

(Consolidated up to 315/2003)

ALBERTA REGULATION 176/2001
Regulated Accounting Profession Act
CERTIFIED GENERAL
ACCOUNTANTS REGULATION

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Definitions

1(1) In this Regulation,

- (a) “Act” means the *Regulated Accounting Profession Act*;
- (b) “affiliation agreement” means an agreement that establishes the terms on which the Board recognizes a provincial affiliate or a recognized accounting organization;
- (c) “Board” means the Board of Governors of the Certified General Accountants’ Association of Alberta;
- (d) “incident” means any alleged occurrence, error, omission or negligent act in rendering or failing to render professional services which any reasonable person would expect to give rise to a claim;
- (e) “NEC” means the National Education Committee of the Certified General Accountants Association of Canada as described in the affiliation agreement among the provincial affiliates;
- (f) “professional admission comprehensive examinations” means a national examination or series of examinations on competence included in the syllabus and approved by the Board;
- (g) “provincial affiliate” means an association of certified general accountants incorporated in a territory or province of Canada other than Alberta that is a signatory to an affiliation agreement;
- (h) “recognized accounting organization” means a professional accounting organization
 - (i) recognized by the Board as having similar regulatory objectives to the Association;
 - (ii) that grants a professional accounting designation;
 - (iii) that has competence and practice standards recognized by the Board as being substantially equivalent to those of the Association;

- (i) “SRA auditor” means a securities regulatory authority auditor;
 - (j) “syllabus” means the areas of study referred to in section 7(b).
- (2) The terms defined in section 1 and Schedule 2 of the Act have the same meaning in this Regulation.

Part 1 Registration

Division 1 Students and Members: General Registration

Evidence provided on registration

- 2(1)** Each applicant for registration as a student or member of the Association must provide evidence satisfactory to the registrar of
- (a) being a Canadian citizen or a person lawfully permitted to work or study in Canada, and
 - (b) having a good character and reputation.
- (2) In determining whether an applicant is of good character and reputation, the registrar must consider whether the applicant
- (a) has had a finding of unprofessional conduct or similar finding made against the applicant by any professional organization, and any orders made in consequence,
 - (b) has any outstanding complaints or discipline matters with any professional organization with which the applicant is or has been registered,
 - (c) has been convicted of a criminal offence in any country,
 - (d) has any outstanding charges under the criminal law of any country,
 - (e) has been found guilty of contravening a section of securities regulatory or taxation authority legislation,
 - (f) has been subject to any of the bankruptcy or insolvency provisions of the *Bankruptcy and Insolvency Act* (Canada) or similar legislation in another jurisdiction, and

- (g) has been found guilty of a breach of a code of conduct or an academic infraction at any post-secondary education institution.
- (3)** In addition to the matters referred to in subsections (1) and (2), the registrar must consider
- (a) any character references,
 - (b) information on steps taken to overcome and evidence that the applicant has overcome the competence or ethical issues related to subsection (1) or (2), and
 - (c) any mitigating factors provided by the applicant.

Division 2 Registration of Students

Student applicant

- 3(1)** An applicant for registration as a student must provide to the registrar
- (a) evidence satisfactory to the registrar that the applicant
 - (i) is at least 21 years old and has a minimum 2 years of work experience, or
 - (ii) has graduated from grade 12 with senior matriculation in Alberta or with the substantially equivalent education from a secondary school as determined by the registrar,
- and
- (b) official transcripts of any relevant secondary and post-secondary education.
- (2)** In addition to the requirements referred to in subsection (1), an applicant must provide to the registrar at the time of application a declaration
- (a) respecting the information required under section 2;
 - (b) agreeing to comply with the provisions of the Act, this Regulation, the by-laws, the Code of Ethics and Rules of Professional Conduct and the Association's student policy approved by the Board.

Continuation of registration as a student

- 4** Registration as a student continues in effect if the registrant provides to the registrar, in a timely manner,
- (a) a description of practical experience in the form and at the times prescribed by the registrar,
 - (b) any changes to the information required to be provided to the registrar under the Act, regulations and by-laws, and
 - (c) on request of the registrar, satisfactory evidence of continued compliance with conditions imposed by the registrar.

Cancellation of registration of student

- 5** A student's registration will be cancelled if the student fails to meet the grade or performance requirements on courses and examinations within the number of attempts or time limits determined by the Board.

Division 3 Registration of and Requirements for Members

Requirements for registration by student

- 6(1)** An application for registration as a member of the Association by a student who is not registered as a member by another provincial affiliate or recognized accounting organization must be accompanied by evidence satisfactory to the registrar that the following requirements have been met:
- (a) the academic requirements under section 7;
 - (b) the practical experience requirements under section 8;
 - (c) the grade and performance requirements prescribed by the Board on the professional admission comprehensive examination.
- (2)** An application for registration under this section must be made within 12 months of completing the requirements referred to under this section.
- (3)** The registrar may grant extensions to the time periods in subsection (2) on the written request of the applicant.

Academic requirements

7 For purposes of section 6(1)(a), the academic requirements consist of

- (a) completion of a degree approved by the registrar from a degree granting institution acceptable to the registrar;
- (b) meeting the grade or performance requirements prescribed by the Board on courses and examinations prescribed by the Board, which may include the following areas:
 - (i) financial accounting;
 - (ii) management accounting;
 - (iii) assurance services;
 - (iv) finance;
 - (v) management information systems;
 - (vi) taxation;
 - (vii) professional accounting applications;
 - (viii) business, ethics and management.

Practical experience requirements

8(1) An applicant under section 6(1)(b) requires a period of practical experience of 36 months in a full-time position or equivalent part-time position in which the applicant demonstrates the practical application of competencies in the syllabus.

(2) The Board must establish the standard at which the applicant is required to demonstrate the practical application of the competencies in the syllabus.

(3) The registrar will determine if the practical experience requirement established by the Board has been met by the applicant.

(4) Notwithstanding subsection (1), the registrar may in its discretion reduce the period of experience to a minimum of 24 months if the registrar determines the experience requirement under subsection (3) has been met.

Requirements for members of a provincial affiliate

9(1) For the purpose of section 35(2)(b) of the Act, if the applicant for registration as a member of the Association is registered by a

provincial affiliate as a certified general accountant, the applicant must provide satisfactory evidence to the registrar that the applicant is registered in good standing with that provincial affiliate, and that the applicant

- (a) has met the grade or performance requirements prescribed by the NEC that were in effect at the time of admission to the provincial affiliate, and
- (b) has completed the practical experience requirements of the provincial affiliate that were in effect at the time of admission to the provincial affiliate.

(2) An applicant who does not meet the requirements of subsection (1) may provide evidence of competence in accordance with section 11 or meet the requirements for registration as a student applicant under section 6.

Requirements for applicants from recognized accounting organizations

10(1) For the purposes of section 35(2)(b) of the Act, if an applicant for registration as a member of the Association is registered with a recognized accounting organization, the applicant must provide evidence satisfactory to the registrar that the applicant has met the competence requirements referred to in section 35(1)(a) of the Act by providing evidence that the applicant

- (a) is registered in good standing with that recognized accounting organization,
- (b) has met the grade or performance requirements and examination requirements of the recognized accounting organization that were in effect at the time of admission to that accounting organization,
- (c) has completed any other course or examination requirements that the Board determines are necessary to insure the applicant has the competence required to practise as a certified general accountant in Alberta, and
- (d) has completed the practical experience requirements of the recognized accounting organization that were in effect at the time of admission to that accounting organization.

(2) An applicant who does not meet the requirements of subsection (1) may provide evidence of competence in accordance with section 11 or meet the requirements for registration as a student applicant under section 6.

Requirements for registration under section 35(2)(c) of the Act

11(1) An applicant may provide evidence of competence under section 35(2)(c) of the Act by providing evidence satisfactory to the registrar of

- (a) grades and performance achieved in academic, educational and other relevant studies, that are substantially equivalent to the requirements set out in section 7,
- (b) practical experience of at least 36 months, including documentation and examples of relevant accomplishments and abilities, that are substantially equivalent to the requirements set out in section 8,
- (c) membership in good standing with organizations relevant to the accounting profession, the regulated standards and requirements of such organizations and activities completed in such organizations,
- (d) relevant professional development activities completed,
- (e) other relevant qualifications, accomplishments, abilities and competencies,
- (f) areas of employment or practice within which the applicant intends to be professionally active, and
- (g) professional competence of the applicant, as it relates to the areas of practice within which the applicant intends to be professionally active.

(2) For purposes of subsection (1), the evidence must be presented in writing and may be supplemented by personal representations from the applicant or from other individuals, at the request of the registrar.

(3) For the purposes of assessing public accounting practice experience where the applicant intends to engage in a public accounting practice, a review of client files that is substantially equivalent to a practice review required under Part 4 of the Act must be completed.

(4) For purposes of assessing the evidence provided under subsection (1), the registrar may direct that the applicant satisfactorily demonstrate certain abilities and competencies through completion of courses or examinations approved by the Board.

(5) An applicant who does not meet the requirements of subsections (1) to (4) may meet the requirement for registration as a student applicant under section 6.

Continuance of registration as a member

12 For the purposes of section 51(1)(c) of the Act, registration as a member of the Association continues in effect if the registrant provides to the registrar, in a timely manner,

- (a) any changes to the information required to be provided to the registrar under the Act, this Regulation and the by-laws,
- (b) the report on continuing education required under section 14, and
- (c) on request of the registrar, evidence satisfactory to the registrar of continued compliance with conditions imposed by the registrar.

Continuing education requirements

13(1) Each member of the Association must complete the topics of study and activities, the minimum number of credits in relation to those topics of study and activities and the total number of credits prescribed by the Board in order to maintain professional competence.

(2) The registrar, in accordance with policy made by the Board, may grant an exemption from the requirements prescribed under subsection (1).

(3) For the purposes of subsections (1) and (2), the registrar may recognize as continuing education any formal education or informal education that in the registrar's opinion is appropriate.

(4) For the purposes of subsection (3),

- (a) "formal education" includes
 - (i) presentation or completion of courses and seminars offered by entities recognized by the registrar, and
 - (ii) any other form of educational activity recognized by the registrar as formal education;
- (b) "informal education" includes
 - (i) private reading, study or research,

- (ii) preparation for lectures or courses,
- (iii) preparation of published articles or papers, and
- (iv) any other form of educational activity recognized by the registrar as informal education.

Continuing education reports

14 Each member of the Association must

- (a) submit annually, on or before the date prescribed by the registrar and in the form prescribed by the registrar, a report containing
 - (i) a declaration that the member has complied with section 13, or
 - (ii) a declaration that section 13 does not apply to the member,

and

- (b) keep, for 5 years, a record of continuing education completed annually and, on request, provide to the registrar or its designate the record and supporting documentation for reported credits.

**Division 4
Reinstatement****Reinstatement of registration**

15(1) Unless otherwise provided in the Act, this Regulation or the by-laws, an investigated party whose registration is suspended under Part 5 or 6 of the Act must be reinstated when the investigated party has satisfied the discipline tribunal roster chair that the investigated party has complied with the order governing the suspension made pursuant to Part 5 or 6 of the Act and any certificate must be reissued.

(2) An applicant whose resignation was accepted under section 75(2) of the Act or whose registration was cancelled under Part 5 or 6 of the Act must comply with all orders or any conditions specified by the complaints inquiry committee, discipline tribunal, appeal tribunal or Court of Appeal, as the case may be, before being entitled to apply for reinstatement of registration.

(3) Unless otherwise provided in the Act or this Regulation, an investigated party whose registration was cancelled under Part 5 or

6 of the Act may not apply to the registration committee for reinstatement within 2 years of the cancellation.

(4) An applicant for reinstatement referred to in subsection (2) must

- (a) comply with the requirements of this section;
- (b) provide in the form prescribed by the registrar evidence satisfactory to the registrar of meeting the requirements of section 2;
- (c) meet any education requirements specified by the registrar;
- (d) pay a reinstatement fee as provided by the resolutions;
- (e) satisfy any other terms or conditions specified by the registrar.

(5) The registrar may order the reinstatement of a registration cancelled under Part 5 or 6 of the Act or a registration resigned under section 75(2) of the Act on such terms as the registrar may approve if all orders have been complied with and any conditions set at the time of the cancellation or resignation, as the case may be, have been met.

(6) Sections 32 to 34 of the Act apply to all applications for reinstatement of registration after cancellation or resignation.

Division 5

Use of Titles, Abbreviations and Initials

Certified general accountant

16(1) Subject to the rules of professional conduct, only a certified general accountant or public accounting firm registered under Part 3 of the Act may use the names “Certified General Accountant” or “comptable général accrédité”, “comptable général licencié”, “comptable général agréé” or the initials “CGA”.

(2) Only a certified general accountant registered under Part 3 of the Act who is authorized to do so by the Board may use the name “Fellow of the Certified General Accountants” or “fellow de la comptable général accrédité”, “fellow de la comptable général agréé”, “fellow de la comptable général licencié”, “fellow de l’association de comptable généraux accrédité” or the initials “FCGA”.

- (3) The registrar may authorize a person or firm registered under section 50 of the Act to use the designation “Certified General Accountant” or “CGA” in Alberta if such person or firm
- (a) provides satisfactory evidence to the registrar that such person or firm is allowed to use the designation “Certified General Accountant” by another affiliate,
 - (b) completes an application in the form required by the by-laws, and
 - (c) pays the application fees specified by the Board.
- (4) The registrar may set conditions on the use of the designation by applicants whose applications are approved under subsection (3).
- (5) To continue to use the designation authorized under subsection (3), the person or firm must
- (a) provide to the registrar
 - (i) an annual filing establishing continued compliance with conditions referred to in subsection (4), and
 - (ii) immediate notification of any contravention of a condition,
- and
- (b) pay the annual fees prescribed by the Board.

AR 176/2001 s16;87/2003

Division 6

Professional Corporations

Continuance of registration as a professional corporation

17 For the purposes of section 51(1)(c) of the Act, registration as a professional corporation continues in effect if the registrant provides to the registrar, in a timely manner,

- (a) any changes to the information provided to the registrar pursuant to section 40 of the Act, and
- (b) on request of the registrar, evidence satisfactory to the registrar of continued compliance with conditions imposed by the registrar on the registration.

Division 7 Public Accounting Firms

Gross revenue threshold for registration of public accounting firms

18(1) For the purposes of section 46(3)(a) of the Act, a member of the Association, a professional corporation or a partnership that provides only the services referred to in section 1(oo)(iv) or (vi) of the Act is not required to register as a public accounting firm if annual gross revenue from those services is less than \$10 000.

(2) A member of the Association, a professional corporation or a partnership that provides only the services referred to in section 1(oo)(iv) or (vi) of the Act and that has annual gross revenue from those services equal to or greater than \$10 000, but less than \$20 000, may apply to the Board or its delegate for an exemption from registration as a public accounting firm.

AR 176/2001 s18;87/2003

Registration of certified general accountants as public accounting firms

19 For the purposes of section 47(e) of the Act, an applicant for registration as a public accounting firm must provide to the registrar

- (a) the primary name under which the practice is conducted;
- (b) the legal name of the public accounting firm;
- (c) other names under which the practice is conducted;
- (d) the names of any related business or practice;
- (e) the firm's business address;
- (f) a listing of the principals, partners, directors or shareholders of the firm;
- (g) a listing of the areas of professional practice the firm plans to engage in;
- (h) for each area of public accounting practice that the firm plans to engage in, satisfactory current evidence that a certified general accountant with the firm meets any education and experience requirements prescribed by the Board;
- (i) the name of any professional corporation related to or affiliated with the firm.

Registration of other persons or firms as public accounting firms

20 For the purposes of section 50(2) of the Act, if an applicant for registration as a public accounting firm is registered with a provincial affiliate or recognized accounting organization that the Board recognizes as having substantially equivalent competence and practice requirements, the applicant must provide to the registrar, in addition to all information required of a public accounting firm under section 47 of the Act and section 19 of this Regulation, satisfactory evidence that

- (a) any person who is engaged in the applicant's public accounting practice in Alberta
 - (i) meets the requirements of section 2, and
 - (ii) demonstrates to the registrar that such person has maintained competence,

and

- (b) the applicant
 - (i) has no outstanding complaints or discipline matters with any professional organization with which the applicant is or has been registered,
 - (ii) is registered in good standing with that provincial affiliate or recognized accounting organization,
 - (iii) is permitted, through that provincial affiliate or recognized accounting organization, to carry out a practice of public accounting in that jurisdiction,
 - (iv) has successfully completed a recent review of client files that is substantially equivalent to a practice review required under Part 4 of the Act, and
 - (v) would be permitted by that provincial affiliate or recognized accounting organization to carry out the scope of practice that the applicant intends to carry out while registered under section 50(2) of the Act.

Continuance of registration as a public accounting firm

21 For the purposes of section 51(1)(c) of the Act, registration as a public accounting firm continues in effect if the registrant provides to the registrar, in a timely manner,

- (a) any changes to the information provided to the registrar pursuant to section 47 of the Act and sections 19 and 20 of this Regulation, as applicable,

- (b) satisfactory evidence, on request by the registrar, that the amount of professional liability insurance required under the regulations and the by-laws is currently maintained, and
- (c) satisfactory evidence, on request by the registrar, of continued compliance with conditions imposed on the registration by the registrar.

Division 8 Limited Liability Partnerships

Limited liability partnerships

22(1) For the purpose of registration as an Alberta limited liability partnership or an extra-provincial limited liability partnership under Part 2.1 of the *Partnership Act*, the applicant must provide satisfactory evidence to the registrar that the partnership carries professional liability insurance in an amount not less than

- (a) \$1 000 000 per incident for partnerships with fewer than 5 certified general accountants or professional corporations engaged in the partnership's practice, and
- (b) \$2 000 000 per incident for partnerships with 5 or more certified general accountants or professional corporations engaged in the partnership's practice.

(2) Notwithstanding subsection (1), a letter of credit, bond or other protection against professional liability may be substituted for professional liability insurance if it is

- (a) in an amount not less than the professional liability insurance which would be required under subsection (1), and
- (b) in a form approved by, and otherwise acceptable to, the registrar.

(3) A partnership referred to in subsection (1) must provide annually to the registrar satisfactory evidence of continued compliance with subsection (1) or (2).

Division 9 Professional Service Providers

Who must register

23 A certified general accountant or student who meets the requirements of section 48 of the Act must register as a professional service provider.

Information to be provided on registration

24 For the purpose of section 49(d) of the Act, an applicant for registration as a professional service provider must provide to the registrar

- (a) the primary name under which the professional service provider practises,
- (b) the legal name of the entity under which the professional service provider practises,
- (c) other names under which the practice is conducted,
- (d) the applicant's business address,
- (e) the applicant's areas of professional practice,
- (f) a plan, acceptable to the registrar, of how the applicant will maintain client files, so that each client file will be separate and accessible for practice review purposes, and
- (g) an undertaking, acceptable to the registrar, allowing the Association access, for practice review purposes, to the working paper files that evidence the work performed by the applicant.

Continuance of registration as a professional service provider

25 For the purposes of section 51(1)(c) of the Act, registration as a professional service provider continues in effect if the registrant provides to the registrar, in a timely manner,

- (a) any changes to the information provided to the registrar pursuant to section 49 of the Act and section 24 of this Regulation,
- (b) satisfactory evidence, on request by the registrar, that the amount of professional liability insurance required under the regulations and the by-laws is currently maintained, and
- (c) satisfactory evidence, on request by the registrar, of continued compliance with conditions imposed by the registrar.

Division 10 Categories of Registrants

Categories of registrants

26(1) The following categories of members of the Association are established:

- (a) specialists who meet the requirements prescribed in the by-laws and are approved by the registrar;
- (b) suspended members;
- (c) members engaged in a public accounting practice;
- (d) members who have conditions or restrictions placed on their registration.

(2) The following categories of public accounting firms are established:

- (a) limited liability partnerships;
- (b) SRA auditors;
- (c) part-time firms;
- (d) suspended firms;
- (e) firms that have conditions or restrictions placed on their registration or practice.

(3) The following categories of professional service providers are established:

- (a) professional service providers that have conditions or restrictions placed on their registration or practice;
- (b) suspended professional service providers.

(4) The following categories of students are established:

- (a) students who are professional service providers;
- (b) students who have conditions or restrictions placed on their registration;
- (c) suspended students.

SRA auditors

27(1) Only a public accounting firm approved as an SRA auditor may perform an audit or review engagement for entities that are

required to file financial statements or financial information with a securities regulatory authority.

(2) The Board may establish additional education, experience and professional liability insurance requirements to be met by an applicant for approval as an SRA auditor.

(3) The registrar must approve a public accounting firm as an SRA auditor if the applicant meets the requirements prescribed by the Board.

(4) If the applicant fails to meet the requirements established by the Board, the Board may approve the application subject to conditions or restrictions.

(5) Approval as an SRA auditor continues if the public accounting firm provides to the registrar

- (a) an annual filing establishing continued compliance with education, experience and professional liability insurance requirements and any conditions or restrictions,
- (b) immediate notification
 - (i) of any contravention of a condition or restriction,
 - (ii) that the firm is subject to a follow-up practice review,
 - (iii) that the firm or any member at the firm has been found guilty of contravening the provisions of any securities legislation,
 - (iv) that the firm or any member at the firm has been discharged absolutely on conviction or after pleading guilty to contravening the provisions of any securities legislation, or
 - (v) that the firm or any member at the firm has reached a settlement with a securities regulatory authority regarding contravention of the provisions of any securities legislation,

and

- (c) the annual fees prescribed by the Board.

(6) The Board may place restrictions or conditions on a public accounting firm's ability to practise as an SRA auditor if the firm does not meet the education and experience requirements or is subject to a follow-up practice review.

Part 2 Public Information

Maintenance of information

28 For the purposes of section 26 of the Act, the Association must maintain information about registrants and former registrants for the following periods of time:

- (a) for at least 10 years for information respecting past registration status, registration decisions on registrations that were refused or conditions placed on registration or practice;
- (b) for at least 10 years for information under section 28(1)(c) to (f) of the Act;
- (c) for at least 5 years for information respecting practice speciality, professional corporations and the principals, partners, directors or shareholders of a public accounting firm;
- (d) for at least 4 years
 - (i) for information respecting a past practice review where the public accounting firm or professional service provided has an outstanding follow-up practice review, or
 - (ii) for a practice review report under section 56 of the Act;
- (e) for at least one year for any other relevant information in accordance with the Act, this Regulation or the bylaws.

AR 176/2001 s28;87/2003

Applicant information

28.1 For the purposes of section 34(4) of the Act, the Association must maintain complete applications for registration for at least 5 years after the Registrar or Registration Committee makes a decision on the application.

AR 87/2003 s5;315/2003

Part 3 Repealed AR 87/2003 s6.

Part 4 Transitional Provisions

Limitation on investigated parties

30 Any limitation placed on an investigated party under a former Act is deemed to be equivalent to a restriction imposed under the Act.

Part 5 Miscellaneous

Electronic information

31 Where the Act, this Regulation, a by-law or a resolution requires

- (a) information to be published, the publication may be in either printed or electronic form, or
- (b) information to be submitted in writing, the registrar may accept the submission in electronic form.

Repeal

32 The *General Regulation* (AR 158/88) is repealed.