

SCHEDULE III / ITEM 1
GOVERNMENT STRUCTURES IN CANADA

February 1996
(1990 Regulations)
(Closed Book)
Time: 3 hours

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

Part I (50 marks)

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

- 1) sovereignty association
- 2) amending formula
- 3) aboriginal rights
- 4) equalization payments
- 5) interest group
- 6) Treasury Board
- 7) Constitution Act 1867
- 8) responsible government
- 9) cultural assimilation
- 10) Throne Speech
- 11) P.C.O.
- 12) regional representation
- 13) federalism
- 14) partisan politics
- 15) question period

Part II (50 marks)

Write an essay on two of the following topics:

1. The evolution of federal vs. provincial jurisdictional powers in Canada.
2. The powers of the Prime Minister are "too strong" in the Canadian political system. Do you agree or disagree and why?
3. What is the role of bureaucracy in the development of public policy.
4. The process of a "bill" becoming "law" in Parliament.
5. The Charter of Rights and Freedoms has improved the daily lives of Canadians. Do you agree or disagree and why?
6. The functions of the electoral process in Canada.

Marks 100

SCHEDULE III / ITEM 2
ACTS AND REGULATIONS RELATING TO SURVEYS OF CANADA LANDS

February 1996
(1990 Regulations)
(Closed Book)

Time: 3 hours

Note: This examination consists of 8 questions on 3 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. In the Dawson Mining District of the Yukon Territory, Bonanza Creek flows generally in a northerly direction and is intersected from the west by Boulder Creek at a right angle. Baselines have been established on both creeks by confirmed plans of survey. After years of dormant activity in the area, during which all placer mining claims lapsed, higher gold prices generate the following staking activity, in sequence.

- On April 2, 1993, Martin Ogden stakes a full size Bonanza Creek creek claim "Martin" north from the intersection of the baselines and makes an application for a grant on April 3, 1993.

- On April 6, 1993, Herman Johnson stakes a full size Bonanza Creek Tier 2 left bank bench claim, "Herjo 1". The upstream legal post, when projected perpendicularly onto the baseline, is 300 feet downstream from Ogden's downstream legal post. Johnson does not make application for a grant until April 15, 1993.

- On April 7, 1993, Melvin Burke stakes a full size "Daisy" creek claim on Boulder Creek by placing his downstream legal post 900 feet upstream from the intersection of the baselines. Burke does not make application for a grant until April 17, 1993.

- On April 12, Ogden returns and stakes the "Martin 2" full size creek claim on Bonanza Creek, contiguous with the downstream limit of his earlier staking. He makes application for a grant on April 19, 1993.

- On April 29, after applications for grants of the four claims have been made, Ogden again returns and locates "Hardrock", a quartz mining claim of the full size, using the Bonanza Creek baseline as his location line and claiming one half a claim width in each direction. He places his No. 1 post 400 feet south of the baseline intersection point and

his No. 2 post 1,215 feet north of the intersection. He make application for the claim on May 3, 1993 and receives his grant from the Mining Recorder in due course.

a) In August, 1995, your firm of Canada Lands Surveyors is engaged by Messrs. Ogden, Johnson and Burke to make a legal survey of the four granted placer mining claims and the quartz claim.

Assuming the baselines do not have any deflections within the area involved, compile a neat dimensioned sketch to scale showing clearly the boundaries of each claim as surveyed. (14 Points)

- b) What will be the markings on the "Daisy" upstream post? (3 Points)
- c) What will be the markings on the No. 1 post of "Hardrock"? (4 Points)
- d) The "Hardrock" claim is located 49 miles from the Dawson District Mining Recorder's office. What is the latest date by which Ogden could have recorded this claim? (2 Points)
- e) What is the earliest date the Mining Recorder will issue the grant for "Herjo 1"? (2 Points)
- f) What returns of survey would you file with the Surveyor General? (4 Points)

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

- a) The Board of Examiners of Canada Lands Surveyors consists of five persons. (2 Points)
- b) A monument placed in a survey of Canada Lands has no official effect until the plan of such survey has been confirmed by the Surveyor General. (2 Points)
- c) It is unlawful for a survey technologist in Yellowknife, NWT to prepare Building Location Certificates for a Canadian chartered bank for mortgage purposes. (2 Points)
- d) A plan of survey accompanied by separate field notes must be signed by the Canada Lands Surveyor. (2 Points)
- e) A claim located under the Yukon Quartz Mining Act may not exceed 51.65 acres on the application.(2 Points)

3. Are there any conditions under which a certificate of title can be issued under the Land Titles Act for lands which have not been included in an official survey under the Canada Lands Surveys Act? (4 Points)

4. Lot 6, Group 1005, Yukon Territory, Plan 43556 CLSR, 22354 LTO is rectangular and oriented in cardinal directions. The plan shows it having a north-south dimension of 900.0 feet and an east-west dimension of 500.0 feet. In each of the following severances, write an acceptable description of the remainder of the lot.

- a) the easterly half (2 Points)
- b) the easterly 250 feet (2 Points)
- c) the westerly 200 feet of the easterly half (2 Points)
- d) the whole of Lot 6, saving and excepting the southerly 100 feet (2 Points)

5. Name five types of monumentation likely to be encountered in conducting surveys in the Yukon Territory. (12 Points)
6. The complete Canada Oil and Gas Land Regulations designation for the unit immediately north of Unit N, Section 21, Grid Area 69ø20', 133ø30', Yukon Territory is _____. (12 Points)
7. A remote cabin site lease pursuant to the Territorial Lands Act in northern Yukon is to be surveyed for purposes of obtaining title to the land.
- a) Describe in concise point form the main activities from surveyor engagement to issuance of a certificate of title. (10 Points)
 - b) What are the possible options for the required connection for the survey? (5 Points)
8. A resurvey of the exterior rectilinear boundaries of Five Mile Point I.R. No. 5 near Atlin, British Columbia is contracted to a Canada Lands Surveyor.
- a) Is it necessary that the CLS also hold a commission as a British Columbia land surveyor? (2 Points)
 - b) What options may be available for depicting the natural boundary portions of the reserve exterior? (4 points)
 - c) What contact should the surveyor have with the Taku River Tlingit First Nation, for which the reserve is set aside, during the conduct of the survey? (4 Points)

MARKS 100

SCHEDULE III / ITEM 3

PROPERTY RIGHTS SYSTEMS ON CANADA LANDS

February 1996
(1990 Regulations)
(Closed Book)

Time: 3 hours

Note: This examination consists of 4 questions on 1 page.

1. You are a Canada Lands Surveyor in a private practice in Whitehorse, Yukon. You receive a letter from a major US mining and timber company retaining you to provide information to its New York office to assist in evaluation of a proposal to budget exploration funds for a Yukon regional program.

You are asked to prepare a letter report approximately four pages long summarizing the issuance of rights to land, mineral and timber resources. The company's executive committee will base its funding decision in part on this letter and you are advised that it will want to know the following information:

- regime for mining and timber harvesting on publicly owned lands
- regime for mining and timber harvesting on privately owned lands
- regime for obtaining fee simple ownership of lands for townsites, millsites, campsites, etc. in support of mining and logging operations
- potential risks associated with conflict between Indian land claims and resource development
- a bibliography of relevant legislation and copies for reference

Compose the final version of the letter for forwarding to your client. You will be marked for both content and composition. Preliminary drafts, outlines, etc. need not be submitted with your paper. (50 Points)

Compile the bibliography of relevant legislation. (16 Points)

2. Describe the oil and gas rights management system for offshore Canada Lands. (15 Points)

3. Name the three main land registration systems for surface rights in the Northwest Territories (9 Points)

4. What are "Canada Lands" in the Canada Lands Surveys Act? (10 points)

MARKS 100

SCHEDULE III / ITEM 4
NATIVE GOVERNMENT ISSUES

February 1996
(1990 Regulations)
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Time: 3 hours

Note: This examination consists of 8 questions on 1 page.

1. Explain the significance of the Royal Proclamation of 1763 in Canada's relationship with her aboriginal peoples. (10 Points)
2. A 1990 judgment of the Supreme Court of Canada provided some guidance on the interpretation of Section 35(1) of the Constitution Act, 1982. Name the case and describe the main elements of the decision.(15 Points)
3. The Council for Yukon Indians' comprehensive claim is the first in Canada where the claimant group has not ceded, released and surrendered its aboriginal rights, title and interest to its settlement land. Describe the three types of settlement land in the CYI claim and in point form list the main features of each.(15 Points)
4. Specific claims in Canada are based on an alleged failure by the federal government to discharge its lawful obligation to Indian bands. List in point form five different types of circumstances which may give rise to a specific claim.(10 Points)
5. Canada, British Columbia and Nisga'a Tribal Council are currently negotiating an agreement-in-principle for Nisga'a's comprehensive claim. Explain the significance of this negotiation in Canada's history of treaty making.(12 Points)
6. What is the role of:
 - a) the British Columbia First Nations Summit (6 Points)
 - b) the British Columbia Treaty Commission in the British Columbia treaty negotiations currently underway? (6 Points)
7. List six types of specific benefits usually found in comprehensive claim settlements (12 Points)
8. List in point form the main steps in the comprehensive claim process from initiation of the claim to the flow of benefits to the claimant group.(14 Points)

Marks 100

6. What are your views on the level(s) of maritime jurisdiction that Canada and other nations can exert in the following areas:

a) Gulf of St. Lawrence,

b) Strait of Georgia,

c) Lancaster Sound (between Baffin & Ellesmere Islands).

Justify your views. (15 Points)

7. From a surveyor's point of view, what is a "straight baseline"? (5 Points)

8. Describe the differences in the administrative authority between a gas well two (2) miles off the coast of Sable Island and a hypothetical oil platform at Hibernia -190 miles off the coast of Newfoundland (10 Points)

Marks 100



