

BILL

No. 26 of 1931.

An Act to amend The Alberta Chartered Accountants Act

(Assented to _____, 1931.)

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

1. This Act may be cited as "*The Alberta Chartered Accountants Act Amendment Act, 1931*."

2. *The Alberta Chartered Accountants Act*, being chapter 202 of the Revised Statutes of Alberta, 1922, is amended as to section 6 by striking out the same and by substituting therefor the following new section:

"6.—(1) The affairs and business of the Institute shall be managed by a council, which shall consist of not less than six and not more than twenty-one members, who shall hold office until the next annual meeting following election.

"(2) Members of the council shall be elected at the annual meeting.

"(3) Every candidate for membership of the council shall be nominated in writing by at least two members of the Institute and the nomination paper shall be delivered to the secretary at least fourteen days before the date of the annual meeting.

"(4) If the number of candidates so nominated exceeds the number of members which may be elected, the secretary shall procure voting papers containing the names of the candidates nominated, arranged alphabetically, and shall send or cause to be sent by mail a copy of such voting paper to each member of the Institute in good standing at least ten days before the date of the annual meeting.

"(5) If the number of candidates nominated does not exceed the number of members which may be elected, the secretary shall report the names of the candidates nominated to the chairman of the annual meeting.

"(6) At the annual meeting, if the number of candidates nominated exceeds the number of members of the council to be elected, the meeting shall proceed to hold an election and at such election those voting papers only shall be counted which are delivered to the secretary by members of the Institute present at such meeting, or, in the case of members of the Institute not personally present at the meeting, have been delivered to the secretary not later than the day before the day upon which the election is held.

"(7) If the number of candidates nominated does not exceed the number of members of the council which may be elected, the chairman at the annual meeting shall declare the candidates so nominated to have been duly elected.

"(8) All vacancies which may occur in the council by death or otherwise in the interval between two annual meetings or by reason of any failure to elect the required number of members, may be filled by the council."

3. Section 17 of the said Act is hereby repealed and the following substituted therefor.

"17.—(1) Any three members of the council thereunto authorized in accordance with the rules and regulations of the Institute shall constitute an investigating committee, and such committee may investigate whether any member of the Institute has been guilty of professional misconduct or conduct unbecoming to a chartered accountant or of a violation of the rules or by-laws of the Institute, and may report thereon to the council as hereinafter provided.

"(2) Any member of an investigating committee may continue to act as such, notwithstanding that he may be no longer a member of the council, for the purpose of completing and reporting on any matter begun while he was a member of the council and acting as a member of such investigating committee.

"(3) 'Professional misconduct or conduct unbecoming to a chartered accountant,' within the meaning of this section, shall be a question of fact for the sole and final determination of the council, and any matter, conduct or thing that in the judgment of the council is such as to be inimical to the best interests of the public or the profession, or tends to harm the standing of the profession, shall be professional misconduct or conduct unbecoming to a chartered accountant within the meaning of this section.

"(4) At least ten days' notice in writing shall be given by the secretary of the Institute to the member whose conduct is being investigated, of the intention to make such investigation as aforesaid, and such notice shall specify in general terms the matter to be investigated and the time and place at which such investigation will be held, and shall be served upon such member either personally or by being enclosed in a sealed prepaid registered envelope addressed and mailed to such member at his last post office address on the books of the Institute. A notice served by post shall be deemed to be served on the day on which it would in due course of post reach such address. Notwithstanding anything herein contained, the investigating committee may investigate any matter or thing arising in the course of such investigation which might form the subject matter of a charge or complaint against the member of the Institute whose conduct is being investigated, although such matter or thing was not mentioned in the notice.

"(5) Evidence may be adduced before such investigating committee either by affidavit or viva voce, or both, as the said committee may determine.

"(6) Every member of an investigating committee, while acting as such, is hereby authorized and empowered to administer an oath for the purpose of such investigation.

"(7) The attendance of witnesses before an investigating committee and the production of books, papers and other documents may be enforced by a notice requiring the witness to attend, issued under the hand of the secretary and the seal of the Institute, and stating the time and place at which the witness is to attend, and the documents, if any, he is required to produce. The secretary shall without charge issue and deliver to the member whose conduct is being investigated, such notices as he may require for the attendance of witnesses or production of documents upon the written request of such member, his solicitor or agent.

"(8) Any witness other than a member whose conduct is being investigated, served with a notice to attend or for the production of documents as aforesaid, shall be entitled to demand and to be paid the usual fees payable to witnesses in an action in the Trial Division of the Supreme Court.

"(9) Any witness failing to attend before an investigating committee in obedience to such notice or to produce any books, papers or other documents or in any way to comply with such notice or refusing to be sworn or to answer any question allowed by an investigating committee shall be liable to attachment upon application to a Judge of the Supreme Court and may be punished as for contempt of Court, and where such witness is the member whose conduct is being investigated, such failure or refusal shall be professional misconduct or conduct unbecoming to a chartered accountant within the meaning of this section.

"(10) An investigating committee shall not be bound by the rules of evidence obtaining in actions or proceedings in courts of justice; but on the contrary may proceed to ascertain the facts in such manner as it shall deem proper.

"(11) In the event of non-attendance of the member whose conduct is being investigated, the investigating committee may, upon proof of service of the notice of such investigation, as hereinbefore provided, in addition to all other powers herein contained, proceed with the investigation in the absence of such member, and may act and report upon the matter being investigated in the same way as though the said member were in attendance at such investigation.

"(12) The investigating committee shall, after such investigation, report in writing to the council whether or not in its opinion the member has been guilty of professional misconduct or conduct unbecoming to a chartered accountant or of a violation of the rules and regulations of the Institute, and shall forward such report with a copy of the evidence and a record of the proceedings before the committee to the secretary of the Institute.

"(13) The council shall at its then next meeting consider such report and may declare whether the member whose conduct has been investigated has or has not been guilty of professional misconduct or conduct unbecoming to a chartered accountant or of a violation of the rules and regulations of the Institute, or may order that the matter be referred back to the same or any other investigating committee or adjourned for further consideration by the council. In the event of such member being declared to have been guilty of professional misconduct or conduct unbecoming to a chartered accountant or of a violation of the rules and regulations of the Institute, the council may order that the member so declared guilty be suspended for such period as the council may consider proper, or be expelled from the Institute or reprimanded, and in addition to or in lieu of any such suspension or reprimand, may order that such member shall pay a sum not less than fifty dollars and not more than three hundred dollars to the funds of the Institute within a time to be fixed by such order, and may further order that in default of payment of any such sum so ordered to be paid, within the time for payment thereof, such member shall be suspended until such sum shall have been paid.

"(14) The council and any investigating committee may, for the purpose of the execution of their respective duties under this Act, employ at the expense of the Institute legal or other assistance and the member whose conduct is being investigated shall have the right to appear in person or by counsel or agent before the investigating committee and council, or either of them.

"(15) The council may, without notice, suspend from practicing or expel from the Institute any member who has been convicted of an offence punishable under *The Criminal Code of Canada*, on proof of such conviction."

4. Section 17a is hereby added to the said Act, immediately after section 17 thereof, as follows:

"17a. The Institute may by by-law make regulations as to the conduct of all students articulated to members of the Institute and for the investigation into the conduct of any such student, and in the event of any such student being found upon such investigation to be guilty of misconduct or of having contravened any of the by-laws of the Institute may provide that the student so found guilty be disqualified from taking any examination of the Institute either during a fixed period or indefinitely."

5. Section 17b is hereby added to the said Act immediately after section 17c thereof, as follows:

"17b. The council may institute or authorize the institution of any proceedings under this Act."

6. Section 17c is hereby added to the said Act immediately after section 17b thereof, as follows:

"17c. The council shall have power in its discretion to restore to membership any member who has been expelled, or to remove the disqualification for examination of an expelled student and generally to remit any penalty imposed by the council."

7. This Act shall come into force on the day upon which it is assented to.

FIRST SESSION
SEVENTH LEGISLATURE
21 GEORGE V
1931

B I L L

An Act to amend The Alberta Char-
tered Accountants Act.

Received and read the

First time..

Second time

Third time

MR FARQUHARSON
