

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

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

March 2015

This examination consists of 22 questions on 2 pages.

Q. No	Time: 3 hours	Marks	
		Value	Earned
1.	Describe judicial independence in Canada and provide two reasons why it is important.	3	
2.	Describe the key differences between provinces and territories in Canada.	4	
3.	2015 is an election year in Canada. Describe the manner in which political parties are elected as the Government of Canada and the official Opposition.	4	
4.	Explain why you either agree or disagree with Canada's "first past the post" electoral system.	4	
5.	Describe the roles and responsibilities of the Speaker of the House of Commons.	4	
6.	Describe how federal Cabinet Ministers obtain their position and portfolio. Discuss whether you think this is an effective system, or whether it could be improved.	4	
7.	List three powers of the federal government as described in section 91 and three powers of the provincial government as described in section 92 of the <i>Constitution Act, 1867</i> .	6	
8.	Describe how Crown Corporations are created, and list two unique characteristics of Crown Corporations.	3	
9.	Describe three purposes or characteristics of Canada's <i>Charter of Rights and Freedoms</i> and explain how it improved upon <i>Canadian Bill of Rights</i> (1960).	7	
10.	Describe the significance of section 35 of the <i>Constitution Act, 1982</i> for Aboriginal rights in Canada.	4	
11.	Describe the key principles of the Crown's duty to consult as first described by the Supreme Court of Canada in <i>Haida Nation v. British Columbia</i> in 2004 (e.g. when does the Crown owe a duty to consult, how much consultation is necessary, etc.).	5	
12.	Recently, the Federal Court of Canada decided that the federal government owed a duty to consult with Aboriginal peoples upon introducing certain omnibus bills into Parliament that would result in amendments to various environmental Acts and Regulations. Discuss two benefits and two challenges of consultation with Aboriginal groups at the parliamentary level.	8	
13.	Describe the significance of one of the following court decisions: (i) <i>Calder v. British Columbia</i> [1973]; (ii) <i>R. v. Sparrow</i> [1990]; or (iii) <i>R. v. Powley</i> .	3	

14.	Describe (i) the principle of the honour of the Crown; and (ii) the Crown's fiduciary duty, as they relate to the Crown's dealings with Aboriginal peoples.	4	
15.	In June 2014, in <i>Tsilhqot'in Nation v. British Columbia</i> the Supreme Court of Canada declared Aboriginal title over a tract of land in BC for the first time in Canadian history (overturning the BC Court of Appeal's decision in <i>William v. British Columbia</i> . Describe what makes Aboriginal title a unique form of land right in Canada, and how it compares with fee simple ownership.	6	
16.	What are Indian "reserve lands" under the <i>Indian Act</i> ? Discuss three ways in which they are distinct from other private lands.	4	
17.	Describe the differences between Indian reserve lands and the traditional territories of Aboriginal peoples.	4	
18.	Describe the purpose and functions of the Indian Lands Registry System and one deficiency or limitation of this system.	3	
19.	What factors led to the creation of the historic <i>Numbered Treaties</i> in Canada? List three types of treaty promises made to the First Nation signatories in the <i>Numbered Treaties</i> .	5	
20.	Describe how the <i>Peace and Friendship Treaties</i> on the East Coast of Canada differed from many historic treaties in other parts of Canada.	3	
21.	Choose two of the following three modern treaties and describe what makes them unique in Canada: (i) <i>Council for Yukon Indians Umbrella Final Agreement</i> ; (ii) <i>Nunavut Land Claims Agreement</i> ; and (iii) <i>Nisga'a Final Agreement</i> .	4	
22.	Since the BC Treaty Commission was established in 1992, only four modern historic treaties have been concluded in British Columbia. Describe two reasons for there being a low number of treaties that have been concluded through the treaty negotiation process, and provide two suggestions for ways to improve the treaty negotiation process.	8	
	Total Marks:	100	