Test Bank for Business Law in Canada CDN 11th Yates

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Business Law in Canada, 11e **(Yates)**
Chapter 2 Introduction to the Legal System

1) In a CBC interview, a noted environmentalist said that if he were forced to choose between the lives of the last breeding pair of whales and those of a boatload of men who were out to kill them, he would sacrifice the men to save the whales. He cited the war-crimes trials after World War II for the principle that immoral laws should be resisted to protect "the higher good." This position exemplifies which of the following?
A) Legal realism
B) Legal positivism
C) The law of the sea
D) Natural law
E) The law of equity
Answer: D
Diff: 2 Type: MC Page Ref: 21
Topic: Ch. 2 - What Is Law?
Skill: Applied
Objective: Chapter 2: 1. Define"law" and identify the types of law that exist in Canada.
Bloom's Taxonomy: Knowledge

2) Which of the following is correct with respect to the definition of law?
A) Law defined in moral terms is a reflection of legal positivism.
B) Law defined in terms of authority is a reflection of legal realism.
C) Law defined in practical terms as to what the court will do is a reflection of legal positivism.
D) Law defined in terms of morality is a reflection of natural law theory.
E) Law defined in terms of authority is a reflection of natural law theory.
Answer: D
Diff: 2 Type: MC Page Ref: 21
Topic: Ch. 2 - What Is Law?
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Objective: Chapter 2: 1. Define"law" and identify the types of law that exist in Canada.
Bloom's Taxonomy: Knowledge

3) Which of the following is the most usable definition of law?
A) It is most useful to us to define law in terms of what we think people ought to do.
B) It is most useful to us to define law in terms of what people do.
C) We must define law in terms of what the courts or other government bodies will enforce.
D) We must define law in terms of what society needs people to do.
E) We must define law in terms of what people used to do.
Answer: C
Diff: 1 Type: MC Page Ref: 21
Topic: Ch. 2 - What Is Law?
Skill: Recall
Objective: Chapter 2: 1. Define"law" and identify the types of law that exist in Canada.
Bloom's Taxonomy: Knowledge

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4) Which of the following is an example of substantive law?
A) The rule that a tort action must be commenced within 2 years of the action complained of
B) The rule that establishes the type of document by which an action is commenced
C) The rule that hearsay evidence is not permitted in a trial
D) The rule that a victim of fraud can sue
E) A rule that any action under $50,000 may be brought in the small claims court
Answer: D
Diff: 1 Type: MC Page Ref: 21
Topic: Ch. 2 - Categories of Law
Skill: Applied
Objective: Chapter 2: 1. Define"law" and identify the types of law that exist in Canada.
Bloom's Taxonomy: Knowledge

5) Which of the following is true regarding categories of law?
A) Substantive law establishes the rights an individual has in society.
B) Private law includes constitutional law.
C) Criminal law involves the rules that govern our personal, social, and business relations.
D) Substantive law determines how procedural laws will be enforced.
E) Procedural law establishes the limits on an individual's conduct.
Answer: A
Diff: 1 Type: MC Page Ref: 21
Topic: Ch. 2 - Categories of Law
Skill: Recall
Objective: Chapter 2: 1. Define"law" and identify the types of law that exist in Canada.
Bloom's Taxonomy: Knowledge

6) Which of the following is true regarding the history of the legal system used in England?
A) Strained relations between the English and French kingdoms explain why England adopted Roman civil law as its system of justice.
B) Historically, kings and nobles worked together to establish a common system of justice.
C) The early Norman kings failed to establish a feudal system, which allowed Roman civil law to take hold in England.
D) England alternately used common law and civil law legal systems, depending on the strength of the reigning king.
E) During times when power was decentralized, local nobles would administer justice.
Answer: E
Diff: 3 Type: MC Page Ref: 24
Topic: Ch. 2 - Common Law Legal System
Skill: Recall
Objective: Chapter 2: 2. Distinguish between the civil law and common law legal systems found in Canada.
Bloom's Taxonomy: Knowledge

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7) In terms of the development of the common law legal system, which of the following is true?
A) Historically, local lords, barons, or sheriffs held court as part of their feudal responsibility.
B) Trial by battle involved some psychological test.
C) Trial by ordeal involved armed combat between the litigants or their champions.
D) Travelling courts, established by weak kings, provided a relatively unattractive method of resolving disputes.
E) The courts of the nobles grew in power, eventually evolving into the modern courts of today.
Answer: A
Diff: 2 Type: MC Page Ref: 24
Topic: Ch. 2 - Common Law Legal System
Skill: Applied
Objective: Chapter 2: 2. Distinguish between the civil law and common law legal systems found in Canada.
Bloom's Taxonomy: Knowledge

8) The custom of following already decided cases is called
A) *stare decisis.*
B) a civil law system.
C) a common law.
D) *res judicata.*
E) *ultra vires.*
Answer: A
Diff: 1 Type: MC Page Ref: 24
Topic: Ch. 2 - Common Law Legal System
Skill: Recall
Objective: Chapter 2: 2. Distinguish between the civil law and common law legal systems found in Canada.
Bloom's Taxonomy: Knowledge

9) Which of the following will override a particular province's common-law rule as articulated by a trial-court judge of the highest trial level court in the province?
A) A contrary subsequent ruling by the Court of Appeal of the province
B) A new provincial statute to the contrary in another province
C) A contrary ruling by a small claims court judge
D) A similar subsequent ruling by a trial-court judge in another province
E) A contrary ruling by an appeal court judge in another province
Answer: A
Diff: 2 Type: MC Page Ref: 24
Topic: Ch. 2 - Common Law Legal System
Skill: Applied
Objective: Chapter 2: 2. Distinguish between the civil law and common law legal systems found in Canada.
Bloom's Taxonomy: Knowledge

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10) Which one of the following statements is *not* accurate with respect to the Canadian legal system?
A) The three major components of present Canadian law are the common law, equity, and statutes.
B) The traditional supremacy of parliament to make law has been limited to some extent by the *Charter of Rights and Freedoms*.
C) The full normal route of a civil action is from a provincial trial court to a provincial Court of Appeal to the Supreme Court of Canada.
D) The principle of *stare decisis* provides that courts within a province are bound to follow previous decisions on the same legal point from the courts of other provinces.
E) The original Canadian Constitution is now known as the *Constitution Act* (1867).
Answer: D
Diff: 2 Type: MC Page Ref: 24
Topic: Ch. 2 - Common Law Legal System
Skill: Applied
Objective: Chapter 2: 2. Distinguish between the civil law and common law legal systems found in Canada.
Bloom's Taxonomy: Knowledge

11) Which of the following is correct with respect to the civil law system?
A) Quebec and New Brunswick use a system based on the *French Civil Code*.
B) The code is persuasive only and judges are free to disregard it where the situation warrants.
C) The system used in Quebec is based on Justinian's code rather than the *Napoleonic Code*.
D) The *Civil Code* governs all legal matters arising in Quebec including criminal actions.
E) The *Civil Code* as used in Quebec covers private disputes between individuals.
Answer: E
Diff: 2 Type: MC Page Ref: 24
Topic: Ch. 2 - Civil Law Legal System
Skill: Recall
Objective: Chapter 2: 2. Distinguish between the civil law and common law legal systems found in Canada.
Bloom's Taxonomy: Knowledge

12) Which of the following is correct with respect to the characteristics of *stare decisis* in the common law?
A) It is based on trial by battle and trial by ordeal.
B) It prevents a higher court from overruling a lower one.
C) It allows decisions of the courts to be predictable.
D) Our statutes play the same role as the code used in the French system.
E) This term refers to the role played by the law of equity in our system.
Answer: C
Diff: 2 Type: MC Page Ref: 24
Topic: Ch. 2 - Common Law Legal System
Skill: Recall
Objective: Chapter 2: 2. Distinguish between the civil law and common law legal systems found in Canada.
Bloom's Taxonomy: Knowledge

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13) In *R. v. Keegstra*, the Supreme Court of Canada stated that
A) although the freedom of expression is violated by the Code, these infringements are justifiable under Section 1 of the *Charter of Rights and Freedoms*.
B) the doctrine of *stare decisis* no longer applies.
C) the decision of a subordinate court must always be followed, regardless of the specific facts of the case.
D) decisions of the Supreme Court of Canada ought only be applied in federal cases.
E) provincial Court judges have no authority to impose sentences in matters involving freedom of expression.
Answer: A
Diff: 3 Type: MC Page Ref: 25
Topic: Ch. 2 - Common Law
Skill: Applied
Objective: Chapter 2: 3. Identify the sources of Canadian law.
Bloom's Taxonomy: Knowledge

14) Which of the following is correct with respect to the law of Quebec?
A) The *Civil Code* used in Quebec is a direct copy of the Napoleonic code used in France.
B) The code is binding and prior cases are just persuasive.
C) The *Quebec Civil Code* was most recently revised in 1985.
D) Once judges make decisions based on the code, it is those decisions that are binding on other judges faced with similar problems.
E) The code used in Quebec is a variant of Justinian's code rather than the *Napoleonic Code*.
Answer: B
Diff: 2 Type: MC Page Ref: 24
Topic: Ch. 2 - Civil Law Legal System
Skill: Applied
Objective: Chapter 2: 2. Distinguish between the civil law and common law legal systems found in Canada.
Bloom's Taxonomy: Knowledge

15) Which one of the following is *not* generally recognized as a source of the common law?
A) The law of equity
B) The law merchant
C) Local British customs and traditions
D) Roman civil law
E) Church (or canon) law
Answer: A
Diff: 1 Type: MC Page Ref: 27
Topic: Ch. 2 - Common Law
Skill: Recall
Objective: Chapter 2: 3. Identify the sources of Canadian law.
Bloom's Taxonomy: Knowledge

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16) Which of the following statements best describes the law merchant?
A) The law merchant is a body of law designed to control trade practices.
B) The law merchant is a body of law created by merchant guilds, part of which was incorporated into the common law.
C) The law merchant was designed to protect consumers from unscrupulous merchants.
D) Our laws relating to consumer protection are derived from the law merchant.
E) The law merchant is another name for the *Sale of Goods Act*.
Answer: B
Diff: 1 Type: MC Page Ref: 27
Topic: Ch. 2 - Common Law
Skill: Recall
Objective: Chapter 2: 3. Identify the sources of Canadian law.
Bloom's Taxonomy: Knowledge

17) Which of the following will a judge *not* apply in a Canadian court?
A) Equitable principles
B) Common law principles
C) Statute law
D) Roman law
E) Constitutional law
Answer: D
Diff: 1 Type: MC Page Ref: 27
Topic: Ch. 2 - Common Law
Skill: Recall
Objective: Chapter 2: 3. Identify the sources of Canadian law.
Bloom's Taxonomy: Knowledge

18) The common law courts refers to
A) the Court of Common Pleas, the Court of King's Bench, and the Exchequer Court.
B) the Court of Common Pleas, the Chancery Court, and the Exchequer Court.
C) the Court of King's Bench, the Chancery Court, and the Exchequer Court.
D) the Court of Common Pleas, the Court of King's Bench, and the Chancery Court.
E) the Court of King's Bench, the Chancery Court, and the Court of Equity.
Answer: A
Diff: 1 Type: MC Page Ref: 27
Topic: Ch. 2 - Common Law
Skill: Recall
Objective: Chapter 2: 3. Identify the sources of Canadian law.
Bloom's Taxonomy: Knowledge

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19) Which of the following was *not* one of the factors that led to the creation of the law of equity?
A) Rigidity in the common law courts
B) *Stare decisis*
C) The need for a supplement to the common law
D) Unpredictable outcomes in the common law courts
E) The adherence to precedent
Answer: D
Diff: 2 Type: MC Page Ref: 27
Topic: Ch. 2 - Equity
Skill: Recall
Objective: Chapter 2: 3. Identify the sources of Canadian law.
Bloom's Taxonomy: Knowledge

20) Which of the following is correct with respect to the law of equity?
A) Equity no longer exists.
B) Equity means fairness in our legal system.
C) The Court of Equity was one of the original common law courts, along with the Court of King's Bench and the Court of the Exchequer.
D) Equity refers to the body of law created by the Courts of Chancery.
E) Equity refers to the amount still owing on a debt.
Answer: D
Diff: 2 Type: MC Page Ref: 27
Topic: Ch. 2 - Equity
Skill: Recall
Objective: Chapter 2: 3. Identify the sources of Canadian law.
Bloom's Taxonomy: Knowledge

21) At a recent computer show, you heard a student trying to explain our legal system to a man who recently immigrated from Russia. Which one of the student's statements, below, is correct?
A) All the provinces follow law that stemmed from the English common law.
B) The chief characteristic of the common law is the theory of precedent. That is, judges are bound by decisions of judges of the same or higher courts in that jurisdiction on the same point of law.
C) Today, we are governed by statutes passed by our elected representatives as well as by judge-made law.
D) Judge-made law in England came from two traditions, civil law and parliamentary supremacy.
E) With the creation of our court system, the equitable tradition was lost. Today a judge of our superior court does not apply principles or remedies developed by the courts of equity.
Answer: B
Diff: 2 Type: MC Page Ref: 27
Topic: Ch. 2 - Common Law Legal System
Skill: Applied
Objective: Chapter 2: 2. Distinguish between the civil law and common law legal systems found in Canada.
Bloom's Taxonomy: Knowledge

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22) Which of the following is true with regard to our legal system?
A) An appeal from the Supreme Court of Canada goes to the Federal Court of Appeal.
B) Our *Charter of Rights and Freedoms* diminishes the power of both the federal and provincial legislatures.
C) Our constitution can be amended by the federal parliament acting alone.
D) If a case were heard before a provincial trial level court, the judge could apply legal principles and award only cash remedies.
E) Case law overrides the statute law on the same point.
Answer: B
Diff: 2 Type: MC Page Ref: 27
Topic: Ch. 2 - Sources of Law
Skill: Applied
Objective: Chapter 2: 3. Identify the sources of Canadian law.
Bloom's Taxonomy: Knowledge

23) Which of the following statements about statutes is true?
A) Statutes only apply when there is no common law covering the situation.
B) Statutes often summarize or modify canon law.
C) A statute may be only federal.
D) Government regulations are considered supreme to statute law.
E) Statutes are laws created by legislative bodies.
Answer: E
Diff: 2 Type: MC Page Ref: 28
Topic: Ch. 2 - Statutes
Skill: Recall
Objective: Chapter 2: 3. Identify the sources of Canadian law.
Bloom's Taxonomy: Knowledge

24) Which of the following is correct with respect to the role of statutes in our legal system?
A) A statute, if it is clear and concise and properly passed, will always override common law and equity.
B) In Canada, most new laws follow the *Civil Code* legal system.
C) Where a properly passed provincial statute is in conflict with a well-established common-law principle, the statute will be void.
D) Once a statute has been interpreted and applied in a court, a subsequent judge in a lower court is not required to follow that decision if he disagrees with it.
E) Only the federal parliament may enact statutes.
Answer: A
Diff: 2 Type: MC Page Ref: 28
Topic: Ch. 2 - Sources of Law
Skill: Applied
Objective: Chapter 2: 3. Identify the sources of Canadian law.
Bloom's Taxonomy: Knowledge

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25) Which of the following statements is correct with respect to the sources of our law?
A) Equity is a system of law developed by the provincial legislatures.
B) The common law derived aspects of the law of families and estates from the *French Civil Code*.
C) The only province in which a judge is required to follow a comprehensive civil code is Ontario.
D) The term *stare decisis* refers to the practice of following precedent, which forms the basis of our common law system.
E) The Courts of Chancery developed the law of contracts.
Answer: D
Diff: 2 Type: MC Page Ref: 28
Topic: Ch. 2 - Sources of Law
Skill: Recall
Objective: Chapter 2: 3. Identify the sources of Canadian law.
Bloom's Taxonomy: Knowledge

26) With regard to the relationship between the judiciary (courts) and the legislatures, which of the following is true?
A) Statute law never overrides case law on the same point.
B) The Supreme Court of Canada has the power to find the province didn't have the power to pass the statute, with the result that the statute would no longer be operative as a law.
C) The courts cannot affect the meaning of the statute through subsequent interpretation.
D) The Supreme Court of Canada cannot strike down any statute passed by the federal parliament because "Parliament is supreme."
E) A provincial statute cannot be struck down by the courts for being contrary to the *Charter of Rights and Freedoms*.
Answer: B
Diff: 2 Type: MC Page Ref: 30
Topic: Ch. 2 - Law in Canada
Skill: Recall
Objective: Chapter 2: 6. Detail how legislation is created in the parliamentary system.
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27) Which of the following is true with regard to Canada's Constitution?
A) The *British North America Act* of 1867, the first document to determine which classes of subjects could be dealt with by the provinces and which by the federal government, was passed by our federal parliament.
B) The *Charter of Rights and Freedoms* is a part of the *BNA Act, 1867*.
C) The *Charter of Rights and Freedoms* cannot be amended by the federal parliament acting alone.
D) The *Constitution Act, 1982* requires British Parliament to amend it.
E) Our Constitution consists of only the *Charter of Rights and Freedoms*.
Answer: C
Diff: 2 Type: MC Page Ref: 30
Topic: Ch. 2 - Confederation
Skill: Applied
Objective: Chapter 2: 4. Isolate the three elements of Canada's Constitution.
Bloom's Taxonomy: Knowledge

28) Which of the following statements with respect to the power to prorogue (adjourn) Parliament is true?
A) The decision of whether to prorogue Parliament or not rests with the Prime Minister.
B) The Queen has exclusive power to prorogue Parliament.
C) The decision of whether to prorogue Parliament or not rests with the Governor General.
D) The decision to prorogue Parliament is specified in the *Charter of Rights and Freedoms*.
E) The Governor General has the power to prorogue Parliament, but only if the opposition party agrees.
Answer: C
Diff: 3 Type: MC Page Ref: 31
Topic: Ch. 2 - Law in Canada
Skill: Recall
Objective: Chapter 2: 5. Explain how legislative power is divided in Canada.
Bloom's Taxonomy: Knowledge

29) Which of the following is true with regard to Canada's Constitution?
A) The *British North America Act* of 1867, the first document to determine which classes of subjects could be dealt with by the provinces and which by the federal government, was passed by our federal parliament.
B) The *Charter of Rights and Freedoms* is a part of the *BNA Act, 1867*.
C) The *Charter of Rights and Freedoms* cannot be amended by the federal parliament acting alone.
D) The *Constitution Act, 1982* requires British Parliament to amend it.
E) Our Constitution consists of only the *Charter of Rights and Freedoms*.
Answer: C
Diff: 2 Type: MC Page Ref: 31
Topic: Ch. 2 - Constitution and Division of Powers
Skill: Recall
Objective: Chapter 2: 5. Explain how legislative power is divided in Canada.
Bloom's Taxonomy: Knowledge

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30) With regard to the Constitution of Canada, which of the following is *false*?
A) Our Constitution provides for a federal system of government (i.e., for two levels of government, federal and provincial).
B) The *Constitution Act, 1867* (formerly, the *British North America Act*) clarifies which matters can be dealt with by the provincial governments (i.e., the provincial legislatures).
C) The *Constitution Act, 1867* was a statute passed by the British Parliament, but it is no longer necessary to have the British Parliament amend it if Canadians want it amended.
D) The *Constitution Act, 1982* contains a *Charter of Rights and Freedoms* that curbs the power of the federal and provincial legislatures.
E) Members of our federal parliament in Ottawa have been given the sole power to amend the *Charter of Rights and Freedoms*.
Answer: E
Diff: 2 Type: MC Page Ref: 31
Topic: Ch. 2 - Constitution and Division of Powers
Skill: Applied
Objective: Chapter 2: 5. Explain how legislative power is divided in Canada.
Bloom's Taxonomy: Knowledge

31) With regard to the Constitution of Canada, which of the following is true?
A) Our Constitution provides for a single system of government.
B) The *Constitution Act, 1982* provides which matters can be dealt with only by the federal government.
C) The British Parliament can continue pass legislation that affects Canada's laws.
D) The *Constitution Act, 1982* contains a *Charter of Rights and Freedoms* that curbs the power of the federal and provincial legislatures.
E) Federal judges have been given the sole power to amend the *Charter of Rights and Freedoms*.
Answer: D
Diff: 2 Type: MC Page Ref: 31
Topic: Ch. 2 - Constitution and Division of Powers
Skill: Applied
Objective: Chapter 2: 5. Explain how legislative power is divided in Canada.
Bloom's Taxonomy: Knowledge

32) Jake was charged with an offence. Which of the following could not be a legitimate defence in any circumstances?
A) The legislation creating the offence is beyond the authority of the body that created the offence.
B) The legislation violated his *Charter* rights.
C) He had a legal excuse for doing what he did.
D) The legislative branch of government is the proper body to hear criminal cases.
E) He did not do the act complained of.
Answer: D
Diff: 1 Type: MC Page Ref: 31
Topic: Ch. 2 - Delegation of Powers
Skill: Applied
Objective: Chapter 2: 5. Explain how legislative power is divided in Canada.
Bloom's Taxonomy: Knowledge

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33) In *Rothmans, Benson & Hedges Inc. v. Saskatchewan*, the Supreme Court of Canada
A) concluded that the federal and provincial legislation were not in conflict. One simply went further than the other.
B) concluded that the federal and provincial legislation were in conflict, with the result that paramountcy would apply.
C) held that only the provincial legislation was invalid.
D) held that only the federal legislation was invalid.
E) held that both the federal and provincial legislation were invalid.
Answer: A
Diff: 3 Type: MC Page Ref: 35
Topic: Ch. 2 - Conflicting Powers
Skill: Applied
Objective: Chapter 2: 5. Explain how legislative power is divided in Canada.
Bloom's Taxonomy: Knowledge

34) Which of the following is true regarding delegation between the federal and provincial governments?
A) Federal and provincial governments can delegate their powers to inferior bodies, such as their boards and individual civil servants.
B) Direct delegation between the federal and provincial government bodies is the only way governmental bodies can conduct their business.
C) The federal government is considered an inferior legislative body, so it can abdicate its powers, but only to a provincial government.
D) The provincial governments are considered inferior legislative bodies, so they can abdicate their powers, but only to the federal government.
E) There is no practical way for governments to overcome the prohibition against delegation.
Answer: A
Diff: 2 Type: MC Page Ref: 36
Topic: Ch. 2 - Delegation of Powers
Skill: Applied
Objective: Chapter 2: 5. Explain how legislative power is divided in Canada.
Bloom's Taxonomy: Knowledge

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35) In which one of the following cases can the Supreme Court of Canada *not* override laws of the federal parliament?
A) Parliament enacts legislation that is *ultra vires.*
B) Parliament enacts legislation in an area outside their jurisdiction.
C) Parliament enacts legislation that infringes on rights contained in the *Charter of Rights and Freedoms*.
D) Parliament enacts legislation that is not clear.
E) The Supreme Court of Canada disagrees with the substance of the legislation.
Answer: E
Diff: 2 Type: MC Page Ref: 36
Topic: Ch. 2 - Law in Canada
Skill: Applied
Objective: Chapter 2: 6. Detail how legislation is created in the parliamentary system.
Bloom's Taxonomy: Knowledge

36) Uncle Max just immigrated to Canada and learned some things about our laws and constitution on the plane. Which of the following things he heard is true?
A) The *Charter of Rights and Freedoms*, part of the *Constitution Act, 1982*, has been entrenched in our constitution and therefore cannot be changed.
B) Our constitution provides that the provincial legislatures have exclusive jurisdiction to enact laws concerning education and property in the province.
C) Our federal parliament is supreme in enacting laws concerning municipalities.
D) The *British North America Act* of 1867, the first document to determine which classes of subjects could be dealt with by the provinces and which by the federal government, was passed by Queen Elizabeth.
E) There are many aspects of our constitution we have inherited from the United States.
Answer: B
Diff: 2 Type: MC Page Ref: 39
Topic: Ch. 2 - Protection of Rights and Freedoms
Skill: Applied
Objective: Chapter 2: 7. Describe the rights and freedoms protected by the Charter of Rights and Freedoms.
Bloom's Taxonomy: Knowledge

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37) Which of the following is a legal right under the *Charter*?
A) Everyone has the right to not to be deprived of their property.
B) Everyone has the right to be employed.
C) Everyone has the right to freedom of expression, regardless of whether it interferes with the freedom of others.
D) Everyone has the right not to be exposed to any unreasonable search and seizure.
E) Everyone has the democratic right to vote, regardless of age or mental capacity.
Answer: D
Diff: 2 Type: MC Page Ref: 39
Topic: Ch. 2 - Charter of Rights and Freedoms
Skill: Applied
Objective: Chapter 2: 7. Describe the rights and freedoms protected by the Charter of Rights and Freedoms.
Bloom's Taxonomy: Knowledge

38) Which of the following statements is correct with respect to our constitutional law?
A) Neither the federal nor provincial governments can ignore protections of the *Charter of Rights and Freedoms* without going through the constitutional amending process.
B) The *Constitution Act, 1982* was passed only by the English parliament.
C) The *Constitution Act, 1982* is the supreme law of Canada and can override statutes.
D) The *Canadian Charter of Rights and Freedoms* is part of the *BNA Act, 1867*.
E) The *Charter* is entrenched and, as such, none of its provisions can be overridden by any level of government.
Answer: C
Diff: 2 Type: MC Page Ref: 39
Topic: Ch. 2 - Constitution and Division of Powers
Skill: Applied
Objective: Chapter 2: 7. Describe the rights and freedoms protected by the Charter of Rights and Freedoms.
Bloom's Taxonomy: Knowledge

39) Which of the following is correct with respect to the impact of the passage of the *Charter of Rights and Freedoms* in Canada?
A) The passage of the *Charter* has given judges more power than they had before its passage.
B) The passage of the *Charter* has placed no limits on the supremacy of parliament.
C) Section 33 allows parliament or the legislature to override any provision of the *Charter* providing they clearly state they are doing so "notwithstanding" the specific provision of the *Charter*.
D) Section 1 of the *Charter* divides powers between the federal and provincial governments.
E) The *Charter* applies only to private disputes between individuals.
Answer: A
Diff: 3 Type: MC Page Ref: 39
Topic: Ch. 2 - Charter of Rights and Freedoms
Skill: Applied
Objective: Chapter 2: 7. Describe the rights and freedoms protected by the Charter of Rights and Freedoms.
Bloom's Taxonomy: Knowledge

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40) Which among the following was *not* a purpose of the *Constitution Act, 1982*?
A) To list government enactments having constitutional status
B) To guarantee individual rights
C) To place some limitations on the supremacy of parliament
D) To redefine the role of the Queen and her representative, the Governor General
E) To protect individuals against acts of governments or their agencies that infringe on their rights
Answer: D
Diff: 2 Type: MC Page Ref: 39
Topic: Ch. 2 - Protection of Rights and Freedoms
Skill: Recall
Objective: Chapter 2: 7. Describe the rights and freedoms protected by the Charter of Rights and Freedoms.
Bloom's Taxonomy: Knowledge

41) Which of the following is correct with respect to the *Charter of Rights and Freedoms*?
A) Section 33 (the notwithstanding clause) applies to all protections in the *Charter*.
B) The federal or provincial legislature cannot override a person's right to free speech.
C) The federal or the provincial legislature can override a person's right not to be discriminated against on the basis of race or religion.
D) The parliament or provincial legislature cannot override a section of the *Charter*.
E) The effect of the notwithstanding clause is to shift the power back to the judges.
Answer: C
Diff: 2 Type: MC Page Ref: 39
Topic: Ch. 2 - Charter of Rights and Freedoms
Skill: Recall
Objective: Chapter 2: 7. Describe the rights and freedoms protected by the Charter of Rights and Freedoms.
Bloom's Taxonomy: Knowledge

42) Which of the following is correct with respect to the impact of the *Charter of Rights and Freedoms*?
A) The passage of the *Charter* has placed significant limitations on the power of the judiciary.
B) The passage of the *Charter* has shifted power from the federal to the provincial government.
C) The passage of the *Charter* has increased the power of the courts.
D) The passage of the *Charter* has led the provincial and federal legislatures to become more activist in making law.
E) The passage of the *Charter* has shifted power from the courts to parliament.
Answer: C
Diff: 2 Type: MC Page Ref: 39
Topic: Ch. 2 - Charter of Rights and Freedoms
Skill: Recall
Objective: Chapter 2: 7. Describe the rights and freedoms protected by the Charter of Rights and Freedoms.
Bloom's Taxonomy: Knowledge

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43) Which of the following is *not* a legal right under the *Charter*?
A) Everyone has the right not to be deprived of life, liberty, and security.
B) Everyone has the right not to be arrested or detained without being told why.
C) Everyone has the right to be presumed innocent until proven guilty.
D) Everyone has the right, if acquitted of an offence, not be tried for it again.
E) Everyone has the right not to be subjected to any cruel and unusual punishment.
Answer: A
Diff: 2 Type: MC Page Ref: 42
Topic: Ch. 2 - Charter Provisions
Skill: Recall
Objective: Chapter 2: 7. Describe the rights and freedoms protected by the Charter of Rights and Freedoms.
Bloom's Taxonomy: Knowledge

44) Ms. Lott was required by a provision in the B.C. *School Act* to retire from her position as an elementary teacher at the age of 65. She did not want to retire. She commenced an action against the school board. Which of the following is *false* with regard to this situation?
A) A provision of the *Charter of Rights and Freedoms* of the *Constitution Act* prohibits discrimination.
B) The Constitution allows the legislature to discriminate if it can be demonstrated that the discrimination is justified in a free and democratic society.
C) The legislature, if it is acting within its authority (i.e., within s. 92 of the *Constitution Act*), can pass a statute that discriminates if it states that the statute will operate notwithstanding the provisions of the *Charter of Rights and Freedoms*.
D) The federal legislature is the proper body to decide if the provincial *School Act* is lawful.
E) The people of Canada, through their elected representatives, could change the *Constitution Act*, including the *Charter of Rights and Freedoms*.
Answer: D
Diff: 3 Type: MC Page Ref: 42
Topic: Ch. 2 - Conflicting Powers
Skill: Applied
Objective: Chapter 2: 7. Describe the rights and freedoms protected by the Charter of Rights and Freedoms.
Bloom's Taxonomy: Knowledge

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45) Regarding the *Charter of Rights and Freedoms*, which of the following statements is true?
A) Neither the federal nor the provincial governments can change the provisions of the *Charter* without going through the constitution amending process.
B) Any statute, by any level of government inconsistent with the provisions of the *Charter* is considered binding on all Canadians.
C) Any action by a government official violating the provisions of the *Charter* is not actionable under the *Charter*.
D) The guarantee of the right of free speech allows citizens to avoid being held liable for defamation under the Constitution of Canada.
E) The *Charter* protects fundamental freedoms that apply only to relations between private citizens.
Answer: A
Diff: 1 Type: MC Page Ref: 42
Topic: Ch. 2 - Charter Provisions
Skill: Applied
Objective: Chapter 2: 7. Describe the rights and freedoms protected by the Charter of Rights and Freedoms.
Bloom's Taxonomy: Knowledge

46) Which of the following is correct with respect to limitations on the *Charter*?
A) Interference with rights must be justifiable in a free and democratic society.
B) It cannot be used by a resident who is not a citizen of Canada.
C) It does not protect the rights of aboriginal people.
D) It only applies to government employees.
E) It only applies to the federal government.
Answer: A
Diff: 3 Type: MC Page Ref: 42
Topic: Ch. 2 - Charter Provisions
Skill: Applied
Objective: Chapter 2: 7. Describe the rights and freedoms protected by the Charter of Rights and Freedoms.
Bloom's Taxonomy: Knowledge

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47) Which of the following is correct with respect to the *Charter of Rights and Freedoms*?
A) Section 33 (the notwithstanding clause) only applies to some specified provisions of the *Charter*.
B) The federal or provincial legislature cannot override a person's right to free speech.
C) The federal or the provincial legislature cannot override a person's right not to be discriminated against on the basis of race or religion.
D) The parliament or provincial legislature can only override a section of the Charter under the notwithstanding clause if they clearly state they are doing so and then wait 5 years before implementing the provision.
E) The effect of the notwithstanding clause is to shift the power back to the judges.
Answer: A
Diff: 2 Type: MC Page Ref: 42
Topic: Ch. 2 - Charter of Rights and Freedoms
Skill: Recall
Objective: Chapter 2: 7. Describe the rights and freedoms protected by the Charter of Rights and Freedoms.
Bloom's Taxonomy: Knowledge

48) The *Charter of Rights and Freedoms* does not apply to which of the following?
A) The provincial cabinet
B) The police
C) A restaurant
D) A human rights commission
E) A municipal council
Answer: C
Diff: 1 Type: MC Page Ref: 42
Topic: Ch. 2 - Charter of Rights and Freedoms
Skill: Recall
Objective: Chapter 2: 7. Describe the rights and freedoms protected by the Charter of Rights and Freedoms.
Bloom's Taxonomy: Knowledge

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49) Which of the following is *incorrect* with respect to the rights of the party whose *Charter* rights have been violated?
A) The rights and freedoms guaranteed in the *Charter* vary depending on whether a person is a citizen, a resident, or a visitor.
B) The remedies available to the victim of a violation of a *Charter* provision are restricted to those listed in the *Charter*.
C) The *Charter* gives a court the power to exclude any evidence that has been obtained in violation of a *Charter* right.
D) When evidence is obtained in violation of a person's *Charter* rights, the court must exclude that evidence.
E) The court is free to impose any remedy for a *Charter* violation that it considers appropriate.
Answer: B
Diff: 3 Type: MC Page Ref: 42
Topic: Ch. 2 - Protection of Rights and Freedoms
Skill: Applied
Objective: Chapter 2: 7. Describe the rights and freedoms protected by the Charter of Rights and Freedoms.
Bloom's Taxonomy: Knowledge

50) Which of the following is a right or freedom guaranteed in the *Charter*?
A) The right to own property
B) The right to have your children educated in any language
C) The right to bear arms
D) The right to vote in federal and provincial elections
E) The right to be assured of a minimum level of income
Answer: D
Diff: 2 Type: MC Page Ref: 42
Topic: Ch. 2 - Charter of Rights and Freedoms
Skill: Recall
Objective: Chapter 2: 7. Describe the rights and freedoms protected by the Charter of Rights and Freedoms.
Bloom's Taxonomy: Knowledge

51) Which one of the following is a *Charter* right that the provinces could not override through the use of the notwithstanding clause (Section 33 of the *Charter*)?
A) The right to move anywhere you want in Canada
B) The right not to be subjected to any cruel or unusual punishment
C) The right to worship who, how, or what you wish
D) The right to not be discriminated against because you are black
E) The right to be told why you are being arrested
Answer: A
Diff: 3 Type: MC Page Ref: 42
Topic: Ch. 2 - Protection of Rights and Freedoms
Skill: Recall
Objective: Chapter 2: 7. Describe the rights and freedoms protected by the Charter of Rights and Freedoms.
Bloom's Taxonomy: Knowledge

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52) Which of the following is correct with respect to the impact of the *Charter of Rights and Freedoms*?
A) The passage of the *Charter* has increased the power of both parliament and the provincial legislatures.
B) The passage of the *Charter* has shifted power from the federal government to the provincial governments.
C) The *Charter* has shifted power from the provinces to the federal government.
D) The passage of the *Charter* has increased the power of the courts.
E) The passage of the *Charter* has shifted power from the courts to the parliament.
Answer: D
Diff: 2 Type: MC Page Ref: 42
Topic: Ch. 2 - Charter of Rights and Freedoms
Skill: Applied
Objective: Chapter 2: 7. Describe the rights and freedoms protected by the Charter of Rights and Freedoms.
Bloom's Taxonomy: Knowledge

53) Which of the following is true regarding human rights?
A) Both the federal and provincial governments have established special human rights tribunals authorized to hear complaints of human rights violations.
B) Human rights tribunals have the power to investigate human rights complaints, but no authority to impose sanctions nor to provide remedies.
C) Human rights protection applies to all areas, without restriction.
D) There is still no legislative protection against sexual harassment.
E) All remaining legal issues concerning human rights protection of same-sex relationships have been resolved.
Answer: A
Diff: 2 Type: MC Page Ref: 53
Topic: Ch. 2 - Human Rights Legislation
Skill: Recall
Objective: Chapter 2: 8. List the areas and grounds upon which human rights legislation prohibits discrimination.
Bloom's Taxonomy: Knowledge

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54) Which of the following statements is correct with respect to human rights laws in Canada?
A) Protection against discrimination on the basis of sexual orientation is recent and not yet written in some human rights statutes.
B) All employers have an obligation to accommodate all of the religious practices and disabilities of their employees.
C) Federal and provincial human rights commissions are courts, and the commissioners are superior court judges with the rights and powers associated with that office.
D) From a business point of view, the *Charter* is much more important than the provincial human rights legislation.
E) Human rights in the federal area are protected by the federal human rights commission, which enforces the *Canadian Bill of Rights*.
Answer: A
Diff: 3 Type: MC Page Ref: 53
Topic: Ch. 2 - Human Rights Legislation
Skill: Applied
Objective: Chapter 2: 8. List the areas and grounds upon which human rights legislation prohibits discrimination.
Bloom's Taxonomy: Knowledge

55) Which of the following is true regarding human rights legislation?
A) The mandate of human rights commissions is to encourage the government to follow principles of equality.
B) Material on the Internet is exempt from the application of human rights legislation.
C) Human rights commissions cannot deal with complaints arising from business interactions.
D) Canada's first-ever human rights complaint concerning an Internet hate site involved Ernst Zundel.
E) Since the introduction of the *Charter of Rights and Freedoms*, provincial human rights codes are no longer significant.
Answer: D
Diff: 2 Type: MC Page Ref: 53
Topic: Ch. 2 - Human Rights Legislation
Skill: Applied
Objective: Chapter 2: 8. List the areas and grounds upon which human rights legislation prohibits discrimination.
Bloom's Taxonomy: Knowledge

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56) The _____ applies to abuses in sectors regulated by federal legislation, such as the broadcast and telecommunications industries. Similar provincial statutes apply only in areas controlled by provincial legislation.
A) *Canadian Human Rights Act*
B) *Constitution Act, 1867*
C) *Charter of Rights and Freedoms*
D) Meech Lake Accord
E) *Constitution Act, 1982*
Answer: A
Diff: 1 Type: MC Page Ref: 53
Topic: Ch. 2 - Charter of Rights and Freedoms
Skill: Recall
Objective: Chapter 2: 8. List the areas and grounds upon which human rights legislation prohibits discrimination.
Bloom's Taxonomy: Knowledge

57) Both the federal and the provincial governments have set up special _____ authorized to hear complaints of human rights violations, to investigate, and, where appropriate, to impose significant sanctions and remedies.
A) statutes
B) human rights tribunals
C) constitutional tribunals
D) legislation
E) language rights tribunals
Answer: B
Diff: 1 Type: MC Page Ref: 53
Topic: Ch. 2 - Charter of Rights and Freedoms
Skill: Applied
Objective: Chapter 2: 8. List the areas and grounds upon which human rights legislation prohibits discrimination.
Bloom's Taxonomy: Knowledge

58) Protection against sexual harassment exists because sexual harassment is regarded as a form of _____ on the basis of gender.
A) prohibition
B) abuse
C) discrimination
D) human rights
E) fundamental freedom
Answer: C
Diff: 1 Type: MC Page Ref: 53
Topic: Ch. 2 - Human Rights Legislation
Skill: Recall
Objective: Chapter 2: 8. List the areas and grounds upon which human rights legislation prohibits discrimination.
Bloom's Taxonomy: Knowledge

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59) Where protection against discrimination on the basis of _____ has been left out of human rights legislation, the courts have shown a willingness to imply the existence of this protection.
A) sexual orientation
B) marriage
C) gender
D) publications
E) freedom of speech
Answer: A
Diff: 2 Type: MC Page Ref: 53
Topic: Ch. 2 - Human Rights Legislation
Skill: Recall
Objective: Chapter 2: 8. List the areas and grounds upon which human rights legislation prohibits discrimination.
Bloom's Taxonomy: Knowledge

60) In *Ontario Human Rights Commission et al. v. Simpsons-Sears Ltd.*, the Supreme Court of Canada
A) held that religious discrimination is acceptable in the workplace.
B) found that the employer was required to take reasonable steps to accommodate the religious practices of an employee.
C) concluded that it is unnecessary to accommodate an employee when doing so would inconvenience the employer.
D) decided that only certain religions are worthy of protection under human rights legislation.
E) determined that it is the intention to discriminate that is relevant, not whether or not discrimination actually occurred.
Answer: B
Diff: 3 Type: MC Page Ref: 55
Topic: Ch. 2 - Human Rights Legislation
Skill: Applied
Objective: Chapter 2: 8. List the areas and grounds upon which human rights legislation prohibits discrimination.
Bloom's Taxonomy: Knowledge

61) Law and morality are the same thing.
Answer: FALSE
Diff: 1 Type: TF Page Ref: 21
Topic: Ch. 2 - What Is Law?
Skill: Recall
Objective: Chapter 2: 1. Define"law" and identify the types of law that exist in Canada.
Bloom's Taxonomy: Knowledge

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62) The legal philosophy that defines law in terms of the authority of the person who passed it is called legal realism.
Answer: FALSE
Diff: 2 Type: TF Page Ref: 21
Topic: Ch. 2 - What Is Law?
Skill: Recall
Objective: Chapter 2: 1. Define"law" and identify the types of law that exist in Canada.
Bloom's Taxonomy: Knowledge

63) Parliamentary supremacy is no longer completely in effect in Canada today.
Answer: TRUE
Diff: 2 Type: TF Page Ref: 21
Topic: Ch. 2 - What Is Law?
Skill: Applied
Objective: Chapter 2: 1. Define"law" and identify the types of law that exist in Canada.
Bloom's Taxonomy: Knowledge

64) Substantive law deals with rules that establish a structure for enforcing rights and obligations.
Answer: FALSE
Diff: 2 Type: TF Page Ref: 22
Topic: Ch. 2 - Categories of Law
Skill: Recall
Objective: Chapter 2: 1. Define"law" and identify the types of law that exist in Canada.
Bloom's Taxonomy: Knowledge

65) Civil law is based on a codified system.
Answer: TRUE
Diff: 1 Type: TF Page Ref: 23
Topic: Ch. 2 - Civil Law Legal System
Skill: Recall
Objective: Chapter 2: 2. Distinguish between the civil law and common law legal systems found in Canada.
Bloom's Taxonomy: Knowledge

66) Judges in a common-law system base their decisions on other judges' decisions.
Answer: TRUE
Diff: 1 Type: TF Page Ref: 24
Topic: Ch. 2 - Common Law Legal System
Skill: Recall
Objective: Chapter 2: 2. Distinguish between the civil law and common law legal systems found in Canada.
Bloom's Taxonomy: Knowledge

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67) *Stare decisis* is the Latin term for following the Code.
Answer: FALSE
Diff: 2 Type: TF Page Ref: 24
Topic: Ch. 2 - Common Law Legal System
Skill: Recall
Objective: Chapter 2: 2. Distinguish between the civil law and common law legal systems found in Canada.
Bloom's Taxonomy: Knowledge

68) A British Columbia Provincial Court judge is required to follow the decisions of a higher court in Alberta.
Answer: FALSE
Diff: 1 Type: TF Page Ref: 24
Topic: Ch. 2 - Common Law Legal System
Skill: Recall
Objective: Chapter 2: 2. Distinguish between the civil law and common law legal systems found in Canada.
Bloom's Taxonomy: Knowledge

69) The common-law courts as developed by King Henry and subsequent kings were used to impose the will of the sovereign on the people.
Answer: FALSE
Diff: 3 Type: TF Page Ref: 24
Topic: Ch. 2 - Common Law Legal System
Skill: Recall
Objective: Chapter 2: 2. Distinguish between the civil law and common law legal systems found in Canada.
Bloom's Taxonomy: Knowledge

70) In our system, if a judge feels that the decision made by a judge in a higher court is wrong, he or she is free to disregard it.
Answer: FALSE
Diff: 1 Type: TF Page Ref: 24
Topic: Ch. 2 - Common Law Legal System
Skill: Applied
Objective: Chapter 2: 2. Distinguish between the civil law and common law legal systems found in Canada.
Bloom's Taxonomy: Knowledge

71) *Stare decisis* can contribute to stagnation.
Answer: TRUE
Diff: 2 Type: TF Page Ref: 24
Topic: Ch. 2 - Common Law Legal System
Skill: Recall
Objective: Chapter 2: 2. Distinguish between the civil law and common law legal systems found in Canada.
Bloom's Taxonomy: Knowledge

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72) *Stare decisis* in the common-law system plays the same role as the code in the French system, lending predictability to the law.
Answer: TRUE
Diff: 2 Type: TF Page Ref: 24
Topic: Ch. 2 - Common Law Legal System
Skill: Applied
Objective: Chapter 2: 2. Distinguish between the civil law and common law legal systems found in Canada.
Bloom's Taxonomy: Knowledge

73) Common law is also known as judge-made law.
Answer: TRUE
Diff: 1 Type: TF Page Ref: 27
Topic: Ch. 2 - Common Law
Skill: Recall
Objective: Chapter 2: 3. Identify the sources of Canadian law.
Bloom's Taxonomy: Knowledge

74) Canon law refers to the law created by the Church.
Answer: TRUE
Diff: 2 Type: TF Page Ref: 27
Topic: Ch. 2 - Common Law
Skill: Recall
Objective: Chapter 2: 3. Identify the sources of Canadian law.
Bloom's Taxonomy: Knowledge

75) The law of equity was developed in the Court of Chancery.
Answer: TRUE
Diff: 2 Type: TF Page Ref: 27
Topic: Ch. 2 - Equity
Skill: Recall
Objective: Chapter 2: 3. Identify the sources of Canadian law.
Bloom's Taxonomy: Knowledge

76) The Courts of Chancery originally followed *stare decisis* and precedent, as did the common-law courts.
Answer: FALSE
Diff: 2 Type: TF Page Ref: 27
Topic: Ch. 2 - Equity
Skill: Recall
Objective: Chapter 2: 3. Identify the sources of Canadian law.
Bloom's Taxonomy: Knowledge

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77) Although the Courts of Chancery and common-law courts were merged, the bodies of law remain separate today.
Answer: TRUE
Diff: 3 Type: TF Page Ref: 27
Topic: Ch. 2 - Equity
Skill: Recall
Objective: Chapter 2: 3. Identify the sources of Canadian law.
Bloom's Taxonomy: Knowledge

78) The law of equity simply means fairness in our legal system.
Answer: FALSE
Diff: 3 Type: TF Page Ref: 27
Topic: Ch. 2 - Equity
Skill: Recall
Objective: Chapter 2: 3. Identify the sources of Canadian law.
Bloom's Taxonomy: Knowledge

79) Subordinate legislation includes regulations and municipal bylaws.
Answer: TRUE
Diff: 2 Type: TF Page Ref: 28
Topic: Ch. 2 - Statutes
Skill: Recall
Objective: Chapter 2: 3. Identify the sources of Canadian law.
Bloom's Taxonomy: Knowledge

80) Legislation forms the foundation of our legal system, although judge-made law continues to take precedence over statutes.
Answer: FALSE
Diff: 2 Type: TF Page Ref: 28
Topic: Ch. 2 - Statutes
Skill: Applied
Objective: Chapter 2: 3. Identify the sources of Canadian law.
Bloom's Taxonomy: Knowledge

81) Transfer payment schemes can allow the federal government to exercise some control over how a provincial government operates certain programs that fall with provincial jurisdiction.
Answer: TRUE
Diff: 3 Type: TF Page Ref: 36
Topic: Ch. 2 - Delegation of Powers
Skill: Applied
Objective: Chapter 2: 5. Explain how legislative power is divided in Canada.
Bloom's Taxonomy: Knowledge

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82) Once a bill has received royal assent, it may be effective immediately or it may be effective on later proclamation.
Answer: TRUE
Diff: 2 Type: TF Page Ref: 37
Topic: Ch. 2 - Legislative Power
Skill: Applied
Objective: Chapter 2: 6. Detail how legislation is created in the parliamentary system.
Bloom's Taxonomy: Knowledge

83) All provincial bills require royal assent of the Governor General before they can become law.
Answer: FALSE
Diff: 3 Type: TF Page Ref: 37
Topic: Ch. 2 - Legislative Power
Skill: Applied
Objective: Chapter 2: 6. Detail how legislation is created in the parliamentary system.
Bloom's Taxonomy: Knowledge

84) Legislation prohibiting all prison inmates from voting in federal elections was found to constitute an unjustified denial of the right to vote.
Answer: TRUE
Diff: 3 Type: TF Page Ref: 39
Topic: Ch. 2 - Charter of Rights and Freedoms
Skill: Applied
Objective: Chapter 2: 7. Describe the rights and freedoms protected by the Charter of Rights and Freedoms.
Bloom's Taxonomy: Knowledge

85) Everyone in Canada has the right to freedom of conscience and religion.
Answer: TRUE
Diff: 3 Type: TF Page Ref: 39
Topic: Ch. 2 - Charter of Rights and Freedoms
Skill: Recall
Objective: Chapter 2: 7. Describe the rights and freedoms protected by the Charter of Rights and Freedoms.
Bloom's Taxonomy: Knowledge

86) There are no limitations to the right of freedom of expression.
Answer: FALSE
Diff: 3 Type: TF Page Ref: 39
Topic: Ch. 2 - Charter of Rights and Freedoms
Skill: Recall
Objective: Chapter 2: 7. Describe the rights and freedoms protected by the Charter of Rights and Freedoms.
Bloom's Taxonomy: Knowledge

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87) Laws which restrict collective bargaining are not subject to the *Charter of Rights and Freedoms*.
Answer: FALSE
Diff: 3 Type: TF Page Ref: 39
Topic: Ch. 2 - Charter of Rights and Freedoms
Skill: Applied
Objective: Chapter 2: 7. Describe the rights and freedoms protected by the Charter of Rights and Freedoms.
Bloom's Taxonomy: Knowledge

88) The *Charter of Rights and Freedoms* ensures Canadians can travel and live anywhere within Canada.
Answer: TRUE
Diff: 3 Type: TF Page Ref: 39
Topic: Ch. 2 - Charter of Rights and Freedoms
Skill: Recall
Objective: Chapter 2: 7. Describe the rights and freedoms protected by the Charter of Rights and Freedoms.
Bloom's Taxonomy: Knowledge

89) The *Charter of Rights and Freedoms* expressly prohibits discrimination on the basis of sexual preference.
Answer: FALSE
Diff: 3 Type: TF Page Ref: 39
Topic: Ch. 2 - Charter of Rights and Freedoms
Skill: Applied
Objective: Chapter 2: 7. Describe the rights and freedoms protected by the Charter of Rights and Freedoms.
Bloom's Taxonomy: Knowledge

90) While the *Charter of Rights and Freedoms* protects individuals' rights from government abuses, there is still no legislation to protect individuals' rights from abuse by the public.
Answer: FALSE
Diff: 2 Type: TF Page Ref: 53
Topic: Ch. 2 - Human Rights Legislation
Skill: Applied
Objective: Chapter 2: 8. List the areas and grounds upon which human rights legislation prohibits discrimination.
Bloom's Taxonomy: Knowledge

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91) Sexual harassment is regarded as a form of discrimination on the basis of gender.
Answer: TRUE
Diff: 2 Type: TF Page Ref: 53
Topic: Ch. 2 - Human Rights Legislation
Skill: Applied
Objective: Chapter 2: 8. List the areas and grounds upon which human rights legislation prohibits discrimination.
Bloom's Taxonomy: Knowledge

92) Human rights acts prohibit discrimination upon various protected grounds, including gender, religion, ethnic origin, race, age, and disabilities.
Answer: TRUE
Diff: 1 Type: TF Page Ref: 53
Topic: Ch. 2 - Human Rights Legislation
Skill: Recall
Objective: Chapter 2: 8. List the areas and grounds upon which human rights legislation prohibits discrimination.
Bloom's Taxonomy: Knowledge

93) Three decades ago, discrimination based on sexual orientation was specifically prohibited.
Answer: FALSE
Diff: 1 Type: TF Page Ref: 53
Topic: Ch. 2 - Human Rights Legislation
Skill: Recall
Objective: Chapter 2: 8. List the areas and grounds upon which human rights legislation prohibits discrimination.
Bloom's Taxonomy: Knowledge

94) Private clubs cannot discriminate as to who they will admit as members because discrimination by private facilities is prohibited by the legislation.
Answer: FALSE
Diff: 2 Type: TF Page Ref: 53
Topic: Ch. 2 - Human Rights Legislation
Skill: Recall
Objective: Chapter 2: 8. List the areas and grounds upon which human rights legislation prohibits discrimination.
Bloom's Taxonomy: Knowledge

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95) Where protection against discrimination on the basis of sexual orientation has been left out of human rights legislation, the courts have shown a willingness to imply the existence of this protection.
Answer: TRUE
Diff: 1 Type: TF Page Ref: 53
Topic: Ch. 2 - Human Rights Legislation
Skill: Recall
Objective: Chapter 2: 8. List the areas and grounds upon which human rights legislation prohibits discrimination.
Bloom's Taxonomy: Knowledge

96) Initially, human rights legislation was designed to stop discrimination against identifiable minority groups in specific areas, such as hotels and restaurants.
Answer: TRUE
Diff: 2 Type: TF Page Ref: 53
Topic: Ch. 2 - Human Rights Legislation
Skill: Recall
Objective: Chapter 2: 8. List the areas and grounds upon which human rights legislation prohibits discrimination.
Bloom's Taxonomy: Knowledge

97) Why is law important?
Answer: It determines how effectively we interact with one another. It governs personal and commercial relationships.
Diff: 1 Type: ES Page Ref: 21
Topic: Ch. 2 - What Is Law?
Skill: Applied
Objective: Chapter 2: 1. Define"law" and identify the types of law that exist in Canada.
Bloom's Taxonomy: Knowledge

98) The type of law that depends on a moral code or morality to define what the law is, is called _____.
Answer: natural law
Diff: 2 Type: ES Page Ref: 21
Topic: Ch. 2 - What Is Law?
Skill: Recall
Objective: Chapter 2: 1. Define"law" and identify the types of law that exist in Canada.
Bloom's Taxonomy: Knowledge

99) The legal theory that defines law in terms of a command by someone in authority is called _____.
Answer: legal positivism
Diff: 1 Type: ES Page Ref: 21
Topic: Ch. 2 - What Is Law?
Skill: Recall
Objective: Chapter 2: 1. Define"law" and identify the types of law that exist in Canada.
Bloom's Taxonomy: Knowledge

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100) The theory of law that defined law in terms of what the courts actually do is called _____.
Answer: legal realism
Diff: 1 Type: ES Page Ref: 21
Topic: Ch. 2 - What Is Law?
Skill: Recall
Objective: Chapter 2: 1. Define"law" and identify the types of law that exist in Canada.
Bloom's Taxonomy: Knowledge

101) Contrast substantive law and procedural law.
Answer: Substantive law establishes the rights an individual has in society and the limits on that individual's conduct. Procedural law determines how the substantive laws will be enforced.
Diff: 2 Type: ES Page Ref: 22
Topic: Ch. 2 - Categories of Law
Skill: Applied
Objective: Chapter 2: 1. Define"law" and identify the types of law that exist in Canada.
Bloom's Taxonomy: Knowledge

102) Contrast public law and private law.
Answer: Public law includes constitutional law and the laws that affect an individual's relationship with the government. Private law involves the rules that govern our personal, social, and business relations.
Diff: 2 Type: ES Page Ref: 22
Topic: Ch. 2 - Categories of Law
Skill: Applied
Objective: Chapter 2: 1. Define"law" and identify the types of law that exist in Canada.
Bloom's Taxonomy: Knowledge

103) What role does the civil code system of law play in Canada?
Answer: Quebec uses a civil code for areas that fall under its jurisdiction.
Diff: 1 Type: ES Page Ref: 23
Topic: Ch. 2 - Civil Law Legal System
Skill: Applied
Objective: Chapter 2: 2. Distinguish between the civil law and common law legal systems found in Canada.
Bloom's Taxonomy: Knowledge

104) Explain what role precedent plays in the civil code legal system.
Answer: Prior judges' decisions are merely persuasive, not binding. The *Code* is binding.
Diff: 2 Type: ES Page Ref: 23
Topic: Ch. 2 - Civil Law Legal System
Skill: Applied
Objective: Chapter 2: 2. Distinguish between the civil law and common law legal systems found in Canada.
Bloom's Taxonomy: Knowledge

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105) When was the last time Quebec revised its *Civil Code*?
Answer: A new *Civil Code* in Quebec came into effect on January 1, 1994.
Diff: 3 Type: ES Page Ref: 23
Topic: Ch. 2 - Civil Law Legal System
Skill: Recall
Objective: Chapter 2: 2. Distinguish between the civil law and common law legal systems found in Canada.
Bloom's Taxonomy: Knowledge

106) Which province in Canada continues to use a civil code system?
Answer: Quebec
Diff: 1 Type: ES Page Ref: 23
Topic: Ch. 2 - Civil Law Legal System
Skill: Recall
Objective: Chapter 2: 2. Distinguish between the civil law and common law legal systems found in Canada.
Bloom's Taxonomy: Knowledge

107) Explain what is meant by *stare decisis*.
Answer: This means essentially "let the decision stand" and involves the process existing in the common law system whereby one judge's decision must be followed by another. This is the system of precedent whereby one judge's decision forms a precedent that must be followed by other judges in similar cases.
Diff: 2 Type: ES Page Ref: 24
Topic: Ch. 2 - Common Law Legal System
Skill: Applied
Objective: Chapter 2: 2. Distinguish between the civil law and common law legal systems found in Canada.
Bloom's Taxonomy: Knowledge

108) Is the B.C. Supreme Court judge bound to follow an Ontario Court of Appeal decision?
Answer: No, it's only at the same level or higher in the same court hierarchy (i.e., the B.C. Court of Appeal, the B.C. Supreme Court) that the decision must be followed. Every judge must follow Supreme Court of Canada decisions, but the Supreme Court of British Columbia need only follow the B.C. Supreme Court, the B.C. Court of Appeal, and the Supreme Court of Canada.
Diff: 2 Type: ES Page Ref: 24
Topic: Ch. 2 - Common Law Legal System
Skill: Applied
Objective: Chapter 2: 2. Distinguish between the civil law and common law legal systems found in Canada.
Bloom's Taxonomy: Knowledge

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109) What role does the decision made by an Ontario Court of Appeal judge have on a B.C. Supreme Court judge?
Answer: The decision is merely persuasive. It is not binding since that judge is not in the same court hierarchy (i.e., B.C. Court of Appeal, Supreme Court of Canada).
Diff: 2 Type: ES Page Ref: 24
Topic: Ch. 2 - Common Law Legal System
Skill: Applied
Objective: Chapter 2: 2. Distinguish between the civil law and common law legal systems found in Canada.
Bloom's Taxonomy: Knowledge

110) What gives judges flexibility in deciding whether or not to apply a particular precedent?
Answer: While a judge cannot stray very far from the established line of precedents, a judge can "distinguish the facts" by finding essential differences in the facts of the current case and the prior decision.
Diff: 3 Type: ES Page Ref: 24
Topic: Ch. 2 - Common Law Legal System
Skill: Applied
Objective: Chapter 2: 3. Identify the sources of Canadian law.
Bloom's Taxonomy: Knowledge

111) Give two examples of other areas of law from which the common law judges borrowed in order to create the common law.
Answer: Roman civil law, canon law or church law, and the law merchant (not equity)
Diff: 3 Type: ES Page Ref: 24
Topic: Ch. 2 - Common Law Legal System
Skill: Recall
Objective: Chapter 2: 3. Identify the sources of Canadian law.
Bloom's Taxonomy: Knowledge

112) Indicate the three courts that together made up the common law courts.
Answer: Court of Common Pleas, Court of King's Bench, Exchequer Court
Diff: 3 Type: ES Page Ref: 27
Topic: Ch. 2 - Sources of Law
Skill: Recall
Objective: Chapter 2: 3. Identify the sources of Canadian law.
Bloom's Taxonomy: Knowledge

113) The body of rules developed by the Court of Common Pleas, Court of King's Bench, and Exchequer Court became known as _____.
Answer: the common law
Diff: 1 Type: ES Page Ref: 27
Topic: Ch. 2 - Common Law
Skill: Recall
Objective: Chapter 2: 3. Identify the sources of Canadian law.
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114) Explain why the law of equity developed.
Answer: Because of the inequity and harshness of the common law, people petitioned the king for relief. The king appointed the chancellor and eventually the chancellery courts to overcome the inflexibility and harshness of the common law rules. The body of law that developed was equity, and so it can be said that equity developed to supplement the common law because of the inadequacy and rigidity of the common law.
Diff: 2 Type: ES Page Ref: 27
Topic: Ch. 2 - Equity
Skill: Applied
Objective: Chapter 2: 3. Identify the sources of Canadian law.
Bloom's Taxonomy: Knowledge

115) The body of law developed by the Courts of Chancery is called _____.
Answer: equity
Diff: 1 Type: ES Page Ref: 27
Topic: Ch. 2 - Equity
Skill: Recall
Objective: Chapter 2: 3. Identify the sources of Canadian law.
Bloom's Taxonomy: Knowledge

116) The law of equity was developed by _____.
Answer: the Courts of Chancery
Diff: 1 Type: ES Page Ref: 27
Topic: Ch. 2 - Equity
Skill: Recall
Objective: Chapter 2: 3. Identify the sources of Canadian law.
Bloom's Taxonomy: Knowledge

117) "If somebody did not like the decision of the judge in the common law court, they could appeal to the Court of Chancery." Indicate what is wrong with that statement.
Answer: The Court of Chancery was a separate court system altogether. You didn't need to appeal from the common law courts to the Courts of Chancery. Instead, you went to the Chancery in the first place because you knew that there would be no adequate remedy provided or available in the common law courts.
Diff: 2 Type: ES Page Ref: 27
Topic: Ch. 2 - Equity
Skill: Applied
Objective: Chapter 2: 3. Identify the sources of Canadian law.
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118) "The term 'equity' refers to fairness in our legal system." Discuss the accuracy of this statement.
Answer: Equity is that body of law developed by the Courts of Chancery and may or may not be considered fair by today's standards. By the *Judicature Acts*, the Courts of Chancery and common-law courts were merged into one court system, the English High Court of Justice. It must be emphasized that the bodies of law developed (that is, common law and equity) remain separate and distinct bodies of law.
Diff: 3 Type: ES Page Ref: 27
Topic: Ch. 2 - Equity
Skill: Applied
Objective: Chapter 2: 3. Identify the sources of Canadian law.
Bloom's Taxonomy: Knowledge

119) What is meant by a statute?
Answer: A statute is a parliamentary or legislative enactment having the force of law. It is sometimes referred to as a bill prior to passage and legislation or an act afterwards.
Diff: 1 Type: ES Page Ref: 28
Topic: Ch. 2 - Statutes
Skill: Recall
Objective: Chapter 2: 3. Identify the sources of Canadian law.
Bloom's Taxonomy: Knowledge

120) Explain the relationship between regulations and statutes.
Answer: Often a statute will empower a particular government department to develop regulations pursuant to the statutes to enforce or give effect to the provisions of that statute. For example, regulations under the *Employment Insurance Act*, *Workers' Compensation Act*, etc., have the force of law if they are passed properly pursuant to these statutes.
Diff: 3 Type: ES Page Ref: 28
Topic: Ch. 2 - Statutes
Skill: Applied
Objective: Chapter 2: 3. Identify the sources of Canadian law.
Bloom's Taxonomy: Knowledge

121) Explain why statutes override the common law.
Answer: Because of the principle of parliamentary supremacy, when parliament passes a statute, it overrides common law or equity and determines the law.
Diff: 2 Type: ES Page Ref: 28
Topic: Ch. 2 - Statutes
Skill: Applied
Objective: Chapter 2: 3. Identify the sources of Canadian law.
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122) "Canada's Constitution is embodied in the *British North America Act*." Comment on the accuracy of that statement.
Answer: This is incorrect. Canada has a constitution similar to Great Britain's, which is an unwritten constitution that includes a great many separate constitutional documents such as the *Magna Carta*, English *Bill of Rights*, etc. The *British North America Act* is just one of the elements of that constitution. The *British North America Act* is now referred to as the *Constitution Act, 1867*.
Diff: 2 Type: ES Page Ref: 30
Topic: Ch. 2 - Law in Canada
Skill: Applied
Objective: Chapter 2: 4. Isolate the three elements of Canada's Constitution.
Bloom's Taxonomy: Knowledge

123) What is the significance of the *Constitution Act, 1867*?
Answer: It created the Dominion of Canada and, for our purposes today, it divides powers between the federal and provincial governments.
Diff: 1 Type: ES Page Ref: 30
Topic: Ch. 2 - Confederation
Skill: Applied
Objective: Chapter 2: 4. Isolate the three elements of Canada's Constitution.
Bloom's Taxonomy: Knowledge

124) Explain what is meant by the principle of the rule of law.
Answer: This principle protects citizens of Canada from arbitrary action; that is, any government official in Canada must be able to point to some statute or regulation authorizing them to do what they have done.
Diff: 2 Type: ES Page Ref: 30
Topic: Ch. 2 - Law in Canada
Skill: Applied
Objective: Chapter 2: 4. Isolate the three elements of Canada's Constitution.
Bloom's Taxonomy: Knowledge

125) When we speak of parliamentary supremacy in Canada, which is based on a confederation between federal and provincial governments, which level of government is supreme?
Answer: Sections 91 and 92 divide powers between the federal and provincial governments. They are each supreme in their own spheres.
Diff: 2 Type: ES Page Ref: 31
Topic: Ch. 2 - Constitution and Division of Powers
Skill: Applied
Objective: Chapter 2: 5. Explain how legislative power is divided in Canada.
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126) Give examples of areas that fall under federal jurisdiction.
Answer: Money, banking, postal service, currency, criminal law, appointment of judges to a higher level of provincial and federal courts, aviation, and telecommunications fall under federal jurisdiction.
Diff: 2 Type: ES Page Ref: 31
Topic: Ch. 2 - Constitution and Division of Powers
Skill: Applied
Objective: Chapter 2: 5. Explain how legislative power is divided in Canada.
Bloom's Taxonomy: Knowledge

127) What are some examples of powers that were given to the provincial governments under Section 92 of the *Constitution Act, 1867*.
Answer: Hospitals, education, public health, administration of courts, and commercial activities carried on at the local level came under the provincial governments.
Diff: 2 Type: ES Page Ref: 31
Topic: Ch. 2 - Constitution and Division of Powers
Skill: Recall
Objective: Chapter 2: 5. Explain how legislative power is divided in Canada.
Bloom's Taxonomy: Knowledge

128) When an individual is faced with federal legislation and provincial legislation both dealing with the same subject matter, which should he obey?
Answer: If the federal legislation is valid, the provincial legislation is valid, and there is no conflict between them (that is, one just sets higher standards then the other), the individual must obey the higher standard. If there is a true conflict between them, however, the principle of paramountcy dictates that the federal legislation be followed.
Diff: 1 Type: ES Page Ref: 34
Topic: Ch. 2 - Conflicting Powers
Skill: Applied
Objective: Chapter 2: 5. Explain how legislative power is divided in Canada.
Bloom's Taxonomy: Knowledge

129) How do transfer-payment schemes help to circumvent the constitutional rigidity created by the division of powers?
Answer: Through such schemes, the federal government can exercise influence over how a provincial government operates programs under provincial control.
Diff: 3 Type: ES Page Ref: 36
Topic: Ch. 2 - Constitution and Division of Powers
Skill: Applied
Objective: Chapter 2: 5. Explain how legislative power is divided in Canada.
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130) What is meant by the *Revised Statutes of Canada*?
Answer: Every so many years, the statutes are summarized and brought up to date. When this happens, it is referred as the *Revised Statutes*. The last time this was done in Canada was 1985. They are referred to as the *Revised Statutes of Canada* of 1985 or R.S.C. (1985).
Diff: 2 Type: ES Page Ref: 37
Topic: Ch. 2 - Delegation of Powers
Skill: Applied
Objective: Chapter 2: 5. Explain how legislative power is divided in Canada.
Bloom's Taxonomy: Knowledge

131) Why did we need the *Charter of Rights and Freedoms*?
Answer: Although we relied on parliamentarians and conventions, before the passage of the *Charter*, to protect basic rights and freedoms, there were enough examples of violations of those basic rights and freedoms to cast doubt on whether there were sufficient safeguards. The *Charter of Rights and Freedoms* was passed to place a check on the power exercised by parliamentarians.
Diff: 1 Type: ES Page Ref: 37
Topic: Ch. 2 - Protection of Rights and Freedoms
Skill: Applied
Objective: Chapter 2: 7. Describe the rights and freedoms protected by the Charter of Rights and Freedoms.
Bloom's Taxonomy: Knowledge

132) How does the *Charter of Rights and Freedoms* affect the principle of parliamentary supremacy?
Answer: Prior to 1982, in theory at least, parliament was supreme. Either the federal government or the provincial government had the power to pass all types of legislation. After 1982, however, the *Charter* placed limitations on that power, thereby redirecting power to the courts and limiting the principle of supremacy of parliament.
Diff: 2 Type: ES Page Ref: 39
Topic: Ch. 2 - Protection of Rights and Freedoms
Skill: Applied
Objective: Chapter 2: 7. Describe the rights and freedoms protected by the Charter of Rights and Freedoms.
Bloom's Taxonomy: Knowledge

133) What is the effect of the passage of the *Charter of Rights and Freedoms* on the principle of supremacy of parliament?
Answer: Prior to passage of the *Charter*, reliance was placed on parliamentarians to protect basic rights and freedoms. Subsequent to the *Charter*, that same reliance is now placed on judges. There has been a transfer of power from the parliamentarians to the courts, and to that extent at least it can be said that parliament is no longer supreme.
Diff: 2 Type: ES Page Ref: 39
Topic: Ch. 2 - Protection of Rights and Freedoms
Skill: Applied
Objective: Chapter 2: 7. Describe the rights and freedoms protected by the Charter of Rights and Freedoms.
Bloom's Taxonomy: Knowledge

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134) "An individual who is refused service at a restaurant because of his race has had his *Charter* rights violated." Comment on the accuracy of this statement.
Answer: This statement is not accurate. Because this is not a public matter involving government, but rather is a private matter between citizens, it must be dealt with by the local human rights legislation in the province.
Diff: 2 Type: ES Page Ref: 39
Topic: Ch. 2 - Charter of Rights and Freedoms
Skill: Applied
Objective: Chapter 2: 7. Describe the rights and freedoms protected by the Charter of Rights and Freedoms.
Bloom's Taxonomy: Knowledge

135) Indicate what kind of personal freedoms are protected under the *Charter*.
Answer: Freedom of conscience, religion, freedom of belief, opinion, expression, and freedom of peaceful assembly and association are protected under the *Charter*.
Diff: 2 Type: ES Page Ref: 39
Topic: Ch. 2 - Charter of Rights and Freedoms
Skill: Recall
Objective: Chapter 2: 7. Describe the rights and freedoms protected by the Charter of Rights and Freedoms.
Bloom's Taxonomy: Knowledge

136) What kind of democratic rights are protected under the *Charter*?
Answer: The right to vote, the requirement that elections be held on a regular basis, and requirement that the legislature be elected and sit at least once a year are protected under the *Charter*.
Diff: 3 Type: ES Page Ref: 39
Topic: Ch. 2 - Charter of Rights and Freedoms
Skill: Recall
Objective: Chapter 2: 7. Describe the rights and freedoms protected by the Charter of Rights and Freedoms.
Bloom's Taxonomy: Knowledge

137) What kind of rights are protected under the heading of mobility rights in the *Charter*?
Answer: The rights of Canadians to travel and live anywhere within the geographical limitation of Canada, and the right to earn a livelihood in those areas.
Diff: 2 Type: ES Page Ref: 39
Topic: Ch. 2 - Charter of Rights and Freedoms
Skill: Recall
Objective: Chapter 2: 7. Describe the rights and freedoms protected by the Charter of Rights and Freedoms.
Bloom's Taxonomy: Knowledge

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138) What kind of legal rights are protected under the *Charter*?
Answer: The rights to life, liberty, and security of person and not to be deprived thereof, except in accordance with the principles of fundamental justice; the right to be free from any unreasonable search and seizures; the right to be free of arbitrary imprisonment; the right to be informed about why we are arrested; the right to retain counsel; the right to be tried within a reasonable time; the presumption of innocence; the right not to be tried twice for the same offence; and the right not to be subjected to any cruel and unusual punishment are protected under the *Charter*.
Diff: 3 Type: ES Page Ref: 39
Topic: Ch. 2 - Charter of Rights and Freedoms
Skill: Applied
Objective: Chapter 2: 7. Describe the rights and freedoms protected by the Charter of Rights and Freedoms.
Bloom's Taxonomy: Knowledge

139) Explain what is meant by the term "principles of fundamental justice."
Answer: This is similar to the American "due process" or the rules of natural justice. A person is entitled to a fair hearing, including an opportunity to have notice of the charges that are brought against him, an opportunity to speak to those charges, to present his side of the case, the right to cross-examine witnesses if necessary to determine the validity of the accusation or charges, and the right to be tried by somebody free of bias.
Diff: 3 Type: ES Page Ref: 39
Topic: Ch. 2 - Protection of Rights and Freedoms
Skill: Applied
Objective: Chapter 2: 7. Describe the rights and freedoms protected by the Charter of Rights and Freedoms.
Bloom's Taxonomy: Knowledge

140) What kind of equality rights are protected by the *Charter of Rights and Freedoms*?
Answer: The *Charter* prohibits discrimination of the bases of sex, religion, race, age, colour, mental or physical disability, and national or ethnic origin. It also states that equality of male and female is guaranteed and that aboriginal rights of the Native peoples are not affected in any way. (NOTE: Section 15 of the *Charter* is really broader than this and prohibits any form of discrimination.)
Diff: 2 Type: ES Page Ref: 39
Topic: Ch. 2 - Charter of Rights and Freedoms
Skill: Recall
Objective: Chapter 2: 7. Describe the rights and freedoms protected by the Charter of Rights and Freedoms.
Bloom's Taxonomy: Knowledge

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141) How are language rights protected by the *Charter of Rights and Freedoms*?
Answer: The *Charter* gives the French and English languages equal status and protects the right of minorities to use those languages, including the right to have children educated in one of those languages providing it is the first language of the parents or they received their primary education in that language.
Diff: 3 Type: ES Page Ref: 39
Topic: Ch. 2 - Charter of Rights and Freedoms
Skill: Applied
Objective: Chapter 2: 7. Describe the rights and freedoms protected by the Charter of Rights and Freedoms.
Bloom's Taxonomy: Knowledge

142) Explain how the rights set up in the *Charter of Rights and Freedoms* are limited.
Answer: 1. The *Charter* only applies to public matters and government relations.
2. Section 1 of the *Charter* limits the rights and freedoms so that they can be interfered with when "demonstrably justified in a free and democratic society." Section 33, the "notwithstanding clause," allows the provinces or the federal government to override Section 2 or Sections 7-15 by so declaring in the legislation.
Diff: 2 Type: ES Page Ref: 39
Topic: Ch. 2 - Charter of Rights and Freedoms
Skill: Applied
Objective: Chapter 2: 7. Describe the rights and freedoms protected by the Charter of Rights and Freedoms.
Bloom's Taxonomy: Knowledge

143) Explain how Section 1 of the *Charter of Rights and Freedoms* limits the rights and freedoms set out in the *Charter*.
Answer: Legislation can be passed inconsistent with the rights set out in the *Charter of Rights and Freedoms* when doing so can be justified in a free and democratic society.
Diff: 2 Type: ES Page Ref: 39
Topic: Ch. 2 - Charter Provisions
Skill: Applied
Objective: Chapter 2: 7. Describe the rights and freedoms protected by the Charter of Rights and Freedoms.
Bloom's Taxonomy: Knowledge

144) How does Section 33 limit the rights set out in the *Charter of Rights and Freedoms*?
Answer: This is the "notwithstanding clause"; it allows the government, for a period of five years, to override the rights set out in Sections 2 and 7-15 of the *Charter* by so stating in the legislation. At the end of five years, such overriding legislation lapses but may be passed again.
Diff: 2 Type: ES Page Ref: 39
Topic: Ch. 2 - Charter Provisions
Skill: Applied
Objective: Chapter 2: 7. Describe the rights and freedoms protected by the Charter of Rights and Freedoms.
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145) "The *Charter of Rights and Freedoms* is separate from, and therefore has no bearing on, other human rights legislation." Discuss the accuracy of this statement.
Answer: The statement is inaccurate. Because the *Charter* requires that every individual have "equal protection and equal benefit of the law," the courts will essentially rewrite human rights legislation that is found to be under-inclusive (such as in *Vriend v. Alberta* with respect to sexual orientation).
Diff: 3 Type: ES Page Ref: 39
Topic: Ch. 2 - Charter Provisions
Skill: Applied
Objective: Chapter 2: 7. Describe the rights and freedoms protected by the Charter of Rights and Freedoms.
Bloom's Taxonomy: Knowledge

146) What is a "sunset clause" in the context of limitations on the *Charter of Rights and Freedoms*?
Answer: A "sunset clause" is applied to the operation of section 33. If the notwithstanding clause is invoked, the statute must be re-enacted by that legislative body every five years.
Diff: 3 Type: ES Page Ref: 41
Topic: Ch. 2 - Limitations
Skill: Applied
Objective: Chapter 2: 7. Describe the rights and freedoms protected by the Charter of Rights and Freedoms.
Bloom's Taxonomy: Knowledge

147) Explain the limitations on the application of the *Charter of Rights and Freedoms*.
Answer: The *Charter* only applies to public matters such as government and the laws they create. This applies to the federal, provincial, and municipal levels of government.
Diff: 1 Type: ES Page Ref: 42
Topic: Ch. 2 - Charter Provisions
Skill: Applied
Objective: Chapter 2: 7. Describe the rights and freedoms protected by the Charter of Rights and Freedoms.
Bloom's Taxonomy: Knowledge

148) Explain a *bona fide* occupational requirement in the context of human rights legislation.
Answer: Sometimes it is genuinely necessary to discriminate on a prohibited ground or in a prohibited area in order to fill job requirements. For example, in the area of employment, it may be necessary to discriminate on the basis of physical disability against a quadriplegic when hiring a tree pruner who is required to climb trees.
Diff: 1 Type: ES Page Ref: 42
Topic: Ch. 2 - Human Rights Legislation
Skill: Applied
Objective: Chapter 2: 8. List the areas and grounds upon which human rights legislation prohibits discrimination.
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149) The term "law" may be defined in a variety of ways. Explain.
Answer: Students should note that it is not possible to define law in a single, all-inclusive way, and that philosophers have been trying to define law for centuries. Students should identify the different ways in which law has been defined. In particular, law has been defined in moral terms (natural law theorists), defined by looking at its source (legal positivists), and defined in practical terms (legal realists). For purposes of studying business law, law can be defined as the body of rules that can be enforced by the courts or by other government agencies. Students ought to recognize that this definition of law has limitations, as it does not suggest what is just or moral.
Diff: 1 Type: ES Page Ref: 21
Topic: Ch. 2 - What Is Law?
Skill: Applied
Objective: Chapter 2: 1. Define"law" and identify the types of law that exist in Canada.
Bloom's Taxonomy: Knowledge

150) Explain the relationship between common law and equity in the development of our legal system.
Answer: The student should relate how equity developed and why. The inadequacies of the common law led to the need for equity. Problems with the common law included that *stare decisis* caused stagnation, and the remedies provided in common law were inadequate. This led to people petitioning the king for relief. Eventually this was taken over by the chancellor, and the Court of Chancery developed. The body of law called equity was developed by the Court of Chancery. It supplements the common law. Eventually the courts merged, but not the separate bodies of law.
Diff: 2 Type: ES Page Ref: 27
Topic: Ch. 2 - Sources of Law
Skill: Applied
Objective: Chapter 2: 3. Identify the sources of Canadian law.
Bloom's Taxonomy: Knowledge

151) "In our modern legal system, the term 'equity' is synonymous with fairness." Discuss the accuracy of this statement.
Answer: Students should point out that equity is that body of law developed by the Courts of Chancery and may or may not be fair in modern terms. The student should comment on the inadequacies of the common law, including the use of *stare decisis* causing the development of common law to stagnate, and inadequate common law remedies. This led to people petitioning the king for relief. This was taken over by the chancellor and eventually the Court of Chancery developed. Equity then is the body of law developed by the Court of Chancery and it was intended to supplement the common law. Equity does not mean fairness, but that body of law developed in the Courts of Chancery, and it may or may not be considered fair by today's standards. The two courts' structures were merged, but not the bodies of law.
Diff: 3 Type: ES Page Ref: 27
Topic: Ch. 2 - Equity
Skill: Applied
Objective: Chapter 2: 3. Identify the sources of Canadian law.
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152) Explain the relationship between statutes, equity, and common law in our legal system, including a brief discussion on the historical development of these three major aspects of our law.
Answer: Students should explain how equity and common law are judge-made law and that statutes are made by parliament or by the provincial legislatures. They should also explain that equity was created as a supplement to the common law to overcome its harshness and rigidity. Since parliament is supreme, its acts override judge-made law, and therefore statutes override common law and equity. If there is no overriding statute, a judge will apply either equity or common law, depending on the subject matter and what is asked for in a given case. The constitutional authority of the body passing the statute with reference to the *Constitution Act, 1867* and the *Charter* will determine its validity. The statute will normally only override judge-made law if its provisions are specific and unambiguous.
Diff: 2 Type: ES Page Ref: 27
Topic: Ch. 2 - Sources of Law
Skill: Applied
Objective: Chapter 2: 3. Identify the sources of Canadian law.
Bloom's Taxonomy: Knowledge

153) Explain the role the *British North America Act* played in Canada's constitutional history.
Answer: Students should describe the nature of Canada's constitution and the place of the *BNA Act* in it. They should point out that Canada has a constitution similar to Great Britain's, that it is unwritten in the sense that it is not contained in just one document, and that all of the great English constitutional traditions are also part of our constitution. These traditions include the rule of law, the *Magna Carta*, and the supremacy of parliament. Students should also state that the *BNA Act* was an act of the British Parliament, that it created Canada as a federal Dominion, that its primary significance today is that it divides powers between the federal and provincial governments, and that today it is called the *Constitution Act, 1867*.

Students' answers should show that they know not only what the *BNA Act* is but also how it relates to the other elements of Canada's constitution and the overall nature of that constitution.
Diff: 1 Type: ES Page Ref: 29
Topic: Ch. 2 - Confederation
Skill: Applied
Objective: Chapter 2: 4. Isolate the three elements of Canada's Constitution.
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154) Discuss the constitutional rigidity created by the 1867 division of powers and the means used by the federal and provincial governments to overcome this.
Answer: Students should describe how the *Constitution Act, 1867* assigns different powers to the federal government (under s. 91) and to the provincial governments (under s. 92). The key to this question is a discussion of the prohibition on direct delegation. Students should explain how indirect delegation can be used to overcome the problems this creates. Agreements to share powers, such as transfer-payment schemes, should also be discussed. Good students will also raise the possibility of constitutional amendment and the amendment process. Students should refer to certain historical examples, such as employment insurance.
Diff: 3 Type: ES Page Ref: 31
Topic: Ch. 2 - Constitution and Division of Powers
Skill: Applied
Objective: Chapter 2: 5. Explain how legislative power is divided in Canada.
Bloom's Taxonomy: Knowledge

155) Compare and contrast provincial and federal passage of bills.
Answer: Students should summarize the traditional passage of bills from both a provincial and a federal perspective, making note of key differences. Provincially, bills are introduced in the Legislative Assembly with a first reading (usually without debate), followed by a second reading (and debate), then review (and possible amendment) by the Committee of the Whole, and a third reading (with final debate and vote). Mention should be made of the requirement of royal assent by the Lieutenant-Governor, noting that some legislation is effective immediately while other legislation is not effective until later proclamation. Federally, the process is similar, but not identical. Students should point out that federal bills are subject to three readings in each of two houses (the House of Commons and the Senate), that there are variations involving review by Committee, and that royal assent for federal legislation is by the Governor General.
Diff: 2 Type: ES Page Ref: 37
Topic: Ch. 2 - Legislative Power
Skill: Applied
Objective: Chapter 2: 6. Detail how legislation is created in the parliamentary system.
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156) Discuss the significance of the passage of the *Charter of Rights and Freedoms* in Canada's legal system.
Answer: Before the *Charter*, there were few restrictions on government because of supremacy of parliament. There was a desire for overall entrenched rights that controlled the actions of government, government officials, and agents including the police. It is important that they indicate that the *Charter* only applies directly to governments but indirectly affects individuals' relations with each other because provincial and federal human rights legislation and other statutes must conform to the *Charter*. They should show that the *Charter* shifts power to the courts, that parliament is no longer supreme, but also that there is an exception with the notwithstanding clause.
Diff: 2 Type: ES Page Ref: 39
Topic: Ch. 2 - Charter of Rights and Freedoms
Skill: Applied
Objective: Chapter 2: 7. Describe the rights and freedoms protected by the Charter of Rights and Freedoms.
Bloom's Taxonomy: Knowledge

157) Discuss any limitations on the application of the *Charter of Rights and Freedoms*.
Answer: Here students are expected to discuss the three major limitations on the *Charter* (Sections 33, 32, and 1), but also to explain how those limitations work with respect to the application of the *Charter* in our courts. They should indicate that the purpose of the *Charter* was to limit the power of government. Section 32 limits the application of the rights and freedoms specified in the *Charter* to the federal and the provincial governments. The *Charter* applies to legislation, regulations, and bylaws passed by all levels of government, and it also applies to actions by government officials carrying out their official functions. The *Charter* applies to all representatives of the government exercising statutory authority, including police and other law enforcement bodies. The *Charter* does not apply to private relations between individual persons. Section 33 allows parliament or legislatures through legislation to override Section 2 and Sections 7 to 15. These are important provisions of the *Charter*. To override the *Charter* in this way, they must clearly state that the provision applies notwithstanding the specific provision of the *Charter*. This may be repeated every 5 years.

Section 1 allows reasonable exceptions to the application of the rights and freedoms listed. They must be reasonably necessary (justified) and must not go further than necessary to accomplish their reasonable goal. Therefore, the rights and freedoms set out in the *Charter* are not absolute.
Diff: 2 Type: ES Page Ref: 39
Topic: Ch. 2 - Charter of Rights and Freedoms
Skill: Applied
Objective: Chapter 2: 7. Describe the rights and freedoms protected by the Charter of Rights and Freedoms.
Bloom's Taxonomy: Knowledge

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158) Discuss why it is important for businesspeople to become familiar with the human rights legislation in force in your province.
Answer: Students should identify the federal legislation and the legislation currently in force in your province. The protected areas (such as services, employment practices, etc.) should be outlined, and examples of prohibited grounds of discrimination should also be raised. Students should explain how the duty to accommodate those facing discrimination applies, along with exceptions to this rule (e.g., bona fide occupational requirements, etc.). Students' answers should reveal that they understand compliance with such legislation should be regarded as a necessary cost of doing business.
Diff: 1 Type: ES Page Ref: 53
Topic: Ch. 2 - Human Rights Legislation
Skill: Applied
Objective: Chapter 2: 8. List the areas and grounds upon which human rights legislation prohibits discrimination.
Bloom's Taxonomy: Knowledge

159) Explain the role of human rights tribunals.
Answer: Both the federal and the provincial governments have set up special human rights tribunals authorized to hear complaints of human rights violations, to investigate, and, where appropriate, to impose significant sanctions and remedies. There are time limits to consider: a complaint before the CHRC, for example, must be filed within 12 months of the alleged incident. The Commission then proceeds to attempt settlement of the complaint through conciliation and investigation. If all else fails, a tribunal hearing is convened.
Diff: 2 Type: ES Page Ref: 53
Topic: Ch. 2 - Charter of Rights and Freedoms
Skill: Applied
Objective: Chapter 2: 8. List the areas and grounds upon which human rights legislation prohibits discrimination.
Bloom's Taxonomy: Knowledge

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