



# **BOARD OF EXAMINERS**

## **CANDIDATE HANDBOOK**

**JANUARY 2011**

## **NOTICE TO CANDIDATES**

With the proclamation of the Canada Lands Surveyors Act and the Regulations under the Act in March 1999, the Association of Canada Lands Surveyors (ACLS) assumed responsibility for the Board of Examiners for Canada Lands Surveyors.

Persons registered as Canada Lands Surveyors candidates are required to write the three CLS Professional Exams (Items 1, 2 and 3).

There are two examination sittings each year, the first in the spring, usually in the month of March and the second in fall, usually in the month of October.

# TABLE OF CONTENTS

Item	Page no.
Notice to Candidates	1
Table of Contents	2
Information for Candidates Writing Examinations	3
<i>Descriptions of the Examinations</i>	
Item 1 'Acts and Regulations'	9
Item 2 'Property Rights Systems on Canada Lands'	11
Item 3 'Government Structures and Aboriginal Government Issues'	13

# INFORMATION FOR CANDIDATES WRITING EXAMINATIONS

## Correspondence

1. (a) All correspondence intended for the ACLS Board of Examiners should be addressed to:

**The Registrar  
Association of Canada Lands Surveyors  
900 Dynes Road, Suite 100E  
Ottawa ON K2C 3L6  
Fax: 613-723-5558  
E-mail: board@acsl-aatc.ca**

- (b) Fees may be remitted in the form of money order, postal note or personal cheque payable to the Association of Canada Lands Surveyors. Fees may also be paid by Visa or MasterCard. Documents of value should be sent by registered mail.

NOTE: Hereinafter "Board" means the ACLS Board of Examiners.

## Dates of Examinations

2. (a) Until further notice, examination sittings will be held twice annually in the months of March and October.
- (b) Special examinations in addition to those referred to above may, if deemed necessary, be held at such time and place as the Board may direct.
- (c) Notice of the time and place of the examinations shall be published at least one two weeks before the commencement of the examinations.

## Examination Centres

3. Examination centers are selected on the basis of applications on hand two months before the commencement of the regularly scheduled examinations or in the case of other examinations, as may suit the circumstances.

## Timetable for Examinations

4. For examinations held simultaneously at different centers, the examinations questions are the same for the respective schedules and according to timetables supplied by the Board.

## Description of Subjects

5. In the descriptions given in the following pages, specified textbooks are recommended in most cases, sometimes supplemented by reference books. In general, the examinations will be based on the recommended texts, though other texts of the same standard will usually be satisfactory for preparation and study.

## Persons Admitted to the Examination Room

6. No person other than the members of the Board, the presiding examiner, the Administrator and the candidates will be admitted to the examination room while the candidates are writing.

### Instructions to be brought to the attention of the candidates

7. Before the beginning of an examination and as often thereafter as the coming of new candidates may render necessary, the presiding examiner will provide a copy or shall read and make clear to the candidates Section 8-19 below.

### Hours of examinations

8. The examination sittings begin at 9:00 a.m. and continue until 12:00 noon. They begin again at 1:30 p.m. and continue until 4:30 p.m., Monday through Friday, until all sittings are completed. No candidate may present himself / herself for an examination later than fifteen (15) minutes after the commencement of an examination.

### Closed Book Examinations

9. All examinations in this syllabus are 'closed book' examinations.

### Unauthorized Conduct

10. The sharing or borrowing of written material between candidates, or the use of any unauthorized material during the examination, is not allowed under any circumstances.

### Stationery supplied by the Board

11. The stationery needed for writing examination papers is supplied by the Board. The answers are to be written in ink and on one side of the paper, except for necessary diagrams which may be in pencil.

### Candidate numbers

12. Each candidate writing examinations will be assigned a candidate number at the beginning of each examination cycle for purposes of tracking and anonymity. The candidate will use the same number throughout the examination cycle, regardless of the number of exams being written. This number will change from cycle to cycle.

The candidate's number is to appear in the space provided on each sheet of exam answer paper turned in by the candidate. Except for the candidate's number, no name, signature, or any other mark identifying the candidate is to appear on the answer paper. *It is, therefore, extremely important that the candidate ensures that his/her candidate's number is on each sheet of answer paper.*

### Attendance Record

13. Candidates will be asked to sign an attendance sheet at the beginning of each examination.

### Excerpts from Almanacs and other Publications supplied

14. Excerpts from publications required during an examination are supplied by the Board when required. Candidates are not allowed to use their own copies, except when authorized.

### Use of calculators

15. For examinations that require them, candidates are to supply their own electronic calculators. Calculators used are to be hand held, silent and battery operated. The use of electronic translators is not allowed. The presiding examiner may inspect any calculator brought into the examination room and may forbid use of those which do not meet the requirements of this section.

### Information on each sheet

16. Each sheet of paper must have at the top: the schedule and number of the examination being written, the number of the question and the number of the candidate. It is not necessary to copy the question on the sheet.

### Method of deducing answers

16. (a) Not more than one question is to be answered on any one sheet except where a question has many subsets in each question, e.g. (a, b, c, d, etc.). In this case, the answers can be written consecutively down the page. Then a new answer sheet should be started for the next question. Also, where a question has a very short answer, the answer to the next or more questions can be written on the same sheet, as long as the answers are clearly separated.
- (b) The candidate is to arrange his / her answer papers in an orderly manner and the work should not be cramped. In mathematical work the candidate must show clearly at least the full equation or expression which is to be evaluated to arrive at an answer. Partial marks for incorrect mathematical answers can only be assigned where the intermediate steps in arriving at an answer are shown.
- (c) Candidates must bring the following to the examinations in case they have to draw a sketch:
- Coloured pencils (at least 3 colours)
  - Straightedge and scale
- (d) Unless directed otherwise in the preamble to an examination question, all the work by which a result is obtained is to be clearly shown. Subject to that exception, no credit will be allowed for any result, however correct it may be, unless the full working is shown so as to enable the examiners to satisfy themselves that the candidate has understood the question and to see by what process the results has been obtained. The use of an electronic calculator does not relieve the candidate from this requirement.
- (e) Each answer must be confined to the question asked. Marks will be deducted where a single answer is requested and the candidate gives a number of possible answers for the question.

### Candidates to arrange sheets

17. Before handing in his / her answer papers, the candidate is to arrange the sheets in the consecutive order of the questions, (not in order in which the questions were answered). The sheets are then to be numbered in the manner 1 of 12, 2 of 12, 3 of 12, etc. and then fastened together at the upper left hand corner.

Results of examinations

- 18. After the results of examinations have been approved by the ACLS Board of Examiners, the candidates will be provided with the total mark they received for each written examination. At the same time or shortly thereafter, a copy of the examination will be sent showing the value of the mark for individual questions on the examination and the mark received by the candidate for the question. Upon request, the original written examinations will be returned to the candidate. Written examinations will be held for a period of ninety days after the end of the examinations, after which they will be destroyed.

Fees

- 19. The following schedule of examination fees shall apply. These fees must accompany applications:
  - (a) Application for examination (per subject) \$150.00
  - (b) Application for appeal of each examination \$100.00
  - (c) Penalty for bounced cheque or declined credit card \$30.00The Board may amend this schedule of fees from time to time.

Application for examination

- 20. (a) Every candidate who wishes to write an examination shall send to the Board, c/o: the Registrar, an application to write examinations, together with the fees for the examinations. The application must be received no later than six weeks before the starting date of either the March or October examinations.
- (b) A candidate who has not made application as prescribed by subsection (a) in respect of an examination shall, on payment of the fee referred to in that subsection, be admitted to the examination if there is sufficient accommodation in the place where the examination is being held and a copy of the examination is available for the candidate.
- (c) Where a candidate who has been admitted to an examination pursuant to subsection (b) is found by the Board to be ineligible to be examined, the examination is void and the fee paid in respect of the examination pursuant to subsection (b) shall not be refunded to the candidate.

Examination fee refunds and credits

- 21. (a) A candidate who cancels an examination registration before the registration deadline date of six weeks before the start of the examinations will receive a full refund of the examination fees.
- (b) A candidate who cancels an examination registration during the four weeks period between the deadline date and a date two weeks before the starting date of the examinations will receive a full credit towards the next round of examinations. Credits are carried forward for the next round of examinations only. If the examinations are not written in the next round the examination credits will expire.
- (c) A candidate who cancels an examination registration during the two week period before the starting date of the examinations, or who does not appear for an examination and has not given proper notice of cancellation, will not receive any refunds or credits.

### Pass requirements

22. The pass mark for an examination in any subject is sixty percent (60%) of the total value of marks for the examination.

### Marking Papers

23. Every examination, or special examination, written by a candidate shall be reviewed and marked except where a candidate:
- (a) is found by the Board to be ineligible to be examined
  - (b) is found by the Board to have contravened subsection 16 - (a) or (b) in respect of the examination
  - (c) has not paid the prescribed fee
  - (d) has not complied with these requirements or the instructions of the Board
  - (e) has contravened section 10.

### Appeals

23. (a) Every candidate or other person may appeal to the Board for a review of any decision or examination result issued within thirty days after the issuance of the decision or result.
- (b) Where a specific reason is presented to support an appeal under subsection (1), the Board shall review the decision or result and shall do so in light of the reason presented.

### CLS Commissions

24. The ACLS Board of Examiners will notify the Registrar when candidates have successfully completed their examinations and met any other requirements necessary to be eligible to receive a commission.



## Item 1

### **Acts and Regulations Relating to Surveys of Canada Lands**

This examination is based on the General Instructions for Surveys, e-Edition (GIS-e) published by the Surveyor General Branch, Natural Resources Canada (Web link)

Candidates should bring with them to the exam a scale, straightedge and two pens or markers of a different colour that may be required for answers requiring sketches. Candidates should also have a calculator for use where questions require a trigonometric calculation.

### **LEGISLATION AND ADMINISTRATIVE AGREEMENTS**

Candidates are required to have knowledge of all sections reproduced in the GIS-e for the following statutes and regulations in Part A and the following agreement in Part B listed in the Table of Contents on pages iii to vii inclusive, unless noted otherwise:

- A1: Canada Evidence Act  
Canada Lands Surveys Act  
Canada Oil and Gas Operations Act (sections 2., 3., 4. and 14.)  
Canada Petroleum Resources Act (sections 2., 3., 5., 6., 22., 28., 29., 30., 32.1, 35., 37., 107.1, 112. and 117.)  
Constitution Act, 1982  
Criminal Code  
Department of Natural Resources Act  
Expropriation Act (sections 2., 4., 7., 40. and 41.)  
Federal Real Property Act  
Indian Act (sections 2., 3., 4., 19., 20., 21., 24., 26., 28., 30., 31.1, 36., 37., 39., 57., 58., 61., 87., 88., 89. and 93.)  
Indian Oil and Gas Act  
International Boundary Commission Act  
National Parks Act (except right hand columns of Tables A1-1, A1-2 and A1-3)  
Northwest Territories Act  
Territorial Lands Act  
Weights and Measures Act  
Yukon Act  
Yukon Placer Mining Act  
Yukon Quartz Mining Act
- A3: Canada Oil and Gas Drilling Regulations  
Northwest Territories and Nunavut Mining Regulations  
Territorial Dredging Regulations  
Territorial Land Use Regulations  
Territorial Lands Regulations  
Federal Real Property Regulations  
Canada Oil and Gas Land Regulations  
Withdrawal of Certain Lands from Disposal Orders (Territorial Lands Act)  
Prohibition of Entry on Certain Lands Orders (Yukon Placer Mining Act and Yukon Quartz Mining Act)

- A4: Commissioner's Land Act (NWT)  
Condominium Act (NWT) (sections 1. to 8., 11. and 31.)  
Land Titles Act (NWT) (sections 1. to 8., 20., 24., 32., 39., 40., 80. to 92., 94., 95., 97. to 105., 176. and 196.)
- A5: Commissioner's Land Regulations (NWT)  
Land Titles Plans Regulations (NWT)
- A6: Condominium Act (YT) (sections 1. to 8., 11. and 31.)  
Land Titles Act (YT) (sections 1., 14., 26., 33., 36., 45. to 48., 67., 72., 73., 75., 77. to 82. and 189.)  
Lands Act (YT)  
Subdivision Act (YT) (sections 1. to 7., 20., 22. and 26.)
- A7: Lands Regulations (YT)  
Land Titles Plans Regulations (YT)
- B1: Interdepartmental Agreement re Description of Canada Lands, 1955

### **ADMINISTRATIVE REQUIREMENTS, GENERAL INSTRUCTIONS AND APPENDICES**

Candidates are required to have knowledge of all sections reproduced in the GIS-e for the following unless noted otherwise:

Chapters C1 to C6

Chapters D1 to D4, D7 to D9 and D11 to D15.

Appendices E1 to E4

### **TEXTBOOKS:**

- a. General Instructions for Surveys, e-Edition (GIS-e) (Web site link) Published by Surveyor General Branch, NRCan.
- b. **The Canada Lands Surveys Series**, a series of videotaped lectures and seminars produced by the Association of Canada Lands Surveyors.

## Item 2

### **Property Rights Systems on Canada Lands**

Objectives and fundamental components of property rights systems including:

- Land registration systems;
- Survey systems;
- Systems for Crown Lands and for privately-held lands;
- Provincial systems;
- Relationships between systems.
- Property rights systems in the Yukon and Northwest Territories, on Indian Lands and National Parks.
- Land tenure on Indian Lands and National Parks.
- Crown Land Management.
- Administration of Federal subsurface rights in Canada including oil and gas in the offshore in Indian Lands and in the Territories;
- Placer and quartz mining in the Yukon;
- Mining in the Northwest Territories.

### **Offshore Property Rights**

The historical development of the Law of the Sea.

Maritime Jurisdiction and Sovereignty including:

International Waters;

Territorial Sea;

Contiguous Zone;

Continental Shelf and Exclusive Economic Zone;

Concepts of Sovereign rights;

Innocent Passage and High Seas.

Special Maritime Regimes:

Arctic;

International Straits;

Bays;

Artificial Islands;

Archipelagos.

International, Unilateral, Bilateral and Interprovincial Boundaries.

Oil and Gas development in the Offshore Region.

Federal and Provincial Legislation.

## Textbooks:

- a. **Property Rights and Boundary Systems on Canada Lands**, Legal Surveys Division, Natural Resources Canada, May 1990. Available from Association of Canada Lands Surveyors. A new updated version of Chapter 9 has come out in July 2008. Candidates will be tested on the new chapter 9 and the rest of the book at the October 2008 exam sitting. A free digital copy is available from the ACLS office.
- b. **Canada's Offshore: Jurisdiction, Rights, and Management, 3<sup>rd</sup> Edition**, Bruce Calderbank, Alec M. MacLeod, Ted L. McDorman, and David H. Gray. Association of Canada Lands Surveyors and the Canadian Hydrographic Association, 2006. Available from the Association of Canada Lands Surveyors. The Offshore Property Rights part of the exam covers chapters 2, 3, 4, 5, 7, sections 8.1 to 8.4 of Chapter 8 and sections 9.1 to 9.7 of Chapter 9.

## References:

- a. **Property Rights and Boundary Systems on Canada Lands**, Videotapes of a seminar presented in Ottawa, Ont. in May 1990, by the Legal Surveys Division. 4 hours. Available from the Association of Canada Lands Surveyors.
- b. **CLS Subjects Overview Seminar**, Videotapes of the **Property Rights** portion of a seminar presented by the Association of Canada Lands Surveyors in January 1993. The segment provides an overview of the concepts and differences in the Property Rights systems on Canada Lands. Available from the Association of Canada Lands Surveyors.
- c. **Manual of Instructions for the Survey of Canada Lands**, 3rd Edition, Volumes 1 and 2, Catalogue No. M52-4/1-1996E and M52-4/2-1996E, Geomatics Canada, Legal Surveys Division, Natural Resources Canada, 615 Booth Street, 5th Floor, Ottawa, ON K1A 0E9 ISBN 0-660-16488-4 ISBN 0-660-16489-2  
Also available as a free download in PDF format at:  
[http://www.lsd.nrcan.gc.ca/english/manual\\_of\\_instructions\\_e.asp](http://www.lsd.nrcan.gc.ca/english/manual_of_instructions_e.asp)
- d. **Offshore Management**. Videotapes of a seminar presented in Nanaimo, BC in January 1990, by Captain P. K. Mukherjee. 5 hours. Available from the Association of Canada Lands Surveyors.
- e. **Canada's Unresolved Maritime Boundaries**, David H. Gray, Canadian Hydrographic Service, Geomatica Vol 40 No. 2. Available from the Association of Canada Lands Surveyors.
- f. **Scientific and Technical Guidelines of the Commission on the Limits of the Continental Shelf**. UN Commission on the Continental Shelf. Internet:  
[http://www.un.org/Depts/los/clcs\\_new/commission\\_documents.htm#Guidelines](http://www.un.org/Depts/los/clcs_new/commission_documents.htm#Guidelines)
- g. **The Law of the Sea, United Nations Convention on the Law of the Sea**, United Nations, New York 1983. Internet:

[http://www.un.org/Depts/los/convention\\_agreements/convention\\_overview\\_convention.htm](http://www.un.org/Depts/los/convention_agreements/convention_overview_convention.htm)

- h. **A Manual on Technical Aspects of the U.N. Convention on the Law of the Sea – 1982.** International Hydrographic Organization Special Publication No. 51. Available from the Association of Canada Lands Surveyors. \$70.00
- i. **The Canada Petroleum Resources Act.** Internet: <http://laws.justice.gc.ca/en/c-8.5/234461.html>
- j. **Canada-Nova Scotia Offshore Petroleum Resources Implementation Act**  
Internet: <http://laws.justice.gc.ca/en/c-7.8/233899.html>
- k. **The Canada-Newfoundland Atlantic Accord Implementation Act**  
Internet: <http://laws.justice.gc.ca/en/c-7.5/233481.html>
- l. **Petroleum Operations on the Canadian Continental Margin, The Legal Issues in a Modern Perspective.** Gault, Ian T. 1983, Faculty of Law, the University of Calgary, 2500 University Drive, NW, Calgary Alberta. Report No. Fund 56111. ISBN 0919269052

## Item 3

### Government Structures and Aboriginal Government Issues

#### **Basic structures of the Governments of Canada, the Provinces and the Territories**

**Constitutional principles:** supremacy of parliament; responsible government; judicial independence; divided sovereignty; entrenchment.

**Formal institutions of government:** Legislative - committees of House of Commons; role of the opposition; majority and minority governments. Executive - the Crown and governor in Council; cabinet process; cabinet committees system. Bureaucracy - public service/public administration; Crown corporations. Judicial Process - the courts system. Intergovernmental Process - Federal-Provincial conferences.

**Informal institutions of government:** (linkages) elections, parties and party system, interest groups, the media.

#### **Aboriginal Government Issues:**

History of Canada's Indian peoples;

British colonial policy and the Royal Proclamation of 1763;

Early treaties and treaty policies;

The Robinson treaties;

The Imperial Orders in Council of 1870;

Aboriginal title and rights;

The St. Catherine's Milling Case; the Calder Case; the Guerin Case; the Sparrow Case; the Delgamuukw Case (Trial and Appeal)

Specific and comprehensive claims policies evolution;

The James Bay and Northern Québec Agreement;

The Inuvialuit Final Agreement;

Active comprehensive claims: CYI; Dene-Metis; LIA; CAM; TFN; Nishga.

The Constitution Act 1982; Bill C-31; the First Ministers Conferences on aboriginal rights; aboriginal issues in the Charlottetown Accord;

The 1987 Comprehensive Claims Policy;

Administration of Indian lands;

Systems of tenure on Indian reserves and "lands set aside"; Settlement Lands;

The Indian Land Registry system.

The Royal Commission on Aboriginal Peoples;

The British Columbia Treaty Process.

### Textbooks:

- a. **Politics in Canada: Culture, Institutions, Behaviour and Public Policy**, 5th ed., 2001, Jackson, R. J. and Jackson, D.; Pearson Education Canada, Toronto. ISBN 0-13-027315-5
- b. **Native Government Issues. A compilation of assorted former textbooks and references.** Includes: **A History of Native Claims Processes in Canada, 1867-1979.** Richard C. Daniel for Indian and Northern Affairs Canada, Ottawa, 1980; **Outstanding Business - A Native Claims Policy**, Specific Claims, Indian Affairs and Northern Development, Ottawa, 1982; **In All Fairness - A Native Claims Policy**, Comprehensive Claims, Indian Affairs and Northern Development, Ottawa, 1981; **Comprehensive Land Claims Policy**, Indian Affairs and Northern Development, Ottawa, 1987; **The Canadian Indian**, Indian Affairs and Northern Development, Ottawa, 1986.

Available from the Association of Canada Lands Surveyors

### References:

- a. **Government Structures in Canada.** Videotapes of a seminar presented in Winnipeg, Manitoba in November 1989 by Professor Michael Whittington. 5 hours. Available from the Association of Canada Lands Surveyors.
- b. **How Canadians Govern Themselves**, 3rd Edition, Eugene A. Forsey. Public Information Office, House of Commons, Ottawa, Ont., K1A 0A6
- c. **Native Government Issues.** Videotapes of a seminar held in Toronto, Ontario in June 1993. 3 tapes, 5 hours. Available from the Association of Canada Lands Surveyors.
- d. **Indian and Northern Affairs Canada on the Internet:** selected information on Indian policy, historical treaties, current comprehensive claim/treaty negotiations status, etc. [www.inac.gc.ca/](http://www.inac.gc.ca/)