commencement of this Act or, in any case where the certificate or documentary evidence is issued after the commencement of this Act, within three years after the commencement of this Act.

(3) For the purposes of this section, the term “recognised certificate” means a certificate, diploma, degree, or licence which—

- (a) Is granted by any University, college, board, or other authority approved by the Board under section 4 of this Act; and
- (b) Is recognised by the Board as furnishing sufficient evidence of the possession by the holder of the requisite knowledge and skill for the efficient practice of the profession of quantity surveying.

(4) Notwithstanding anything in the foregoing provisions of this section, but subject to the provisions of section 27 of this Act as to appeals, no person shall be registered under this Act if in the opinion of the Board he is not of good character and reputation.

(5) No person who is less than twenty-one years of age shall be registered under this Act.

(6) Registration under this Act shall be effected by entry in the register of the Board (which shall be kept by the Registrar) of the name and address of the applicant, of the qualifications by virtue of which he is registered, and of such other particulars as may be prescribed.

(7) The register shall be open to inspection by the public during ordinary office hours on payment of the prescribed fee, if any.

13. Application for registration—Every application for registration under this Act shall be made in writing addressed to the Registrar, and shall be accompanied by the prescribed fee.

14. Applications to be considered by Board—(1) As soon as practicable after the receipt of any application for registration, the Board shall consider the application and shall give such directions in respect thereof as it thinks fit and as are hereinafter authorised.

(2) Before giving any such directions the Board may, if it thinks fit, examine on oath or otherwise the applicant, or any other person, with respect to the application and for the purposes of this subsection the Chairman of the Board may administer an oath to any person.

(3) The Board may, if it thinks fit, require any person to verify by statutory declaration any statement made by him with respect to any application.

15. Right of applicant to be heard—(1) The Board shall not refuse any application for registration, unless the applicant has been given an opportunity of appearing before the Board in support of his application at a time and place fixed by the Board, of which notice in writing has been given by the Registrar to the applicant at least seven clear days before the time so appointed.

(2) The applicant, if present at the time and place so appointed, shall be entitled to be heard, and may if he thinks fit be represented by counsel or otherwise.

16. Registrar to observe directions of Board—(1) If the Board, after considering any application as aforesaid, is of opinion that the applicant is entitled to be registered under this Act, it shall so direct, and the Registrar shall thereupon register the applicant, and shall notify the applicant, the Institute, and the Building Surveyors Institute.

(2) If the Board, after considering any application as aforesaid, is of opinion that the applicant is not entitled to be so registered, it shall direct accordingly, and the Registrar shall thereupon refuse to register the applicant, and shall notify him accordingly.

(3) No entry of the name of any person shall be made in the register without the direction in writing of the Board, and no such entry shall be made by any person other than the Registrar.

17. Certificate of registration—The Registrar shall, on application in that behalf made to him at any time by any person whose name is on the register, and on payment of the prescribed fee, issue to that person a certificate of registration. Every certificate of registration shall remain the property of the Board and shall be returned to the Board when the holder ceases to be registered under this Act.

18. False representation or declaration—Every person commits an offence against this Act who wilfully makes or causes to be made any false entry in or falsification of any register, or procures or attempts to procure himself or any other person to be registered under this Act by making or producing or causing to be made or produced any false or fraudulent representation or declaration, either in writing or orally.

19. Name to be removed from register if person cannot be found, etc.—(1) The Registrar may at any time, and shall if the Board so directs, send to any person whose name is on the register, by registered letter addressed to him at his address as appearing on the register, an inquiry as to whether or not he desires to have his name retained on the register.

(2) If no reply is received to the letter within six months after the date of the posting thereof, or if the letter is not duly delivered and is returned to the Registrar, the Registrar shall, if the Board so directs, remove from the register the name of the person to whom the letter was sent.

(3) Any person whose name has been removed from the register under this section may apply to the Registrar to have his name restored to the register, and on payment of the prescribed fee his name shall, if the Board so directs, be restored to the register accordingly.

(4) Every person registered under this Act who at any time changes his address as appearing in the register shall, within three months thereafter, send to the Registrar a notice of his new address and the Registrar shall thereupon correct the entry in the register relating to that person accordingly.

(5) Every person registered under this Act who fails to comply with the provisions of subsection (4) of this section commits an offence, and is liable on summary conviction to a fine not exceeding ten dollars.

20. Correction of register—(1) If any person has been registered under this Act by reason of any false or fraudulent representation or declaration, made either orally or in writing, or if any person not entitled to be registered under this Act has been so registered, the Board shall cause the name of that person to be removed from the register, and the fact of the removal shall be notified by the Registrar in the *Gazette*.

(2) If any particulars appearing in the register in respect of the qualifications of any person are proved to the satisfaction of the Board to be, or are to the knowledge of the Board, false or erroneous in any respect, the Board shall direct the Registrar to erase those particulars from the register, or otherwise to amend the register, and the Registrar shall thereupon amend the register accordingly.

(3) The provisions of subsection (2) of this section shall apply, notwithstanding the fact that at the time when the entry in the register was made the person actually possessed the qualifications particulars of which appear in the register, or that at the time the entry was otherwise correct.

21. Voluntary removal of name from register—(1) If any person applies to the Registrar to have his name removed from the register, the Board shall direct the Registrar to remove the name of that person from the register accordingly.

(2) Any person whose name is removed from the register under this section may apply to have his name restored to the register, and on payment of the prescribed fee his name shall, if the Board so directs, be restored to the register accordingly.

22. Additional degrees and diplomas may be entered in register—Every registered quantity surveyor who obtains any degree or diploma other than that by virtue whereof he is registered may apply to the Board to amend the register so far as it relates to his qualifications; and on any such application the Board shall, if it is satisfied that the applicant is entitled to the degree or diploma in respect of which the application is made and that the degree or diploma is of sufficient standing and relevance to warrant it being included in the register, direct the Registrar to amend the register accordingly, and the Registrar shall thereupon insert in the register particulars as to that degree or diploma. Honorary degrees or diplomas shall be specified as such.

PART III

DISCIPLINARY PROVISIONS

23. Complaints against registered quantity surveyors—

(1) Every person (other than the Investigation Committee) who seeks to make a formal complaint that any registered quantity surveyor has done anything which renders the exercise of the disciplinary powers of the Board expedient in the interests of the public or of the Board shall make the complaint to the Registrar.

(2) Every such complaint shall be in writing, and shall, if the Registrar or the Investigation Committee so requires, be supported by such statutory declarations as the Registrar or the Committee may require.

(3) Where the Registrar has received any such complaint and such statutory declarations as may be required as aforesaid, he shall refer the complaint to the Investigation Committee and the Committee, after due inquiry, shall decide whether the complaint should be referred to the Board to be dealt with as hereafter provided in this Act.

(4) For the purposes of any such investigation, the Investigation Committee may—

(a) Make or employ any person to make whatever preliminary inquiries it considers necessary:

(b) Require the production for inspection by the Committee or any person so employed of any books, documents, or papers which are in the possession or under the control of the quantity surveyor to whom the investigation relates and which relate to the subject matter of the investigation:

- (c) Require the said quantity surveyor to give all information in relation to any such books, documents, or papers which may be reasonably required by the Committee or by the person so employed.
- (5) Every registered quantity surveyor, who without lawful justification, refuses or fails to produce to the Investigation Committee or any person whom that Committee may specify any books, documents, or papers required of him as aforesaid, or to give any such information, commits an offence, and is liable on summary conviction to a fine not exceeding two hundred dollars.
- (6) Before the Investigation Committee makes any final determination in respect of any matter which it investigates under this section,—
- (a) The Chairman of the Committee shall post or deliver to the quantity surveyor concerned—
- (i) Copies of the written complaint (if any) and of all statutory declarations that have been made in support of the complaint; and
 - (ii) A notice setting out any further particulars that may be necessary to disclose the reason for the investigation, and inviting the quantity surveyor concerned, within such period (not being less than fourteen days) as may be specified in the notice, to give to the Chairman of the Committee any written explanation he may wish to offer and to advise the said Chairman if he wishes to be heard by the Committee:
- (b) The Investigation Committee shall allow the time specified in the notice to elapse, and shall give the quantity surveyor concerned reasonable opportunity to be heard if he wishes to do so, and shall give due consideration to any explanation he may make. The quantity surveyor may be represented at the hearing by counsel or otherwise.
- (7) When the Investigation Committee determines that any matter investigated by it under this section should be referred to the Board, it shall be the duty of the Chairman of the Investigation Committee to take that action or arrange for it to be taken.

24. Grounds for disciplinary action—(1) Upon a complaint referred to the Board as aforesaid by the Investigation Committee, or upon a complaint made to the Board by the Investigation Committee of its own motion, the Board may

exercise in respect of the registered quantity surveyor concerned all or any of the disciplinary powers conferred on it by section 26 of this Act if it is satisfied, after inquiry as hereafter provided in this Act, but not otherwise, that he—

- (a) Has been guilty of such improper conduct as renders him in the opinion of the Board unfit to be registered under this Act; or
- (b) Has been convicted (either before or after his registration) of a crime involving dishonesty as defined in section 2 of the Crimes Act 1961 or of any other offence punishable by imprisonment for a term of two years or upwards; or
- (c) Has been guilty of such improper or incompetent conduct in the performance of his duties as, in the opinion of the Board, renders him unfit to be registered under this Act.

25. Inquiry by Board into complaint—(1) Upon any complaint being referred or made to it as aforesaid, the Board shall hold an inquiry into the matter, and shall give to the quantity surveyor concerned and to the Institute and to the Building Surveyors Institute not less than thirty days' notice in writing of its intention to hold an inquiry, and of the time and place of hearing, and of the nature of the charge to be inquired into. The notice may be served on the quantity surveyor concerned either personally or by registered letter addressed to him at his last known place of business or abode.

(2) At the inquiry, the quantity surveyor concerned shall be entitled to be present and to be heard, and may if he thinks fit be represented by counsel or otherwise.

(3) Every complaint that is referred or made to the Board by the Investigation Committee shall be prosecuted at the inquiry by such person as that Committee shall appoint.

(4) At any inquiry, any person so appointed by the Investigation Committee may be heard, and may be represented by counsel or otherwise.

(5) The Board, by notice in writing under the hand of its Chairman or the Registrar, may require any person to attend and give evidence before it at any such inquiry.

(6) The Board may require any such evidence to be given on oath, and either orally or in writing, and for that purpose the Chairman of any meeting of the Board may administer an oath.

(7) Every person commits an offence against this Act who without lawful justification refuses or fails to give evidence when required to do so by the Board, or to answer truly and fully any question put to him by the Board.

(8) Witnesses and counsel shall have the same privileges and immunities in relation to inquiries before the Board as if they were proceedings in a Court of law.

(9) Every witness giving evidence or intending to give evidence at any inquiry before the Board shall be entitled in the discretion of the Board to such sum for his expenses and loss of time as the Board may determine, which sum shall be paid out of the funds of the Board:

Provided that the sum which may be so paid to any witness shall not exceed the amount to which he would have been entitled for expenses and loss of time if the inquiry had been a civil proceeding in a Magistrate's Court.

26. Disciplinary powers of Board—(1) The disciplinary powers which the Board may, if it thinks fit, exercise as aforesaid in respect of any registered quantity surveyor shall be as follows:

(a) Subject to subsection (2) of this section, the Board may cause the name of the quantity surveyor concerned to be removed from the register:

(b) Subject to subsection (2) of this section, the Board may by writing under the hand of the Chairman, suspend that quantity surveyor's registration for a period not exceeding twelve months:

(c) The Board may, by writing under the hand of the Chairman, impose a penalty upon the quantity surveyor not exceeding two hundred dollars:

Provided that no such penalty may be imposed under this paragraph in any case where the Board is proceeding under paragraph (a) of this subsection, or where the Board is inquiring into any act or omission which constitutes an offence:

(d) The Board may, by writing under the hand of the Chairman, censure the quantity surveyor:

(e) The Board may, by writing under the hand of the Chairman, order the quantity surveyor to pay to the Registrar such sum as the Board thinks fit in respect of costs and expenses of and incidental to the inquiry by the Board and the investigation by the Investigation Committee.

(2) No registered quantity surveyor's name shall be removed from the register, and no registered quantity surveyor's registration shall be suspended under paragraph (b) of subsection (1) of this section, by reason of any offence committed before the date of his registration if at that date the Board was aware of his conviction in respect of that offence.

(3) Every monetary penalty imposed, and all costs and expenses payable, under this section shall be recoverable as a debt due to the Board.

(4) While any order of suspension of registration under this section remains in force the quantity surveyor concerned shall be deemed not to be registered under this Act, but forthwith on the expiry of the order his rights and privileges as a quantity surveyor registered under this Act shall be revived as from the date of the expiry.

(5) No decision of the Board exercising any of the disciplinary powers conferred on it by this section shall take effect while any person remains entitled to appeal against the decision in accordance with section 27 of this Act or while any such appeal awaits determination by an Appeal Tribunal.

(6) The Board may appoint a legal assessor, who may be present at the inquiry into any matter, and may then or at any time previously or subsequently advise the Board on matters of law, procedure, and evidence relating thereto.

(7) Notice of the decision of the Board on any inquiry under section 25 of this Act shall be given to the quantity surveyor concerned, the Institute, and the Building Surveyors Institute.

PART IV

APPEALS

27. Appeals from decisions of the Board—(1) Every person who is dissatisfied with any decision of the Board under section 12 of this Act or on any inquiry held by the Board under section 25 of this Act may, within three months after notice of the decision has been given to him by the Registrar, give notice of appeal in the prescribed manner to the Registrar.

(2) Upon receipt of the notice of appeal, the Registrar shall forthwith inform the Minister, who shall thereupon take all steps necessary for the constitution of an Appeal Tribunal consisting of a Magistrate and two assessors, of whom one shall be appointed by the quantity surveyor concerned and the other shall be appointed by the Board

or, in the case of an appeal by the Institute or by the Building Surveyors Institute, shall be appointed by the Institute or the Building Surveyors Institute, as the case may be, or, where both Institutes have appealed, shall be appointed by both Institutes acting jointly.

(3) The Appeal Tribunal so constituted shall as soon as practicable hear the appeal; and may confirm or vary or cancel the decision of the Board, or may order the registration of the appellant or, as the case may require, the restoration of his name to the register or the determination of the order of suspension or the remission of the whole or any part of any penalty or of any liability to pay costs or expenses imposed on him, or may make such other order as the case may require.

(4) On any appeal under this section the decision of not less than two members of the Appeal Tribunal shall be the decision of the Tribunal, and that decision shall be final and conclusive.

(5) On any appeal under this section the Appeal Tribunal may make an order for the payment by or to the Board or the Institute or the Building Surveyors Institute or the appellant, as the case may be, of the costs incurred in respect of the appeal, including the costs and expenses of the Appeal Tribunal, and in any such case the costs so awarded may be recovered in any Court of competent jurisdiction as a debt due by the party against whom they have been awarded to the party in whose favour they have been awarded.

(6) On any appeal under this section the Appeal Tribunal shall be deemed to be a Commission of Inquiry under the Commissions of Inquiry Act 1908, and all the provisions of that Act shall apply accordingly.

PART V

GENERAL PROVISIONS

28. Application of fees, etc., received by Board—(1) The Registrar shall take and receive the fees prescribed by regulations made under this Act as payable to the Board in respect of the matters specified in the regulations.

(2) Until the prescribed fee has been paid, the Registrar may decline to do any act, or to permit any act to be done, or to receive any document in respect of which that fee is payable.

(3) All fees and other money received on behalf of the Board under this Act shall be paid forthwith into such bank within the meaning of the Banking Act 1908 as the Board may determine to the credit of a separate account in its name, and may be applied by the Board as follows—

- (a) In payment of the expenses incurred by the Board in respect of this Act, including remuneration of the Registrar and other officers and servants of the Board and the cost of audit of its accounts:
- (b) In payment of any costs, fees, salaries, allowances, and travelling allowances and expenses payable in accordance with this Act to the members of the Board and the members of the Investigation Committee:
- (c) Otherwise for the payment of any expenditure lawfully incurred by the Board.

(4) All cheques drawn on the said bank account shall be signed, and all negotiable and other instruments requiring endorsement shall be endorsed, by any two of such members of the Board as are nominated by the Board for the purpose, or by one such member and the Registrar.

(5) No cheque shall be drawn on the said account, and no money of the Board shall be expended, except pursuant to a resolution of the Board approving payment of the amount thereof, but no banker or other person to whom a cheque duly signed as aforesaid is presented shall be concerned to inquire whether any such resolution has been passed.

(6) The Board may from time to time, as it thinks fit, invest any money not for the time being required for any of the purposes mentioned in subsection (3) of this section by depositing it in its name in any bank or investing it in any other manner in which trustees are for the time being authorised to invest trust funds.

(7) In subsection (6) of this section the term "bank" means a bank within the meaning of the Banking Act 1908, the Post Office Savings Bank, a trustee savings bank constituted under the Trustee Savings Banks Act 1948, or a private savings bank established under the Private Savings Banks Act 1964.

29. Accounts and audit—(1) The accounts of the Board for every year ending with the thirty-first day of March shall comprise a balance sheet showing the financial position

of the Board at the thirty-first day of March in that year, together with a statement of income and expenditure.

(2) The accounts of the Board shall be audited by an auditor appointed by the Board, being a member of the New Zealand Society of Accountants.

30. Institute to contribute to Board's funds—(1) In the event of the Board not having sufficient funds (whether in its said bank account or on deposit as aforesaid or otherwise) for payment of its lawful expenditure at any time, the amount of the deficiency shall be met by the Institute. The amount to be so met by the Institute shall be recoverable from it by the Board as a debt.

(2) If any question arises as to the amount to be paid under this section, it shall be determined by the Minister, whose decision shall be final.

31. Unauthorised expenditure—The Board may, in any financial year, expend out of its funds for purposes not authorised by this Act or any other Act any sum or sums not amounting in the whole to more than one hundred dollars.

32. Restriction upon right of registered quantity surveyor to commence private practice—(1) Except with the leave of the Board given under subsection (2) of this section, no person who becomes registered as a quantity surveyor under this Act on or after the first day of April, nineteen hundred and sixty-nine, shall commence practice as a registered quantity surveyor on his own account, whether in partnership or otherwise, unless during the five years immediately preceding the date of his so commencing practice he has had not less than two years' practical experience in quantity surveying:

Provided that this subsection shall not be construed to restrict the right of any registered quantity surveyor to resume practice if at any time previously he has lawfully practised as a quantity surveyor on his own account, whether in partnership or otherwise.

(2) Any registered quantity surveyor who is debarred by the foregoing provisions of this section from commencing practice as aforesaid may apply to the Board for leave to commence practice on his own account, whether in partnership or otherwise, and the Board, if it is satisfied that the applicant, by reason of his age, qualifications, and experience,

is a fit and proper person to be permitted to practice as a registered quantity surveyor on his own account, whether in partnership or otherwise, may, in its discretion, grant leave accordingly subject to such conditions (if any) as in the circumstances it thinks appropriate.

33. Certificate by Registrar to be evidence of registration, etc.—A certificate purporting to be under the hand of the Registrar to the effect that any person was or was not registered by the Board under this Act at any time or during any period specified in the certificate, or as to any entry in the register or as to any act or proceeding of the Board, shall, until the contrary is proved, be sufficient evidence of the matters therein specified.

34. Registrar to notify the Institute of entries in register—As soon as practicable after the entry in the register of any person's name, or after the removal of any person's name therefrom, or after the suspension of any registration, the Registrar shall give notice in writing to the Institute of the entry, removal, or suspension, as the case may be, together with all relevant particulars.

35. Improper use of terms implying registration under this Act—Every person commits an offence, and is liable on summary conviction to a fine not exceeding two hundred dollars, who, not being registered under this Act,—

- (a) Describes himself or otherwise holds himself out as a registered quantity surveyor; or
- (b) Uses or causes or permits to be used in connection with his name or business or with the name under which he carries on business the written words "registered quantity surveyor" or any combination of written words that includes the words "registered quantity surveyor", or any written words, titles, initials, or abbreviations of words, titles, or initials, intended to cause or which may reasonably cause any person to believe the person using the same is a registered quantity surveyor.

36. Continuation of practice of deceased registered quantity surveyor—(1) Notwithstanding any other provision of this Act, on the death of any registered quantity surveyor who was at the time of his death actually carrying on practice as a registered quantity surveyor, it shall be lawful for his

personal representative (with a view to disposal of the goodwill) to continue the practice for not more than five years from the date of death under the management of a registered quantity surveyor; and, if it is shown to the satisfaction of the Board that it is or may be impracticable satisfactorily to dispose of the practice within that period, for such further period or periods not exceeding two years in the aggregate as may be allowed by the Board. The provisions of section 32 of this Act shall apply with respect to every quantity surveyor carrying on any practice under this subsection.

(2) The personal representative shall keep the Registrar informed of the name of the registered quantity surveyor who is managing that practice.

(3) The Registrar shall, under the direction of the Board, keep a register of the practices of deceased registered quantity surveyors, in which shall be recorded the names of the managers of those practices.

37. Registered quantity surveyors to have annual practising certificates—(1) In this section the term “year” means the period of twelve months beginning on the first day of April in any year and ending with the thirty-first day of March next following.

(2) No registered quantity surveyor shall, on or after the first day of April, nineteen hundred and sixty-nine, be entitled in any year to act as a registered quantity surveyor, unless he is the holder of an annual practising certificate issued in respect of that year.

(3) Every person who acts or undertakes to act as a registered quantity surveyor in breach of this section commits an offence against this Act.

(4) The Board, on application made to it by any registered quantity surveyor, shall issue to him an annual practising certificate, which shall be in force—

(a) If it is issued before the date of the expiry of a current certificate held by the applicant, from the thirty-first day of March next after the date of its issue until the thirty-first day of March next following:

(b) In any other case, on and after the date of its issue until the thirty-first day of March next following:

Provided that, if at any time during the currency of any such certificate the holder thereof ceases to be registered under this Act or his registration is suspended, the certificate shall cease to be in force.

38. Offences and penalty—(1) Every person commits an offence who does any act in contravention of or fails to comply with any provision of this Act.

(2) Every person who commits an offence against this Act or any regulations under this Act for which no penalty is provided in this Act elsewhere than in this subsection is liable on summary conviction to a fine not exceeding one hundred dollars, and, where the offence is a continuing one, to a further fine not exceeding ten dollars for every day on which the offence has continued.

39. Regulations—(1) The Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes:

- (a) Prescribing the form of and the method of keeping the register:
- (b) Prescribing the forms of applications, certificates, and other documents required under this Act:
- (c) Prescribing the fees payable to the Board in respect of examination and of registration under this Act and in respect of the restoration of names after their removal from the register and in respect of any other alteration of or addition to the register; and also prescribing fees for the issue of certificates of registration and other certificates, and for copies of certificates, and for inspections of the register:
- (d) Providing for examinations to be conducted for the purposes of registration under this Act, and prescribing the subject-matter of those examinations, the standards required to be attained by successful candidates, and the times when examinations will be held:
- (e) Providing for the issue to quantity surveyors of annual practising certificates, and prescribing the fee payable in respect thereof:
- (f) Regulating the procedure of the Board:
- (g) Providing for such other matters as may be necessary for the efficient discharge by the Board of its duties and functions under this Act:
- (h) Providing for the constitution of an Appeal Tribunal and regulating the conduct of appeals under section 27 of this Act:
- (i) Providing for the taxation or review by the Board or the Investigation Committee or a Magistrate of charges made by persons registered under this Act:

- (j) Providing for such matters as are contemplated by or necessary for giving full effect to the provisions of this Act and for the due administration thereof.
- (2) All regulations made under this section shall be laid before Parliament.

This Act is administered in the Ministry of Works.
