

Mr. A. L. D. Fraser.

ACCOUNTANTS.

ANALYSIS.

- |  |  |
|--|--|
| <p>Title.</p> <ol style="list-style-type: none"> <li>1. Short Title.</li> <li>2. Interpretation.</li> </ol> <p style="text-align: center;"><i>Register.</i></p> <ol style="list-style-type: none"> <li>3. Persons entitled to register.</li> <li>4. Persons not entitled to register.</li> </ol> <p style="text-align: center;"><i>Registered Accountants of New Zealand.</i></p> <ol style="list-style-type: none"> <li>5. Constitution of the Institute.</li> <li>6. Registrar-General to invite applications for registration.</li> <li>7. Registration lists to be prepared. Voting-paper.</li> <li>8. Nominations of members of the Council.</li> <li>9. Constitution of Council.</li> <li>10. Election of Council.</li> <li>11. Attestation of voting-paper.</li> <li>12. Mode of election.</li> <li>13. Separate elections for different districts.</li> <li>14. Result of election.</li> <li>15. Voting. Casting vote in case of tie.</li> <li>16. Registrar-General's decision final.</li> <li>17. Powers of Registrar-General relating to elections.</li> <li>18. Length of term of service on Council.</li> <li>19. Retiring members of Council.</li> <li>20. First meeting of Council.</li> <li>21. Business. Quorum.</li> <li>22. Disposal of fees, expenses, &amp;c.</li> <li>23. Election of officers.</li> </ol> <p style="text-align: center;"><i>Duties of Council.</i></p> <ol style="list-style-type: none"> <li>24. Registration of members.</li> <li>25. Advertisement inviting registration of members of the Institute.</li> <li>26. Powers of Council.</li> <li>27. How registered accountants may be designated.</li> <li>28. Registered public accountants.</li> <li>29. Persons who are entitled to have their names inscribed on the register.</li> <li>30. Offence.</li> <li>31. Removal of names from register.</li> <li>32. Surrender of diploma pending dispute.</li> </ol> | <ol style="list-style-type: none"> <li>33. Power to cite members before Council.</li> <li>34. Removal of names from register.</li> <li>35. Persons may apply for reinstatement on register.</li> <li>36. Powers of Council.</li> <li>37. Service of proceedings for or on behalf of Institute.</li> <li>38. Institute may hold land.</li> <li>39. Power to borrow.</li> <li>40. Powers of Council to deal with property of Institute.</li> </ol> <p style="text-align: center;"><i>Powers of the Council.</i></p> <ol style="list-style-type: none"> <li>41. Power to make regulations.</li> <li>42. Regulations of Council valid till submitted to the Institute.</li> <li>43. Production of copy of regulations as evidence.</li> </ol> <p style="text-align: center;"><i>Offences.</i></p> <ol style="list-style-type: none"> <li>44. When persons disqualified to act as public accountants.</li> <li>45. Performance of accountancy work for hire.</li> <li>46. Exemptions.</li> <li>47. Unqualified persons.</li> <li>48. Offences.</li> <li>49. Offence for practising without annual certificate.</li> <li>50. Illegal claim for services.</li> <li>51. Disclosure of professional work an offence.</li> <li>52. Offence.</li> </ol> <p style="text-align: center;"><i>Penalties.</i></p> <ol style="list-style-type: none"> <li>53. Penalties.</li> </ol> <p style="text-align: center;"><i>Examinations.</i></p> <ol style="list-style-type: none"> <li>54. Enrolment by examination.</li> <li>55. Examination to consist of two parts.</li> <li>56. General knowledge examination.</li> <li>57. Syllabus of professional examination.</li> </ol> <p style="text-align: center;"><i>Corporate Seal.</i></p> <ol style="list-style-type: none"> <li>58. Seal of Institute.</li> <li>59. How contracts of Council may be signed.</li> <li>60. Annual fees.</li> <li>61. Registered office. Schedules.</li> </ol> |
|--|--|

A BILL INTITULED

AN ACT to make Provision for the Registration of Accountants, and for insuring that Accountancy and Auditing shall be performed only by Persons who have the Necessary Knowledge and Skill to do the same, and for regulating the Admission of Accountants to the Institute to be incorporated as hereinafter provided.

5

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

Short Title.

1. This Act may be cited as the Accountants Act, 1907, and shall come into operation on the first day of January, nineteen hundred and *eight*. 5

Interpretation.

2. In this Act, whenever the context permits or admits of such an interpretation,—

“Member” shall mean any person whose name is inscribed on the register hereinafter provided for: 10

“Registered public accountant” shall mean a public accountant who is in business upon his own account, in the course of which he is practising the profession of an accountant:

“Examined accountant” shall mean any person whose name is inscribed upon the register, and who has sat for and passed the full examination prescribed by the Incorporated Institute of Accountants of New Zealand, or by the New Zealand Accountants and Auditors’ Association (Registered) respectively, or by the Institute in this Act mentioned, or the examinations prescribed by any other recognised association of accountants in any part of the British dominions or elsewhere approved by the Council: 15 20

“Registered Accountants of New Zealand” shall mean the association incorporated as hereinafter provided, and referred to as the Institute: 25

“Council” shall mean twenty members of the Institute, to be elected as hereinafter provided to conduct and manage the business of the same: 30

“Register” shall mean the Register of Accountants to be kept by the Council.

Pronouns importing the masculine gender shall, wherever used throughout this Act, be read as including the feminine gender. 35

*Register.*

Persons entitled to register.

3. The following persons shall be entitled to have their names inserted on the register as members of the Institute to be incorporated under this Act:—

(a.) All persons over the age of twenty-one years who from and since the first day of January, nineteen hundred and five, to the date of the coming into operation of this Act have been employed exclusively as accountants at a salary in any mercantile, banking, professional, local body, or Government office within the colony: 40 45

(b.) All persons over the said age who since the above date have been continuously engaged in business upon their own account within the colony, and have in such business or as a branch thereof held themselves out and practised as accountants: 50

(c.) All persons over the said age who since the first day of January, nineteen hundred and five, and up to the coming

into operation of this Act have been employed for a portion of the said period as described in paragraph (a), and have for such other portion of the said period practised as described in paragraph (b) :

5 (d.) All persons who at any time have publicly practised and been in business as accountants in the colony for any continuous period of not less than four years :

(e.) All persons who are members of any recognised accountancy association in this colony :

10 Any of the persons mentioned in paragraphs (a) to (e) of this section who may, within six months of the coming into operation of this Act, apply to the Council, in the form of the *Second* Schedule hereto, to be registered shall, subject to section *four* hereof, be registered without undergoing any examination :

15 (f.) All persons who are members of any recognised association of accountants in any portion of the British Empire who shall apply within six months of arriving in the colony, upon such terms and conditions as the Council may prescribe :

20 (g.) Any *bona fide* student of accountancy who at the coming into operation of this Act is attending lectures, or is in any other way *bona fide* engaged in studying accountancy, may, if he apply to be registered within two years from the coming into operation of this Act and if over the said age, be registered upon the passing of the professional examination only hereinafter provided for :

25 (h.) All persons of twenty-one years of age or over who shall, after the coming into operation of this Act, pass the examination in general knowledge and the professional examination for accountants prescribed by the Council.

30 4. No persons, unless they are of good character and reputation, shall at any time be entitled to be registered, nor any person engaged in any business or occupation inconsistent with the integrity of the profession of accountancy.

Persons not entitled to register.

#### *Registered Accountants of New Zealand.*

5. Immediately upon the election of the Council the members of the Council and all other persons who may thereafter be registered shall become and they are hereby incorporated as a body corporate, 40 possessing a seal and a perpetual existence, under the name of the Registered Accountants of New Zealand (hereinafter referred to as the Institute). All registered accountants shall *ipso facto* be members of the Institute.

Constitution of the Institute.

45 6. Within six weeks of the coming into operation of this Act the Registrar-General shall, by advertisement to be published in such newspapers as he may think fit, invite applications to be registered from persons who are qualified to be registered under section *three* of this Act, and may prescribe a time within which such applications will be received. Every application must be in the form or to the effect set out in the *Second* Schedule hereto, and must be accom- 50 panied by a remittance to the value of twenty-one shillings. The

Registrar-General to invite applications for registration.

applicant must state in his application whether he is or is not prepared to act as a member of the Council should he be elected.

Registration lists to be prepared.

7. Upon the receipt of such application the Registrar-General shall within thirty days prepare a list of all who have applied for registration, also a second list of all persons who have signified their willingness to become a member of the Council, and shall thereupon post such second list to every person who has applied to be registered, together with a voting-paper in the form in the *Fourth* Schedule hereto, and shall name a day, being not less than thirty days from the posting by him of such voting-papers, upon which the form shall be returned to him in an envelope, on the outside of which shall be written "Voting-paper for Election of Council of the Institute of Accountants," or words to the like effect, and all persons who return such voting-paper shall be entitled to vote upon the election of members of the Council.

Voting-paper.

Nominations of members of the Council.

8. All persons who have signified their willingness to become members of the Council shall be deemed to have been nominated for the towns in which the said persons respectively reside, and all other persons residing outside of Auckland City, Wellington City, Christchurch City, or Dunedin City who have so signified their willingness shall be deemed nominated for the provincial towns.

Constitution of Council.

9. The Council shall consist of twenty members, four of whom shall represent Auckland City, four shall represent Wellington City, four shall represent Christchurch City, and four shall represent Dunedin City, the remaining four shall represent all or any other portions of the colony (save and except the four cities mentioned) which shall be hereinafter referred to as the provincial towns.

Election of Council.

10. Upon the day named by the Registrar-General for the return of the said voting-papers, or as soon thereafter as he shall deem fit, he shall proceed to the election of the Council, and shall call in any three accountants practising in Wellington he may decide upon to act as scrutineers. The Registrar-General shall in their presence open the letters containing the said voting-papers.

Attestation of voting-paper.

11. No voting-paper shall be received nor shall be used in the election unless the signature of the person signing the same shall have been witnessed by a Mayor, City or Borough Councillor, member of Parliament, Justice of the Peace, Postmaster, clergyman, solicitor, or doctor.

Mode of election.

12. The election shall be conducted as follows: In all cases where four persons only have been nominated for each or any city or provincial town, the Registrar-General shall declare such persons to have been duly elected.

Separate elections for different districts.

13. In all cases where more than the required number have been nominated for any of the cities herein named or for provincial towns, the election of representatives shall be taken separately in the following order: Auckland, Wellington, Christchurch, Dunedin, and provincial towns. Voting shall be by voting-papers only.

Result of election.

14. At the election the Registrar-General or any one appointed by him shall write down the name of each nominee for Auckland City, and the number of votes he has received. The four nominees who have received the highest number of votes shall be declared by the Registrar-General to have been elected, and they shall be the

5

10

15

20

25

30

35

40

45

50

members of the Council representing the City of Auckland. The election for the other cities and the provincial towns shall then be proceeded with in like manner until the full Council is elected.

15. There shall be no territorial restriction in voting, but  
 5 every person shall be entitled to vote at the election for a member for each of the districts. In the event of a tie in any one or other of these elections, the Registrar-General shall possess and shall exercise a casting-vote.

Voting.

Casting-vote in case of tie.

16. In the event of any dispute or difference as to the validity  
 10 of voting-papers, the same shall be referred to the Registrar-General, whose decision shall be final and conclusive upon the matter.

Registrar-General's decision final.

17. The Registrar-General shall of his own motion supply any omission, defects, or errors in this Act relating to the election of the Council, or do anything not provided for by this Act which may in  
 15 his opinion require to be altered or done in order to bring about the election of the Council, and any act or thing so done or omitted to be done by him which is necessary to bring about the election of the Council shall be deemed to be authorised under this Act.

Powers of Registrar-General relating to elections.

18. The election of the Council shall be for four years, but sub-  
 20 ject to alterations, as follows: At the end of the first year five of the Council shall retire--namely, Auckland, one; Wellington, one; Christchurch, one; Dunedin, one; provincial towns, one. The same upon the second year, excluding members who retired at the expiration of the first year, and thereafter yearly, and those shall retire  
 25 who have been earliest elected.

Length of term of service on Council.

19. During the first three years, if any difference shall arise as to which of the members shall retire, the same shall be decided by ballot, those who have previously retired being excluded therefrom.

Retiring members of Council.

20. Upon the election of the Council the Registrar-General  
 30 shall give notice in writing to those who have been so elected to the Council, and shall convene a meeting of the Council to be held at Wellington at some place and date to be fixed by him, being not more than twenty-eight days from the date of the election.

First meeting of Council.

21. At such first meeting of the Council ten shall form a  
 35 quorum. The Registrar-General, or some person appointed by him, shall attend the said meeting, and shall hand over to the same all applications for registration received by him and the list of applications prepared by him, and shall present an account of all moneys received by him for application fees.

Business. Quorum.

40 22. The Registrar-General shall deduct from such fees all expenses incurred by him in connection with any duties devolving upon him under this Act, and the balance of the moneys received by him shall be paid by the said Registrar-General or by the Colonial Treasurer unto the said Council, and thereupon the Registrar-  
 45 General shall have no further duties under this Act.

Disposal of fees, expenses, &amp;c.

23. (1.) At such first meeting the Council shall proceed to the  
 election of three members of the Council as President, Vice-President, and Treasurer respectively, who shall hold office for one year. The Council shall also appoint a Secretary, who shall be a  
 50 paid officer. The Secretary shall not be a member of the Council, but must be a member of the Institute.

Election of officers.

(2.) An ordinary general meeting of the Institute shall be held once in each year, on such day and at such place as the Council may from time to time determine, for the purpose, *inter alia*, of electing members to fill the vacancies in the Council caused by rotation, resignation, or otherwise, at which members will be entitled to vote personally or by proxy. The provisions of sections *fifteen* and *eighteen* hereof shall, as far as applicable, apply to all such elections, and any casual vacancy occurring may be filled by the Council from among the members qualified to represent the city or provincial towns represented by the retiring member.

#### *Duties of Council.*

Registration of members.

24. The Council shall, upon payment of the prescribed fee, enter in the register the names of any persons who may apply to the Council to be registered who in the opinion of the Council possess the qualifications prescribed by this Act. The Council may, at their option, treat the applications made to the Registrar-General as if the same had been made to them.

Advertisement inviting registration of members of the Institute.

25. The Council shall, by advertisement inserted in any one or more newspapers in each centre and in the *New Zealand Gazette*, call for applications from persons desiring to be registered, and shall register the names of those persons applying who in their opinion possess the qualifications prescribed by this Act. No application shall be received unless it is in the form or to the effect of the *Fifth* Schedule hereto, accompanied by the prescribed fees.

Powers of Council.

26. If the Council shall be of opinion that any applicant for registration does not possess the prescribed qualifications, the Council shall decline to register, and shall notify such applicant that they so decline, and shall give the reasons for so doing. Should any person feel aggrieved by the Council so determining, he may at any time within three months issue a summons in the Supreme Court upon the President of the Council, and show cause before a Judge thereof in Chambers why such person should be registered. Upon the hearing of such summons, evidence may be given orally or by affidavit, or in any way the Court or Judge may order, and the Court or Judge may make an order dismissing the same, or may order that the name of such person shall be inserted upon the register, and may order such costs to be paid as the Court or Judge may think fit, without reference to the scale of costs provided by the Supreme Court Code, and may order such costs to be paid as between solicitor and client or otherwise.

How registered accountants may be designated.

27. All members of the Institute shall be entitled to describe themselves as "Registered Accountants," and those members who prior to registration were holders of certificates as fellows or associates of the Incorporated Institute of Accountants of New Zealand, or the New Zealand Accountants and Auditors' Association (Registered), shall be respectively entitled to continue the use after their names of the letters they at present use—namely, F.I.A.N.Z. or A.I.A.N.Z., and F.N.Z.A.A. or A.N.Z.A.A. respectively.

Registered public accountants.

28. All members who at the time of the passing of this Act are carrying on business openly as accountants on their own account solely or in partnership with any other person, and who take out

a practising certificate, shall be deemed to be public accountants, and shall be entitled to describe themselves as such by using after their names the letters "Reg. P.A.," meaning "Registered Public Accountant." Any member may commence practice as a public accountant at any time by giving notice to the Council and paying the prescribed fees.

29. All members who have passed the examination prescribed by the Incorporated Institute of Accountants of New Zealand, or of the New Zealand Accountants and Auditors' Association (Registered), or by the Council under this Act, or by any other recognised association of accountants in any other portion of the British Empire or elsewhere approved by the Council, shall have their names duplicated in a second register to be called the Roll of Examined Accountants, and shall be entitled after registration to describe themselves as such by using the words "by Exam."

Persons who are entitled to have their names inscribed on the register.

30. A person commits an offence if he at any time uses the words or letters authorised by the preceding sections twenty-seven, twenty-eight, and twenty-nine, unless he is entitled by this Act to use the same :

Offence.

Provided always that it shall be a complete defence in any proceedings if the defendant proves that he is a *bona fide* member of any society or body represented by the said letters, or that he is entitled by any other reason to so use them. In all proceedings proof that the defendant used the said letters shall be *prima facie* evidence that he has unlawfully used them.

31. The Council may remove from the register the name of any person who is in arrear for three months with the payment of any fees due or payable by such person under the Act or under any regulation made by the Council, and after posting notice of such removal to such person's registered address it shall be unlawful for him to use any letter or word indicating that he is a member under this Act, and no member shall exercise his right to vote if he is in arrear with the payment of any such fees.

Removal of names from register.

32. The Council may at any time, pending inquiry into the charge or complaint against a member of the Institute and before a final decision thereon, require him, by notice in writing delivered to him personally or posted to his registered address, to deliver his diploma, and any certificate of the Institute which may have been issued to him, into the custody of the President or Vice-President of the Institute ; and such member shall be guilty of an offence under this Act if he fails, unless he can show good cause for such failure, for fourteen days after the receipt of such notice or of such posting, to deliver the same.

Surrender of diploma pending dispute.

33. The Council may call upon a member to appear before it and answer any charge involving moral turpitude or professional misconduct or want of professional conduct, and may, if it finds the charge proved, suspend such member from practice or remove his name from the register, subject to the right of appeal by such member to the Supreme Court or to a general meeting of the members, and no member shall resign his membership pending the hearing of any such charge.

Power to cite members before Council.

Removal of names  
from register.

34. The Council may remove the name of any member who has been convicted of any offence for which the penalty may be imprisonment for any term, or who has left the colony for over twelve months, or who has been guilty of any breach of any regulations made by the Council under the powers and authorities conferred by this Act, or who has been guilty of unprofessional conduct or professional misconduct, or of any offence under this Act. 5

Persors may apply  
for reinstatement  
on register.

35. Any person who has been removed from the register may apply to be reinstated, and unless he has been removed for any cause affecting his character or reputation, or for professional misconduct, or for want of professional conduct, or for breach of any regulations made by the Council, he shall be entitled as of right to be reinstated upon payment of any fees which may be prescribed by the Council. In all other cases the Council shall have a discretionary right to reinstate such person, and if the Council shall refuse to reinstate the applicant he may petition a Judge in Chambers to grant such reinstatement, and the Court in considering and deciding such petition may, if such person has been removed for wilful and continuous breach of the said regulations, order such person to be reinstated upon payment of a penalty not exceeding *fifty* pounds to the Council, and in all other cases may act upon the same principles as are applied by the Court in considering applications by barristers or solicitors for reinstatement who have been removed from the rolls for any offence or for professional misconduct. 10 15 20

Powers of Council.

36. The Council shall remove from the register the name of any person who has resigned his membership of the Institute, but such person shall, at the discretion of the Council, be entitled to be registered again at any time upon payment of the prescribed fees. 25

Service of  
proceedings for or  
on behalf of  
Institute.

37. All proceedings against the Institute shall be in the name of or against the President, who shall appear and sue and be sued for and on behalf of the Institute. Service of any proceedings shall be good if made upon the President, Vice-President, or any other member of the Council of the Institute. Any judgment or order against the President under which money is to be paid shall bind and be enforceable against the property and assets of the Institute. 30 35

Institute may hold  
land.

38. It shall be lawful for the Institute to acquire sufficient freehold or leasehold land in any part of the colony upon which to erect chambers for the purpose of the Institute, and to let or sell such parts of same as shall not be required for their immediate occupation.

Power to borrow.

39. The Council shall have power to borrow any sum or sums of money for the purpose of erecting offices or buildings for the use of the Institute, and to give a mortgage over any freehold or leasehold property it may possess for the purpose of securing the repayment of such sum or sums so borrowed, or to issue debentures charged upon all the property of the Institute of whatsoever kind; and no mortgagee shall be called upon to inquire as to the object for which such moneys are borrowed, or shall be affected by any defect or irregularity in any proceedings of the Council or Institute authorising such money to be borrowed, and the execution by the Council in the prescribed form of any such mortgage or debentures shall be conclusive evidence of the right of the Council or Institute to borrow the moneys purporting to be secured. 40 45 50



40. The Council shall have full discretion to deal with the funds and property of the Institute, and (a) to invest the same by deposit or by the purchase of bonds or stock guaranteed by the New Zealand Government or by any local body, or to lend the same upon the mortgage of freehold lands within the colony in such manner as they may consider advisable, or as the members thereof may in general meeting determine; and (b) to use such funds for the following purposes:—

Powers of Council to deal with property of Institute.

- 10 (a.) For paying the salaries and general expenses incurred by the Council in managing and conducting the Institute :
- (b.) For the payment of travelling and other expenses of members of the Council or any delegates of members :
- (c.) To provide and keep up any library for the use of the members :
- 15 (d.) To publish any newspaper or magazine in the interests of accountancy, and to assist with funds any such paper published by any outside person :
- (e.) Acquiring or erecting premises for the purposes of the Institute :
- 20 (f.) To assist any district accountants' society :
- (g.) To grant prizes for scholarships at any school or university, or to offer prizes to be competed for by members of any accountaut students' society :
- (h.) To assist in any manner in the advancement of the profession of accountancy :
- 25 (i.) To pay the fees of any member who is unable, in the opinion of the Council, through poverty to pay the same :
- (j.) To pay the practising fee of any member :
- 30 (k.) Assisting any member of the Institute whose circumstances, in the opinion of the Council, may render assistance necessary :
- (l.) To assist the wife or children of any incapacitated member, or the widow and children of any deceased member.

*Powers of the Council.*

35 41. Without limiting any general authority to make such regulation as they may think necessary or advisable, the Council shall have full authority to make regulations as follows:—

Power to make regulations.

- 40 (a.) Providing for the convening, conduct, and good order of the meetings of the Council and of members of the Institute, and of all things incidental thereto :
- (b.) Providing when and at what date each person whose name is on the register shall pay to the Council the annual fees prescribed by the schedule of fees set out in the *First Schedule* hereto, and for issuing annual certificates to such persons on payment of such fees :
- 45 (c.) Providing that each member shall have a registered postal address to which notices may be posted, and as to how any notices required under this Act shall be given :
- 50 (d.) For holding such examinations of persons who wish to qualify for the insertion of their names upon the register, and to fix the fees payable in respect of such examinations :

- (e.) To compile examination-papers for candidates for registration, to fix the subjects in which they are to be examined, and to decide what proportion of marks shall be obtained to enable the candidate to pass :
- (f.) To fix the times and places at which such examinations shall take place : 5
- (g.) For promoting harmony and good will between the members personally :
- (h.) For the settlement of disputes and differences between members personally by referring the same to arbitration or in any other manner, and for the settlement of any disputes between the Council or the Institute and any person or persons : 10
- (i.) For promoting any act, matter, or thing which will tend to benefit the profession of accountancy, and in particular for drawing a scale of fees which the Institute may recommend as fair and reasonable for all classes of accountancy-work : 15
- (j.) For defining professional misconduct or what shall be a want of professional conduct on the part of any member, or what business occupations may be inconsistent with the integrity of the profession of accountancy : 20
- (k.) For the holding of inquiries into any charges brought against members of the association, and for the conduct of such inquiries : 25
- (l.) For regulating inquiries into the professional conduct or misconduct of members :
- (m.) For suspending any member from practice during the hearing of any charge brought against him in any Court of law : 30
- (n.) For striking off the register the name of any person who has been persistently guilty of any breach of the regulations, or who has refused to comply with the same, and who has been cited to appear before the Council and has had an opportunity of defending himself : 35
- (o.) For appointing any person or persons honorary members of the Institute upon such terms, for such length of time, and upon such conditions as the Council may prescribe :
- (p.) For renting offices, for engaging and paying clerks, retaining counsel, engaging a solicitor or solicitors or any other person or persons whose services they may require, and for dismissing any person : 40
- (q.) For the issue of diplomas of membership to members, and for fixing the fee, being not more than twenty-one shillings, in respect of the same : 45
- (r.) Providing for the custody of the seal of the Institute and the method in which instruments requiring to be executed by the Institute shall be executed, by whom the seal of the Institute is to be affixed to any document, and the number of witnesses to attest the seal of any document on which the seal is used : 50

(s.) For the repeal, alteration, or variation from time to time of any of the Schedules appended hereto, or of any regulation made under the powers herein conferred :

5 (t.) Providing for the doing of anything which will tend directly or indirectly to promote the objects of this Act.

42. All regulations made by the Council shall, until submitted to the members of the Institute, have the same force and effect as if they had been duly passed by a meeting of the members :

Regulations of Council valid till submitted to the Institute.

10 Provided always that all such regulations shall lapse unless they are laid before and are approved by a meeting of the members of the said Institute, which meeting shall be held within six months of such regulations being made.

15 43. In any legal proceedings the production of a copy of such regulations purporting to bear the signature of the President or Vice-President and Secretary, or of two members of the Council, shall be, until the contrary is proved, conclusive evidence that such regulations have been duly and properly made, and that such regulations are valid and are in full force and effect.

Production of copy of regulations as evidence.

#### Offences.

20 44. After six months from the time of the coming into operation of this Act no person other than a public accountant shall hold himself out to the public as a public accountant or auditor, or shall use the words "public accountant" or "auditor" or any letter or letters after his name in connection with himself or his business, 25 either alone or in combination with any other word or letter tending to suggest that he is a public accountant, or shall directly or indirectly do anything which in the opinion of the Court tends to convey to the public that such person is a public accountant under this Act.

When persons disqualified to act as public accountants.

30 45. (1.) No person, unless he is a public accountant, shall perform for hire any auditing or other accountancy-work in connection with any public company registered under the Companies Act or under any special Act of Parliament or with any building society, but nothing in this section shall prevent any clerk, manager, 35 or other person who is a salaried official of any such company from performing any accountancy-work in connection with the company by which he is employed.

Performance of accountancy work for hire.

40 (2.) Any contracts for accountancy entered into by any person prior to the coming into operation of this Act may be completed at any time within one year from the coming into operation of this Act without committing an offence.

45 46. Members who are not registered public accountants shall be entitled to perform any accountancy-work save and except such work as is defined in section forty-five hereof, but they shall not advertise themselves as accountants or hold themselves out as public accountants.

Exemptions.

47. No public accountant shall allow his name to be used by any unqualified person.

Unqualified persons.

50 48. Any public accountant who practises for reward during such time as he may be suspended shall be guilty of an offence, and any member (not being registered as a public accountant) who during

Offences.

the time he may be suspended, if he performs accountancy-work for any person other than an employer by whom he is engaged at a salary, and who is entitled to his whole time, shall be guilty of an offence.

Offence for practising without annual certificate.

49. Any public accountant who practises without taking out his annual certificate and paying the fee due thereunder, and any member who shall perform accountancy-work for any other person than an employer as set out in section forty-five hereof shall be guilty of an offence. 5

Illegal claim for services.

50. No member shall be entitled to recover payment for any services performed by him in contravention of this Act. 10

Disclosure of professional work an offence.

51. Any member who shall wrongfully impart any information which has come to him in the course of his professional work to a person to whom he is not authorised to disclose the same commits an offence. 15

Offence.

52. Anything done or left undone in contravention of this Act or of the regulations of the Council shall be an offence.

#### Penalties.

Penalties.

53. Every person who commits any offence under this Act shall be liable upon conviction to a penalty not exceeding fifty pounds. All offences under this Act shall be heard and determined summarily by and before a Stipendiary Magistrate. 20

#### Examinations.

Enrolment by examination.

54. Save and except the persons named in section three, paragraphs (a) to (f) hereof, from and after the coming into operation of this Act, no person shall be entitled to have his name inserted in the register unless he has complied with the regulations and passed the examinations therein prescribed. 25

Examination to consist of two parts.

55. The examination shall consist of two parts, one of which shall be the examination in general knowledge, the other in the theory and practice of accountancy, which shall be called the professional examination. 30

General knowledge examination.

56. The general knowledge shall be the Matriculation Examination of the University of New Zealand, the Senior Civil Service Examination, or any other examination of an equal standard to these which the Council may prescribe. 35

Syllabus of professional examination.

57. The syllabus of the professional examination shall provide for two grades, equivalent to the degrees of fellows and associates, and shall comprise, *inter alia*, questions in book-keeping and accounts, the Acts of the General Assembly of New Zealand mentioned in the *Third* Schedule hereto, and all other matters which, in the opinion of the Council, will fairly test a candidate's knowledge of mercantile accountancy and mercantile law in all its branches. 40

#### Corporate Seal.

Seal of Institute.

58. The seal of the Institute shall have on its face "The Registered Accountants of N.Z." in a circle, and in the centre the words "Incorporated 1907." 45

How contracts of Council may be signed.

59. Any contract which if made between private persons does not require to be under seal may, if made between the Institute and 50

any person or persons, be signed for and on behalf of the Institute by any two members of the Council duly authorised for that purpose by resolution.

5 60. The annual fees, may, after the first year of the coming into operation of this Act, be made payable upon a specific date in each year, and such fees shall be payable by every member of the Institute upon the date so named, and all members upon the register shall become indebted as upon that date to the Institute for the amount of such fees, and the same may be sued for and recovered by the Council in the Stipendiary Magistrate's Court at Auckland, Wellington, Christchurch, or Dunedin, and for the purposes of this Act no objection shall be valid that the cause of action arises out of the district in which these Courts are situated.

15 61. The Institute shall have a registered office, and shall file with the Registrar of Companies at Wellington the place and address where such registered office is situated, who shall cause the same to be advertised in the *New Zealand Gazette*.

## SCHEDULES.

Schedules.

### FIRST SCHEDULE.

#### FEES PAYABLE TO THE INSTITUTE INCORPORATED UNDER THIS ACT.

	£	s.	d.
1. By all applicants for registration:—			
Deposit (being part of the applicant's entrance fee) payable on application to the Registrar-General or the Council for registration ... ..	1	1	0
2. By persons signifying their intention to practise as public accountants:—			
(a.) Entrance fee, inclusive of deposit on application ... ..	3	3	0
(b.) Annual subscription or practising fee ... ..	3	3	0
3. By persons, not being public accountants, who act only as salaried accountants to or officials of an employer:—			
(a.) Entrance fee, inclusive of deposit or application ... ..	2	2	0
(b.) Annual subscription ... ..	1	1	0
4. By persons who are salaried accountants to or officials of an employer who also engage in accountancy-work outside of the duties of their regular employment:—			
(a.) Additional entrance fee ... ..	1	1	0
(b.) Annual subscription ... ..	3	3	0

All fees payable in advance.

### SECOND SCHEDULE.

[Residence or place of business.]

[Date.]

The Registrar-General, Wellington.

SIR,—

I hereby apply to be registered under paragraph of section 3 of the Accountants Act, 1907, and I enclose my deposit of £1 1s.

[Delete as required.]

I intend { to practise as a public accountant.  
 I do not intend { to engage in accountancy-work outside of my regular employ-  
 ment.  
 I decline election to the Council.  
 I will accept office if I am elected to the Council.

[Signature.]

[Occupation.]

Residence or Place of Business.

My registered address is as follows :—

Name :  
 Residence :  
 Address :

THIRD SCHEDULE.

LISTS OF ACTS OF THE GENERAL ASSEMBLY OF NEW ZEALAND AS MENTIONED IN SECTION 58.

The Companies Act, 1903.  
 The Bankruptcy Act, 1892.  
 The Chattels Transfer Acts of 1889, 1895, and 1896.  
 And any other Acts which the Council may from time to time prescribe.

FOURTH SCHEDULE.

The Registered Accountants of New Zealand.

VOTING-PAPER.

I, \_\_\_\_\_, of \_\_\_\_\_, being an accountant on the Register of Accountants, do hereby vote for the election of the accountants hereunder written to the Council of the Registered Accountants of New Zealand at the election to be held in Wellington, on \_\_\_\_\_, 19 \_\_\_\_\_.

To represent Auckland City—	To represent Christchurch City—
, of .	, of .
, of .	, of .
, of .	, of .
, of .	, of .
To represent Wellington City—	To represent Dunedin City—
, of .	, of .
, of .	, of .
, of .	, of .
, of .	, of .
To represent Provincial Towns—	
, of .	
, of .	
, of .	
, of .	

[Signature.]

[Address.]

[Date.]

Signed by the said \_\_\_\_\_, who is well known to me, in the presence of—

Member of Parliament, Mayor, City or  
 Borough Councillor, Justice of the  
 Peace, Postmaster, Clergyman,  
 Solicitor, or Doctor.

N.B.—Four representatives to be elected for each city named above, and four to represent the provincial towns.

Accountants who have sent in their applications to the Registrar-General are entitled to vote for twenty different accountants, whose names must be on the list to be supplied by the Registrar-General herewith, and shall not give more than one vote to any one candidate. This voting-paper must be duly signed and returned to the Registrar-General by the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

This voting-paper is forwarded for the sole use of—  
 Name : \_\_\_\_\_ }  
 Address : \_\_\_\_\_ }

Forwarded by  
 [Signature.]  
 [Address.]  
 [Date.]

#### FIFTH SCHEDULE.

The President of the Council of the Institute of Accountants.

SIR,—

I hereby make application to be registered as a member of the Institute (or as a public accountant).<sup>4</sup>

I claim to be entitled to register under paragraph \_\_\_\_\_ of section 3 of the Act.

My qualifications to be registered are as follows : [State facts showing applicant comes within the paragraph he names.]

I enclose my deposit, £ \_\_\_\_\_.

My registered address will be as under :—

[Signature.]  
 [Residence.]  
 [Occupation.]