



# **BOARD OF EXAMINERS**

## **CANDIDATE HANDBOOK**

**August 27<sup>th</sup>, 2015**

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# **CANDIDATES WHO HOLD A PROVINCIAL COMMISSION**

## **General Information**

Since 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 were no longer 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 For these candidates, the three examinations have been replaced by one four-hour Professional Examination which is written online and which may be written at any time of the year.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 Policy Issues

## **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**

The exam is closed book so 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> . *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.**



### Examination for Admission as a Canada Lands Surveyor

**Examiner's Note:** The purpose of this exam is to assess the candidate's understanding of the topic and not to assess the candidate's ability to write out sections of Acts, Regulations, Rules or other written materials. Please answer in your own words.

When you are ready to begin the exam, please fill in the login information supplied to you and then click the Start Exam button.

Please review the system requirements before proceeding.



**Note:** Once the exam process has started, you will have a set time to complete it.

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Username	<input type="text"/>	Password	<input type="password"/>	<input type="button" value="Start Exam"/>
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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.




Time Remaining: 03:59:55

Main Page  
(Click on a Section to Proceed) 105 Points

Sections	Answered / Total
101 - Acts, Regulations and General Instructions for Surveys	0 / 5
102 - Property Rights - on-shore	0 / 3
103 - Property Rights - offshore	0 / 3
104 - Aboriginal Government Issues	0 / 3
<b>Total</b>	<b>0 / 14</b>

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.



Time Remaining: 03:48:59

Main Page  
(Click on a Section to Proceed) 105 Points

Sections	Answered / Total
101 - Acts, Regulations and General Instructions for Surveys	5 / 5
102 - Property Rights - on-shore	3 / 3
103 - Property Rights - offshore	3 / 3
104 - Aboriginal Government Issues	3 / 3
<b>Total</b>	<b>14 / 14</b>

The following window is then displayed asking the candidate to confirm the submission of the exam.



Time Remaining: 03:24:25

Exam Submission Confirmation  
Time Spent: 00:35:35

You have answered 14 out of 14 questions.

Are you sure you want to submit this exam for final grading?

[Return to Section List](#)

[Submit Exam for Grading and Logoff](#)

### 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 write the ACLS Professional Examination.....      | \$350.00 |
| (b) Application for an appeal of the results of an examination ..... | \$125.00 |
| (c) 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.

**ACLS Licence to Practice**

Once the CLS Commission is issued, the candidate can apply for an ACLS Licence to Practice. The only requirements other than paying the licence fee are the following:

- If not employed by Her Majesty in right of Canada or a province or by an agent of Her Majesty in either of those rights, proof of professional liability insurance where the limit is not be less than \$250,000 for each single occurrence and \$500,000 for all occurrences in any 12 month period.
- Affidavit or statutory declaration for people holding provincial commission.

No proof of experience and no project report are required for those candidates who hold a provincial commission in Canada.



## CLS Professional Examination Learning Outcomes

### **A. Acts, Regulations and General Instructions for Surveys**

This examination is based on the following publications of the Surveyor General Branch, Natural Resources Canada:

[National Standards for the Survey of Canada Lands](#) provides Canada Lands Surveyors with the technical standards that apply to surveys undertaken on Canada Lands.

[Getting a Survey Done](#) provides information on the administrative requirements and procedures for surveys on Canada Lands

[Surveys, Parcels and Tenure on Canada Lands](#) edited by Dr. Brian Ballantyne, a handbook serving as a useful reference for those working on or with Canada Lands

The new National Standards, which came into force in January 2015, and the publication Getting a Survey Done replace the [General Instructions for Surveys, e-Edition](#). Exam answers shall be based on the new National Standards.

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 suitable for surveying calculations.

### **LEGISLATION and AGREEMENTS**

Candidates are required to have knowledge of the following prescribed sections of various federal and territorial acts, regulations and agreements. Candidates are responsible for current legislation related to the prescribed sections that has been enacted and posted electronically 60 days prior to the examination date.

Candidates can find current legislation at websites of the Departments of Justice for Canada, Yukon, Northwest Territories and Nunavut. The Canadian Legal Information Institute (CanLII) website may also be used to find legislation. Alternatively use Google or other search engine.

[Canada Legislation](#)

[Yukon Legislation](#)

[NWT Legislation](#)

[Nunavut Legislation](#)

[CanLII - Canadian Legal Information Institute](#)

### **A. Federal Acts and Regulations**

[Canada Lands Surveyors Act](#) (ss. 1-9, 19-32, 42-69, 72)

[Canada Lands Surveyors Regulations](#) (ss. 1-15, 23, 25, 26, 29, 39-49)

[Canada Lands Surveys Act](#)

[Canada National Parks Act](#) (ss.1-16)

[Canada Oil and Gas Land Regulations](#) (ss. 1-23, 94-97)

[Canada Oil and Gas Operations Act](#) (ss. 2-4, 14)

[Canada Petroleum Resources Act](#) (ss. 2, 3, 5, 6, 22, 28-30, 32.1, 35, 37)

[Constitution Act, 1982](#) (ss. 1, 2, 25, 28, 30, 32-35, 38.(1), 42-46, 52, 60-61)

[First Nations Land Management Act](#) (ss. 1-7, 15, 16, 18-21)

[Indian Act](#) (ss. 1-10, 18-29, 35-41)

[International Boundary Commission Act](#) (ss. 1-10)

[Northwest Territories Act](#) S.C. 2014 (ss. 2, 18-21, 51-54)

[Nunavut Act](#) (1, 23, 49, 50, Schedule I)

[Northwest Territories and Nunavut Mining Regulations, CRC, c 1516](#) (ss. 1-4, 7, 8, 10, 11-27, 29-33, 37, 38, 43, 49, 51-58, 59.(4), 75.(1), 88) (repealed; applies to claims staked prior to April 1, 2014)

[Northwest Territories Mining Regulations](#) (ss. 1-6, 23-38, 46, 52, 53, 57-60, 78, 87)  
[Nunavut Mining Regulations](#) (ss. 1-6, 23-38, 46, 52, 53, 57-60, 78, 87)  
[Territorial Lands Act](#) (ss. 1-5, 8-16, 23, 24)  
[Territorial Land Use Regulations](#) (ss. 1-9, 14, 15)  
[Territorial Lands Regulations](#) (ss. 1-10, 12)  
[Yukon Act](#) (s. 2, 18, 18, 45-48, 54, Schedules 1 and 2)  
[Interdepartmental Agreement re Descriptions of Lands for Transactions on Reserve Lands, 2015](#)

## **B. Yukon Acts and Regulations**

[Condominium Act](#) (ss. 1-9, 25)  
[Highways Act](#) (ss. 1, 4, 5, 7, 13, 23, 39, 44)  
[Land Titles Act](#) (ss. 1, 14, 26, 33, 36, 37, 41, 45-48, 51, 67, 68, 72, 73, 74, 75, 77-82, 135, 136, 189.)  
[Land Titles Plans Regulations](#)  
[Lands Act](#) (ss. 1-4, 7, 8, 14, 19, 21, 22, 31)  
[Lands Regulations](#) (ss. 1-8, 20)  
[Land Use Regulation](#) (ss. 1-8, 13, 14)  
[Municipal Act](#) (ss. 1, 272, 273, 290, 309-325)  
[Oil and Gas Act](#) (ss. 1-4)  
[Oil and Gas Drilling and Production Regulations](#) (s. 1, 17, 24)  
[Oil and Gas Licence Administration Regulations](#) (ss. 1, 32-34)  
[Quartz Mining Act](#) (ss. 1, 2, 5, 12-46, 48, 50, 51, 55, 56, 58, 59, 65, 70, 74-76, 78-79, 86-94)  
[Placer Mining Act](#) (ss. 1, 2, 4, 6, 9, 17-31, 34-43, 48, 50, 52, 53, 76, 89, 92, 93, 95, 96, 98)  
[Subdivision Act](#) (ss. 1-7, 13-22, 26)  
[Territorial Lands \(Yukon\) Act](#) (ss. 1-4, 6-14, 21, 22, 29, 30)  
[Territorial Lands Regulation](#) (ss. 1-9, 11)

## **C. Northwest Territories Acts and Regulations**

[Commissioner's Land Act](#) (ss. 1-4)  
[Condominium Act](#) (ss. 1-11, 31)  
[Land Titles Act](#) (ss. 1-9, 20, 24, 32, 39, 40, 57, 58, 80-92, 94, 95, 97-105, 176, 196.)  
[Land Titles Plans Regulations](#)  
[Mining Regulations](#) (ss. 1-6, 23-38, 46, 52, 53, 57-60, 78, 87)  
[Northwest Territories Lands Act](#) (ss. 1-4, 6-14, 19, 20, 25, 53, 54)  
[Oil and Gas Land Regulations](#) (ss. 1-22, 92-96)  
[Planning Act](#) (ss. 1, 38-48, 49, 54)

## **D. Nunavut Acts and Regulations**

[Commissioner's Land Act](#) (ss. 1-4)  
[Condominium Act](#) (ss. 1-11, 31).....  
[Land Titles Act](#) (ss. 1-9, 20, 24, 32, 39, 40, 57, 58, 80-92, 94, 95, 97-105, 176, 196.)  
[Land Titles Plans Regulations](#)  
[Planning Act](#) (ss. 1, 38-48, 49, 54)

## **Textbooks**

As discussed above textbooks for this exam are the following publications of the Surveyor General Branch, Natural Resources Canada:

[National Standards for the Survey of Canada Lands](#)  
[Getting a Survey Done](#)

## [Surveys, Parcels and Tenure on Canada Lands](#)

### **Reference Material:**

[ACLS Practice Manual](#)

### [Northwest Territories Devolution](#)

As of April 1, 2014, in accordance with the Northwest Territories Devolution Agreement and the Northwest Territories Devolution Act, the Government of Canada transferred the administration and control of public lands, resources and rights in respect of waters in the Northwest Territories to the Commissioner of the Northwest Territories. The Government of Northwest Territories has authority related to the disposition and use of land and resources. The GNWT mirrored 26 federal acts and regulations governing public land, water and resource management in the NWT. All were enacted as territorial legislation on April 1, 2014.

The new territorial mining regulations mirror the federal mining regulations. However, the federal Northwest Territories Mining Regulations will continue to apply to certain specific parcels of federal lands in the Northwest Territories.

Administration of oil and gas rights in Nunavut and the Arctic Offshore remain under federal authority and the responsibility of the Minister of Aboriginal Affairs and Northern Development. Administration of oil and gas rights in the Northwest Territories which are deemed onshore, as defined by the Northwest Territories Devolution Agreement, are now administered by the territorial government, under the responsibility of the Minister of Industry, Tourism and Investment.

### [Guide to the new Nunavut Mining Regulations and the Northwest Territories Mining Regulations](#)

## **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:**

- The new [National Standards for the Survey of Canada Lands](#) which came into force in January 2015 along with the publication [Getting a Survey Done](#) replace the [General](#)

[Instructions for Surveys, e-Edition](#). Exam answers shall be based on the new National Standards.

**Be sure to check the SGB National Standards web page for addendums for the Standards or Getting a Survey Done to ensure you are obtaining the most up to date information.**

- *Surveys, Parcels and Tenure on Canada Lands*, edited by Dr. Bryan Ballantyne published by Surveyor General Branch, Natural Resources Canada at: <http://www.nrcan.gc.ca/sites/www.nrcan.gc.ca/files/earthsciences/pdf/land-surveys/SurveysParcelsTenureCanadaLands.pdf>

### **On-line Course:**

Onshore Property Rights course available on GeoEd: <http://www.geoed.ca>

### **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 Mining Regulations
- 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. Since 1973, Canada and its negotiation partners have signed 26 comprehensive land claims and four self-government agreements. Of the 26 signed agreements, 18 included provisions related to self-government. More details can be found on the [Aboriginal Affairs and Northern Development website](#). The acts and agreements for settled land claims in the Territories include:
  - [The Western Arctic Claim - Inuvialuit Final Agreement as amended](#)
  - Western Arctic (Inuvialuit) Claims Settlement Act
  - [Gwich'in Comprehensive Land Claim Agreement](#)
  - Gwich'in Land Claim Settlement Act
  - [Nunavut Land Claims Agreement](#)
  - Nunavut Land Claim Agreement Act
  - Sahtu Dene and Metis Comprehensive Claim Agreement Sahtu Dene and Metis Land Claim Settlement Act
  - [Tlicho Land Claims and Self-Government Agreement](#)
  - Tlicho Land Claims and Self-Government Act
  - [Umbrella Final Agreement Between The Government Of Canada, The Council For Yukon Indians And The Government Of The Yukon](#)
  - 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 Regulations
- Placer Mining Act
- Quartz Mining Act

## Northwest Territories & Nunavut Acts and Regulations

### [Northwest Territories Devolution](#)

As of April 1, 2014, in accordance with the Northwest Territories Devolution Agreement and the Northwest Territories Devolution Act, the Government of Canada transferred the administration and control of public lands, resources and rights in respect of waters in the Northwest Territories to the Commissioner of the Northwest Territories. The Government of Northwest Territories has authority related to the disposition and use of land and resources. The GNWT mirrored 26 federal acts and regulations governing public land, water and resource management in the NWT. All were enacted as territorial legislation on April 1, 2014.

The new territorial mining regulations mirror the federal mining regulations. However, the federal Northwest Territories Mining Regulations will continue to apply to certain specific parcels of federal lands in the Northwest Territories.

Administration of oil and gas rights in Nunavut and the Arctic Offshore remain under federal authority and the responsibility of the Minister of Aboriginal Affairs and Northern Development. Administration of oil and gas rights in the Northwest Territories which are deemed onshore, as defined by the Northwest Territories Devolution Agreement, are now administered by the territorial government, under the responsibility of the Minister of Industry, Tourism and Investment.

### [Guide to the new Nunavut Mining Regulations and the Northwest Territories Mining Regulations](#)

- Territorial Lands Act (NT & NU)
- Northwest Territories Mining Regulations
- 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)

## **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
  - United Nations Convention on the Law of the Sea, 1982
- 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:**

*Canada's Offshore: Jurisdiction, Rights, and Management, 3rd 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.

**On-line Course:**

Offshore Property Rights course available on GeoEd: <http://www.geood.ca>

**References:**

**Canada's Unresolved Maritime Boundaries**

David H. Gray, Canadian Hydrographic Service, *Geomatica* Vol 40 No. 2.  
Available from the Association of Canada Lands Surveyors.

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

UN Commission on the Continental Shelf.

[http://www.un.org/Depts/los/clcs\\_new/commission\\_documents.htm#Guidelines](http://www.un.org/Depts/los/clcs_new/commission_documents.htm#Guidelines)

**The Law of the Sea, United Nations Convention on the Law of the Sea**

United Nations, New York 1983.

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

**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

**The Canada Petroleum Resources Act**

<http://laws.justice.gc.ca/en/c-8.5/234461.html>

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

<http://laws.justice.gc.ca/en/c-7.8/233899.html>

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

Internet: <http://laws.justice.gc.ca/en/c-7.5/233481.html>

**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 Policy Issues**

### **History of Aboriginal Peoples in Canada**

- British colonial policies towards Aboriginal peoples
- Royal Proclamation of 1763
- Assimilation (residential schools and other assimilation strategies)
- Royal Commission on Aboriginal Peoples, 1991-1996 (policy recommendations)
- Aboriginal Affairs and Northern Development Canada
- Idle No More movement

### **Historic Treaties (key features, significance)**

- Treaties of Peace and Neutrality (1701 – 1760)
- Peace and Friendship Treaties (1725 – 1779)
- Upper Canada Treaties (1764 – 1862)
- Robinson Treaties (1850)
- Douglas (Vancouver Island) Treaties (1850 – 1854)
- Numbered Treaties 1 – 11 (1871 – 1921)

### **The Indian Act**

- Indian Act, 1876 (purpose, main features, criticisms)
- White Paper, 1969 (key proposals, criticisms)
- Bill C-31, 1985 (gender discrimination and amendments to the *Indian Act*)
- status Indians (features, benefits) vs. non-status Indians, band membership

### **Indian Reserve Lands**

- Indian reserves (historic motives, key features, impacts/challenges of reserve system)
- systems of tenure on Indian reserves, collective vs. individual land interests
- First Nations Land Management Regime (features, benefits)
- federal reserve land management, designated lands, leases, permits and licences
- Indian Lands Registry System, First Nations Land Registry System
- distinctions between reserve lands and traditional territories

### **Aboriginal rights and title**

- section 25 of the *Charter* and section 35, *Constitution Act, 1982*
- Aboriginal rights, Aboriginal interests, Aboriginal title, and treaty rights
- key findings and significance of the following court decisions:
  - *Calder v. British Columbia (A.G.)* [1973] (Aboriginal title)
  - *R. v. Guerin* [1984] (Aboriginal title and fiduciary duty)
  - *R. v. Sparrow* [1990] (Aboriginal rights and infringement)
  - *R. v. Van der Peet* [1996] (determining existence of an Aboriginal right)
  - *Delgamuukw v. British Columbia* [1997] (determining existence of Aboriginal title)
  - *R. v. Powley* [2003] (Métis rights)
  - *William v. British Columbia* [2012 BCCA 285] (Aboriginal title) [presently on appeal to the Supreme Court of Canada]

### **Section 35 and the Crown's Duty to Consult**

- Section 35.(1) – (4), *Constitution Act, 1982*
- principle of the Honour of the Crown
- the Crown's duty to consult (what it is and when it is triggered)
- key findings and significance of the following Supreme Court of Canada decisions:
  - *Haida Nation v. British Columbia* [2004]
  - *Mikisew Cree First Nation v. Canada* [2005]
  - *Beckman v. Little Salmon/Carmacks First Nation* [2010]



### **Specific and comprehensive claims**

- comprehensive claims and specific claims (features, distinctions)
- processes for settling specific and comprehensive claims
- federal government's Comprehensive Land Claims Policy [1986]

### **Modern Treaties (key features, significance)**

- James Bay and Northern Quebec Agreement [1977]
- Inuvialuit Final Agreement [1984]
- Council for Yukon Indians Umbrella Final Agreement [1993]
- Nunavut Land Claims Agreement [1993]
- Eeyou Marine Region Land Claims Agreement [2012]

### **BC Treaty process**

- six stages of the British Columbia treaty negotiation process
- key features and significance of recent treaties:
  - Nisga'a Final Agreement [2000]
  - Tsawwassen First Nation Final Agreement [2009]
  - Maa-Nulth First Nations Final Agreement [2011]

### **Aboriginal Governance**

- band councils and decision-making processes
- traditional justice systems, sentencing circles
- self-government
  - failure of the Charlottetown Accord [1992]
  - Inherent Right Policy [1995]
  - federal government's policy on Aboriginal self-government and implementation
  - Sechelt Indian Band Self-Government Act (BC) [1986]

### **Textbooks**

Jackson, Robert J. and Jackson, Doreen, *Politics in Canada: Culture, Institutions, Behaviour and Public Policy*, 7th ed., (Toronto: Pearson Prentice Hall, 2009).

Hogg, Q.C. Peter W., *Constitutional Law of Canada, 2013 Student Edition* (Toronto: Carswell, 2013). ISBN/ISSN 978-0-7798-5493-6

Isaac, Thomas, *Aboriginal Law: Commentary and Analysis* (Saskatoon: Purich Publishing, 2012). ISBN 9781895830620

Isaac, Thomas and Fogarassy, Tony (2011). *Guide to Aboriginal Law*. A chapter of the new Survey Law in Canada book available from the CBEPs Web site at: <https://www.cbeps-cceag.ca/guides-for-sale>

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.

### **Online Resources**

#### **Department of Aboriginal Affairs and Northern Development Canada**

- Historic treaties: <http://www.aadnc-aandc.gc.ca/eng/1370362690208/1370362747827>

- Comprehensive claims, treaty negotiations and final agreements: <http://www.aadnc-aandc.gc.ca/eng/1100100032291/1100100032292>
- General Briefing Note on Canada's Self-government and Comprehensive Land Claims Policies and the Status of Negotiations, April 2013: <http://www.aadnc-aandc.gc.ca/eng/1373385502190/1373385561540#s1>
- federal land management services: <http://www.aadnc-aandc.gc.ca/eng/1100100034737/1100100034738>
- First Nations Land Management regime: <http://www.aadnc-aandc.gc.ca/eng/1327090675492/1327090738973> and <http://www.aadnc-aandc.gc.ca/eng/1367432545445/1367432634043>
- Link to Indian Lands Registry System and First Nations Land Registry System (login required): [http://services.aadnc-aandc.gc.ca/ilrs\\_public/](http://services.aadnc-aandc.gc.ca/ilrs_public/)
- Self-government: <http://www.aadnc-aandc.gc.ca/eng/1100100016293/1100100016294> and <http://www.aadnc-aandc.gc.ca/eng/1100100032275/1100100032276>
- Federal government's policy guide to Aboriginal self-government: <http://www.aadnc-aandc.gc.ca/eng/1100100031843/1100100031844>

#### **First Nations Studies Program at UBC:**

- "Indigenous Foundations": useful resource on Aboriginal history in Canada and various topics: <http://indigenousfoundations.arts.ubc.ca/home/>

#### **British Columbia Treaty Commission**

- Home page: <http://www.bctreaty.net/>
- Six stages: <http://www.bctreaty.net/files/sixstages.php>

#### **Canada in the Making**

- Numbered treaties: [http://www.canadiana.ca/citm/specifique/numtreatyoverview\\_e.html](http://www.canadiana.ca/citm/specifique/numtreatyoverview_e.html)

# **CANDIDATES WHO DO NOT HOLD A PROVINCIAL COMMISSION**

## **General Information**

Persons who do not hold a provincial commission in Canada are required to write the three CLS Professional Exams (Items 1, 2 and 3).

## **Examination Process**

### Dates of Examinations

Examination sittings are held twice annually in the months of March and October.

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.

Notice of the time and place of the examinations shall be published at least two weeks before the commencement of the examinations.

### Examination Centres

Examination centres 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.

### Persons Admitted to the Examination Room

No person other than the presiding invigilator and the candidates will be admitted to the examination room while the candidates are writing.

### Hours of examinations

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

All examinations in this syllabus are "closed book" examinations.

### Unauthorized Conduct

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 invigilator

The stationery needed for writing examination papers is supplied by the invigilator. 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

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 must 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.

### Attendance Record

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

### Excerpts from Almanacs and other Publications supplied

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

### Use of calculators

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.

### Information on each sheet

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

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.

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.

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

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.

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

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

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

The following schedule of examination fees shall apply. These fees must accompany applications:

(a) Application for examination (per subject)	\$175.00
(b) Application for appeal of each examination	\$125.00
(c) Penalty for NSF cheque or declined credit card	\$30.00

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

### Application for examination

Every candidate who wishes to write an examination shall send to the ACLS, 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.

A candidate who has not made application in respect of an examination shall, on payment of the fee, 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.

Where a candidate who has been admitted to an examination is found by the Board to be ineligible to be examined, the examination is void and the fee paid in respect of the examination shall not be refunded to the candidate.

### Examination fee refunds and credits

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.

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.

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

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

### Marking Papers

Every examination, or special examination, written by a candidate shall be reviewed and marked except where a candidate:

- is found by the ACLS to be ineligible to be examined
- is found by the ACLS to have contravened any point under section “Method of deducing answers” in respect of the examination
- has not paid the prescribed fee
- has not complied with these requirements or the instructions of the ACLS
- has contravened section “Unauthorized Conduct”.

### Appeals

Every candidate or other person may appeal to the Board of Examiners for a review of any decision or examination result issued within thirty days after the issuance of the decision or result.

Where a specific reason is presented to support an appeal as described above, the Board shall review the decision or result and shall do so in light of the reason presented.

### **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.

### **ACLS Licence to Practice**

Once the CLS Commission is issued, the candidate can apply for an ACLS Licence to Practice. The requirements other than paying the licence fee are the following:

- Met the training period and project report requirements (see section entitled “Requirements for obtaining an ACLS Licence to Practice for candidates who do not hold a provincial commission”)
- If not employed by Her Majesty in right of Canada or a province or by an agent of Her Majesty in either of those rights, proof of professional liability insurance where the limit is not be less than \$250,000 for each single occurrence and \$500,000 for all occurrences in any 12 month period.
- Affidavit or statutory declaration of experience.

## Examination Subjects

### Item 1: Acts and Regulations Relating to Surveys of Canada Lands

This examination is based on the following publications of the Surveyor General Branch, Natural Resources Canada:

[National Standards for the Survey of Canada Lands](#) provides Canada Lands Surveyors with the technical standards that apply to surveys undertaken on Canada Lands.

[Getting a Survey Done](#) provides information on the administrative requirements and procedures for surveys on Canada Lands

[Surveys, Parcels and Tenure on Canada Lands](#) edited by Dr. Brian Ballantyne, a handbook serving as a useful reference for those working on or with Canada Lands

The new National Standards, which came into force in January 2015, and the publication [Getting a Survey Done](#) replace the [General Instructions for Surveys, e-Edition](#). Exam answers shall be based on the new National Standards.

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 suitable for surveying calculations.

### LEGISLATION and AGREEMENTS

Candidates are required to have knowledge of the following prescribed sections of various federal and territorial acts, regulations and agreements. Candidates are responsible for current legislation related to the prescribed sections that has been enacted and posted electronically 60 days prior to the examination date.

Candidates can find current legislation at websites of the Departments of Justice for Canada, Yukon, Northwest Territories and Nunavut. The Canadian Legal Information Institute (CanLII) website may also be used to find legislation. Alternatively use Google or other search engine.

[Canada Legislation](#)

[Yukon Legislation](#)

[NWT Legislation](#)

[Nunavut Legislation](#)

[CanLII - Canadian Legal Information Institute](#)

#### A. Federal Acts and Regulations

[Canada Lands Surveyors Act](#) (ss. 1-9, 19-32, 42-69, 72)

[Canada Lands Surveyors Regulations](#) (ss. 1-15, 23, 25, 26, 29, 39-49)

[Canada Lands Surveys Act](#)

[Canada National Parks Act](#) (ss.1-16)

[Canada Oil and Gas Land Regulations](#) (ss. 1-23, 94-97)

[Canada Oil and Gas Operations Act](#) (ss. 2-4, 14)

[Canada Petroleum Resources Act](#) (ss. 2, 3, 5, 6, 22, 28-30, 32.1, 35, 37)

[Constitution Act, 1982](#) (ss. 1, 2, 25, 28, 30, 32-35, 38.(1), 42-46, 52, 60-61)

[First Nations Land Management Act](#) (ss. 1-7, 15, 16, 18-21)

[Indian Act](#) (ss. 1-10, 18-29, 35-41)

[International Boundary Commission Act](#) (ss. 1-10)

[Northwest Territories Act](#) S.C. 2014 (ss. 2, 18-21, 51-54)

[Nunavut Act](#) (1, 23, 49, 50, Schedule I)

[Northwest Territories and Nunavut Mining Regulations, CRC, c 1516](#) (ss. 1-4, 7, 8, 10, 11-27, 29-33, 37, 38, 43, 49, 51-58, 59.(4), 75.(1), 88) (repealed; applies to claims staked prior to April 1, 2014 )

[Northwest Territories Mining Regulations](#) (ss. 1-6, 23-38, 46, 52, 53, 57-60, 78, 87)  
[Nunavut Mining Regulations](#) (ss. 1-6, 23-38, 46, 52, 53, 57-60, 78, 87)  
[Territorial Lands Act](#) (ss. 1-5, 8-16, 23, 24)  
[Territorial Land Use Regulations](#) (ss. 1-9, 14, 15)  
[Territorial Lands Regulations](#) (ss. 1-10, 12)  
[Yukon Act](#) (s. 2, 18, 18, 45-48, 54, Schedules 1 and 2)  
[Interdepartmental Agreement re Descriptions of Lands for Transactions on Reserve Lands, 2015](#)

## **B. Yukon Acts and Regulations**

[Condominium Act](#) (ss. 1-9, 25)  
[Highways Act](#) (ss. 1, 4, 5, 7, 13, 23, 39, 44)  
[Land Titles Act](#) (ss. 1, 14, 26, 33, 36, 37, 41, 45-48, 51, 67, 68, 72, 73, 74, 75, 77-82, 135, 136, 189.)  
[Land Titles Plans Regulations](#)  
[Lands Act](#) (ss. 1-4, 7, 8, 14, 19, 21, 22, 31)  
[Lands Regulations](#) (ss. 1-8, 20)  
[Land Use Regulation](#) (ss. 1-8, 13, 14)  
[Municipal Act](#) (ss. 1, 272, 273, 290, 309-325)  
[Oil and Gas Act](#) (ss. 1-4)  
[Oil and Gas Drilling and Production Regulations](#) (s. 1, 17, 24)  
[Oil and Gas Licence Administration Regulations](#) (ss. 1, 32-34)  
[Quartz Mining Act](#) (ss. 1, 2, 5, 12-46, 48, 50, 51, 55, 56, 58, 59, 65, 70, 74-76, 78-79, 86-94)  
[Placer Mining Act](#) (ss. 1, 2, 4, 6, 9, 17-31, 34-43, 48, 50, 52, 53, 76, 89, 92, 93, 95, 96, 98)  
[Subdivision Act](#) (ss. 1-7, 13-22, 26)  
[Territorial Lands \(Yukon\) Act](#) (ss. 1-4, 6-14, 21, 22, 29, 30)  
[Territorial Lands Regulation](#) (ss. 1-9, 11)

## **C. Northwest Territories Acts and Regulations**

[Commissioner's Land Act](#) (ss. 1-4)  
[Condominium Act](#) (ss. 1-11, 31)  
[Land Titles Act](#) (ss. 1-9, 20, 24, 32, 39, 40, 57, 58, 80-92, 94, 95, 97-105, 176, 196.)  
[Land Titles Plans Regulations](#)  
[Mining Regulations](#) (ss. 1-6, 23-38, 46, 52, 53, 57-60, 78, 87)  
[Northwest Territories Lands Act](#) (ss. 1-4, 6-14, 19, 20, 25, 53, 54)  
[Oil and Gas Land Regulations](#) (ss. 1-22, 92-96)  
[Planning Act](#) (ss. 1, 38-48, 49, 54)

## **D. Nunavut Acts and Regulations**

[Commissioner's Land Act](#) (ss. 1-4)  
[Condominium Act](#) (ss. 1-11, 31).....  
[Land Titles Act](#) (ss. 1-9, 20, 24, 32, 39, 40, 57, 58, 80-92, 94, 95, 97-105, 176, 196.)  
[Land Titles Plans Regulations](#)  
[Planning Act](#) (ss. 1, 38-48, 49, 54)

## **Textbooks**

As discussed above textbooks for this exam are the following publications of the Surveyor General Branch, Natural Resources Canada:

[National Standards for the Survey of Canada Lands](#)  
[Getting a Survey Done](#)



## [Surveys, Parcels and Tenure on Canada Lands](#)

### **Reference Material:**

[ACLS Practice Manual](#)

### [Northwest Territories Devolution](#)

As of April 1, 2014, in accordance with the Northwest Territories Devolution Agreement and the Northwest Territories Devolution Act, the Government of Canada transferred the administration and control of public lands, resources and rights in respect of waters in the Northwest Territories to the Commissioner of the Northwest Territories. The Government of Northwest Territories has authority related to the disposition and use of land and resources. The GNWT mirrored 26 federal acts and regulations governing public land, water and resource management in the NWT. All were enacted as territorial legislation on April 1, 2014.

The new territorial mining regulations mirror the federal mining regulations. However, the federal Northwest Territories Mining Regulations will continue to apply to certain specific parcels of federal lands in the Northwest Territories.

Administration of oil and gas rights in Nunavut and the Arctic Offshore remain under federal authority and the responsibility of the Minister of Aboriginal Affairs and Northern Development. Administration of oil and gas rights in the Northwest Territories which are deemed onshore, as defined by the Northwest Territories Devolution Agreement, are now administered by the territorial government, under the responsibility of the Minister of Industry, Tourism and Investment.

[Guide to the new Nunavut Mining Regulations and the Northwest Territories Mining Regulations](#)

## 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, Northwest Territories, Nunavut and 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 and Nunavut.

### Onshore Property Rights

#### 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:

- The new [National Standards for the Survey of Canada Lands](#) which came into force in January 2015 along with the publication [Getting a Survey Done](#) replace the [General Instructions for Surveys, e-Edition](#). Exam answers shall be based on the new National Standards.

**Be sure to check the SGB National Standards web page for addendums for the Standards or Getting a Survey Done to ensure you are obtaining the most up to date information.**

- *Surveys, Parcels and Tenure on Canada Lands*, edited by Dr. Bryan Ballantyne published by Surveyor General Branch, Natural Resources Canada at: <http://www.nrcan.gc.ca/sites/www.nrcan.gc.ca/files/earthsciences/pdf/land-surveys/SurveysParcelsTenureCanadaLands.pdf>

**On-line Course:**

Onshore Property Rights course available on GeoEd: <http://www.geoed.ca>

**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 Mining Regulations
- 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. Since 1973, Canada and its negotiation partners have signed 26 comprehensive land claims and four self-government agreements. Of the 26 signed agreements, 18 included provisions related to self-government. More details can be found on the [Aboriginal Affairs and Northern Development website](#). The acts and agreements for settled land claims in the Territories include:
  - [The Western Arctic Claim - Inuvialuit Final Agreement as amended](#)
  - Western Arctic (Inuvialuit) Claims Settlement Act
  - [Gwich'in Comprehensive Land Claim Agreement](#)
  - Gwich'in Land Claim Settlement Act
  - [Nunavut Land Claims Agreement](#)
  - Nunavut Land Claim Agreement Act
  - Sahtu Dene and Metis Comprehensive Claim Agreement Sahtu Dene and Metis Land Claim Settlement Act
  - [Tlicho Land Claims and Self-Government Agreement](#)
  - Tlicho Land Claims and Self-Government Act
  - [Umbrella Final Agreement Between The Government Of Canada, The Council For Yukon Indians And The Government Of The Yukon](#)
  - 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 Regulations
- Placer Mining Act
- Quartz Mining Act

## Northwest Territories & Nunavut Acts and Regulations

### [Northwest Territories Devolution](#)

As of April 1, 2014, in accordance with the Northwest Territories Devolution Agreement and the Northwest Territories Devolution Act, the Government of Canada transferred the administration and control of public lands, resources and rights in respect of waters in the Northwest Territories to the Commissioner of the Northwest Territories. The Government of Northwest Territories has authority related to the disposition and use of land and resources. The GNWT mirrored 26 federal acts and regulations governing public land, water and resource management in the NWT. All were enacted as territorial legislation on April 1, 2014.

The new territorial mining regulations mirror the federal mining regulations. However, the federal Northwest Territories Mining Regulations will continue to apply to certain specific parcels of federal lands in the Northwest Territories.

Administration of oil and gas rights in Nunavut and the Arctic Offshore remain under federal authority and the responsibility of the Minister of Aboriginal Affairs and Northern Development. Administration of oil and gas rights in the Northwest Territories which are deemed onshore, as defined by the Northwest Territories Devolution Agreement, are now administered by the territorial government, under the responsibility of the Minister of Industry, Tourism and Investment.

### [Guide to the new Nunavut Mining Regulations and the Northwest Territories Mining Regulations](#)

- Territorial Lands Act (NT & NU)
- Northwest Territories Mining Regulations
- 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)

## **Offshore Property Rights**

### **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
  - United Nations Convention on the Law of the Sea, 1982
- 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:**

*Canada's Offshore: Jurisdiction, Rights, and Management, 3rd 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.

### **On-line course:**

Offshore Property Rights course available on GeoEd: <http://www.geoed.ca>

### **References:**

#### **Canada's Unresolved Maritime Boundaries**

David H. Gray, Canadian Hydrographic Service, *Geomatica* Vol 40 No. 2.  
Available from the Association of Canada Lands Surveyors.

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

UN Commission on the Continental Shelf.

[http://www.un.org/Depts/los/clcs\\_new/commission\\_documents.htm#Guidelines](http://www.un.org/Depts/los/clcs_new/commission_documents.htm#Guidelines)

#### **The Law of the Sea, United Nations Convention on the Law of the Sea**

United Nations, New York 1983.

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

#### **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

#### **The Canada Petroleum Resources Act**

<http://laws.justice.gc.ca/en/c-8.5/234461.html>

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

<http://laws.justice.gc.ca/en/c-7.8/233899.html>

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

<http://laws.justice.gc.ca/en/c-7.5/233481.html>

**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 Policy Issues**

### **Government Structures**

#### **Basic Government Structures of Canada, Provinces and Territories**

- parliamentary democracy
- constitutional monarchy
- federalism
- constitutional distinctions between provinces and territories
- federal/provincial division of powers (ss. 91-95, *Constitution Acts, 1867-1982*)
- section 91(24), *Constitution Act, 1867*
- municipal governments

#### **Historical Development of the Constitution**

- Constitution Act, 1867 (originally the British North America Act, 1867)
- Bill of Rights, 1960 (and its limitations)
- Constitution Act, 1982 and Canada Act, 1982
- Charter of Rights and Freedoms (purpose, characteristics, rights and freedoms)

#### **Constitutional Principles**

- supremacy of Parliament
- responsible government
- judicial independence and impartiality
- divided sovereignty
- constitutional entrenchment
- rule of law
- respect for minorities

#### **Formal Institutions of Government**

- Legislative branch
  - House of Commons – composition, appointments, responsibilities/powers, committees, role of the opposition, majority/minority governments
  - Senate – characteristics, responsibilities/powers, senate reform proposals
  - the legislative process
- Executive branch
  - Crown/Monarch, Governor General, Prime Minister
  - Cabinet and Cabinet Ministers, Governor in Council – composition, appointments, responsibilities/powers, cabinet process, committees system
- Judicial branch
  - the Canadian courts system and levels of court, the judicial process
  - administrative tribunals
- Bureaucracy
  - public service/public administration – function, services
  - Crown corporations - characteristics

#### **Informal Institutions of Government**

- intergovernmental relations (federal-provincial conferences, committees of Parliament)
- electoral system (representation by population, plurality voting system, referenda)
- parties and party system
- interest groups and lobbying activities
- role of the media



## **Aboriginal Policy Issues**

### **History of Aboriginal Peoples in Canada**

- British colonial policies towards Aboriginal peoples
- Royal Proclamation of 1763
- Assimilation (residential schools and other assimilation strategies)
- Royal Commission on Aboriginal Peoples, 1991-1996 (policy recommendations)
- Aboriginal Affairs and Northern Development Canada
- Idle No More movement

### **Historic Treaties (key features, significance)**

- Treaties of Peace and Neutrality (1701 – 1760)
- Peace and Friendship Treaties (1725 – 1779)
- Upper Canada Treaties (1764 – 1862)
- Robinson Treaties (1850)
- Douglas (Vancouver Island) Treaties (1850 – 1854)
- Numbered Treaties 1 – 11 (1871 – 1921)

### **The Indian Act**

- Indian Act, 1876 (purpose, main features, criticisms)
- White Paper, 1969 (key proposals, criticisms)
- Bill C-31, 1985 (gender discrimination and amendments to the *Indian Act*)
- status Indians (features, benefits) vs. non-status Indians, band membership

### **Indian Reserve Lands**

- Indian reserves (historic motives, key features, impacts/challenges of reserve system)
- systems of tenure on Indian reserves, collective vs. individual land interests
- First Nations Land Management Regime (features, benefits)
- federal reserve land management, designated lands, leases, permits and licences
- Indian Lands Registry System, First Nations Land Registry System
- distinctions between reserve lands and traditional territories

### **Aboriginal rights and title**

- section 25 of the *Charter* and section 35, *Constitution Act, 1982*
- Aboriginal rights, Aboriginal interests, Aboriginal title, and treaty rights
- key findings and significance of the following court decisions:
  - *Calder v. British Columbia (A.G.)* [1973] (Aboriginal title)
  - *R. v. Guerin* [1984] (Aboriginal title and fiduciary duty)
  - *R. v. Sparrow* [1990] (Aboriginal rights and infringement)
  - *R. v. Van der Peet* [1996] (determining existence of an Aboriginal right)
  - *Delgamuukw v. British Columbia* [1997] (determining existence of Aboriginal title)
  - *R. v. Powley* [2003] (Métis rights)
  - *William v. British Columbia* [2012 BCCA 285] (Aboriginal title) [presently on appeal to the Supreme Court of Canada]

### **Section 35 and the Crown's Duty to Consult**

- Section 35.(1) – (4), *Constitution Act, 1982*
- principle of the Honour of the Crown
- the Crown's duty to consult (what it is and when it is triggered)
- key findings and significance of the following Supreme Court of Canada decisions:
  - *Haida Nation v. British Columbia* [2004]
  - *Mikisew Cree First Nation v. Canada* [2005]
  - *Beckman v. Little Salmon/Carmacks First Nation* [2010]

### **Specific and comprehensive claims**

- comprehensive claims and specific claims (features, distinctions)
- processes for settling specific and comprehensive claims
- federal government's Comprehensive Land Claims Policy [1986]

### **Modern Treaties (key features, significance)**

- James Bay and Northern Quebec Agreement [1977]
- Inuvialuit Final Agreement [1984]
- Council for Yukon Indians Umbrella Final Agreement [1993]
- Nunavut Land Claims Agreement [1993]
- Eeyou Marine Region Land Claims Agreement [2012]

### **BC Treaty process**

- six stages of the British Columbia treaty negotiation process
- key features and significance of recent treaties:
  - Nisga'a Final Agreement [2000]
  - Tsawwassen First Nation Final Agreement [2009]
  - Maa-Nulth First Nations Final Agreement [2011]

### **Aboriginal Governance**

- band councils and decision-making processes
- traditional justice systems, sentencing circles
- self-government
  - failure of the Charlottetown Accord [1992]
  - Inherent Right Policy [1995]
  - federal government's policy on Aboriginal self-government and implementation
  - Sechelt Indian Band Self-Government Act (BC) [1986]

## Textbooks

Jackson, Robert J. and Jackson, Doreen, *Politics in Canada: Culture, Institutions, Behaviour and Public Policy*, 7th ed., (Toronto: Pearson Prentice Hall, 2009).

Hogg, Q.C. Peter W., *Constitutional Law of Canada, 2013 Student Edition* (Toronto: Carswell, 2013). ISBN/ISSN 978-0-7798-5493-6

Isaac, Thomas, *Aboriginal Law: Commentary and Analysis* (Saskatoon: Purich Publishing, 2012). ISBN 9781895830620

Isaac, Thomas and Fogarassy, Tony (2011). *Guide to Aboriginal Law*. A chapter of the new Survey Law in Canada book available from the CBEPS Web site at: <https://www.cbeps-cceag.ca/guides-for-sale>

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.

## Online Resources

### Department of Justice

- Canada's court system: <http://www.justice.gc.ca/eng/csj-sjc/ccs-ajc/>

### Parliament of Canada

- Parliamentary framework: [http://www.parl.gc.ca/About/House/compendium/web-content/c\\_g\\_parliamentaryframework-e.htm](http://www.parl.gc.ca/About/House/compendium/web-content/c_g_parliamentaryframework-e.htm)
- Legislative process: [http://www.parl.gc.ca/About/House/compendium/web-content/c\\_g\\_legislativeprocess-e.htm](http://www.parl.gc.ca/About/House/compendium/web-content/c_g_legislativeprocess-e.htm)
- *Our Country, Our Parliament* - an introduction to how parliament works: [http://www.parl.gc.ca/About/Parliament/Education/OurCountryOurParliament/html\\_booklet/canada-s-system-government-e.html](http://www.parl.gc.ca/About/Parliament/Education/OurCountryOurParliament/html_booklet/canada-s-system-government-e.html)

### Department of Intergovernmental Affairs

- Intergovernmental relations: <http://www.pco-bcp.gc.ca/aia/index.asp?lang=eng&page=relations&doc=context/context-eng.htm>

### Elections Canada

- Electoral system of Canada: <http://www.elections.ca/content.aspx?section=res&dir=ces&document=index&lang=e>

### Department of Aboriginal Affairs and Northern Development Canada

- Historic treaties: <http://www.aadnc-aandc.gc.ca/eng/1370362690208/1370362747827>
- Comprehensive claims, treaty negotiations and final agreements: <http://www.aadnc-aandc.gc.ca/eng/1100100032291/1100100032292>
- General Briefing Note on Canada's Self-government and Comprehensive Land Claims Policies and the Status of Negotiations, April 2013: <http://www.aadnc-aandc.gc.ca/eng/1373385502190/1373385561540#s1>
- federal land management services: <http://www.aadnc-aandc.gc.ca/eng/1100100034737/1100100034738>
- First Nations Land Management regime: <http://www.aadnc-aandc.gc.ca/eng/1327090675492/1327090738973> and <http://www.aadnc-aandc.gc.ca/eng/1367432545445/1367432634043>
- Link to Indian Lands Registry System and First Nations Land Registry System (login required): [http://services.aadnc-aandc.gc.ca/ilrs\\_public/](http://services.aadnc-aandc.gc.ca/ilrs_public/)

- Self-government: <http://www.aadnc-aandc.gc.ca/eng/1100100016293/1100100016294> and <http://www.aadnc-aandc.gc.ca/eng/1100100032275/1100100032276>
- Federal government's policy guide to Aboriginal self-government: <http://www.aadnc-aandc.gc.ca/eng/1100100031843/1100100031844>

**First Nations Studies Program at UBC:**

- "Indigenous Foundations": useful resource on Aboriginal history in Canada and various topics: <http://indigenousfoundations.arts.ubc.ca/home/>

**British Columbia Treaty Commission**

- Home page: <http://www.bctreaty.net/>
- Six stages: <http://www.bctreaty.net/files/sixstages.php>

**Canada in the Making**

- Numbered treaties: [http://www.canadiana.ca/citm/specifique/numtreatyoverview\\_e.html](http://www.canadiana.ca/citm/specifique/numtreatyoverview_e.html)

# **REQUIREMENTS FOR OBTAINING AN ACLS LICENCE TO PRACTICE FOR CANDIDATES WHO DO NOT HOLD A PROVINCIAL COMMISSION**

## **Licence requirements**

The ACLS Registrar issues a licence for the practice of the profession to a candidate who

- a) holds a Canada Lands Surveyors Commission;
- b) has successfully completed the professional training period in accordance with this section of the Handbook (pages 32 to 39);
- c) has provided a project report according to the Project Report requirements that has been approved by the Board of Examiners;
- d) has provided an affidavit according to the Canada Lands Surveyors Regulations;
- e) has sent to the Registrar a duly completed application for a license in the form provided by the ACLS;
- f) has provided proof of the required professional liability insurance or proof of exemption; and
- g) has paid the licence and affidavit fees.

## **Board of Examiners**

A member of the Board of Examiners must withdraw where a license applicant is the member's spouse, is related to the member by marriage or birth, to the degree of first cousin inclusively, or where the member is likely to be in a situation of conflict of interest in respect of any other candidate for the professional training period.

The Board of Examiners accepts or rejects the withdrawal.

## **Eligibility for professional training period**

A candidate registered with the ACLS and holds a CBEPS Certificate of Completion and who sends to the Registrar, before the date set for the beginning of the training period, a duly completed application for registration for the professional training period in the form provided for by the Board of Examiners is eligible for a professional training period.

The candidate must, in the application for registration for the training period, identify a supervisor who

- a) Is, in the case of training in cadastral surveying, an individual holding a licence to practice land surveying in one of the eleven Canadian jurisdictions or in the case of hydrographic, photogrammetric or remote sensing training, an individual who holds a certificate issued by an organization that is recognized by the Board of Examiners and in all cases has been practicing for at least 5 years;
- b) has not been the subject of any penalty imposed by a disciplinary body in the 5 years preceding the person's acceptance as a supervisor;
- c) has not been required to complete a refresher training period pursuant to an order of a professional association and whose right to practise has not been limited or suspended in the 5 years preceding the person's acceptance as a supervisor; and
- d) is not a member of the ACLS Board of Examiners.

The Board of Examiners examines the candidate's application for registration for the training period and decides whether the application is accepted or rejected. The Registrar informs the candidate of its decision within 30 days of receiving the application for registration for the training period.

If the Board rejects the application for registration for the training period, the Registrar informs the candidate of the reasons for the rejection and the conditions to be met for the application for registration for the training period to be accepted by the Board.

### **Progress of the professional training period**

The training period is under the immediate supervision and responsibility of a supervisor. A trainee may engage in the professional activities of a surveyor. The trainee may not, however, sign documents.

The duration of the training period is 24 months, on a full-time basis, and consists of one or several training period terms.

The objectives of the training period are for trainees to acquire practical skills in the surveying profession and to achieve professional autonomy.

During the training period, the Board of Examiners may, on receiving from a trainee or supervisor a request with reasons, authorize the suspension of the training period or a change of supervisor. If the Board authorizes the change of supervisor, the candidate must complete a new application for registration for the professional training period.

The Board of Examiners accepts or rejects the new application for registration.

### **Evaluation of the professional training period**

The trainee is evaluated by the supervisor on the basis of the following 5 evaluation criteria:

- a) practical work: research skills, presentation of files and practical problem-solving skills;
- b) organization of work: planning of work, application of methods, standards, techniques, as well as laws and regulations;
- c) professional attributes: sense of observation, initiative and responsibility, punctuality, presence and professionalism;
- d) Communication skills: oral and written communication skills with clients and peers and maintenance of files;
- e) Leadership and management skills: ability to adapt, self-control, capacity for self-evaluation, discretion, leadership and team work.

The supervisor evaluates the trainee on each evaluation criterion using the following scale:

- a) Excellent: 5;
- b) Very good: 4;
- c) Good: 3;
- d) Poor: 2;
- e) Unsatisfactory: 1; or
- f) Nil: 0.

The training period is successfully completed if the trainee obtains, for the training period as a whole, an average mark equal to or greater than 3.

If the trainee's mark is less than 3, the trainee must successfully complete a new 6-month training period in accordance with these requirements.

The candidate must successfully complete the professional training period within 5 years from the date of the first application for registration for one or more of the professional examinations. On the expiry of the 5-year period, the three professional examinations must have been passed for the candidate to be eligible again for the training period.

An evaluation report duly completed by the supervisor in the form prescribed by the Board of Examiners and signed by the supervisor and the trainee, together with a written report in which the trainee describes the practical skills acquired during the training period and the amount of time spent acquiring each skill, must be sent by the trainee to the Board of Examiners within 30 days following

- a) a 12-month training period with the same supervisor;
- b) a change of supervisor;
- c) a training period suspension; or
- d) the end of a training period.

The Board of Examiners strongly recommends that a meeting be held between the trainee and the supervisor at least every 6 months to review the progress of the training.

If the supervisor refuses or is unable to make an evaluation within the prescribed time period, the trainee may contact the Board of Examiners, which then takes the appropriate action.

When the training period is completed, the Board of Examiners examines the supervisor's evaluation reports and the trainee's reports and makes a recommendation, to which the reports are attached, to the Registrar whether to accept or refuse the professional training period.

The Registrar sends the result to the candidate within 10 days.

A candidate whose training period is refused may apply to the ACLS Council for a review of the decision. The application must be made in writing to the Council within 60 days following the date of receipt of the result. The candidate must send written submissions to the Registrar before the date set for the meeting.

At the first regular meeting following the date of receipt of the application for review, the Council must examine the application.

The decision of the Council is final and must be sent to the candidate in writing within 30 days after the date on which the decision was made.



## APPLICATION FOR A TRAINING PERIOD TO QUALIFY FOR AN ACLS LICENCE

NAME \_\_\_\_\_

MAILING ADDRESS \_\_\_\_\_  
\_\_\_\_\_

CONTACT NUMBERS Telephones (Business) (\_\_\_\_\_) \_\_\_\_\_

(Mobile) (\_\_\_\_\_) \_\_\_\_\_ Email \_\_\_\_\_

THE TRAINING PERIOD WILL BE SUPERVISED BY THE FOLLOWING PERSON:

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_  
\_\_\_\_\_

TELEPHONE NOS. \_\_\_\_\_

EMAIL \_\_\_\_\_

NUMBER OF YEARS OF EXPERIENCE AS A LICENSED SURVEYOR \_\_\_\_\_

NAME OF ASSOCIATION(S) WHERE SUPERVISOR HAS A VALID LICENCE TO PRACTICE SURVEYING: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Period expected to beginning on \_\_\_\_\_ ending on \_\_\_\_\_

Length of period \_\_\_\_\_ weeks

Signatures: \_\_\_\_\_

Supervisor

Date \_\_\_\_\_

\_\_\_\_\_  
Trainee

\_\_\_\_\_  
Date

**PLEASE ADD A SHORT DESCRIPTION (NO MORE THAN A PAGE) DESCRIBING ANTICIPATED TASKS TO BE PERFORMED BY THE CANDIDATE AND TYPES OF PROJECTS (CADASTRAL, CONSTRUCTION, ETC.)**





# TRAINING PERIOD ASSESSMENT FORM

\_\_\_\_\_  
Surname and given name of trainee

\_\_\_\_\_  
Surname and given name of supervisor

PROFESSIONAL ATTRIBUTES	POINTS (5 max.)	COMMENTARY
Sense of observation	_____	_____
Initiative	_____	_____
Responsibility	_____	_____
Punctuality	_____	_____
Presence and professionalism	_____	_____
<b>LEADERSHIP AND MANAGEMENT SKILLS</b>		
Ability to adapt	_____	_____
Self-control	_____	_____
Capacity for self-evaluation	_____	_____
Discretion	_____	_____
Leadership	_____	_____
Team work	_____	_____
<b>ORGANIZATION OF WORK</b>		
Planning of work	_____	_____
Application of methods and techniques	_____	_____
Standards	_____	_____
Laws and regulations	_____	_____
<b>COMMUNICATION SKILLS</b>		
Communication with clients & peers (Oral & Written)	_____	_____
Maintenance of files	_____	_____
<b>PRACTICAL WORK</b>		
Research skills	_____	_____
Presentation of files	_____	_____
Practical problem-solving skills	_____	_____
<b>Total mark:</b> _____/100		

Period beginning on \_\_\_\_\_ ending on \_\_\_\_\_  
Length of period \_\_\_\_\_ weeks

Signatures: \_\_\_\_\_  
Supervisor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Trainee

\_\_\_\_\_  
Date

# CERTIFICATION OF SURVEYING EXPERIENCE

*N.B. : All information supplied will be treated confidentially by the ACLS.*

## Identification of the trainee

*Surname and given name*

## Employment of the trainee covered by this certification

*Company name*

*Address*

*Municipality*

*Province*

*Postal code*

*E-mail*

(      )

(      )

*Telephone*

*Fax*

*Trainee's title*

*Name of immediate supervisor*

*Supervisor's Professional Affiliation*

*Employment starting date :*  
                   Year    Month    Day

\_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

*Employment termination date (if applicable) :*

\_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
                   Year    Month    Day

*Reason for leaving*

*If part-time employment, specify :*

\_\_\_\_\_

## Identification of the supervisor

*Surname and given name*

*Professional Affiliation*

*Company name*

*Title*

(      )

*Telephone*

*E-mail*

**EXAMPLE OF A DESCRIPTION OF WORK EXPERIENCE**  
**[REPLACE THIS PAGE BY YOUR OWN WORK EXPERIENCE]**

Your particular situation will require you to describe surveying activities and accomplishments that are different from the ones suggested here. A well-structured description should be presented on a maximum of two pages.

**DESCRIPTION OF WORK EXPERIENCE**

**PART A**

**Context and work situation, responsibilities within the company**

The company provide full-service geomatics consulting and technical services. Under the supervision of the director of surveying, I oversee the entire flow process of data acquisition and management for cadastral surveying. The company is responsible for having the services approved according to recognized standards supervising realisation and customer service. I also supervise these activities.

**PART B**

<b>Time *</b>	<b>Surveying activities</b>	<b>Accomplishments</b>
45 %	1. Field Survey <ul style="list-style-type: none"> <li>▪ Technical Survey</li> <li>▪ Cadastral Survey</li> </ul>	1.1 Conduct a pre-analysis for a high-precision control survey to act as the foundation for a monitoring survey on a large retaining wall. Conduct survey, setting concrete reference pillars and ensuring the necessary redundancy. Post-process the survey data. 1.2 Carry out legal surveys in the field included monument searching and identification, evaluation of evidence. This includes traversing, balancing a traverse, conducting basic boundary resolution in the field and setting new evidence where appropriate. 1.3 Meet with land owner in the field, conduct topographic survey of the area where he plans to build a garage. Search and tie existing property corners and stake a portion of the property line in the vicinity of the new construction.
20 %	2. Office Work <ul style="list-style-type: none"> <li>▪ Searches</li> <li>▪ Computing and Computer Design</li> <li>▪ Reports</li> <li>▪ Communication</li> </ul>	2.1 Research new projects when clients phone for an estimate, pull titles, pertinent plans, documents on title, zoning and bylaws where appropriate. 2.2 Prepare files for field work, including pre-survey calculations to assist with search coordinates, pulling information from previous files etc. Process field returns, conduct quality control on data using Microsurvey. Draft building location certificates and legal surveys such as right of way plans, subdivisions and strata plans for review by the professional land surveyor. 2.3 Prepare weekly report for a major client providing update of progress on the project in that week. Prepare survey reports for review by the professional land surveyor to accompany plan submission to NRCan.

15 %	<p>3. Project Management</p> <ul style="list-style-type: none"> <li>▪ Preparation of budget</li> <li>▪ Preparation of Schedule</li> <li>▪ Coordination</li> <li>▪ Quality Control</li> </ul>	<p>3.1 Meet with client onsite to review project, scope of work. Return from the office, conduct research, prepare a written proposal for client for a 25 lot subdivision based upon discussion with client, including budget and scope.</p> <p>3.2 Undertake pre-calculations. Prepare field crew for field work, process field returns. QA/QC posting, send to drafting department. Address questions from drafting department, review plan, provide mark ups.</p> <p>3.3 Monitor budget weekly, tracking costs against the prepared budget. Provide weekly progress reports to the client updating timelines.</p>
10 %	4. Personnel Management	<p>4.1 Prepare and arrange to have posted a job description for a survey assistant, review resumes, assist with interviews of potential candidates</p> <p>4.2 Provide input into performance evaluations for office and field staff</p>
10 %	5. Administration and others	<p>5.1 Design a checklist form for new clients phoning the office to ensure the person answering the phone obtains all pertinent information</p> <p>5.2 Create a template for file management for project files in the office to ensure files are being kept up with the necessary information</p> <p>5.3 Created a database for management of digital plans on the office server</p>

\* % of time devoted to this activity in relation to the entire period covered by this certification.

We certify that the information contained in this document is, to the best of our knowledge, true.

Signature      date      Signature      date  
*Signature of the junior*      *date*      *Signature of the supervisor*      *date*  
*surveyor*

## **Guidelines for the Submission of a Project Report**

Before a license to practice can be issued by the Registrar, the applicant is required to submit a satisfactory Project Report. The purpose of this submission is to allow the Board of Examiners to determine that the applicant has been engaged in one of the disciplines of surveying at a responsible and professional level. This document provides guidelines to the applicant as to what constitutes an acceptable project, the required level of involvement by the candidate and general project report requirements. It is highly recommend that the candidate structure the project report in accordance with these guidelines.

1. The subject of the proposed Project Report must be approved by the Board of Examiners before the Report is submitted. In the request for approval the applicant should provide: (a) a general description of the project; (b) the role of the applicant in the project; (c) the purpose of the project, for whom it was done and when it was carried out.
2. The project must be related to one of the recognized disciplines of surveying and be of such a nature, extent and level of complexity as to demonstrate clearly the professional competence and judgment required of a professional surveyor. The intent is that the field project be performed under the supervision of a practicing professional surveyor, as part of the Candidate's regular employment duties. All Field Work must be done by candidate, as should all calculations. Drafting should ideally be conducted by the candidate, though if not possible, should at least be thoroughly reviewed by the candidate and prepared under the candidate's instruction. Checklist and professional level review should be undertaken by the candidate. Correspondence with agencies and the client should be the responsibility of the candidate.

### **Learning Outcomes:**

Candidates have the flexibility to select projects that represent surveys commonly performed in their area, however the goal of this project is test the candidate's knowledge on specific aspects of surveying including but not limited to the following:

- field survey procedures
- evidence evaluation
- boundary resolution
- plan preparation
- client liaison
- liaison with organizations such as municipalities, approving authorities, referral agencies, Natural Resources Canada, Aboriginal Affairs and Northern Development Canada and the territorial governments where applicable
- project management

The written portion of the report should be presented in a professional style and should be clear and concise with no extraneous information. The report should be submitted in PDF format, with plans, field notes and other pertinent information contained within the appendices of the report. Photos and portions of plans may be included in the text of the document where appropriate. Although point values are identified by task, the report should be prepared in a narrative format and should read as a professional report.

The following marking scheme outlines the items upon which the candidates will be evaluated:

**Section 1: General Presentation**

<b>Task</b>	<b>Description</b>	<b>Point Value</b>
1	Overall Professional Appearance of Report	
2	Table Of Contents	
3	Summary of project purpose, instruction received from client, research conducted	
4	Appendices: inclusion of relevant plans, documents, checklists, field notes, adjustment reports, photos, correspondence, etc*	
Total		10

**\*Note:** These items contained within the appendices should be referenced in the main body of the report and should appear in the same order in the appendices as the text reference

**Section 2: Project Set Up**

<b>Task</b>	<b>Description</b>	<b>Point Value</b>
1	Brief discussion of initial client contact	
2	Initial job request and how scope of work was determined	
3	Was there a formal proposal or contract?	
4	Was a fixed fee assigned to the project or was some or all of the project billed on time and materials?	
5	How did the Candidate estimate the project costs?	
6	Provide the components of your time and cost estimate (not a requirement to include actual pricing)	
Total		10

**Section 3: Field Survey Procedures/Equipment/Methodology**

<b>Task</b>	<b>Description</b>	<b>Point Value</b>
1	What are the required accuracies?	
2	What survey equipment and methodology was decided upon for the project and why?	
3	Summary of any pre-calculations done to prepare for the field survey.	
Total		10

#### Section 4: Field Survey

Task	Description	Point Value
1	<p>Field Notes:</p> <ul style="list-style-type: none"> <li>• Must be prepared by candidate;</li> <li>• Must be handwritten and pictorial;</li> <li>• Field notes themselves will be marked according to their neatness, clarity, and completeness (instrument occupation and measurement information, descriptions of all evidence found and searched for, check measurements, diagrams, etc.);</li> <li>• Field notes must include an overall sketch of the survey</li> </ul> <p>Field notes should be included in the appendix for review.</p>	
2	<p><b>Field Procedures</b></p> <p>Summary of processes and techniques used in the field, including:</p> <ul style="list-style-type: none"> <li>• Field setup and control</li> <li>• Methods of searching for evidence</li> <li>• Methods for reducing measurement error</li> <li>• Field closures obtained</li> </ul>	
Total:		20

#### Section 5: Field Data Reduction and Quality Control

Task	Description	Point Value
1	Summary of field data processing and checking, field closures and accuracies achieved;	
2	Discussion of any adjustments applied to the survey data and why;	
3	Brief summary of how field data is managed (organized and archived in the office) and why data management is important.	
Total		10

#### Section 6: Evidence Evaluation and Boundary Resolution

Task	Description	Point Value
1	Discussion of all survey evidence found and how it was evaluated by the candidate	
2	A discussion of evidentiary problems encountered and any boundary re-establishments	
3	Any boundary uncertainties or significant conflicts with previous plan measurements should be discussed in some detail	
4	Identify possible alternative solutions to the re-establishment performed.	
5	Discussion of hierarchy of evidence as applied to the evidence found in the Candidate's survey.	
Total		10

### Section 7: Plan Preparation

Task	Description	Point Value
1	Brief summary of the Candidate's process to convert raw field data into a drawing.	
2	Brief summary of plan approvals – who will need to sign the plan and why.	
3	Brief summary of accompanying documents (if any) required for plan registration.	
4	Identify plan checking and quality control measures used.	
5	Plan checking – what checklists or other quality control measures were used.	
6	Brief summary of the Candidate's assistance in completing the electronic checklist for your jurisdiction (ie provincial or MyCLSS) or an internal checklist*	
Total		10

\*Include a copy of the checklist and discuss any items/questions encountered while completing the checklist.

### Section 8: Approvals & Project Management

Task	Description	Point Value
1	Approvals: The contents of this section will depend on the project, but all cases must include some type of approval, either explicit or implied, required before proceeding with a survey and/or associated with the registration of the final plan. The report should have a paragraph outlining the approvals required, who obtained them and how this was confirmed.	
2	Correspondence Discussion of the Candidate's correspondence with the client, land owners, approving authorities, Land Title Office, Surveyor General's office, etc.	
3	Invoicing Brief discussion of the Candidate's role in invoicing the project.	
4	How did the costs compare to the original budget (It is the Candidate's choice whether or not to include actual pricing or cost figures.) Was the project on budget and did it meet the client's expectations Did the scope of work change during the course of the project	
Total		10



**Section 9: Project Outcomes & Conclusion**

<b>Task</b>	<b>Description</b>	<b>Point Value</b>
1	Brief summary of project outcomes, which may include client expectations, scope of work, budget issues, etc.	
2	Copy of the final drawing(s) or plan(s) prepared as a result of the survey.	
3	Conclusions, Project Summary and Analysis	
4	Solutions for minimizing or avoiding problems	
5	What did the candidate learn from the project.	
6	Brief summary of the Candidate's assistance in completing the checklist under the direction of the supervising surveyor;*	
Total		10