

**ASSOCIATION OF CANADA LANDS SURVEYORS
BOARD OF EXAMINERS
PROFESSIONAL EXAMINATION #3
GOVERNMENT STRUCTURES & ABORIGINAL GOVERNMENT
ISSUES**

March 2014

Note: This examination consists of 20 questions on 2 pages.

Marks

<u>Q. No.</u>	<u>Time: 3 hours</u>	<u>Value</u>	<u>Earned</u>
1	Describe the features that make Canada a federal system of government.	4	
2	Discuss how a bill becomes a law in Canada's Federal Parliament.	6	
3	Describe one of the four fundamental freedoms guaranteed under section 2 of the <i>Canadian Charter of Rights and Freedoms</i> . Using an example, discuss whether Canada has sufficiently protected this freedom against competing societal interests.	4	
4	Discuss one federal power as described in section 92 of the <i>Constitution Act, 1867</i> that you feel could be "devolved" to the provinces, and one federal power you feel should <u>not</u> be "devolved" to the provinces. Provide a reason to support each answer.	4	
5	Discuss how and in what circumstances Parliament can be prorogued. How does prorogation affect the principle of parliamentary supremacy?	4	
6	In January 2014, Justin Trudeau, leader of the federal Liberal Party, removed all senators from his Liberal caucus in an effort to make the Senate more non-partisan. Discuss whether this was an effective step towards Senate reform.	4	
7	What strategies do special interest groups in Canada use to influence government policy and legislation?	4	
8	The executive branch of the federal government has the exclusive power to appoint judges to the Supreme Court of Canada. Should this process be reformed? Why or why not?	4	
9	Describe the purpose and format of a) Question Period, and b) Parliamentary Committees. Compare the usefulness of Question Period to the work accomplished in Parliamentary Committees.	4	
10	Describe the significance of each of the following in relation to Aboriginal title: a) the <i>Royal Proclamation of 1763</i> b) the Supreme Court of Canada's decision in <i>Calder v. British Columbia (A.G.)</i> (1973), and c) the Supreme Court of Canada's decision in <i>Delgamuukw v. British Columbia</i> (1997).	9	
11	Describe section 35 of the <i>Constitution Act, 1982</i> and the specific groups that it protects. Discuss the significance of the inclusion of section 35 in the <i>Constitution Act, 1982</i> .	8	
12	In respect of treaty rights and the duty to consult, describe the significance of the Supreme Court of Canada's decisions in: a) <i>Mikisew Cree First Nation v. Canada (Minister of Canadian Heritage)</i> (2005), and b) <i>Beckman v. Little Salmon/Carmacks First Nation</i> (2010).	6	

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13	Briefly describe, and discuss the difference between: a) the Crown’s “fiduciary duty” to Aboriginal peoples, as described in <i>Guerin v. the Queen</i> (1984), and b) the Crown’s “duty to consult” with Aboriginal peoples, as described in <i>Haida Nation v. Ministry of Forests</i> (2004).	4	
14	What factors led to the creation of the Numbered Treaties in Canada? List three treaty promises made to the First Nation signatories in the Numbered Treaties.	6	
15	Discuss the reasons for the creation of a) the specific claims process b) the comprehensive claims process.	4	
16	What were the historical motivations for the creation of the <i>Indian Act</i> ? Describe two important reforms that have been made to the <i>Indian Act</i> that have benefitted Aboriginal peoples.	6	
17	Describe the types of land rights that First Nation groups and First Nations members can have in relation to Indian reserve lands. What are the limitations of these rights?	4	
18	Describe what specific types of information can be searched on the Indian Lands Registry System.	3	
19	Briefly describe three of the following four modern treaties, providing at least one significant feature of each treaty: a) <i>James Bay and Northern Quebec Agreement</i> , b) <i>Inuvialuit Final Agreement</i> , c) <i>Tsawwassen First Nation Final Agreement</i> , and d) <i>Maa Nulth First Nations Final Agreement</i> .	9	
20	List three main topics of negotiation that are common to the treaties being negotiated through the British Columbia treaty negotiation process.	3	
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