

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 89.

Accountants Registration.

GENERAL ANNOTATION.

ADMINISTRATION.

The administration of this Chapter was vested in the Minister for Justice at the date of its preparation for inclusion.

The present administration may be ascertained by reference to the most recent Determination of Titles and Responsibilities of Ministers made under Section 148(1) of the Constitution.

References in or in relation to this Chapter to—

“the Departmental Head”—should be read as references to the Secretary for Justice;

“the Department”—should be read as references to the Department of Justice.

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¹Subsidiary legislation has not been up-dated.



INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 89.

Accountants Registration Act.

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INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 89.

Accountants Registration Act.

Being an Act—

- (a) to provide for the establishment of an Accountants Registration Board; and
- (b) to provide for the registration of accountants; and
- (c) to provide for a Registrar of Accountants; and
- (d) to provide for the regulation and control of the practice of accountancy; and
- (e) for related purposes.

PART I.—PRELIMINARY.

1. Interpretation.

In this Act, unless the contrary intention appears—

- “alternate member” means an alternate member of the Board appointed under Section 5;
- “the Board” means the Accountants Registration Board of Papua New Guinea established by Section 3;
- “certificate of registration” means a certificate of registration issued under Section 21, 22 or 35(1);
- “the Chairman” means the Chairman of the Board;
- “company” means a company incorporated or registered under the *Companies Act*;
- “the Deputy Chairman” means the Deputy Chairman of the Board;
- “Public Accountant” means a person who as a principal either alone or with others undertakes or holds himself out as willing to undertake work in the nature of general accountancy or the auditing of accounts for remuneration (other than solely by way of salary);
- “reciprocating board” means a board with whom the Board has entered into an agreement under Section 25;
- “the Register” means the Register of Accountants kept under Section 18;
- “registered” means registered under this Act;
- “Registered Accountant” means a person registered as a Registered Accountant under this Act;
- “Registered Commercial Book-keeper” means a person registered as a Registered Commercial Book-keeper under this Act;
- “registered person” means a person registered as a Registered Public Accountant, a Registered Accountant or a Registered Commercial Book-keeper;
- “Registered Public Accountant” means a person registered as a Registered Public Accountant under this Act;
- “the Registrar” means the Registrar of Accountants appointed under Section 17;
- “the regulations” means any regulations made under this Act;

"this Act" includes the regulations.

2. References to accountants, etc.¹

Where in any law a reference is made to an accountant or to a licensed or registered accountant, that reference shall be read as a reference to a Registered Public Accountant or Registered Accountant within the meaning of this Act.

PART II.—ACCOUNTANTS REGISTRATION BOARD.

3. Establishment of the Board.

An Accountants Registration Board of Papua New Guinea is hereby established.

4. Constitution of the Board.

The Board shall consist of—

- (a) a legal practitioner appointed, by notice in the National Gazette, by the Minister, after receiving a recommendation from the Principal Legal Adviser; and
- (b) the Registrar of Companies; and
- (c) two persons engaged in the practice of accountancy, at least one of whom shall be a Registered Public Accountant, appointed, by notice in the National Gazette, by the Minister, from a panel of names submitted to him by associations representing accountants in the country; and
- (d) a person engaged in the teaching, or in the administration of the teaching, of—
 - (i) accountancy; or
 - (ii) business studies; or
 - (iii) commercial studies,

in the country, appointed by the Minister, by notice in the National Gazette.

5. Alternate members.

With the approval of the Minister, a member of the Board may appoint a person to be an alternate member of the Board to attend any meeting at which the member is unable to be present, and in relation to a meeting which he attends as alternate the person so appointed has all the powers, functions, duties and responsibilities of a member.

6. Chairman and Deputy Chairman.

(1) The Minister may, by notice in the National Gazette, appoint one of the members of the Board to be the Chairman of the Board.

(2) The members may appoint one of their own number to be the Deputy Chairman.

7. Tenure of office.

(1) A member of the Board (other than the Registrar of Companies) shall be appointed for a period not exceeding three years, and is eligible for re-appointment.

(2) Where the office of a member becomes vacant before the expiration of his term of office, the person appointed to fill the vacancy shall be appointed in accordance with Section 4(a), (c) or (d), as the case requires.

¹ Section 2 was not in force on the effective date.

(3) A member appointed under Subsection (2) holds office until the expiration of the term of the member whose office has become vacant.

8. Leave of absence of members.

The Minister may grant leave of absence to a member of the Board on such terms and conditions as he determines.

9. Oath and affirmation of office.

(1) Before entering on the duties of his office, a member or alternate member of the Board shall take an oath or make an affirmation in the form in the Schedule.

(2) The oath or affirmation shall be taken or made before the Minister or a person appointed by him, for the purpose.

10. Fees and allowances.

(1) The members of the Board shall be paid such fees (if any) and allowances (if any) as are prescribed.

(2) Until fees and allowances are prescribed, the provisions of the *Boards (Fees and Allowances) Act* apply.

11. Vacation of office by member.

(1) If a member of the Board—

- (a) becomes permanently incapable of performing his duties; or
- (b) resigns his office by writing under his hand addressed to the Minister; or
- (c) dies; or
- (d) ceases to be a resident of the country; or
- (e) is absent, except on leave granted by the Minister from all meetings of the Board held during six consecutive months in any period of 12 months; or
- (f) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit; or
- (g) becomes of unsound mind as that expression is used in the *Public Health Act*, or
- (h) is convicted of an offence punishable under a law by death or imprisonment for one year or longer, and as a result of the conviction is subject to be sentenced to death or imprisonment, is under sentence of death or is undergoing imprisonment, or is under bond to appear for sentence if called upon,

the Minister shall terminate his appointment.

(2) The Minister may, at any time, terminate the appointment of a member for inability, inefficiency, incapacity or misbehaviour.

(3) Where the appointment of a member is terminated under this section, the Minister shall, by notice in the National Gazette, declare his office vacant.

12. Meetings of the Board.

(1) The Chairman or Deputy Chairman shall preside at all meetings of the Board.

(2) The Board shall meet at such times and places as in the opinion of the Chairman are necessary for the efficient conduct of its affairs.

(3) If requested to do so by not less than three members, the Chairman shall call a meeting of the Board as soon as practicable after receiving the request.

(4) At a meeting of the Board—

(a) three is a quorum; and

(b) matters arising shall be decided by a majority of the votes of the members present and voting; and

(c) the person presiding has a deliberative and, in the event of an equality of votes on a matter, also a casting vote.

(5) The Board shall cause minutes of its meetings to be kept.

(6) Subject to this Act, the procedures of the Board are as determined by the Board.

13. Indemnity of members of Board.

A member of the Board or the Registrar is not personally liable for any act of the Board, a member or the Registrar acting as such, done in good faith.

PART III.—POWERS AND FUNCTIONS OF THE BOARD.

14. Functions of the Board.

Subject to this Act, the functions of the Board, in relation to the regulation and control of the practice of accountancy in the country, are—

(a) the registration of persons qualified to practise accountancy; and

(b) to determine the qualifications and standards of qualifications for registration in the various categories of registration; and

(c) after consideration of any representations by any association representing accountants or commercial book-keepers in the country, to make rules for the control and regulation of the practice of accountancy; and

(d) to conduct investigations into the activities and conduct of registered persons; and

(e) to do all things that it is required by this Act to do, or that are necessary or convenient to be done by the Board for giving effect to this Act.

15. Powers of the Board.

Subject to this Act, the Board has, in addition to the powers conferred on it by this Act, power to do all things that are necessary or convenient to be done for or in connexion with the performance of its functions.

16. Delegation.

(1) The Board may, by instrument, delegate to the Registrar all or any of its powers and functions under this Act.

(2) The delegation by the Board of a power or function under this section shall be deemed to include a power to further delegate that power or function.

PART IV.—REGISTRATION AND QUALIFICATIONS¹.

17. Registrar of Accountants.¹

The Minister shall, by notice in the National Gazette, appoint an officer to be the Registrar of Accountants.

18. Register.

The Registrar shall keep a register to be known as the "Register of Accountants".

19. Application for registration.

(1) A person may, in the prescribed form and in the prescribed manner, apply to the Board for registration in any of the categories specified in Section 20.

(2) A person applying for registration under Subsection (1) shall furnish to the Registrar—

(a) evidence to the satisfaction of the Board of his qualifications for registration; and

(b) evidence of such other matters as the Board may reasonably require.

(3) An application for registration shall be accompanied by the prescribed application fee.

(4) The Board may require an applicant for registration to attend personally before the Board and, if he fails to attend as required, may refuse the application.

20. Categories of registration.

Where it is satisfied that a person has the required qualifications and is otherwise a suitable person, the Board may authorize the registration of that person as—

(a) a Registered Public Accountant; or

(b) a Registered Accountant; or

(c) a Registered Commercial Book-keeper.

21. Mode of registration.

(1) Where the Board has authorized the registration of a person, the registration shall be effected by entering in the Register—

(a) his name; and

(b) his place of residence; and

(c) his postal address or addresses both within and outside the country; and

(d) the situation of his place of business or places of business (if any) in the country; and

(e) the category of his registration; and

(f) the date of his registration; and

(g) such other particulars (if any) as are prescribed.

(2) An entry in the Register shall be signed by the Registrar.

(3) Where a person is registered as a Registered Public Accountant, a Registered Accountant or a Registered Commercial Book-keeper, the Board shall cause to be issued to him a certificate of registration in the prescribed form signed by the Registrar.

¹ Part IV. (except Sections 17 and 25) was not in force on the effective date.

(4) A certificate of registration remains in force until 31 March next following the date of issue.

22. Renewal of registration.

(1) A person registered under this Act who desires to continue his registration shall between 1 January and 1 April in each and every year lodge with the Registrar—

- (a) an application in the prescribed form; and
- (b) the prescribed fee.

(2) Where a person has complied with Subsection (1), the Board shall cause to be issued to him a new certificate of registration.

(3) Where a person registered under this Act fails to comply with the provisions of Subsection (1) but, before his name is removed from the Register under Subsection (4), lodges with the Registrar—

- (a) an application in the prescribed form; and
- (b) the prescribed fee; and
- (c) the prescribed penalty fee,

the Board may cause to be issued to him a new certificate of registration.

(4) If a person registered under this Act fails to comply with the provisions of Subsection (1), the Board may remove his name from the Register.

(5) A person whose name has been removed from the Register under Subsection (4) may apply to have his name restored to the Register and, on lodgement of an application in the prescribed form and on payment of the prescribed fee, the Board may restore his name and cause to be issued to him a new certificate of registration.

23. Refusal by the Board to register a person.

Where the Board refuses to authorize the registration of a person, the Board shall, if the person so requests, state in writing the reason for its refusal.

24. Proof of registration.

(1) A certificate of registration is evidence that the person specified in the certificate was registered under this Act, on the date specified in the certificate, in the category of registration so specified.

(2) A certificate purporting to be under the hand of the Registrar and stating that—

- (a) any person was or was not registered; or
- (b) the registration of a person was suspended on any date or dates or during any period mentioned in the certificate,

is in all courts and before all persons and bodies authorized to receive evidence, evidence of the matters stated.

25. Reciprocal arrangements.¹

(1) The Board may enter into a reciprocal arrangement with the accountants board or other competent authority in any country or place for—

- (a) the recognition of the status of a person registered, licensed or authorized by that board or other competent authority to practice as an accountant in that country or place, and for his registration as a Registered Public Accountant,

¹ See note 1 on p. 9.

Registered Accountant or Registered Commercial Book-keeper, as the case may be, under this Act; and

(b) similar recognition, registration, licensing or authorization in that country or place of persons registered under this Act.

(2) An arrangement under Subsection (1) may contain a condition that a person applying to be registered under this Act shall furnish such additional evidence of character and competency as the Board considers satisfactory.

26. Fraudulent registration.

A person who, in connexion with an application for registration under this Act, makes a false or misleading statement or produces a false certificate, testimonial or other document is guilty of an offence.

Penalty: A fine not exceeding K500.00.

27. Loss of qualification.

A person registered under this Act who loses any qualification, registration or membership of a professional body by virtue of which he claimed eligibility for registration under this Act must immediately inform the Board of that fact, and a person who knowingly or wilfully fails to do so is guilty of an offence.

Penalty: A fine not exceeding K500.00.

28. Change of address to be notified.

A person registered under this Act who changes his place of residence or the situation of his place of business (if any) in the country, or his postal address, or establishes a place of business or acquires a postal address in the country must, within 21 days after the change or establishment, notify the Registrar in writing.

Penalty: A fine not exceeding K20.00.

Default penalty: A fine not exceeding K2.00.

29. Alteration of Register.

(1) The Board shall cause to be removed from the Register the names of all registered persons who have died or who have requested their names to be removed, and may cause such alterations to be made to the particulars recorded in the Register as are necessary.

(2) By notice to a registered person, posted to him at his registered postal address or delivered to him or delivered to some person over 16 years of age at his place of business or one of his places of business recorded in the Register, the Board may inquire whether—

- (a) his place of business in the country; or
- (b) his postal address; or
- (c) his place of residence,

is or are still the address or addresses, or the place of residence, shown in the Register.

(3) If an answer to a notice under Subsection (2) is not returned within six months after the date of the posting or other delivery of the notice, the Board may cause the name of the person to be removed from the Register.

30. Cancellation or suspension of registration for fraud, etc.

(1) The Board may cause to be removed from the Register the name of a person—

- (a) whose registration has been obtained by fraud or misrepresentation; or

- (b) who is convicted, whether in the country or elsewhere, of an offence punishable by imprisonment for one year or longer or of any other offence that, in the opinion of the Board, renders him unfit to practise accountancy; or
- (c) who is convicted of an offence against this Act or who breaks an undertaking given by him under Subsection (2)(b); or
- (d) who is convicted of an offence against any other law relating to the duties and functions of accountants or matters incidental to accountancy; or
- (e) whose name is, otherwise than at his own request, removed from a register of accountants or like records kept by a reciprocating board; or
- (f) who becomes of unsound mind as that expression is used in the *Public Health Act*; or
- (g) who is found by the Board to have been guilty of—
 - (i) disgraceful or improper conduct in his professional capacity; or
 - (ii) allowing a person other than a registered person to practise in his name as a Registered Public Accountant, Registered Accountant or Registered Commercial Book-keeper, as the case may be; or
 - (iii) directly or indirectly giving or offering to a person any valuable consideration for securing or attempting to secure for himself employment or work as an accountant; or
 - (iv) refusing or failing to comply with any rules made by the Board under Section 40; or
 - (v) certifying as to the accuracy of any account, statement of account, balance-sheet, profit and loss account, ledger or any similar document, either knowing it to be inaccurate or without having taken reasonable precautions to verify its accuracy; or
- (h) who becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit; or
- (i) who ceases to hold the qualifications by reference to which he was registered.

(2) Instead of causing to be removed from the Register the name of a person who has been found guilty of conduct or an act referred to in Subsection (1)(c), (d) or (g), the Board may—

- (a) reprimand him; or
- (b) require him to give an undertaking to abstain from conduct specified by the Board for such period as is specified by the Board; or
- (c) fine him an amount not exceeding K200.00;¹ or
- (d) suspend his registration for such period, not exceeding one year, as the Board thinks proper.

(3) Instead of causing the name of a person referred to in Subsection (1)(b) to be removed from the Register, the Board may—

- (a) in the case of a Registered Public Accountant, reduce his registration to that of a Registered Accountant; or

¹ But see Constitution, Section 37(3).

(b) make such other order as to the Board seems reasonable in the circumstances.

(4) A fine imposed on a registered person under Subsection (2) is in addition to and not in substitution for any other penalty that has been or may be imposed on that person.

(5) Where the entitlement of a registered person to practise in a reciprocating country or place is suspended, the Board may suspend his registration under this Act.

31. Inquiry to be held.

(1) Before taking action under Section 30 in relation to a person, the Board shall hold an inquiry, after giving notice to him of the matters to be inquired into and of the time and place at which the inquiry is to be held.

(2) At the inquiry the person may be represented by a lawyer or agent, who may examine witnesses and address the Board on his behalf.

(3) In conducting the inquiry, the Board is not bound by technical rules of evidence or of legal procedures, but may inform itself in such manner as it thinks fit.

(4) Pending the holding of the inquiry, the Board may suspend the registration of the registered person, but in no case shall the period of suspension exceed 28 days.

32. Board to record finding on which decision passed.

Where the Board takes any action under Section 30 in relation to a person, the Board shall—

(a) record the finding on which the decision was based and its reasons; and

(b) if the person concerned so requests, furnish to him a copy of the findings and reasons.

33. Surrender of certificate on removal of name from Register or on suspension.

(1) Where the name of a person is removed from the Register or the registration of a person is suspended, the Board may, by written notice posted to him at his registered postal address or delivered to him or delivered to some person over 16 years of age at his place of business or one of his places of business recorded in the Register, require him to deliver his certificate of registration to the Board within 14 days after receipt of the notice.

(2) A person who fails to comply with a notice served on him under Subsection (1) is guilty of an offence.

Penalty: A fine not exceeding K50.00.

Default penalty: A fine not exceeding K10.00.

(3) It is a defence to a prosecution for an offence against Subsection (2) if the accused satisfies the court that—

(a) the certificate has been destroyed; or

(b) after diligent search, he has been unable to find the certificate.

34. Effect of suspension of registration.

(1) For the purposes of this Act, a person whose registration is suspended under this Act shall be deemed to be, during the period for which the registration is suspended, a person who is not registered under this Act.

(2) The Board may, by written notice, revoke the suspension, and may direct in the notice that the revocation have effect from a date specified in the notice.

(3) Where the Board revokes a suspension the Board shall promptly return the certificate of registration to the holder.

35. Application for re-registration.

(1) Where, under Section 29, the name of a person has been removed from the Register at his own request, the Board shall, on—

- (a) his lodging an application in the prescribed form; and
- (b) payment by him of the prescribed fee,

cause—

- (c) his name to be entered again in the Register; and
- (d) a certificate of registration to be issued to him.

(2) Where, under Section 30, the name of a person has been removed from the Register, he may again apply for registration, but is not entitled to be again registered unless the Board thinks fit to authorize the registration.

36. Certificate of registration to be displayed.

(1) A person registered under this Act who is in public practice and who has established a place of business in the country must display his certificate of registration in a prominent position at his place of business in the country.

(2) A person whose registration is no longer current who displays a certificate of registration at his place of business in the country is guilty of an offence.

Penalty: A fine not exceeding K20.00.

37. List of Registered Accountants, etc., to be published annually.

The Registrar shall cause to be published in the National Gazette, before 1 June in each year, a list containing the names and addresses of all Registered Public Accountants, Registered Accountants and Registered Commercial Book-keepers as at the previous 1 April.

PART V.—APPEALS¹.

38. Appeals.

(1) Where the Board—

- (a) refuses an application for the registration of a person (other than an application under Section 35(2)); or
- (b) causes the name of a person to be removed from the Register; or
- (c) reprimands a person; or
- (d) makes a requirement of a person under Section 30(2)(b); or
- (e) fines a person; or
- (f) suspends, otherwise than under Section 30(5), the registration of a person,

the person may appeal to the Minister against the decision of the Board within 21 days after the decision is given.

(2) The Minister may—

- (a) affirm, set aside or vary the decision of the Board; and

¹ Part V. was not in force on the effective date.

- (b) give such decision as to him seems proper; and
 - (c) make such other order as to him seems proper.
- (3) The decision of the Minister on an appeal under this section is final¹.

PART VI.—REGULATION OF THE PRACTICE OF ACCOUNTANCY.²

39. Right to practise.

Subject to this Act and any other law, a person registered under this Act may practise the profession of accountancy in the country.

40. Rules².

(1) The Board may make rules for regulating and prescribing the practice of accountancy, and the procedures to be adopted by accountants and commercial book-keepers, and for regulating and prescribing all matters incidental to or relating to such practice or procedures.

(2) Without limiting the generality of Subsection (1), the Board may make rules—

- (a) prescribing the minimum qualifications (including experience) for registration in the various categories of registration; and
- (b) prescribing the standards to be adopted by all accountants and commercial book-keepers; and
- (c) for determining a recommended scale or scales of fees, costs and charges in relation to accounting practice; and
- (d) setting out the code of professional ethics by which all accountants and commercial book-keepers are to be bound.

(3) In making a rule under this section, the Board shall consider any recommendations made to it by any association recognized by the Board as representing accountants or commercial book-keepers in the country.

(4) A rule made under this section has no force and effect until—

- (a) approved by the Minister; and
- (b) published in the National Gazette.

41. Failure to comply with rules.

A person who, without reasonable excuse (proof of which is on him) contravenes or fails to comply with a rule made under Section 40 is guilty of an offence.

Penalty: A fine not exceeding K200.00.

42. Offences as to practise as an accountant, etc.

(1) Subject to Subsection (5), a person other than a Registered Public Accountant who undertakes or holds himself out as being qualified or willing to undertake work of auditing accounts at a fee is guilty of an offence.

Penalty: A fine not exceeding K500.00.

Default penalty: A fine not exceeding K20.00.

¹ But see Constitution, Section 155.

² Part VI. (except Section 40) was not in force on the effective date.

(2) Subject to Subsection (5), a person other than a Registered Public Accountant or Registered Accountant who undertakes or holds himself out as qualified to undertake any audit of accounts that is required by any law is guilty of an offence.

Penalty: A fine not exceeding K500.00.

Default penalty: A fine not exceeding K20.00.

(3) Subject to Subsection (5), a person other than a Registered Public Accountant, Registered Accountant or Registered Commercial Book-keeper who—

- (a) pretends that he is or holds himself out to be a Registered Public Accountant, Registered Accountant or Registered Commercial Book-keeper, as the case may be; or
- (b) takes or uses the name or title of a registered person, or a name, title, addition or description implying that he is a registered person; or
- (c) practises as a Registered Public Accountant, Registered Accountant or Registered Commercial Book-keeper, as the case may be, or charges or receives a fee for work done as such a registered person; or
- (d) undertakes or pretends to undertake, or holds himself out as being qualified to undertake, any work relating to the making up of accounts or the compiling or maintaining of books of account at a fee,

is guilty of an offence.

Penalty: A fine not exceeding K500.00.

Default penalty: A fine not exceeding K20.00.

(4) Subject to Subsection (6) a person who holds out, or pretends to hold out, as being audited, accounts that have not been audited by a Registered Public Accountant or Registered Accountant is guilty of an offence.

Penalty: A fine not exceeding K500.00.

Default penalty: A fine not exceeding K20.00.

(5) It is a defence to a charge of an offence against Subsection (1), (2), (3)(d) or (4) in relation to the preparation or auditing of any accounts or of any books of account if the person charged proves that—

- (a) he was authorized by the Board to undertake the accounting or auditing of the books of account; or
- (b) he carried out the accounting or auditing of the books of account on behalf of the Government and as part of his duties as an officer of Papua New Guinea or an authority or instrumentality of the Government.

(6) It is a defence to a charge of an offence against Subsection (4) if the person charged proves that—

- (a) he had reasonable grounds to believe and did believe that the accounts were audited by a Registered Public Accountant or a Registered Accountant; or
- (b) the person to whom accounts were held out as being audited was told, knew, or ought reasonably to have known at the time when they were so held out, that the accounts were not audited by a Registered Public Accountant or a Registered Accountant.

43. Firms and corporations.

(1) No firm or corporation may undertake any audit or any work in relation to the making up of accounts or the compiling or maintaining of books of account, or pretend, undertake or hold itself out to be competent to undertake any audit or any work in relation to the making up of accounts or the compiling or maintaining of books of account, unless—

- (a) all the members of the firm or all the members of the corporation, as the case may be, are registered persons; and
- (b) the firm or corporation comprises not less than two members at least one of whom can act in substitution for the firm or corporation without committing an offence against this Act; and
- (c) in the case of a corporation, the true liability of the members is unlimited.

(2) If a firm or corporation contravenes the provisions of Subsection (1), the members of the firm or the directors of the corporation, as the case may be, are each guilty of an offence.

Penalty: A fine not exceeding K500.00.

Default penalty: A fine not exceeding K20.00.

(3) Notwithstanding Subsection (1), in the case of the death of a member of a firm or of a corporation to which Subsection (1)(a) applies the executor of the will or the administrator of the estate of the deceased person may be a member in the place of that person for a period of not more than six months after the death, or for such longer period as the Board allows.

(4) This section does not prevent a body, whether corporate or unincorporate, from charging fees for the provision of accounting services where—

- (a) suitably qualified persons are employed to undertake the work; and
- (b) the body has been prescribed as a body to which this subsection applies.

44. Administration of the estate of a deceased Public Accountant.

On the death of a person who, at the time of his death, was carrying on business as an accountant or book-keeper, an executor, administrator or trustee of his estate may, if the practice of accountancy or book-keeping in the business is carried on by a Registered Public Accountant, Registered Accountant or Registered Commercial Book-keeper, as the case requires, continue the business for a period of six months or for such longer period as the Board allows.

PART VII.—MISCELLANEOUS.

45. Board may direct prosecutions.¹

The Board may order, either generally or in any particular case, proceedings to be taken for the recovery of penalties and for the punishment of any person offending against this Act.

46. Power to summon witnesses.

(1) The Registrar may, by writing under his hand, summon a person to attend the Board at a time and place specified in the summons and then and there to give evidence and produce such books, documents or writings in his custody or control as he is required by the summons to produce.

¹ This section should be read subject to Constitution, Sections 10, 176, 177 and 178.

(2) A summons under this section may be served—

- (a) personally; or
- (b) by sending it by post to the person at his place of abode or business last-known to the Registrar; or
- (c) by leaving it at that place of abode or business with some person apparently living or employed at that place and apparently not less than 16 years of age.

47. Power to examine on oath.

A member of the Board may administer an oath to a person appearing as a witness before the Board, whether the witness has been summoned or appears without being summoned, and the witness may be examined on oath.

48. Failure to attend or produce documents.

(1) A person served with a summons to attend the Board who refuses or fails, without reasonable excuse, to attend the Board, or to produce the books, documents or writings in his custody or control that he is required by the summons to produce, is guilty of an offence.

Penalty: A fine not exceeding K200.00.

Default penalty: A fine not exceeding K20.00.

(2) It is a defence to a prosecution for refusing or failing, without reasonable excuse, to produce a book, document or writing if the defendant proves that the book, document or writing was not relevant to the matter the subject of the Board's proceedings.

49. Refusal to be sworn or give evidence.

(1) A person appearing as a witness before the Board who refuses to be sworn or to make an affirmation, or to answer a question relevant to the proceedings put to him by a member of the Board, is guilty of an offence.

Penalty: A fine not exceeding K100.00.

(2) A statement or disclosure made before the Board by a witness is not, except in an appeal to the National Court under Part V. or in proceedings for giving false testimony before the Board, admissible in evidence against him in any civil or criminal proceedings.

50. Protection of witnesses.

A witness before the Board has the same protection as a witness in a matter before the National Court.

51. Fees and allowances to witnesses.

A person who attends for the purpose of giving evidence before the Board is entitled to receive such fees and allowances as the Chairman, or in his absence the Deputy Chairman, thinks fit to allow in accordance with the prescribed scale of fees and allowances.

52. Board may inspect books, etc.

The Board may inspect books, documents or writings before it and may—

- (a) retain them for such reasonable period as it thinks fit; and
- (b) make copies of such portions of them as are relevant to a matter before the Board.

53. Judicial notice.

All courts, Judges, and persons acting judicially shall take judicial notice of the signature of any person who has been or is the Registrar appearing on a certificate issued under this Act and of the fact that the person by whom the certificate purports to have been signed was, at the time when the certificate was signed, the Registrar.

54. Regulations.

The Head of State, acting on advice, may make regulations, not inconsistent with this Act, prescribing all matters that by this Act are required or permitted to be prescribed, or that are necessary or convenient to be prescribed for carrying out or giving effect to this Act, and in particular for prescribing matters providing for and in relation to—

- (a) the fees (if any) payable in respect of any application, registration, certificate or other proceeding, act or thing provided for or required under this Act; and
- (b) the forms to be used for the purposes of this Act; and
- (c) the rights to practise of—
 - (i) Registered Accountants; and
 - (ii) Registered Commercial Book-keepers; and
- (d) particulars to be entered in the Register; and
- (e) penalties of fines not exceeding K400.00, and default penalties of fines not exceeding K40.00, for offences against the regulations.

Sec. 9.

SCHEDULE.

OATH AND AFFIRMATION OF OFFICE.

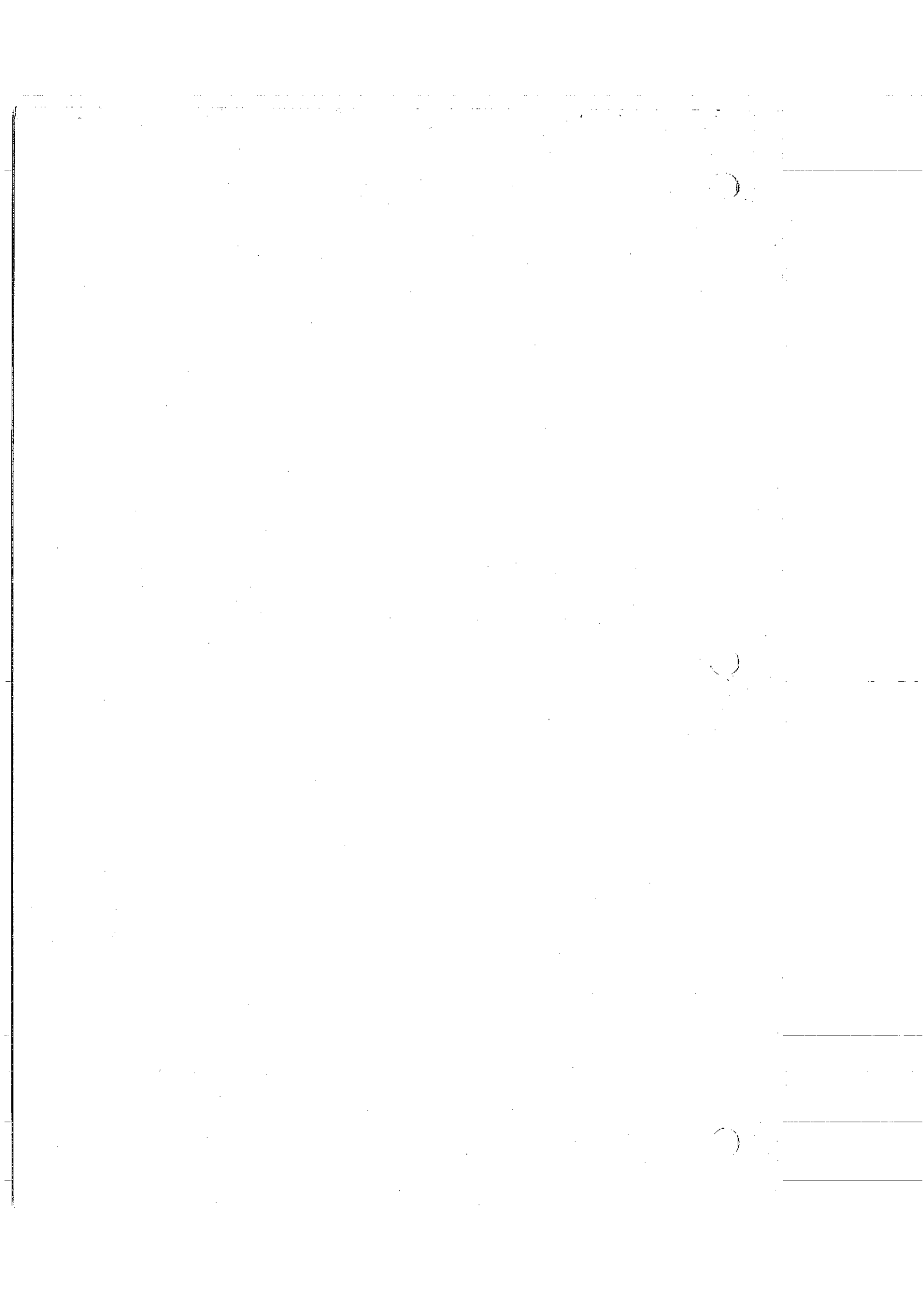
Oath.

I, _____, do swear that I will well and truly serve the Independent State of Papua New Guinea in the office of Chairman (or Deputy Chairman or Member) of the Accountants Registration Board of Papua New Guinea.

So help me God!

Affirmation.

I, _____, do solemnly and sincerely promise and declare that I will well and truly serve the Independent State of Papua New Guinea in the office of Chairman (or Deputy Chairman or Member) of the Accountants Registration Board of Papua New Guinea.



INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 89.

Accountants Registration and Practice Regulation.

ARRANGEMENT OF SECTIONS

1. Prescribed forms.
2. Fees.

SCHEDULES.

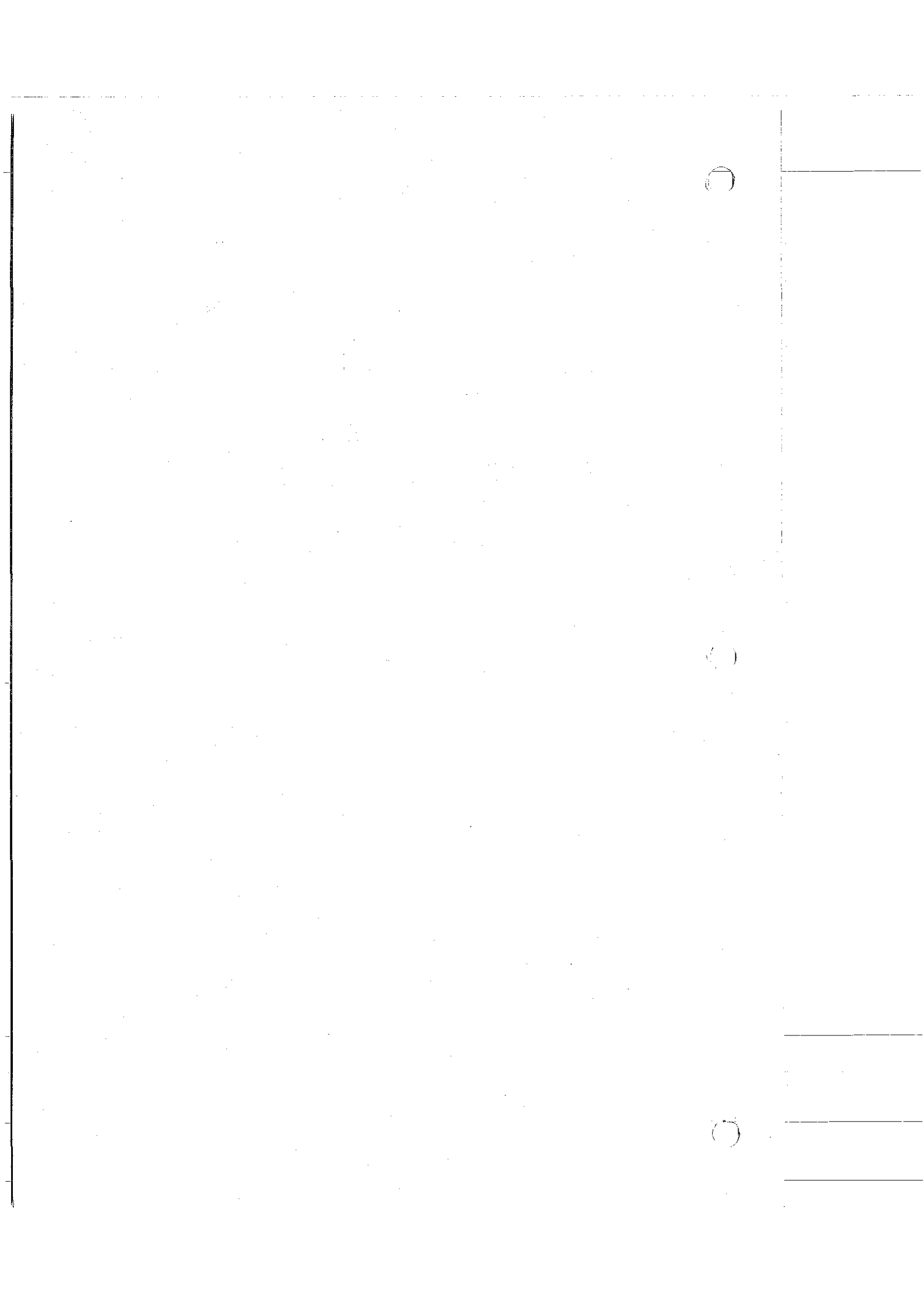
SCHEDULE 1.—

FORM 1.—Application for Registration.

FORM 2.—Application for Renewal of Registration.

FORM 3.—Certificate of Registration.

SCHEDULE 2.—Fees.



INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 89.

Accountants Registration and Practice Regulation.

MADE under the *Accountants Registration Act.*

1. Prescribed forms.

- (1) A form of application for the purpose of Section 19 of the Act shall be in Form 1.
- (2) A form of application for the purpose of Section 22(1) of the Act shall be in Form 2.
- (3) A form of application for the purpose of Section 22(5) of the Act shall—
 - (a) if the application is lodged within nine months of the date of removal of his name from the register—be in Form 2; or
 - (b) otherwise—be in Form 1.
- (4) A form of application for the purpose of Section 35 of the Act shall be in Form 1.
- (5) A Certificate of Registration for the purpose of Section 21 of the Act shall be in Form 3.

2. Fees.

The fees payable under the Act are as specified in Schedule 2.

SCHEDULE 1.

PAPUA NEW GUINEA.
Accountants Registration Act.

Act, Sec. 19.
Reg., Sec. 1.

Form 1.

ACCOUNTANTS REGISTRATION BOARD OF PAPUA NEW GUINEA.

* REGISTERED COMMERCIAL BOOK-KEEPER.

APPLICATION FOR REGISTRATION AS A * REGISTERED ACCOUNTANT.

* REGISTERED PUBLIC ACCOUNTANT.

1. Family name:
2. Given names:
3. Postal address within Papua New Guinea (if any):
4. Postal address outside Papua New Guinea (if any):
5. Situation of each place of business in Papua New Guinea (if any):
6. Situation of place of residence:

7. Educational qualifications on which application is based:

Name of examining authority.	Title of degree/ diploma/certificate.*	Date Completed.

(If application is based on subjects passed, give full details on an attached sheet.)

8. Experience, qualifications on which application is based:

Name and address of employer/firm.*	Type of work undertaken.	Period of employment/practice.*

(Other details in support of claims to qualification may be included on an attached sheet.)

9. Membership number and category of membership in P.N.G. Association of Accountants Inc.:

10. Have you ever—
- (a) been refused registration by an accounting registration body:
 - (b) had a registration cancelled by an accounting registration body:
 - (c) been convicted (whether in Papua New Guinea or elsewhere) of an offence punishable by imprisonment for one year or longer or any offence of fraud or dishonesty:
- (If answer to any of these questions is yes, give details on an attached sheet.)*

11. Name, address and occupation of at least two referees (whose references are attached):

12. If you are not resident in Papua New Guinea are you a member of an accounting firm or corporation which has at least one member resident in Papua New Guinea.

13. If so, what is the name of the firm or corporation:

14. If not, are you represented in Papua New Guinea on an agency basis:

Accountants Registration

Ch. No. 89

15. If so, by whom:

16. If not, give reasons for seeking registration in Papua New Guinea.

(Signature of Applicant)

Dated _____, 19 _____

Registration effected/refused* on

No.

Registrar.

*Strike out whichever is inapplicable.

PAPUA NEW GUINEA.

Accountants Registration Act.

Act, Sec. 22.

Form 2.

Reg., Sec. 1.

ACCOUNTANTS REGISTRATION BOARD OF PAPUA NEW GUINEA.

* REGISTERED COMMERCIAL
BOOK-KEEPER.

APPLICATION FOR RENEWAL OF REGISTRATION AS A * REGISTERED ACCOUNTANT.

* REGISTERED PUBLIC
ACCOUNTANT.

1. Family name:
2. Given names:
3. Postal address within Papua New Guinea (if any):
4. Postal address outside Papua New Guinea (if any):
5. Situation of each place of business in Papua New Guinea (if any):
6. Situation of place of residence:
7. Membership number and category of membership in P.N.G. Association of Accountants Inc:
8. Have you, since the date of last application for registration or renewal of registration under the *Accountants Registration Act*—

- (a) been refused registration by an accounting registration body:
- (b) had a registration cancelled by an accounting registration body:
- (c) been disciplined by an accounting registration body:
- (d) been convicted (whether in Papua New Guinea or elsewhere) of an offence punishable by imprisonment for one year or longer or any offence of fraud or dishonesty:
- (e) been declared insolvent or compounded with your creditors:

(If the answer to any of these questions is yes, give details on an attached sheet.)

9. If you are not resident in Papua New Guinea are you a member of an accounting firm or corporation which has at least one member resident in Papua New Guinea:
10. If so, what is the name of the firm or corporation:
11. If not, are you represented in Papua New Guinea on an agency basis:
12. If so, by whom:
13. If not, give reasons for seeking registration in Papua New Guinea:
14. Number and date of most recent certificate of registration under the *Accountants Registration Act*:

(Signature of Applicant)

Dated _____, 19 _____

Ch. No. 89

Accountants Registration

Registration effected/refused* on _____, 19____, No. _____

Registrar.

*Strike out whichever is inapplicable.

PAPUA NEW GUINEA.
Accountants Registration Act.

Act, Sec. 21, 22.

Form 3.

Reg., Sec. 1.

ACCOUNTANTS REGISTRATION BOARD OF PAPUA NEW GUINEA.

CERTIFICATE OF REGISTRATION.

This is to certify that _____ is entered in the Register of Accountants kept pursuant to the *Accountants Registration Act* under No. _____ as a _____ and is registered as such until 31 March, 19____

Dated _____, 19____

Registrar of Accountants.

SCHEDULE 2.

Reg., Sec. 2.

FEES.

1. On application for registration as a Commercial Book-keeper K10.00
2. On application for registration as an Accountant K10.00
3. On application for registration as a Public Accountant K20.00
4. On application for renewal of a registration The same fee as would be payable if the application for renewal were an application for registration.
5. On a late application for renewal, in addition K10.00
6. On application for restoration of a registration The same fee as would be payable if the application for restoration were a late application for renewal of registration.
7. On application for re-registration. The same fee as would be payable if the application for re-registration were an application for registration.

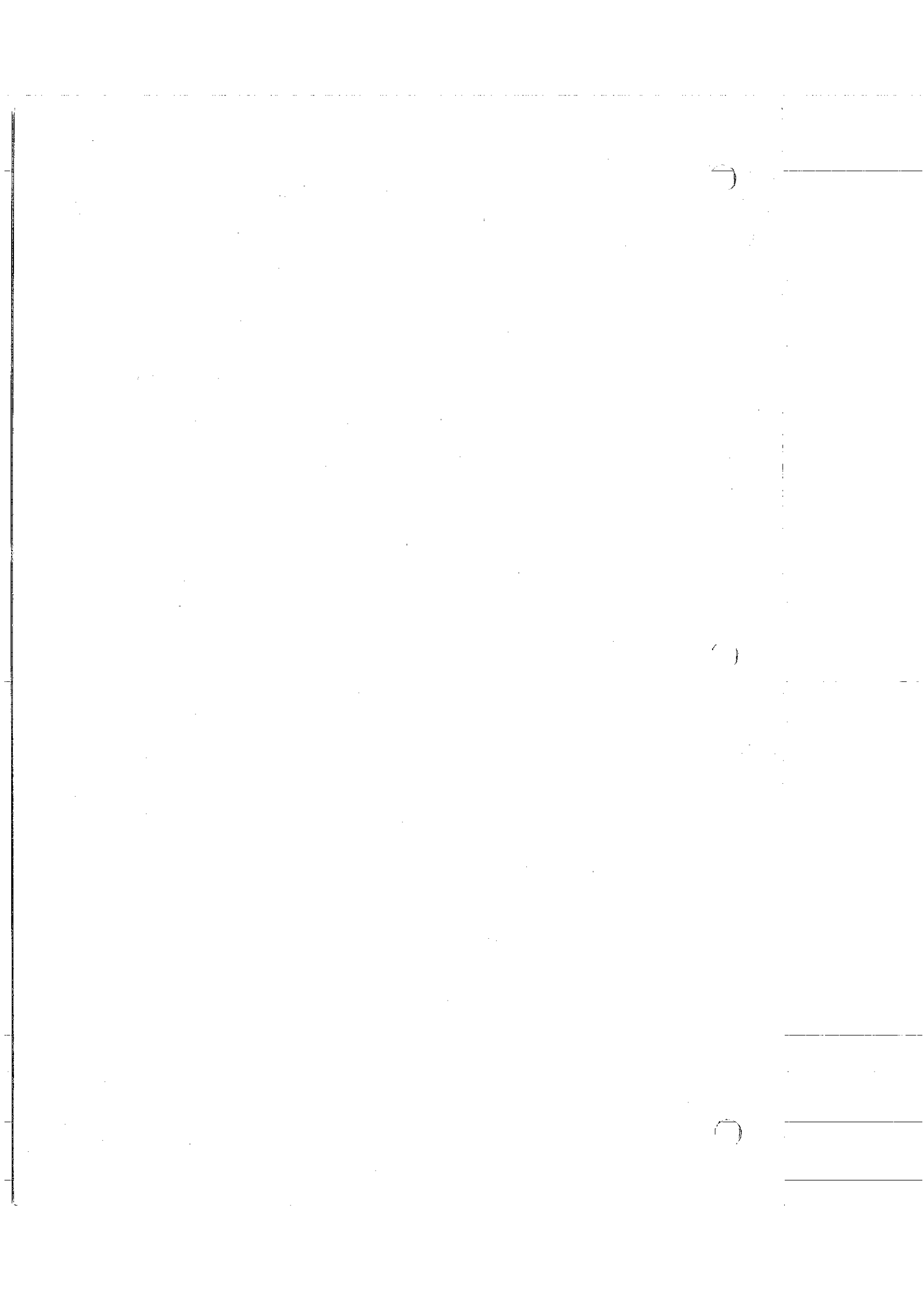
INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 89.

Accountants Qualifications for Registration Rules.

ARRANGEMENT OF SECTIONS.

1. Minimum qualifications for registration as a Registered Commercial Book-keeper.
2. Minimum qualifications for registration as a Registered Accountant.
3. Minimum qualifications for registration as a Registered Public Accountant.



INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 89.

Accountants Qualifications for Registration Rules.

MADE under the *Accountants Registration Act.*

1. Minimum qualifications for registration as a Registered Commercial Book-keeper.

The minimum qualifications for registration as a Registered Commercial Book-keeper are—

(a) either—

- (i) possession of a Diploma in Commerce from the University of Papua New Guinea or the Papua New Guinea University of Technology; or
- (ii) successful completion of the Commerce Certificate course of the Board of Commercial Studies, Department of Education including passes in Accounting III and Law II; or
- (iii) successful completion of not less than six years of post-primary education at least two years of which includes such a substantial element of study of book-keeping and accounting as would, in the opinion of the Board, make the applicant competent to maintain accounting records and to prepare balance sheets and profit and loss accounts for enterprises both corporate and unincorporate; and

(b) employment in the duties of maintaining accounting records and the preparation of balance sheets and profit and loss accounts, or such allied duties as, in the opinion of the Board, make the applicant competent to conduct the business of a Registered Commercial Book-keeper, for a period of—

- (i) five years; or
- (ii) one year since obtaining the qualification referred to in Paragraph (a)(i); or
- (iii) three years since obtaining the qualification referred to in Paragraph (a)(ii) or (iii),

whichever period is completed earlier; and

(c) a high degree of honesty, integrity and reliability.

2. Minimum qualifications for registration as a Registered Accountant.

The minimum qualifications for registration as a Registered Accountant are—

(a) either—

- (i) possession of the Degree of Bachelor of Technology (Accounting) from the Papua New Guinea University of Technology; or
- (ii) such other education qualifications as are, in the opinion of the Board, equivalent to that referred to in Subparagraph (i); and

(b) employment, in duties of such a nature as would, in the opinion of the Board, make the applicant competent to undertake audit work, for a period of one year since obtaining the qualification referred to in Paragraph (a); and

(c) a high degree of honesty, integrity and reliability.

3. Minimum qualifications for registration as a Registered Public Accountant.

The minimum qualifications for registration as a Registered Public Accountant are—

- (a) possession of the educational qualifications set out in Section 2(a); and
- (b) experience in accountancy, including corporate accounting and auditing, of such a nature and for such period (being not less than three years) as satisfies the Board that the applicant is fully competent to conduct the business of a Registered Public Accountant; and
- (c) a high degree of honesty, integrity and reliability.

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 89.

Accountants Registration.

APPENDIX 1.

SOURCE OF THE ACCOUNTANTS REGISTRATION ACT.

Part A.—Previous Legislation.

Accountants Registration and Practice Act 1975 (No. 23 of 1975).

Part B.—Cross Reference.

Section, etc., in Revised Edition.	Previous Reference. ¹	Section, etc., in Revised Edition.	Previous Reference. ¹
1	1	29	29
2	2	30	30
3	3	31	31
4	4	32	32
5	5	33	33
6	6	34	34
7	7	35	35
8	8	36	36
9	9	37	37
10	10	38	38
11	11	39	41
12	12	40	42
13	13	41	43
14	14	42	44
15	15	43	45
16	16	44	46
17	17	45	47
18	18	46	48
19	19	47	49
20	20	48	50
21	21	49	51
22	22	50	52
23	23	51	53
24	24	52	54
25	25	53	55
26	26	54	56
27	27	Schedule	Schedule
28	28		

¹Unless otherwise indicated, references are to the Act set out in Part A.

APPENDIX 2.

SOURCE OF THE ACCOUNTANTS REGISTRATION AND PRACTICE
REGULATION.

Part A.—Previous Legislation.

Accountants Registration and Practice Regulation 1976 (No. 7 of 1977).

Part B.—Cross References.

Section, etc., in Revised Edition.	Previous Reference. ¹
1	2
2	3
Schedule 1	Schedule 1
Schedule 2	Schedule 2

APPENDIX 3.

SOURCE OF THE ACCOUNTANTS QUALIFICATIONS FOR REGISTRATION
RULES.

Part A.—Previous Legislation.

Accountants Qualifications for Registration Rules 1976 (No. 48 of 1976).

Part B.—Cross References.

Section, etc., in Revised Edition.	Previous Reference. ²
1	1
2	2
3	3

¹Unless otherwise indicated, references are to the regulation set out in Part A.²Unless otherwise indicated, references are to the Rules set out in Part A.