

November 2008 Statutes (GIM) Examination

Question 1

(10 marks)

With reference to the *Ontario Occupational Health and Safety Act*:

- a) Describe two (2) conditions under which an employee may refuse to work. (2 marks)
- b) Name two (2) conditions under which a Joint Health and Safety Committee is required. (2 marks)
- c) Name 2 classes of persons to whom this Act does not apply. (2 marks)
- d) Explain the difference between a competent worker and a competent person. (4 marks)

Question 2

(10 marks)

- a) There are twenty-one (21) clauses in Regulation 1026 of the *Surveyors Act* that set out the meaning of professional misconduct for Ontario Land Surveyors. Briefly describe three (3) of these clauses. (6 marks)
- b) There are two (2) clauses that define incompetence for Ontario Land Surveyors. Briefly describe both. (4 marks)

November 2008 Statutes (GIM) Examination

Question 3

(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 4

(6 marks)

As an Ontario Land Surveyor holding a Certificate of Registration, you advertise that you can provide boundary or cadastral surveys to the public.

Outline the possible consequences, under two separate Statutes, for such an advertisement.

Question 5

(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)

November 2008 Statutes (GIM) Examination

Question 6

(10 marks)

With reference to the *Freedom of Information and Protection of Privacy Act*:

- a) What is the purpose of this legislation? (3 Marks)
- b) What constitutes a Record under the Act? (2 Marks)
- c) Which institutions are governed by the Act? (2 Marks)
- d) What are a person's rights under this Act? (1 Mark)
- e) What is the access procedure? (2 Marks)

Question 7

(5 Marks)

Electronic records are common place these days and may be admissible in court.

- a) What Act governs the admissibility? (1 Mark)
- b) What is integrity of an electronic record and the precautions necessary to be made admissible in court? (4 Marks)

Question 8

(10 marks)

- a) By what authority can 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, provide the following:
 - 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)

November 2008 Statutes (GIM) Examination

Question 9

(6 marks)

When is a Reference Plan required under:

- a) The *Land Titles Act*? (3 marks)
- b) The *Registry Act*? (3 marks)

Question 10

(10 marks)

Describe in detail 5 major aspects within the *Surveyors Act*, and Regulations thereunder, which ensure that the public's interest is protected. (10 marks)

Question 11

(10 marks)

Provide answers to the following with reference to the *Employment Standards Act*.

- a) Who is the "Minister", as defined under the *Employment Standards Act*? (2 marks)
- b) What are the "maximum working hours" as set out under Section 17? (4 marks)
- c) Name 4 of the possible 10 days when "an employee may refuse an assignment of work." (4 marks)

November 2008 Statutes (GIM) Examination

Question 12

(8 marks)

Section 32(1) of the *Surveyors Act* states,

"No member of the Association ... shall engage in the practice of professional land surveying unless insured against professional liability ..."

Explain how this provision applies to Certificate of Registration members.