

# CHARTERED ACCOUNTANTS ACT

1986, Chapter 21  
(Amended 1991, Chapter 2)

## Interpretation

1. In this Act,

"bylaws" means bylaws of the institute made pursuant to section 7;

"council" means the governing body of the institute established pursuant to section 5;

"institute" means the Institute of Chartered Accountants of the Yukon;

"member" means a person who is registered as a member of the institute;

"provincial institute" means any institute or order of chartered accountants of any province or of Bermuda;

"register" means the register maintained pursuant to section 13;

"registered student" means a student registered under provisions of this Act.

## Establishment of institute and head office

2.(1) There is hereby constituted a corporation to be known as the Institute of Chartered Accountants of the Yukon.

(2) The head office of the institute shall be at the City of Whitehorse, or at such other place within the Yukon as may be determined by the council.

## Powers

3. The institute, in addition to the powers vested in it by the *Interpretation Act*, has for its purpose and no other, power to

(a) purchase, receive, or otherwise acquire, hold, manage and otherwise deal with, and sell, mortgage, lease, or otherwise dispose of, any rights or real or personal property,

(b) apply its funds for the carrying out of its objects and for the benefit of needy members or their families and the families of deceased members,

(c) invest its funds in such investments in which trustees are authorized to invest under the provisions of the *Trustee Act*, and

(d) enter into association or affiliation with any other provincial institute with similar objects and to enter into agreements with any such provincial institute respecting matters affecting the administration of the institute and the training, education and discipline of members and students.

## **Objects**

4. The objects of the institute are

(a) to promote and maintain the knowledge, skill, and proficiency of its members and students in all matters relating to the practice of accounting, and to establish qualifications for membership and for enrolment as a student,

(b) to regulate all matters relating to the practice of accounting by its members and students, including competency, fitness, moral character, and professional conduct, and to establish and enforce standards, and

(c) to represent the interests of its members and students.

## **Council of institute**

5.(1) There shall be a council of the institute which shall consist of not less than three members or such greater number as may be provided by the bylaws of the institute.

(2) A majority of the council shall be members resident within the Yukon.

(3) Members of the council shall be elected in accordance with the provisions of this Act and the bylaws of the institute.

(4) The council shall, from its members, elect a president.

(5) The council shall appoint a secretary and a treasurer, the same person being eligible for both offices, and may appoint such other officers as may be provided for by the bylaws of the institute.

(6) All vacancies which occur on the council by reason of death or otherwise in the interval between two annual meetings, may be filled by the council.

## **Administration by council**

6. The council may exercise all such powers and do such acts and things as the institute is by this Act or otherwise authorized to exercise and do, and are not by this Act, by the institute or by the bylaws of the institute directed or required to be exercised or done by the institute in annual or special meeting, but subject nevertheless to the provisions of this Act and to the bylaws of the institute and to regulations not inconsistent with the provisions of this Act or the bylaws of the institute made by the institute in annual or special meeting, but no regulation shall

invalidate any prior act of the council that would have been valid if such regulations had not been made.

## **Bylaws**

7.(1) The council may from time to time pass bylaws to carry out the objects of the institute and, without limiting the generality of the foregoing, the council may from time to time pass bylaws respecting

- (a) membership fees and the termination of membership,
- (b) nomination, election, appointment, terms of office and remuneration of members of the council or any committee or administrative group with the institute,
- (c) the time, place and conduct of general meetings of the institute,
- (d) the election or appointment and replacement of officers of the institute and the powers and duties of those officers,
- (e) the financing of the institute and the administration of its funds,
- (f) the management of the property and affairs of the institute,
- (g) rules of professional conduct,
- (h) terms and conditions upon which persons desiring to become members of the institute may become registered as students of the institute,
- (i) the curriculum of studies and examinations to be taken by such registered students,
- (j) enrolment of members and registration of students,
- (k) the granting or revocation of certificates of registration and annual renewals thereof, and
  - (k.1) appeals to the council or its delegate from a decision or order of a committee,
  - (k.2) inquiries by the council or a committee or person into the conduct of a current or former member or student,
  - (k.3) investigation and discipline of a current or former member or student by reprimand, suspension, expulsion, or fine not exceeding \$10,000 for members or \$2,000 for students, and imposition of costs of the hearing not exceeding the limit, if any, prescribed by the Commissioner in Executive Council,
  - (k.4) practice reviews of members,

(k.5) the membership and procedures of panels of the council acting under section 17,

(k.6) insurance against professional liability claims and requirements that members maintain such insurance, provisions for the exemption of a member or class of membership from such requirements, and provisions that empower the institute to act as agents for its members in obtaining the insurance,

(k.7) fees for insurance against professional liability claims and provisions that exempt a member or class of membership from all or part of the insurance fee,

(l) all other matters that are considered necessary or convenient for the management of the institute and the promotion of its welfare or the conduct of its business.

(2) No such bylaw or any amendment thereto shall take effect until it has been approved at an annual meeting of the members of the institute or at a special meeting of members of the institute called to consider such bylaw or amendment.

(3) The institute shall file with the Executive Council Member a copy of each bylaw made pursuant to subsection (1) within one week after approval thereof by the members.

(4) A bylaw may be annulled by the Commissioner in Executive Council.

### **Annual general meeting**

8.(1) An annual meeting of the members of the institute shall be held in every year for the transaction of such business as may be brought before the meeting, at such time and place and in such manner as the bylaws of the institute provide.

(2) Other special meetings of the members of the institute may be convened and held as the bylaws of the institute from time to time provide.

### **Members in good standing**

9.(1) Any person who

(a) is a member in good standing of any provincial institute being resident in or carrying on practice in whole or in part in the Yukon at the coming into force of this Act, or

(b) after the coming into force of this Act, meets such terms and conditions as may be prescribed by bylaws of the institute

is entitled to be registered as a member of the institute and to receive a certificate of registration.

(2) The council may elect as a fellow any member, but such election shall be based solely on conspicuous service to the profession.

## **Use of "chartered accountant" or initials**

**10.**(1) Only a member in good standing may use any of the following designations:

- (a) "Chartered Accountant" or the initials "C.A." to signify that designation;
- (b) "Associate of the Chartered Accountants" or the initials "A.C.A." to signify that designation;
- (c) "Fellow of the Chartered Accountants" or the initials "F.C.A." to signify that designation.

(1.1) Except as authorized by this Act, no person shall

- (a) use or display in the Yukon the designation "certified accountant", "chartered accountant", "Fellow of the Chartered Accountants", or "Associate of the Chartered Accountants", or the initials "C.A.", "F.C.A.", "A.C.A.", or "C.A.(Hon.)", or
- (b) in any other manner imply, suggest, or hold out themselves as a chartered accountant.

(2) No person shall take, display, or use in the Yukon either of the designations "certified public accountant" or "certified public auditor" alone or in combination with any other word, name, title, initial, letter or description, nor shall any person by the use of the initials "C.P.A." or in any other manner imply, suggest or hold out that he is a certified public accountant or certified public auditor.

(2.1) A firm of chartered accountants whose head office is outside the Yukon, but who maintains an office and practice within the Yukon, is entitled to use and display the designation "chartered accountants" and the initials "C.A." and to practise as such, where at least one partner of the firm is a member of the institute,

(2.2) Where the partner referred to in section (2.1) dies or resigns from the firm with the result that the firm ceases to meet the criteria set out in that subsection, the firm may continue to use and display the designation "chartered accountants" and the initials "C.A." and to practise as such for a period of six months from the death or resignation.

(3) A person who contravenes any of the provisions of this section commits an offence and is liable upon summary conviction to a fine of \$100 for the first offence and to a fine of \$200 for each subsequent offence.

(4) Each day's continuance of any contravention of the provisions of this section constitutes and is deemed to be a new and distinct offence.

### **Practice as accountant**

11. Nothing in this Act affects or interferes with the right of a person not a member of the institute to practice as an accountant in the Yukon.

### **Time limit on complaint**

12. In the case of an offence under this Act punishable upon summary conviction the complaint shall be made or the information laid within one year from the time when the matter of the complaint or information arose.

### **Institution register**

13.(1) The council shall cause to be kept a register, in which shall be entered the names of all members, which register shall be subject to inspection by any person free of charge.

(2) The register, or a copy of it duly certified by the secretary, is *prima facie* evidence in all courts and before all persons that the persons whose names are entered therein are members of the institute, and the absence or certificate of the secretary of the absence of the name of any person from such register is *prima facie* evidence that such person is not a member of the institute.

### **Investigation and practice review**

14.(1) An officer or committee of the institute or a person designated by the council may

(a) investigate the conduct of a member or former member or a student to determine whether grounds exist for disciplinary action against that person under this Act, and

(b) conduct a practice review of a member by inspecting the member's professional practice for the purpose of identifying any deficiencies in the practice or the competence or conduct of the member.

(2) Where the officer, committee, or person is satisfied on reasonable grounds that a member or student possesses any information, record or thing that is relevant to an investigation or practice review under subsection (1), the officer, committee or person may by written request to the member or student require the member or student to answer all inquiries from the officer, committee or person relating to the investigation or review and to produce all records or things for examination; and the member or student shall comply with the request.

(3) Where a member or student fails to comply with a request under subsection (2), the institute may apply to the Supreme Court for an order requiring the person to comply.

### **Court ordered production**

15. On application by the institute to the Supreme Court, the Court may order that a

person produce to an officer, or committee of the institute, or a person designated by the council any record or thing if the court is satisfied that it is relevant to and reasonably required for the investigation of the conduct of a current or former member or a student or for a review of the professional practice of a member.

### **Confidentiality**

**16.(1)** Every person acting under the authority of this Act or the bylaws shall keep confidential all facts, information, and records obtained or furnished under this Act or the bylaws, except so far as the person's public duty requires or the Act or bylaws permit the person to make disclosure of them or to report or take official action on them.

(2) Except in respect of a proceeding under this Act or the bylaws, no person to whom subsection (1) applies shall in any civil proceeding be compelled to give evidence respecting any facts, information, or records obtained by the person in the course of their duties under this Act.

### **Extraordinary suspension**

**17.(1)** Where a panel consisting of any 3 members of the council considers that the length of time that would be required to hold a hearing concerning a member would be prejudicial to the public interest, the panel, without giving the member an opportunity to be heard, may suspend his or her membership pending a hearing and decision under section 18.

(2) Where the panel decides to suspend a membership under subsection (1), it shall give written notice to the member of its decision, the reasons for it and of the member's right to apply to the Supreme Court to have the suspension removed.

(3) The suspension of a membership under subsection (1) shall not be effective until the earlier of

(a) receipt by the member of the written notice, or

(b) 3 days after the day the institute mails the written notice to the person at his or her last address on file with the institute.

(4) A member whose membership is suspended under subsection (1) may apply to the Supreme Court to have the suspension removed, and the court may make any order respecting the suspension that it considers appropriate.

(5) A member of council who takes part in the decision under subsection (1) shall not sit on any hearing or appeal with respect to any matter in relation to which the member exercised the power of decision.

## Discipline

18.(1) Where, after holding a hearing, the council or a committee appointed by the council is satisfied that a current or former member or a student is incompetent, has committed professional misconduct, or has contravened this Act or the bylaws, the council or the committee may, by order, do one or more of the following:

- (a) reprimand the member or student;
- (b) suspend the member from membership or the student from enrolment;
- (c) expel the member from membership or the student from enrolment;
- (d) impose conditions upon the continuance of the member's membership or the student's enrolment;
- (e) impose a fine payable to the institute of not more than
  - (i) \$10,000 against the current or former member, and
  - (ii) \$2,000 against the student;
- (f) if authorized by the bylaws, impose against the current or former member or the student costs of the hearing not exceeding the limit, if any, prescribed by the Commissioner in Executive Council.

(2) Any current or former member or any student who is the subject of an order made by a committee pursuant to subsection (1) may appeal that decision to the council in accordance with the bylaws and, for the purposes of the appeal, the council has all the powers referred to in subsection (1) and may substitute its order for the order of the committee or may confirm the committee's order.

(3) A member of the committee appointed under subsection (1) shall not sit on any appeal held by the council with respect to any matter in relation to which the member exercised a power or performed a duty as a member of the committee.

(4) The council or the committee appointed under subsection (1), and each member of the council or the committee, has the same power for the purposes of a hearing

- (a) to summon and enforce the attendance of a witness,
- (b) to compel a witness to give evidence on oath or in any other manner, and
- (c) to compel a witness to produce records and things in his or her possession or control, as the Supreme Court has for the trial of civil actions and failure to comply with their orders under this subsection may be punished by the Supreme Court in the same ways

as a contempt of an order of the Supreme Court.

(5) A person who has been reprimanded, suspended, expelled, or fined may, after exhausting all rights of appeal provided by the bylaws of the institute, appeal to the Supreme Court from a decision of the council. The court may reverse, confirm, or vary the decision or refer the matter back for further inquiry.

(6) An appeal to the Supreme Court shall be brought within 30 days of the date of the decision and the procedure for the appeal shall so far as practical be the same as the procedure for appeals from the Supreme Court to the Court of Appeal in civil actions.

### **Protection against actions**

**19.** No person is liable for anything done or omitted without negligence and without malice in the exercise of a power or the performance of a duty conferred by or under this Act.