

**ASSOCIATION OF CANADA LANDS SURVEYORS
BOARD OF EXAMINERS
EXAMINATION P3 - GOVERNMENT STRUCTURES & ABORIGINAL GOVERNMENT
ISSUES
OCTOBER 2013**

Notice to candidates: this examination is based on the e-edition to the Manual of Instructions
for the Surveys of Canada Lands

Note: This examination consists of 19 questions on 2 pages.

<u>Q. No</u>	<u>Time: 3 hours</u>	Marks	
		<u>Value</u>	<u>Earned</u>
1	Describe judicial independence in Canada and provide two reasons for why it is important. Describe how judicial independence is safeguarded in Canada.	5	
2	Describe two types of rights or freedoms that are protected by the <i>Canadian Charter of Rights and Freedoms</i> . For each, provide a specific example of how such right or freedom has been protected and affirmed in Canada since the Charter's inclusion in the <i>Constitution Act, 1982</i> .	4	
3	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> . List one power that can be within either federal or provincial jurisdiction.	7	
4	Compare and contrast the functions in Canada's parliamentary system of each of the following, and describe how membership is established in each: a) Senate b) House of Commons c) Cabinet	3 3 3	
5	A debate has recently re-emerged regarding whether the Senate should be either reformed or abolished. Provide two reasons for, and two reasons against, Senate reform and/or abolition.	4	
6	Identify three mechanisms through which Canadians can influence public policy and government decision-making. In your opinion, which of these methods is most effective? Provide examples to support your opinion.	6	
7	Describe section 35 (regarding Aboriginal and treaty rights in Canada) of the <i>Constitution Act, 1982</i> , and discuss the historical significance of the inclusion of section 35 into the <i>Constitution Act, 1982</i> .	4	
8	Describe the Crown's Duty to Consult with Aboriginal peoples and when the Duty to Consult arises. Discuss the significance of the Supreme Court of Canada's decision in <i>Haida Nation v. British Columbia (Minister of Forests)</i> (2004) as it relates to the Duty to Consult.	5	
9	Discuss the major issue, court's decision and significance of two of the following decisions of the Supreme Court of Canada: a) <i>Delgamuukw v. British Columbia</i> (1997) b) <i>Mikisew Cree First Nation v. Canada (Minister of Canadian Heritage)</i> (2005) c) <i>Beckman v. Little Salmon/Carmacks First Nation</i> (2010)	2 2 2	

10	Using examples, compare and contrast each of the following terms: a) Aboriginal rights b) treaty rights c) Aboriginal title	2 2 2	
11	What were the historical motivations of the Canadian government to assimilate First Nations following Confederation? Describe two examples of the government's historical attempts at assimilation.	4	
12	Describe the historical creation of the Numbered Treaties in Canada, and identify three features that are common to the Numbered Treaties.	5	
13	Distinguish between comprehensive claims and specific claims.	4	
14	Who is a "Status Indian" under the <i>Indian Act</i> ? Discuss two protections or benefits for Status Indians under the <i>Indian Act</i> that are not available to "Non-Status Indians".	4	
15	What are Indian "reserve lands" under the <i>Indian Act</i> ? Discuss three ways in which they are distinct from other private lands.	4	
16	Describe the purpose of the Indian Lands Registry System and one deficiency with this system.	2	
17	Describe the important aspects of each of the following treaties, specifically in respect of land tenure and rights: a) <i>James Bay and Northern Quebec Agreement</i> b) <i>Inuvialuit Final Agreement</i> c) <i>Nisga'a Final Agreement</i>	3 3 3	
18	What is "Self-Government" and how does it relate to modern treaties?	4	
19	Briefly describe the steps in the modern treaty negotiation process in British Columbia. In your opinion, has this process been largely successful or unsuccessful? Provide examples to support your opinion.	8	
		100	0