BOARD OF EXAMINERS

EXAMINATION INFORMATION HANDBOOK FOR CANDIDATES

WHO ARE REGISTERED AS LAND SURVEYORS IN A PROVINCE OF CANADA AND WHO WISH TO OBTAIN A COMMISSION AS A CANADA LANDS SURVEYOR PURSUANT TO LABOUR MOBILITY LEGISLATION

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INDEX

General Information ................................................................................................................................. 1

Composition of the Professional Examination .......................................................................................... 1

The Examination Process ........................................................................................................................... 1

Making the Application ............................................................................................................................. 1

Invigilation ................................................................................................................................................ 1

Applying to Write an Examination ........................................................................................................... 2

Writing an Examination ............................................................................................................................ 2

Marking the Examination .......................................................................................................................... 5

Appeals ...................................................................................................................................................... 5

Re-writing Examinations ............................................................................................................................ 5

Fees .............................................................................................................................................................. 6

Refunds ...................................................................................................................................................... 6

CLS Commission ....................................................................................................................................... 6

CLS Professional Examination Learning Outcomes ..................................................................................... 7

A. Acts, Regulations and General Instructions for Surveys ................................................................. 7

B. Property Rights on-shore .................................................................................................................... 9

C. Property Rights offshore ..................................................................................................................... 12

D. Aboriginal Government Issues .......................................................................................................... 15
General Information
Effective August 1, 2011, candidates wishing to obtain a Commission as a Canada Lands Surveyor (CLS) from the Association of Canada Lands Surveyors (ACLS), and who are registered as land surveyors in a Province of Canada will no longer be required to attend an examination centre in the Spring or Fall, as well as write and pass three of the three-hour professional examinations pertaining to the CLS areas of practice. For these candidates, the three examinations have been replaced by one four-hour Professional Examination which will be written online and which may be written at any time of the year. The on-line system generates exams by random selection of questions from a database that is kept up to date on a regular basis.

Composition of the Professional Examination
The topics covered by the four-hour CLS Professional Examination are the following:
- Acts, Regulations and General Instructions for Surveys
- Property Rights on-shore
- Property Rights offshore
- Aboriginal Government Issues

The Examination Process

Making the Application
Land surveyors licensed in a Canadian province who wish to become candidates for a Commission as a CLS must complete and submit the application form that is posted on the ACLS Web site, along with the registration fee. They must also provide a copy of their licence or commission and arrange to have their home association provide a “Certificate of Conduct” directly to the ACLS. The candidate must hold a license that is not encumbered or restricted in any way within the home association.

Candidates may choose to become a Student member of the ACLS (see eligibility for Student membership) but this is not a requirement to write the examination for a Commission. One of the advantages of becoming a Student member is that it ensures that the candidate receives ACLS newsletters and current information on ACLS activities.

Once the ACLS has received the application form, the copy of the licence or commission, the “Certificate of Conduct” letter from the home association, and the registration fee, the candidate is eligible to write the ACLS Professional Examination.

Invigilation
Critical to the success of the program of writing examinations online is the invigilation process. It is important that the examinations be impartially and fairly invigilated. For these reasons the Invigilator chosen by the candidate cannot be a relative or an employee of the same firm as the candidate, or a business colleague. The Invigilator must be a Canadian professional surveyor and must provide an affidavit to the ACLS before being accepted as an Invigilator. Similarly, the location chosen to write the examination cannot be the home or the business premises of the candidate. A suggestion
for an Invigilator would be a business competitor and a suggested location would be his/her business premises. Another suggestion is the office of a surveying association where the writing of the examination can be supervised.

If the exam requires the candidate to provide one or more sketches, the Invigilator is responsible for scanning the sketch(es) using a colour scanner and e-mailing them to the ACLS office.

**Applying to Write an Examination**

After a person has been accepted as a candidate for a Commission, it is the responsibility of the candidate to apply to write an examination(s) and to pay the examination(s) fee.

The application form is available at: [http://www.acls-aatc.ca/en/node/82](http://www.acls-aatc.ca/en/node/82). *Note that the application form requires that candidate specify the name of the person who will be invigilating the examination and the location where the examination will be written.*

Within 30 days of receipt of the application and approval of the details of invigilation, the ACLS will issue the candidate a user name, password and link to access the examination site. **Do not click on this link before the time set with your Invigilator for the start of the exam.** This information will be provided by an e-mail. Upon issuance of the user name and password, the candidate has the following 30 days within which to write the examination.

**Writing an Examination**

The online examination is a live Web page and a space is provided after each question for the candidate to enter an answer.

Candidates must bring the following to the examinations in case they have to draw one or more sketches:

- Coloured pencils (at least 3 colours)
- Straightedge and scale

For examination questions that require them, candidates are to supply their own electronic calculators. Calculators used are to be hand held and battery operated. The use of electronic translators or smart phones (I-phone, Blackberry, etc.) is not allowed. The Invigilator may inspect any calculator brought for the examination and may forbid use of those which do not meet the requirements of this section.

All exams are closed book. No information or notes may be brought to the exam. **Any attempt to leave the on-line system window during the exam will cause a notification to be sent to the Registrar unless it is to view and print an attachment to a question. Leaving the exam window may result in a failing grade.**

To begin the examination, candidates must click on the Internet link shown on the e-mail and log into the examination site using the provided user name and password. **This must be done in presence of the Invigilator.**
Once the candidate clicks on the “Start Exam” button, the next window lists the sections of the examination, how many questions there are in each section and how many have been answered at any time. The clock countdown begins as soon as the candidate clicks on an examination section title. The remaining time left is displayed at the top of the screen. When the candidate chooses a section to begin answering, the questions are displayed sequentially, along with the point value of the question.

In some cases, questions may have an attachment. This will be clearly indicated under the answer space by an icon with the note: “View Attachment”.

Some questions require that a sketch be submitted or a candidate may wish to provide a sketch to further clarify his or her answer. At the end of the Examination, the candidate must indicate, at the top of the sheet of paper containing the sketch, the user name provided by the ACLS, the date of the writing of the exam and the applicable question number and give it to the Invigilator. The Invigilator is responsible for scanning the paper using a colour scanner and for e-mailing it to the ACLS Examination Administrator who will attach it to the appropriate question of the examination.

A few questions in the database have multiple choice questions. The system shows the answers in a random order. So candidates may see a list that does not follow the alphabetic order.
When all questions have been answered the following window is displayed. At this point, the candidate submits the examination for marking by clicking on “Finish Exam”. Note that after four hours the examination is automatically closed and submitted.

The following window is then displayed asking the candidate to confirm the submission of the exam.
Marking the Examination
The examination will be marked by one or more members of the Association’s Board of Examiners or by one or more Special Examiners. The results of the marking will be provided to the candidate as soon as possible according to availability of examiners. The pass mark for the Professional Examination is seventy percent (70%) of the total value of marks for the examination.

Appeals
A candidate may appeal to the Association for a review of an examination result provided a notice of an intent to appeal is received within fifteen (15) days after the issuance of the result and the written appeal is received within another thirty (30) days. The appropriate fee for an appeal must be submitted along with the appeal. The Association will respond to the appeal within 30 days of receiving the written documentation.

Re-writing Examinations
A failed examination may be re-written by submitting a new application and paying the examination fee.

First Attempt:
The examination will be made available within a maximum 30 calendar days of receiving the completed application.

Second Attempt:
The examination will be made available within a maximum 30 calendar days after the appeal period for the first attempt expires, or if the right to appeal is waived by the candidate within a maximum of 30 calendar days following receipt of the notice waiving the right to appeal.

Third and Subsequent Attempts:
The examination will be made available within a maximum 90 calendar days after the appeal period for the previous attempt expires, or if the right to appeal is waived by the candidate within a maximum 90 calendar days following receipt of the notice waiving the right to appeal.
Fees
(a) Application to become a candidate for a CLS Commission .................... $125.00
(b) Application to write the ACLS Professional Examination .................... $350.00
(d) Application for an appeal of the results of an examination .................... $100.00
(e) Penalty for NSF cheque or declined credit card ................................. $ 30.00

The Board may amend this schedule of fees from time to time.

Refunds
Candidates who have paid the examination application fee and then wish to withdraw
from writing the examination before the user name and password have been provided to
them will receive a full refund of the examination fee. No other refunds will be provided.

CLS Commission
The ACLS Board of Examiners will notify the Registrar when a candidate has successfully
completed the ACLS Professional Examination and has met any other requirements
necessary to be eligible to receive a commission.
CLS Professional Examination Learning Outcomes

A. Acts, Regulations and General Instructions for Surveys

Questions for the above-noted topic for this examination are based on the following modified syllabus, differing from the syllabus that applies to and is published for CLS candidates in the normal examination stream.

Candidates are required to have knowledge of the prescribed sections of the following federal and territorial acts, regulations and agreements. Where no section numbers have been specified, the entire document is examinable.

Candidates are responsible for amendments related to the prescribed sections that have been enacted and posted electronically up to the date on which application in acceptable form is made to write the Professional Examination. Where applicable, answers based on both the previous and subsequent versions will be accepted where revisions have been posted after the date of application. Candidates are encouraged to monitor the Latest Updates section of the Survey Standards section of the General Instructions for Surveys, e-Edition. Candidates may also find it useful to use the following Websites at:

- for Canada http://laws-lois.justice.gc.ca/eng/
- for Yukon http://www.canlii.org/en/yk/

Federal Acts and Regulations

- Canada Lands Surveyors Act
  ss. 1-9, 19-32, 42-62, 71-74

- Canada Lands Surveyors Regulations
  ss. 1, 38

- Canada Lands Surveys Act
- Canada National Parks Act
  ss. 1-10; Schedules 1 and 2 for park names only

- First Nations Land Management Act
  ss. 1-7, 15, 16, 18-21

- Indian Act
  ss. 1-5, 18-29, 37-41

- Northwest Territories and Nunavut Mining Regulations
  ss. 2-58

- Territorial Lands Act
  ss. 1-6, 8-19, 23-24

- Territorial Lands Regulations
  ss. 1-10
• Canada Oil and Gas Land Regulations
  ss. 1-22

• Yukon Act
  ss. 1-5, 19-20, 24-26

Yukon Acts and Regulations

• Condominium Act
  ss. 1-10, 25

• Land Titles Act
  ss. 1-3, 14, 26, 36, 46-48, 51, 67, 72, 77-82, 189

• Land Titles Plans Regulations
  ss. 1-14

• Placer Mining Act
  ss. 1-7, 16-30, 34-36, 38-42, 48, 50, 52-53, 92, 95-96

• Quartz Mining Act

• Subdivision Act
  ss. 1-18, 20-21, 26-27

• Subdivision Regulations
  ss. 1-5

• Territorial Lands (Yukon) Act
  ss. 1-2, 6-9, 11-14

• Territorial Lands Regulation
  ss. 1-9, 11

General Instructions for Surveys, e-Edition


Chapters C1 to C6
Chapters D1 to D12
Appendices E1 to E4 and E6
B. Property Rights on-shore

LEGISLATION AND ADMINISTRATIVE AGREEMENTS

Candidates are required to have a good understanding and knowledge of the land tenure and property rights of on-shore Canada Lands.

The textbooks identified below provide the necessary information which should be supplemented with the appropriate sections of the various federal and territorial acts and regulations listed below that are relevant to land tenure and property rights.

Candidates are responsible for amendments related to these acts and regulations that have been enacted 60 days prior to the examination date. Exam answers that are based on more recent amendments will be marked in accordance with those amendments.

Candidates may also find it useful to use the following Websites for accessing the latest versions of acts and regulations:

- for Canada http://laws-lois.justice.gc.ca/eng/
- for Yukon http://www.canlii.org/en/yk/
- for Northwest Territories http://www.canlii.org/en/nt/
- for Nunavut http://www.canlii.org/en/nu/

Textbooks:


References:

Federal Acts and Regulations

- Canada National Parks Act
- Canada Oil and Gas Land Regulations
- Canada Oil and Gas Operations Act
- Canada Petroleum Resources Act
- Constitution Acts, 1867 to 1982
- Indian Act
- Northwest Territories Act
- Northwest Territories and Nunavut Mining Regulations
- Nunavut Act
- Territorial Dredging Regulations
Territorial Land Use Regulations

Territorial Lands Act

Territorial Lands Regulations

- Land Claims Agreements and acts – each land claim agreement has specific elements addressing land, title, management of lands, resources, etc. and the creation of institutions to oversee certain areas in each land claim region:
  - The Western Arctic Claim - Inuvialuit Final Agreement as amended (http://fishfp.sasktelwebhosting.com/publications/IFA.pdf)
  - Western Arctic (Inuvialuit) Claims Settlement Act
  - Gwich’in Land Claim Settlement Act
  - Nunavut Land Claims Agreement (http://nlca.tunngavik.com/)
  - Nunavut Land Claim Agreement Act
  - Sahtu Dene and Metis Land Claim Settlement Act
  - Tlicho Land Claims and Self-Government Act
  - Yukon First Nations Land Claims Settlement Act
  - Yukon First Nations Self-Government Act

Yukon Acts and Regulations

- Condominium Act
- Land Titles Act
- Lands Act
- Subdivision Act
- Lands Regulations
- Land Titles Plans Regulation
- Placer Mining Act
- Quartz Mining Act

Northwest Territories/Nunavut Acts and Regulations

- Territorial Lands Act (NT & NU)
- Northwest Territories and Nunavut Mining Regulations
- Commissioner’s Lands Act, (NT)
- Commissioner’s Land Regulations (NT)
- Land Titles Act (NT)
- Land Titles Plans Regulations (NT)
- Lands Regulations (NT)
Administrative Requirements and General Instructions for Surveys

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

- Chapters C1 to C6

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.

CLS Subjects Overview Seminar
C. Property Rights offshore

MARITIME INTERNATIONAL LAW PRE-UNCLOS
- Background to International Law of the Sea
- Historical Development of International Law of the Sea to 1945
- Historical Development of International Law of the Sea from 1945

UNITED NATIONS LAW OF THE SEA, 1982 (UNCLOS)
- Introduction
- Baselines
  - Bays and River Mouths
  - Archipelagic Waters
- Internal Waters and Territorial Sea
- Contiguous Zone
- Exclusive Economic Zone (EEZ)
- Continental Shelf
- High Seas
- The Area
- Administration of UNCLOS
- Innocent Passage, Transit Passage, and International Straits
- Marine Scientific Research

INTERNATIONAL BILATERAL OFFSHORE BOUNDARIES
- Introduction
- Equidistant Lines and Modification by Agreement and Special Circumstances
- The 1958 Geneva Conventions
- The Doctrine of Equity
  - North Sea Continental Shelf Cases and Anglo/French Arbitration
- Judicial Trends in Equitable Boundaries
- Natural Prolongation
- Partial Effect
- Proportionality
- Enclavement
- Other factors
DETERMINING OFFSHORE LIMITS AND BOUNDARIES

- Land Based Water Related Boundaries
- Territorial Sea
- Contiguous Zone
- Exclusive Economic Zone
- The Continental Shelf
  - Continental Shelf - Typical Situation
  - Continental Shelf - Where the Geological Shelf is Greater Than 200 Nautical Miles
- Graphical Methods of Determining and Depicting Offshore Limits
  - Straight Lines
  - Equidistant Lines

CANADA’S OFFSHORE JURISDICTION

- Federal Jurisdiction in Canada’s Offshore
- Pacific Coast
- Atlantic Coast - Newfoundland and Labrador
- Arctic Coast

ADMINISTRATION OF CANADA’S OFFSHORE OIL AND GAS RESOURCES

- Legislation Related to Offshore Oil and Gas
- Pacific Coast
- Atlantic Coast - Nova Scotia
- Atlantic Coast - Newfoundland and Labrador
- Nova Scotia-Newfoundland & Labrador Offshore Resources Arbitration
- Northwest Territories and Nunavut
- Yukon

Textbooks:

References:

**Offshore Management**

**Canada's Unresolved Maritime Boundaries**

**Scientific and Technical Guidelines of the Commission on the Limits of the Continental Shelf**


International Hydrographic Organization Special Publication No. 51. Available from the Association of Canada Lands Surveyors. $70.00

**The Canada Petroleum Resources Act**

**Canada-Nova Scotia Offshore Petroleum Resources Implementation Act**

**The Canada-Newfoundland Atlantic Accord Implementation Act**

**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
D. 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
- *Indian Act 1876*
- Numbered Treaties 1-11
- Residential Schools and other assimilation strategies
- 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
- *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
- Nisga’a Treaty 1999
- The British Columbia Treaty process; highlights of recent treaties such as Tsawwassen First Nation and Maa Nulth First Nations Treaties
- Duty to Consult and related Supreme Court of Canada cases: Taku, Haida, Mikisew Cree, Little Salmon/Carmacks

Textbooks:


Available from the Association of Canada Lands Surveyors

**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/)
Other Textbooks


References:

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

Current BC Treaties: www.treaties.gov.bc.ca/treaties.html