

BILL

Bill No. 80 of 1951.

An Act to Incorporate the Institute of Accredited Public Accountants of Alberta.

(Assented to _____, 1951.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

Short Title.

1. This Act may be cited as "*The Alberta Accredited Public Accountants Act*".

Interpretation.

2. In this Act, unless the context otherwise requires:

- (a) "Institute" means the Institute of Accredited Public Accountants of Alberta incorporated under authority of this Act;
- (b) "council" means the council of the association established under this Act;
- (c) "by-law" means a by-law made by council under authority of this Act;
- (d) "member" means a member of the association and includes certificated member of the association and a student member of the association and associate members;
- (e) "certificate of qualification" means a certificate of qualification issued to an applicant to practise as an accredited public accountant by the council under the seal of the association;
- (f) "certificate of registration" means a certificate of license to practise as an accredited public accountant for a stated period, of unexpired date, issued by the association.

Incorporation.

3. (1) A. J. Davis, of the City of Calgary, Claude F. Williams, of the City of Calgary, and Allen E. Welsh, of the City of Edmonton, all of the Province of Alberta, and such other persons as may hereafter acquire membership in the association are hereby constituted as a body corporate

under the name "The Institute of Accredited Public Accountants of Alberta" and shall have perpetual succession and a common seal, with power,—

- (a) to acquire, hold, mortgage, lease, sell or otherwise charge or dispose of real estate and personal property for the purposes of the association;
 - (b) to borrow money for its purposes and to secure the repayment thereof by mortgage on its real and personal property; and
 - (c) to sue and be sued.
- (2) The association may invest such portion of its funds as is not required for its immediate purpose in any securities specified in section 3 of *The Trustee Act*.

Head Office.

4. The head office of the association shall be at the City of Edmonton in the Province of Alberta, or at such other place within the Province as the council may by by-law from time to time determine.

Object and Purposes.

5. The object and purposes of the association are:
- (a) to promote and increase the knowledge, skill and proficiency of its members in all things relating to the profession of public or private accounting and auditing so as to insure that all members of the association shall be reasonably qualified in the profession of accountancy and auditing and be persons of good character and standing;
 - (b) to provide an organization for public accountants and auditors and student accountants and student auditors with a view to promoting and advancing the interests of the profession of accountancy;
 - (c) to co-operate with, assist and receive assistance from any organization within Canada or elsewhere having like or similar aims and objects;
 - (d) to improve the skill, knowledge and proficiency of its members by providing facilities for study and research and by disseminating specialized knowledge and training among its members;
 - (e) to do such other lawful things as are incidental or conducive to the attainment of the above objects or any of them.

Council.

6. (1) There shall be a council consisting of such members and including such officers as the association shall from time to time by by-law appoint.

(2) The members of the council shall be elected by the association for such term and in such manner as the by-laws

may provide, but in no case shall a member hold office without re-election for a longer term than until the second annual meeting following his election.

(3) A majority, or in case of an even number, one-half of the members of the council shall constitute a quorum.

(4) The council in addition to such other powers as may be conferred upon it by the association may,—

- (a) discipline the members of the association; and
- (b) suspend or expel any members thereof for failure to comply with the by-laws of the association, or for misconduct.

(5) No member shall be expelled or suspended under subsection (4) or otherwise, except under the provisions of a by-law imposing the same as a penalty for the breach thereof.

Officers.

7. (1) The council shall elect from among its members a president, vice-president and secretary-treasurer and such additional or other officers as may be provided by by-law.

(2) Until the first annual meeting of the members of the association the council shall be composed of the said Allan E. Welsh who shall be president, the said A. J. Davis who shall be vice-president, the said Claude F. Williams who shall be secretary-treasurer.

(3) At the first annual meeting which shall be held not later than the first day of July, 1951, and at each annual meeting thereafter the members of the council shall be elected by ballot and shall continue in office until their successors are elected.

By-laws.

8. (1) The council may make by-laws for carrying out the objects and purposes of the association and without limiting the generality of the foregoing; may make by-laws providing for,—

- (a) the terms and conditions under which persons shall be admitted to the association, either as members or student members;
- (b) the government and discipline of its members;
- (c) the management and administration of the association's property and affairs and the powers and duties of its officers;
- (d) the maintenance of the association by levying contributions or otherwise;
- (e) the payment of fees by applicants for registration and the payment of fees and assessments by the members of the association;
- (f) the discipline, suspension and expulsion of its members;

- (g) the curriculum and course of study to be pursued by student members;
- (h) the appointment of examiners, the defining of their duties and the fixing of their remuneration;
- (i) the procedure to be adopted at meetings of the members and of the council;
- (j) all such other matters as may be deemed necessary or convenient for the working and management of the association.

(2) All such by-laws or amendments thereto, before becoming effective, shall be ratified by the association in general meeting.

Membership.

9. Membership in the association shall be of three classes, namely, certificated membership, student membership and associate membership.

Certificated Members.

10. A certificated member of the association shall be known and styled as an "Accredited Public Accountant" and may use and affix to his name the words "Accredited Public Accountant" or the initials thereof "A.P.A."

Student Members.

11. (1) A student member shall be entitled to such privileges and rights and be subject to such obligations in the association as the by-laws may from time to time provide.

(2) No student member shall be entitled to vote at a meeting of the association.

Qualifications for Membership.

12. (1) Under such terms and conditions as the council may by by-law prescribe, certificated membership in the association shall be open to,—

- (a) any resident of the Province of Alberta who is an accredited member in good standing of the association known as "The Institute of Accredited Public Accountants" incorporated by Charter of the Dominion of Canada, and any member in good standing of its predecessor "The Institute of Accredited Public Accountants";
- (b) any resident of the Province of Alberta who has practised as a public accountant for a period of five years or who is a member in good standing of any association of accountants and auditors incorporated by or under authority of an act of the Parlia-

- ment of Canada or of the legislature of any of the provinces of Canada, the qualifications for membership in which are in the opinion of the council equivalent to those established for the association;
- (c) any person of the full age of twenty-one years who is a graduate of a school of accountancy in any recognized university and has successfully passed the examinations prescribed by the council and who has satisfied the council that he has either,—
- (i) held himself out as a public accountant in full time practice for a period of three years; or
 - (ii) served for one year as a clerk or assistant to a full time practising accredited public accountant or to any member in good standing of any association of accountants and auditors incorporated by or under the authority of any act of the Parliament of Canada or of any of the legislatures of any of the provinces of Canada.
- (2) Student membership in the association shall be open to such persons as the council may determine and under such terms and conditions as the by-laws may prescribe.

Educational Powers.

- 13.** (1) The council from time to time may,—
- (a) prescribe a curriculum of studies to be pursued by students;
 - (b) determine the fitness and moral character of persons applying to be examined;
 - (c) prescribe the subjects upon which candidates for certificates of competency shall be examined;
 - (d) fix standards of skill and competency;
 - (e) establish a scale of fees to be paid by persons applying for examination;
 - (f) appoint examiners, define their duties and fix their remuneration; and
 - (g) make such rules and regulations not contrary to the provisions of this Act or by by-laws of the Institute in respect to examinations as may be expedient.
- (2) The council shall prescribe reasonable conditions upon which persons who have passed the examinations of other corporate bodies having the same or similar objects may be admitted as members of the Institute.
- (3) The conditions may be amended by the council from time to time and shall be amended if so ordered by the Lieutenant Governor in Council.

14. The Institute may establish lectures and classes of students in accounts, and, subject to the approval of the Lieutenant Governor in Council, may,—

- (a) make arrangements with any university or college in Alberta for the attendance of students in accounting at such lectures or classes in any such university or college as may come within the course of subjects prescribed by the rules, by-laws and regulations of the Institute;
- (b) make an agreement with any such university or college for the use of any library or museum or property belonging to or under the control of such university or college;
- (c) affiliate with any such university or college, and make all necessary arrangements upon such terms as may be agreed upon.

Application for Membership.

- 15.** (1) The application for admission to membership,—
- (a) shall be made on the forms prescribed by the council; and
 - (b) shall be in writing and signed by the applicant; and
 - (c) shall be signed by two members of the association in good standing or be accompanied by two letters of recommendation from reputable businessmen or business firms.
- (2) Every application for student membership shall be accompanied by:
- (a) documentary evidence of educational qualifications;
 - (b) the entrance and annual membership fee, which will be refunded if the applicant is not accepted; and
 - (c) evidence of good character.
- (3) The council may approve applications for examinations from persons who, whilst lacking academic standing, are in the opinion of the council qualified to take such examinations by virtue of their business experience, qualifications and character.
- (4) Every applicant who qualifies on an examination set by or under the authority of the council and is accepted by the council shall be granted a certificate of qualification.
- (5) The holder of a certificate of qualification, upon presentation thereof, accompanied by payment of the prescribed fee to the registrar of the association, shall be granted a certificate of registration.

The Register.

- 16.** (1) The council shall cause to be kept by one of its officers a register in which shall be entered the names of all certificated members of the association in good standing.
- (2) Those persons only whose names are entered in the register shall be entitled to the privileges of certificated membership in the association.

(3) All certificates issued by the registrar shall be numbered consecutively.

(4) The register shall be *prima facie* evidence in all courts in the Province that the persons whose names are entered therein are the only members of the association in good standing.

(5) The council may revoke the certificate of registration of any member in any case where the council is authorized to do so either by this Act or by any by-law of the Institute.

Membership Fees and Assessments.

17. (1) The council may fix an entrance fee and an annual fee to be paid by members of each class and from time to time may vary the amount of such fees.

(2) The council from time to time may fix such special assessments as it may deem necessary or advisable to be paid by members of any class but no such assessment shall be recoverable until confirmed by a vote of the members at an annual or at a special general meeting called for the purpose.

Discipline.

18. (1) The council, in its discretion, may suspend or dismiss from the association any member thereof whom they find guilty of improper conduct, contravention of the by-laws of the association or incompetency.

(2) The council shall not take action under subsection (1) until a complaint, verified by statutory declaration, has been filed with the registrar of the association and a copy thereof forwarded to the accused member.

(3) The accused member shall not be suspended or dismissed without first being summoned to appear before the council in order to be heard in his own defence.

(4) The council shall not suspend or dismiss the accused member without having heard the evidence under oath in support of the complaint and on behalf of the accused member, in case such member wishes to be heard.

(5) The chairman of the council, or the person acting in his absence, is empowered to administer the oath to any witness.

(6) All evidence offered by the complainant and the accused member shall be taken down in shorthand by a competent stenographer.

19. (1) The council, in respect of all investigations held under this Act, shall have full power to compel the attendance of witnesses and the production of any documents or writings.

(2) The council may cause witness-summonses to be issued under the hand of the chairman or acting chairman of the council requiring the attendance of the person named therein to attend to give evidence or to produce any documents or writings specified therein, or both.

(3) Any person who, having been personally served with a copy of such summons and provided with reasonable conduct money, neglects to comply therewith, shall be guilty of an offence and liable upon summary conviction to a fine not exceeding fifty dollars.

20. (1) Any member suspended or dismissed from the association may, within fourteen days after the date of the order or resolution of suspension or dismissal is made, or within such further time as a judge of the Supreme Court of Alberta may order, appeal to a judge of said Court against the order or resolution by giving one week's notice in writing to the council.

(2) A copy of the evidence taken at the hearing before the council shall, on the request of the appellant, be filed with the Clerk of the Court for the Judicial District in which the appellant resides.

(3) The judge on the appeal may make such order or direction and may award such costs as the justice of the case may require.

Prohibition.

21. No person unless he is a certified member of the association and registered as such may take or use the designation "Accredited Public Accountant" or the initials "A.P.A.", either alone or in combination with any other word or words, or any name, title or description implying that he is an accredited public accountant and any person who uses the name or initials as aforesaid shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding twenty-five dollars for each offence.

22. Nothing contained in this Act shall affect or interfere with the right of any person who is not a member to practise as an accountant or auditor in the Province.

23. This Act shall come into force on the first day of July, 1951.

No. 80.

FOURTH SESSION
ELEVENTH LEGISLATURE

15 GEORGE VI

1951

BILL

An Act to Incorporate The Institute
of Accredited Public Accountants
of Alberta.

Received and read the

First time

Second time

Third time

MR. PONICH.
