

May 2009 Statutes (GIM) Examination

Question 1**12 marks**

- a) List and describe three "duties" as an employer under the *Occupational Health and Safety Act*. (5 marks)
- b) When is it mandatory to select a Health & Safety Representative? What is his or her function? (5 marks)
- c) What penalties are associated with non-compliance? (2 marks)

Question 2**10 marks**

- a) Briefly describe the authority that allows the Registrar of the AOLS issue a Certificate of Registration? (2 marks)
- b) For a Licence, a Certificate of Registration and a Certificate of Authorization :
 - i) Describe each, and state its purpose. (3 marks)
 - ii) Who may apply for each? (3 marks)
- c) What are the requirements for obtaining a Certificate of Authorization? (2 marks)

Question 3**10 marks**

Under the authority of the *Surveyors Act*, Council may pass Bylaws relating to the administrative and domestic affairs of the Association. Section 8 of the Act lists 27 areas that the Bylaws may cover.

- a) List six areas that are currently being used by the Association. (6 marks)
- b) Who must approve a bylaw? (1 mark)
- c) Outline the procedure required to implement a new bylaw. (3 marks)

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Question 4**7 Marks**

If an error or omission occurs in the final product delivered to your client and there is a chance that your firm may be sued for damages in a court of law:

- a) What act sets out the rules that govern the time periods in which a potential plaintiff has the right to sue when things go wrong? (2 marks)
- b) How many years each are the basic and ultimate periods that limit the time in which a proceeding for a claim for damages can commence under this act? (2 marks)
- c) Explain the “discoverability rule” and how it can effect the limitation periods with respect to the surveying profession? (3 marks)

Question 5**9 marks**

The law of evidence governs the admissibility of evidence presented before criminal and civil trials and virtually every tribunal, hearing or inquiry whether public or private.

- a) One of the central concepts of the law of evidence is the treatment of hearsay evidence.
 - i) What is hearsay evidence? (3 marks)
 - ii) Why is hearsay evidence generally held to be inadmissible before the courts and before many lesser tribunals? (3 marks)
- b) Another provision of the law of evidence is that of expert evidence. Explain the concept of expert evidence and the significance of this type of evidence. (3 marks)

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Question 6**20 marks**

Choose only five of the following and for each one of the five, give the statutory authority under which it operates and briefly explain its role. (4 marks each)

- Academic and Experience Requirements Committee
- Complaints Review Councillor
- Fees Mediation Committee
- Lay Appointees to AOLS Council
- AOLS Registrar
- Nominating Committee
- Executive Committee

Question 7**5 marks**

Under the *Public Inquiries Act*:

- a) What may a commission require of a person summoned? (3 marks)
- b) What type of evidence is inadmissible at an inquiry? (2 marks)

Question 8**10 marks**

- a) Under what conditions may the Registrar institute a Registrar's Investigation under Section 30 of the *Surveyors Act*? (2 marks)
- b) Describe the powers of an investigator appointed under this section. (6 marks)
- c) To whom may the Registrar report the results of the investigation? (2 marks)

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Question 9**6 marks**

With reference to the *Discriminatory Business Practices Act (1990)*:

- a) Describe three practices that are deemed discriminatory by this Act. (1 mark each)
- b) What are the duties of the “Director” as defined in the Act? (2 marks)
- c) When shall a discriminatory business practice be reported? (1 mark)

Question 10**5 marks**

As a professional GIM, you are hired to establish a Geographic Information System for a small municipality. Your work includes the preparation of a final report.

- a) Does the *Copyright Act* cover your report, or any portion of it? Explain. (2 marks)
- b) If the report is covered, under what condition might you or your company not own the copyright? (2 marks)
- c) If the report is covered, how long does the copyright last? (1 mark)

Question 11**6 Marks**

Municipalities are required to maintain and make available their records.

- a) What is a record as defined by the Municipal Act? (2 marks)
- b) What is the length of time that the records are to be maintained? (2 marks)
- c) When can records be destroyed? (2 marks)

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