

**ASSOCIATION OF CANADA LANDS SURVEYORS
BOARD OF EXAMINERS**

**EXAMINATION P3
GOVERNMENT STRUCTURES & ABORIGINAL POLICY ISSUES**

October 2015

This examination consists of 19 questions on 2 pages.

<u>Q. No</u>		<u>Time: 3 hours</u>	<u>Marks</u>	
			<u>Value</u>	<u>Earned</u>
1.	Canada currently has a “first past the post” electoral system. In the 2015 federal election campaign, some federal parties have proposed replacing this system with a “proportional representation” system. Describe the main features of each system, and explain why you would prefer one system over the other.		8	
2.	Describe the features that make Canada a constitutional monarchy, and the role of the Governor General in Parliament.		5	
3.	Discuss how a bill becomes a law in Canada’s federal Parliament.		6	
4.	The executive branch of the federal government has the exclusive power to appoint judges to the Supreme Court of Canada. Discuss whether you agree or disagree with this approach, and explain why.		5	
5.	List two powers of the federal government as described in section 91 and two powers of the provincial government as described in section 92 of the <i>Constitution Act, 1867</i> . List one power that can be within either federal or provincial jurisdiction.		5	
6.	The <i>Canadian Charter of Rights and Freedoms</i> came into effect in 1982. Explain how the <i>Charter</i> differs from other laws passed under statute.		3	
7.	What makes a territory distinct from a province in Canada?		4	
8.	Discuss whether the Senate should: a) be reformed, b) be abolished, or c) stay the same. Provide at least two reasons to support your answer.		6	
9.	Historically, the government of Canada attempted to impose assimilation strategies on Aboriginal peoples. Discuss two of these strategies, and why they were problematic.		6	
10.	Describe the historical creation of the Numbered Treaties in Canada, and identify three features that are common to the Numbered Treaties.		5	
11.	Describe the principle of the “honour of the Crown” as it relates to the Crown’s dealings with Aboriginal peoples.		3	
12.	Explain the significance of the Supreme Court of Canada’s decisions in a) <i>Haida Nation v. British Columbia</i> (2004), and b) <i>Mikisew Cree First Nation v. Canada (Minister of Canadian Heritage)</i> (2005), in relation to the Crown’s duty to consult.		6	

13.	Discuss two ways in which modern treaties in Canada can be beneficial for the Aboriginal signatories to such treaties, and two ways in which modern treaties can be beneficial for federal and provincial governments.	8	
14.	The BC Treaty negotiation process is often criticized for the length of time that it takes to reach a final agreement. Suggest two ways in which the BC treaty negotiation process could be improved.	4	
15.	Describe at least two defining features of two of the following four modern treaties: a) <i>Tsawwassen Final Agreement</i> (2000); b) <i>Council for Yukon Indians Umbrella Final Agreement</i> (1993); c) <i>Eeyou Marine Region Land Claims Agreement</i> (2012); and d) <i>Nisga'a Final Agreement</i> (2000).	6	
16.	In June 2014, in <i>Tsilhqot'in Nation v. British Columbia</i> , the Supreme Court of Canada declared Aboriginal title over a tract of land in BC for the first time in Canadian history (overturning the BC Court of Appeal's decision in <i>William v. British Columbia</i>). What unique rights does Aboriginal title give to Aboriginal peoples, as compared to traditional forms of Aboriginal rights that are exercised in traditional territories?	6	
17.	The <i>First Nations Land Management Act</i> enables First Nations to participate in the First Nations Land Management Regime. Describe the key features of this regime, and discuss two benefits of this regime for First Nations.	6	
18.	Describe the main features of Indian reserve lands, and how reserve lands differ from other land interests, such as fee simple.	4	
19.	Provide two suggestions for measures that the federal government should take to improve the conditions for Aboriginal peoples living in Canada, in order to achieve the goal of reconciliation.	4	
	Total Marks:	100	