

**PUBLIC ACCOUNTANTS REGISTRATION
(AMENDMENT) ACT.**

Act No. 31, 1958.

An Act to make further provision with respect to the registration of persons as registered public accountants; for this and other purposes to amend the Public Accountants Registration Act, 1945, as amended by subsequent Acts; to validate certain matters; and for purposes connected therewith. [Assented to, 9th December, 1958.] Elizabeth II,
No. 31, 1958.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. (1) This Act may be cited as the "Public Accountants Registration (Amendment) Act, 1958". Short title
and
citation.

(2) The Public Accountants Registration Act, 1945, as amended by subsequent Acts and by this Act, may be cited as the Public Accountants Registration Act, 1945-1958.

2. The Public Accountants Registration Act, 1945, as amended by subsequent Acts, is amended— Amendment
of Act
No. 18,
1945.

(a) by omitting from the definition of "Public Accountant" in section two the words "and whose services are not either entirely or mainly at the disposal of any individual firm, trust or association (whether incorporate or unincorporate)"; Sec. 2.
(Defini-
tions.)

(b)

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Sec. 18.
(Qualifica-
tions for
registration
as registered
public
accountant.)

- (b) by omitting from subparagraph (ii) of paragraph (c) of subsection one of section eighteen the words "prescribed before examiners appointed" and by inserting in lieu thereof the words "conducted or approved by the Board before examiners appointed or approved";

Sec. 19.
(Exemption
from pre-
scribed
examina-
tions.)

- (c) (i) by omitting from subsection one of section nineteen the words "prescribed under" and by inserting in lieu thereof the words "referred to in";
- (ii) by inserting in the same subsection after the words "University of Sydney" the words ", the University of New South Wales, the University of New England";
- (iii) by omitting subsection (1A) of the same section and by inserting in lieu thereof the following subsection :—

(1A) (a) Where a person has, before the commencement of the Public Accountants Registration (Amendment) Act, 1958—

- (i) passed any or all of the examinations prescribed under subparagraph (ii) of paragraph (c) of subsection one of section eighteen of the Public Accountants Registration Act, 1945, as amended by subsequent Acts as enacted before such commencement;
or

- (ii) passed an examination or examinations of any approved institute of accountants and produces evidence satisfactory to the Board of having done so,

he shall be exempt from any examination or examinations, referred to in subparagraph (ii) of paragraph (c) of subsection one of section eighteen of this Act, to which the examination or examinations he has passed as aforesaid is or are, in the opinion of the Board, equivalent.

(b)

(b) The amendment made by subpara- No. 31, 1958.
graph (iii) of paragraph (c) of section two of
the Public Accountants Registration (Amend-
ment) Act, 1958, shall not take away or in
any way affect the right of any person to be
registered under this Act, but such person shall
be entitled to be so registered as if such amend-
ment had not been made.

(d) by omitting from subsection two of section twenty Sec. 20.
the words “, shall be made in duplicate,”; (Application
for regis-
tration.)

(e) by inserting at the end of section twenty-four the Sec. 24.
following new paragraph :— (Removal
from
register of
certain
persons.)

(d) every registered public accountant who has
been registered under this Act erroneously
or in consequence of any false or fraudulent
statement, declaration or representation,
either verbal or in writing.

(f) (i) by omitting subsection one of section twenty-five Sec. 25.
and by inserting in lieu thereof the following sub- (Disciplinary
provisions.)
section :—

(1) A complaint or charge that any regis-
tered public accountant—

(a) has been convicted of perjury or false
swearing or of any offence involving
fraud;

(b) has in the course of any work, office,
engagement or employment, whether or
not in his profession or calling as a
public accountant—

(i) falsified or caused to be falsified
any book, account, document,
statement or return ;

(ii) stated, reported or given as his
opinion that any book, account,
document, statement or return is
correct knowing such book,
account,

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account, document, statement or return to be false in any material particular; or

(iii) fraudulently retained or converted to his own use any money or valuable thing received by him on behalf of any person;

(c) in his capacity as a public accountant or as a registered tax agent, as defined in section 251A of the Income Tax Assessment Act 1936 as amended by subsequent Acts of the Parliament of the Commonwealth, has, through his negligence, caused loss to any person; or

(d) has otherwise howsoever been guilty of infamous conduct in his profession or calling as a public accountant,

may be preferred to the Board.

(ii) by omitting from subsection five of the same section the words "Where the registered public accountant is adjudged guilty by the Board" and by inserting in lieu thereof the words "Where the Board finds that a complaint or charge preferred against a registered public accountant under subsection one of this section has been proved";

(iii) by inserting at the end of the same subsection the following new paragraph :—

An order under paragraph (b) or (c) of this subsection shall not be made where the matter in respect of which the complaint or charge was preferred is such that, either from its trivial nature or from the circumstances in which it was committed, it does not render the registered public accountant against whom the complaint or charge was preferred unfit in the public interest to practise his profession or calling as a public accountant.

(g)

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- (g) by inserting at the end of paragraph (b) of subsection one of section twenty-six the following word and new paragraph :—

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Sec. 26.
(Appeals.)

; or

- (c) against the removal of the name of a registered public accountant from the Register of Registered Public Accountants pursuant to paragraph (b) or (d) of section twenty-four of this Act.

- (h) (i) by inserting in paragraph (c) of subsection one of section twenty-eight after the words "Public Hospitals Act, 1929-1943" the words "or of the accounts of any registered society within the meaning of the Friendly Societies Act, 1912, as amended by subsequent Acts";

Sec. 28.
(Disqualification of an unregistered person from holding appointments.)

- (ii) by omitting subsection four of the same section and by inserting in lieu thereof the following subsection:—

(4) The Board may, upon application in the prescribed manner, exempt any person from the provisions of subsection one of this section in his capacity as auditor of such company referred to in paragraph (a) of that subsection, or auditor for the purpose of auditing such accounts referred to in paragraph (b) of that subsection, or auditor of such accounts referred to in paragraph (c) of that subsection, as may be specified in the exemption.

Any such exemption shall be in force for the period specified therein by the Board.

- (i) by inserting next after the same section the following new section :—

New sec. 28A.

28A. Where a registered public accountant in his capacity as—

Registered public accountant to add certain words after his signature on certain documents.

- (a) auditor of any company under the Companies Act, 1936, as amended by subsequent Acts;

(b)

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(b) auditor for the purpose of auditing any accounts referred to in paragraph (b) of subsection one of section twenty-eight of this Act; or

(c) auditor of any accounts referred to in paragraph (c) of subsection one of section twenty-eight of this Act,

signs any certificate with respect to, or report upon, any book, account, document, statement or return, or in his capacity as an auditor signs any certificate which is required to be furnished pursuant to any regulation made under the Auctioneers, Stock and Station and Real Estate Agents Act, 1941, as amended by subsequent Acts, to the Council of the Auctioneers, Stock and Station Agents, Real Estate Agents and Business Agents constituted under that Act, he shall add after his signature appearing on such certificate or report the words "Registered under the Public Accountants Registration Act, 1945, as amended".

Any person guilty of an offence against this section shall be liable to a penalty not exceeding fifty pounds.

Sec. 34.
(Offences
and
penalties.)

(j) by omitting from section thirty-four the words "or police";

Sec.35.
(Regula-
tions.)

(k) by omitting from subsection two of section thirty-five the words "and of prescribing examinations under section eighteen of this Act,".

Validation.

3. Where a person—

(a) has before the commencement of this Act been registered under the Public Accountants Registration Act, 1945-1951;

(b) was so registered otherwise than by reason of his having been granted by the Board any exemption pursuant to subsection one or paragraph (a) of subsection (1A) of section nineteen of that Act; and

(c)

- (c) was so registered by reason of his having passed No. 31, 1958. examinations held by the New South Wales University of Technology, the University of New South Wales, the University of New England or any approved institute of accountants as defined in section seventeen of that Act,

such person shall be deemed to have been validly registered under that Act.
