

House of Representatives

Supplementary Order Paper

Tuesday, 24 June 2014

Accounting Infrastructure Reform Bill

Proposed amendments

Hon Craig Foss, in Committee, to move the following amendments:

New clause 10A

After *clause 10* (page 10, after line 3), insert:

10A Section 31 amended (Appeals in respect of registration matters)

In section 31(1)(c), after “cancel”, insert “or suspend”.

Clause 15

In *clause 15*, insert as *subclause (2)* (page 11, after line 6):

(2) After section 63(2), insert:

“(3) The High Court may make an order, or otherwise exercise a power, on an appeal under **subsection (1)(e)** only in respect of 1 or more of the parties to the proceedings.”

Clause 30

Replace *clause 30(2C) and (3)* (page 19, lines 27 to 30) with:

(2C) In section 36(1)(d)(ii), replace “Registrar of Companies by notice in the *Gazette*.” with “Registrar by notice in the *Gazette* in accordance with **section 36AA(2)**; or”.

Clause 31

In *clause 31*, new *section 36H(2)(b)*, after “as suspended” (page 27, line 14), insert “during the period in which A’s approval is suspended”.

Clause 32

In *clause 32*, new *section 39B(2)*, replace “A person who commits an offence under **subsection (1)**” (page 35, line 13) with “A person who fails to comply with **subsection (1)** commits an offence and”.

Clause 37

In *clause 37, new section 53A(2)*, replace “A person who commits an offence under **subsection (1)**” (page 38, line 21) with “A person who fails to comply with **subsection (1)** commits an offence and”.

Explanatory note

This Supplementary Order Paper makes a number of minor and technical changes to the Accounting Infrastructure Reform Bill, including—

- inserting *new clause 10A* to amend section 31 of the Auditor Regulation Act 2011. The amendment ensures that there is a right of appeal to a District Court against a decision of an accredited body or the Financial Markets Authority to suspend the registration of an audit firm:
- clarifying the High Court’s powers on an appeal under the Auditor Regulation Act 2011 where the Financial Markets Authority has declined to make an order relating to a person’s licence or registration (*see* sections 61 and 63(1)(e) of that Act). The amendment to *clause 15* clarifies that the court may only make an order in relation to the appellant or other parties to the proceedings (rather than in relation to any class of licensees or registered audit firms):
- clarifying that if an auditor’s recognition is treated as suspended under *new section 36H(2)(b)* of the Financial Reporting Act 2013 as a result of the suspension of the approval of an association of accountants, the suspension is for the same period as the association’s approval is suspended:
- clarifying that a failure to comply with *new section 39B(1) or 53A(1)* (relating to falsely holding out as being qualified or approved) constitutes an offence.

Departmental disclosure statement

The Ministry of Business, Innovation, and Employment considers that a departmental disclosure statement is not required to be prepared for this Supplementary Order Paper.
