

SCHEDULE III / ITEM 1

GOVERNMENT STRUCTURES IN CANADA

February 1997

(1990 Regulations)

(Closed Book)

Time: 3 hours

Marks

Note: This examination consists of 2 questions on 1 page.

100

Part I (5 marks each - total 50 marks)

Provide a brief explanation of ten (10) of the following terms or concepts (50 words minimum):

- 1) Committee on Priorities and Planning
- 2) Supreme Court of Canada
- 3) cultural assimilation
- 4) equalization payments
- 5) P.M.O.
- 6) Charter of Rights and Freedoms
- 7) convention
- 8) responsible government
- 9) "Opting Out" clause
- 10) Quiet Revolution vs. Quebec Separation
- 11) Single Member Plurality System
- 12) career bureaucrat

- 13) partisan politics
- 14) functions of political parties
- 15) roles of the official opposition

Part II (25 marks each - total 50 marks)

Write essays on two of the following topics (500 words minimum):

1. Describe the evolution of third parties in Canadian Federal politics between 1921 - 1996. Your answer should include the history of the first "third parties" and an interpretation of the effectiveness of third parties in Federal politics.
2. The powers of the Prime Minister are "too strong" in the Canadian political system. Do you agree or disagree with this statement? Explain why.
3. Outline the differences in institutional structure between the Federal, Provincial and Territorial governments in Canada. Argue for or against increased devolution of powers for Territorial governments.
4. Describe the political functions of interest groups in Canada's political system. Provide an argument about the effectiveness of interest groups. Specific examples of interest group involvement in the Federal process will enhance your mark.
5. Describe the different processes of constitutional change that are "possible" in the Canadian political process. Your answer should include at least five different processes.

SCHEDULE III / ITEM 2

ACTS AND REGULATIONS RELATING TO SURVEYS OF CANADA LANDS

February 1997

(1990 Regulations)

(Closed Book)

Time: 3 hours

Note: This examination consists of **8** questions on **4** pages.

CAUTION: Since the publication of the Manual of Instructions for the Survey of Canada Lands, Second Edition, certain legislative amendments have resulted in some changes and renumbering of sections in the Canada Lands Surveys Act, the Yukon Quartz Mining Act and the Canada Mining Regulations. A candidate making reference to this legislation from the amended version should so indicate by the word (NEW) following the reference to the legislation or section reference. All references not so indicated will be assumed to be in accordance with the Manual.

1. Answer TRUE or FALSE to each of the following statements:

a) The locator of a mineral claim under the Canada Mining Regulations is required to inscribe two location times and dates on the identification tag fastened to the "NW 4" legal post.

2

b) It is not necessary for a Canada Lands Surveyor to sign a plan of survey of mineral claims made pursuant to the Yukon Quartz Mining Act.

2

c) In using a stereo pair of vertical air photographs for a required connection of a survey made pursuant to the Canada Lands Surveys Act, the surveyor should pinprick the position of the identifiable feature or improvement on the photo whose principal point is closest to the parcel being surveyed.

2

d) Under certain circumstances, a grant of title in fee simple may be made by Her Majesty in right of Canada based on either a metes and bounds description or an explanatory plan approved by the Surveyor General.

2

e) The superintendent general of Indian Affairs is the Minister of Indian Affairs and Northern Development.

2

f) The Surveyor General may authorize a Canada Lands Surveyor to survey a height-of-land portion of the Yukon-Northwest Territories boundary described in the Yukon Act by a series of monumented artificial boundaries approximating the average height-of-land.

2

g) A geographic coordinate position determined by global positioning system techniques is an acceptable method of fixing the location for a remote survey made pursuant to the Canada Lands Surveys Act.

2

h) Upon approval of a legal survey of an oil and gas grid area by the Surveyor General, the position of overlapping or adjacent grid areas which have been fixed by prior approved legal surveys shall be adjusted to conform to the extent of the overlap to the latest survey.

2

i) When a Yukon Quartz Mining Act mineral claim location line has been determined by a series of traverse lines following the general line of blazed trees, the surveyor shall as part of a full legal survey of the claim open and survey the true computed location line.

2

j) The natural boundary of a navigable river in Yukon can be the boundary of newly granted fee simple private ownership if the letters patent or grant from the Crown specifically exempts the parcel from the customary statutory reservation to the Crown of the "100 foot strip".

2

2. Draw to some approximate scale a neatly labelled and dimensioned sketch to illustrate each of the following:

a) a typical fractional mineral claim located pursuant to the Yukon Quartz Mining Act

- 3
- b) a typical Canada Mining Regulations mineral claim
- 3
- c) a typical river claim located pursuant to the Yukon Placer Mining Act
- 4
- d) the target area in Unit B, Section 21, Grid Area 45° 00', 57° 45' east of Nova Scotia, as prescribed in the Canada Oil and Gas Land Regulations
- 6
- e) the extent of a grant for placer mining under the Yukon Placer Mining Act for a creek claim which is located over some of the same land as a prior mineral claim granted pursuant to the Yukon Quartz Mining Act
- 6
- f) ideal placement of bearing trees to reference a CLS Standard Post used to monument a parcel for a wilderness lodge in a remote area of the Northwest Territories
- 2
3. What is the maximum size of a mineral claim which can be located by an eligible person
- a) pursuant to the Yukon Quartz Mining Act?
- 3
- b) pursuant to the Canada Mining Regulations?
- 3
4. Wallace Burton owns land which is described in the certificate of title as "Lot 6, Quad 115M/6, Yukon Territory, Plan 94-172". He makes application in 1996 to the Supervisor of Lands for a lot enlargement which is agreed to on the condition that the additional area be consolidated by survey with his existing parcel.

Draw a neat, simple combined Plan and Field Notes to represent the survey, as it will ultimately appear after filing in the Land Titles Office. Make any necessary reasonable assumptions for detail. Pay particular attention to oaths, approvals, endorsements, etc. by persons and officials.

12

5. The Territorial Lands Act contains the following provision for a reservation:

"Unless otherwise ordered by the Governor in Council, a strip of land one hundred feet in width, measured from the ordinary high water mark or from the boundary line, as the case may be, shall be deemed to be reserved to the Crown out of every grant of territorial lands, where the land extends

(a) to the sea or an inlet thereof,

(b) to the shore of any navigable water or an inlet thereof;
or.."

As a Canada Lands Surveyor, you are engaged to make a survey of a TLA agreement for sale, the sketch for which shows the boundary of the parcel fronting the navigable Stewart River as a straight line approximating the O.H.W.M. of the river and 40 feet landward from it.

Using a simple sketch, show and clearly label

a) the subject boundary you would survey

b) the boundary of the subsequent grant from the Crown, if different from (a)

and give your reasoning in each instance.

10

6. An order withdrawing territorial lands from the operation of the Yukon Quartz Mining Act is scheduled for repeal at midnight on May 25, 1996. Your client, a major Canadian mining company, is interested in acquiring mineral rights to the area to be released and retains your survey firm to stake certain lands at the earliest opportunity. Anticipating a mini staking rush, you mobilize a staking party to the area for a 12:01 am commencement on the day following repeal, only to find that the location lines your firm was planning to

establish have already been clearly cut and blazed by some other person or persons. A fast inspection reveals that location posts have been established at full claim intervals in an apparent plan to return early in the morning, add the required inscriptions to the posts and thereby complete the staking of the claim group.

Your party commences the staking in the early dawn hours, measuring out the location lines, adding the occasional blaze and inscribing marks on the posts found in clusters at 1,495 foot intervals. Upon completing the location of 24 claims, your party returns to their vehicle only to meet a staking party heading for the area just located.

Your party acknowledges to the second party that they have just completed the location of 24 claims using cut and blazed lines and location posts found. They proceed immediately to the district mining recorder's office and make applications to record the claims. Several hours later, the second staking party lodges a protest to the mining recorder and demands that the claims be recorded in that second party's name.

What will the mining recorder do, and why?

10

7. The term "townsite lots" has particular relevance to the Canada Land Surveyor in respect of the Territorial Lands Regulations. Explain this relevance.

6

8. State the title(s) of the official(s) or entities having the following responsibilities:

a) approval of a subdivision of a parcel of land in Hay River, NWT

2

b) appointment of the Board of Examiners for Canada Lands Surveyors

2

c) granting of a commission as a Canada Lands Surveyor to a qualified person

2

d) instituting proceedings for recovery of costs from a surveyor upon finding that a survey under the Canada Lands Surveys Act has not been executed as verified

2

e) granting to an Indian band the right to exercise control and management over lands in a reserve occupied by that band

2

f) approval of the manner of suspension of drilling or production operations of a gas well on Canada Lands

2

MARKS 100

SCHEDULE III / ITEM 3

PROPERTY RIGHTS SYSTEMS ON CANADA LANDS

February 1997

(1990 Regulations)

(Closed Book)

Time: 3 hours

Marks

Note: This examination consists of **7** questions on **2** pages.

1. In Yukon and the Northwest Territories, the Land Titles Offices will raise a certificate of title for lands upon receipt of one of two types of documents in proper form. What are they?

10

2. All but a fraction of one percent of prospecting for lode minerals in Yukon and the Northwest Territories takes place on Crown Canada Lands.

Name the two pieces of legislation which provide for this activity.

4

Name six types of lands which constitute exceptions.

12

3. Rights to explore for, and to develop and produce petroleum resources on Canada's frontier lands are issued as licences.

a. Give the specific names of them.

6

b. At what point in the overall process is a survey usually conducted for hydrocarbon activities in the offshore?

	3
c. At what point is a survey <u>required</u> ?	
	3
d. What specifications apply for the conduct of these surveys?	
	3
4. List in point form the four main attributes of Category A Settlement Land of the First Nation of Nacho Nyak Dun in the Yukon.	
	12
5. What circumstances led to establishment of the first park in what is now known as the National Parks System?	
	4
List three of the matters which the <u>National Parks Act</u> makes provision for.	
	6
Name one National Park or National Park Reserve in each of the following geopolitical areas:	
British Columbia	
the Prairie Provinces	
Yukon	
Northwest Territories	
Atlantic Canada	
	5

6. Ten years ago, a Yukon resident made application to government to purchase a parcel of Crown land for a private summer lakeshore residence in rural Yukon. In 1994 he concluded a subdivision of the property to create a separate parcel for commercial wilderness outfitting purposes.

In concise point form list the main steps he will have taken and the results of each. For each of these main steps, state the statutory authority under which the action would have been taken, the document which would have resulted from the action and what involvement if any, a Canada Lands Surveyor would have had.

20

7. It is common practice in Canada for governments to create at least four property rights systems to manage the types of land which constitute its land base.

Identify these four systems.

12

MARKS 100

SCHEDULE III / ITEM 4
NATIVE GOVERNMENT ISSUES

February 1997

(1990 Regulations)

(Closed Book)

Time: 3 hours

Marks

Note: This examination consists of **9** questions on **2** pages.

1. Treaty negotiations with First Nations in British Columbia are currently underway.

(a) Who are the parties to these negotiations?

3

(b) Name the process under which the parties are negotiating and identify the main steps.

7

(c) What are the main topics of federal government jurisdiction included in these negotiations?

4

(d) What are the main differences in the negotiations of these BC claims from those recently concluded in Yukon and the Northwest Territories?

4

(e) What BC Indian group concluded an Agreement-in-Principle in February, 1996?

2

2. The comprehensive claim or treaty negotiation process involves exchange of certain general and undefined aboriginal rights for a set of clearly defined treaty rights. In this

process, Canada obtains legal certainty in the title to lands and resources in the settlement area. Describe the means by which this is accomplished.

8

3. How are third party interests dealt with in comprehensive claim or treaty negotiations in Canada?

6

4. Explain or define ANY FOUR of the following:

(a) 91(24) lands

(b) tribal council

(c) the Royal Proclamation of 1763

(d) CYI Category A lands

(e) Nunavut

(f) the Liberal Red Book policy on recognition of the Inherent Right of Self-Government

(g) section 92 powers

20

5. Name the commonly accepted test for the lawful infringement of aboriginal rights and describe its main elements.

10

6. What does "constitutional protection" of a land claim agreement mean? How is it given effect?

8

7. The Delgamuukw case is currently before the Supreme Court of Canada.

(a) Who are the plaintiff(s) and defendant(s)?

4

(b) What issue is being argued?

6

8. Name two self-government acts presently in effect in Canada.

6

9. Describe briefly in point form the history/status of treaty making in ANY THREE of the following geographic areas of Canada. Include the factor(s) which prompted or prevented resolution, as the case may be.

(a) Atlantic Canada

(b) the Northwest Territories

(c) British Columbia

(d) the Prairie provinces

(e) Yukon Territory

(f) Quebec

12

MARKS 100

SCHEDULE III - ITEM 5
OFFSHORE MANAGEMENT

Time: 3 hours

FEBRUARY 1997

(Note: this examination consists of seven (7) questions on 1 page plus a map that is to be handed in.)

Marks

1. What were the roles of the following people in the development of the Law of the Sea?

3 @ 5

- a) Hugo de Groot,
- b) Harry S. Truman,
- c) Arvid Pardo.

2. Is innocent passage allowed in the following situations? Why?

3 @ 5

- a) State "All recently proclaimed a series of very long straight baselines creating internal waters up to 10 miles wide.
- b) Within a deep bay with a well defined mouth 20 miles wide.
- c) Landward of a rim of non-coral, totally submerged, reefs.

3. On the accompanying map, construct the equidistance line between State "All and State "B" showing the geometrical construction method.

(Neat freehand drafting is acceptable.)

4. With respect to the same map, what factors might cause State "A" and State "B" to agree to a boundary different than the equidistance line constructed in Question 3.

15

5. Given: a) A precise GPS geographic position (near the outer limit of the Territorial Sea)

b) The turning points of the baseline are defined by small islets shown on a CHS chart.

Describe the step by step procedure of how would you calculate the exact distance from the GPS position to the straight baseline.

10

6. Describe or illustrate all the possible outer limits of the Continental Shelf under Article 76 of the Law of the Sea Convention.

10

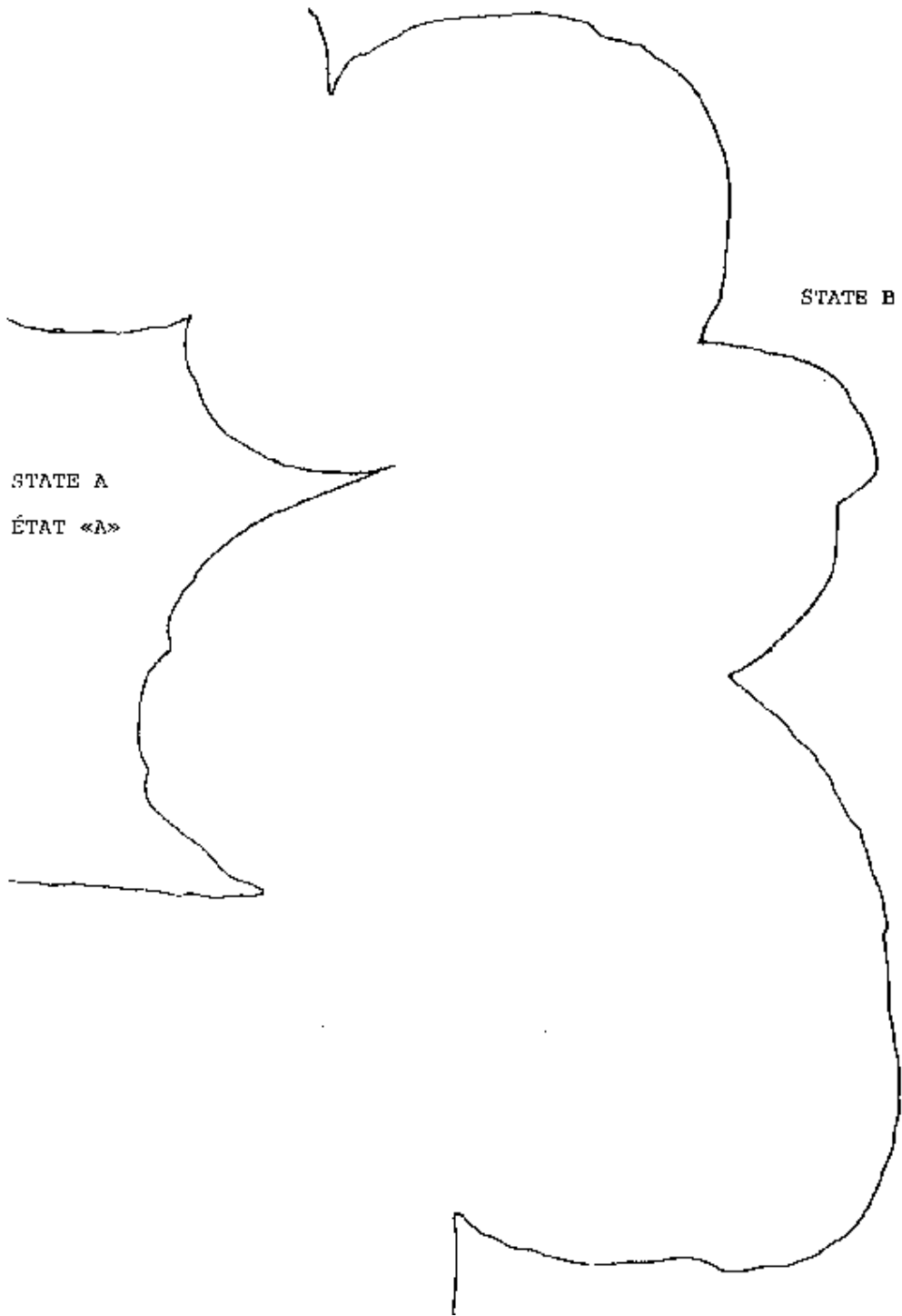
7. What responsibilities do the following organizations have in surveying offshore:

3 @ 5

a) Canadian Hydrographic Service,

b) Legal Surveys Division, and

c) Geological Survey of Canada.



STATE A
ÉTAT <A>

STATE B

ÉTAT