



<b>Comparison Chart</b>		
	<b><i>Public Lands Act</i></b>	<b><i>Far North Act, 2010</i></b>
Legislated purpose	No purpose statement	“... provide for community based land use planning” that: (a) is done jointly between First Nations and Ontario; (b) “supports the environmental, social and economic objectives”; and (c) “is done in a manner that is consistent with the recognition and affirmation of existing Aboriginal and treaty rights in section 35 of the Constitution Act, 1982, including the duty to consult.” (s1)
Legislated objectives	No objectives	Sets out 4 objectives: 1. “significant role for First Nations” 2. “protection of areas of cultural value” and “protection of ecological systems” through “an interconnected network of protected areas designated in community based land use plans” 3. “maintenance of biological diversity, ecological processes and ecological functions, including the storage and sequestration of carbon” 4. “sustainable economic development that benefits the First Nations” (s5)
Minister’s authority	“charge of the management, sale and disposition of the public lands and forests” (s2(1)) “enter into agreements” (s2(2))	
Cabinet’s authority	“set apart areas ... for any purpose that will benefit research in, and the management, utilization and administration of, the public lands and forests” (s11(1))	

**LINTNER LAW**

PO Box 2156, Station Main  
Kingston, ON  
K7L 5J9

Working to bring sustainability awareness  
and policy to our communities

t: 647-705-7564  
e: anastasia@lintnerlaw.ca



<b>Comparison Chart</b>		
	<b><i>Public Lands Act</i></b>	<b><i>Far North Act, 2010</i></b>
Joint authority	No joint authority between First Nations and Ontario	Enables establishment of joint advisory body, with equal representation from First Nation(s) and Ontario, that would advise the Minister and potentially make recommendations for the Far North policy statement (s7)
Strategy	No provision for overarching land use strategy	Minister required to prepare a Far North land use strategy that contains policies related to processes (for amending community based land use plans), land use designations, and protected areas categories (s8)
Land use plans	Minister can designate planning units (except planning areas under the <i>Far North Act, 2010</i> ) and require a land use plan to be prepared (s12(1), 12(2)) Minister may establish policies and guidelines, as well as advisory committees, for land use planning (s12.1) Land use plans only in effect if Minister approves (s12.2)	Minister can designate a planning area, if <ol style="list-style-type: none"> <li>1. Minister approves of the terms of reference created by joint (First Nation(s) and Ontario) planning team</li> <li>2. First Nation(s) involved passes a resolution approving the terms of reference</li> <li>3. Minister follows the terms of reference (s9(1))</li> </ol> Process for preparing plan requires public consultation (s9(8)) Mandatory contents are outlined (s9(9)) Land use plans only in effect if <ol style="list-style-type: none"> <li>1. Minister approves</li> <li>2. First Nation(s) involved passes a resolution approving (s9(14))</li> </ol>
Amendment to land use plan	Minister can amend an approved land use plan (s12.2)	Amendment process involves both First Nations and Minister (s10)
Funding	No provisions to financially support land use planning	Minister has discretion to make grants for purpose of preparing community based land use plans (s9(20))



<b>Comparison Chart</b>		
	<b><i>Public Lands Act</i></b>	<b><i>Far North Act, 2010</i></b>
Protected areas	No provisions for regulating boundaries of protected areas	First Nation(s) may request that the Minister make a regulation specifying boundaries of protected areas within an approved community based land use plan (s11(1)) Minister may make an order designation provisional protected area, if there is no community based land use plan (s13(1)) and the Minister shall request that those lands be withdrawn from staking (s13(4))
Effect of land use plan	Activities within a planning unit “shall be consistent with” the approved land use plan (s12.3(1)) Minister can order that activities contravening s12.3(1) be stopped (s12.3(2))	Decisions made are to be “consistent with” the approved land use plan (s14(1)) Certain activities, including prospecting and mineral exploration, opening a new mine, logging, oil and gas exploration/production, are not permitted in protected areas (s14(2)), with the exception of prior mining rights (claim, lease, etc) exist before the community based land use plan (s14(3)) Minister can order that activities contravening s14(1) and s14(2) be stopped (s15(1))
Permits	If the Minister designates an area “restricted”, a permit is required to erect buildings/structures and make improvements to the land; failure to obtain a permit (and contravention of any term or condition of a permit) is an enforceable offence (s12.4) There is an exception for mineral exploration and development of mines (s12.4(6))	No permit provisions

**LINTNER LAW**

PO Box 2156, Station Main  
Kingston, ON  
K7L 5J9

Working to bring sustainability awareness  
and policy to our communities

t: 647-705-7564  
e: anastasia@lintnerlaw.ca



<b>Comparison Chart</b>		
	<b><i>Public Lands Act</i></b>	<b><i>Far North Act, 2010</i></b>
Supercede	No supercede provisions	Regulated boundaries of a protected area supercede boundaries in an approved community based land use plan (s11(3)) and no amendments to the community based land use plan in respect of the regulated boundaries can be proposed by First Nation or Minister (s11(5))
Conflict	No conflict provisions	Far North Act, 2010 prevails if provisions conflict with Places to Grow Act, 2005 (s20(1)) Far North land use strategy prevails if conflicts with growth plan (s20(3)) Community based land use plans prevails if conflicts with growth plan (s20(4))
Interim provisions	No interim provisions	Certain activities cannot be undertaken if there is no community based land use plan, including opening a mine, logging, oil and gas exploration/production, infrastructure development (s12(1)), unless the Minister makes a time-limited order permitting the development (s12(2)) OR if Cabinet makes an order, after taking into account the objectives and has determined that the development “is in the social and economic interests of Ontario” (s12(4)) Certain other activities, including environmental clean-up, prospecting and mineral exploration are permitted when there is no community based land use plan (s12(5)); prospecting and mineral exploration is not permitted on lands withdrawn from staking (s12(9))
Traditional knowledge	No mention of traditional knowledge	Discretion to First Nations to contribute traditional knowledge related to protection and conservation (s6)

**LINTNER LAW**

PO Box 2156, Station Main  
Kingston, ON  
K7L 5J9

Working to bring sustainability awareness  
and policy to our communities

t: 647-705-7564  
e: anastasia@lintnerlaw.ca



<b>Comparison Chart</b>		
	<b><i>Public Lands Act</i></b>	<b><i>Far North Act, 2010</i></b>
Transparency	No requirements for public disclosure	Online posting required for: Orders made by the Minister or Cabinet must be posted online (s4(3)) Far North policy statements (s7(9)) Far North land use strategy (s8(5)) Approved community based land use plans (s9(17))
Review	No review requirements	If a Far North policy statement is issued, the joint advisory body will advise the Minister at least every 10 years whether to amend (s7(10)) Community based land use plans required to include provision for review, at least every 10 years (s9(9)(f))