



## ASSOCIATION OF PROFESSIONAL ARCHAEOLOGISTS

*Working to Promote Professionalism in Ontario Archaeology*

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Dear Blair,

As we discussed on the phone a few weeks ago, please find some thoughts on what the terms of reference for our mutual discussions might include. These categories are distilled from a 'straw poll' held among APA members about issues of concern to them as licence holders and practitioners. There are no real surprises for me, and I expect the same for you. From our poll, we have identified five subject areas, specifically:

- Relationship between the APA and MTCS
- Licensing, restricted licenses and renewals
- Assessment report review and (related) operations
- Provincial and Unit policy, and the effect of modernization on practice
- First Nations and Aboriginal Engagement

**Relationship:** The APA seeks to develop a collaborative and collegial relationship with MTCS that is based in our shared interest in positive outcomes to archaeological practice. The relationship should be robust enough to support a forthright exchange of views on the practice and process. This demands that both organisations remain respectful of the duties, obligations and interests of the other. In our discussions we will focus on 'high level' issues, and generally refrain from discussing specific cases or personalities unless absolutely necessary.

The APA sees this relationship as a platform for exchanging information that will assist both APA members and MTCS staff carry out their functions more effectively. For example, APA members hold expertise in a variety of subject areas and could support MTCS staff training to enhance their ability to effectively review planning applications and archaeological assessment reports. As another example, APA members have extensive experience in implementing ministry policy through the application of the S&Gs to our professional work, and can advise the ministry on policy effects and effectiveness. However, leveraging benefits from our relationship requires both reciprocity and trust.

**Licensing:** Holding an archaeological licence under the terms of the *Ontario Heritage Act* confers the right to conduct fieldwork, and creates a duty to comply with conditions of the licence. The APA seeks to develop a better understanding of current licence review practices in order to advise members and provide

feedback to the ministry. This issue is especially important for members who have received restricted licences on renewal, or who have had renewal applications refused. The APA is prepared to work with MTCS to ensure that licensing review is robust yet equitable, and remains focused on the shared objective of conserving, protecting and preserving the archaeological resource.

The APA also sees an opportunity to advise MTCS on the personal, financial and professional impacts of action taken under the Section 48(9) of the *Act*. While acknowledging that fieldwork contrary to the objectives of the Act must be addressed, the APA also believes that additional consequences of licence suspension, refusal to renew or revocation will vary between members. For example, licence holders operating as sole proprietors may experience a much greater financial impact than permanent staff in larger corporate firms. With this we hope to contextualize licensing decisions.

An emerging aspect of licence review is monitoring fieldwork. The APA has been working with members and licensees to compile an inventory of monitoring completed by MTCS, although we believe this inventory may be incomplete. While acknowledging that monitoring is a ministry prerogative, the APA seeks to participate in the development of a clear, robust and equitable monitoring protocol. Clear direction can reduce the potential for licence holders to feel unfairly targeted, while ensuring that MTCS is creating a benefit to resource protection through their work.

**Review and Operations:** To most APA members and MTCS staff, the most visible condition of holding an archaeological licence is the requirement to provide reports of field activities. The APA acknowledge the ministry's mandate to review archaeological fieldwork reports for compliance with the terms and conditions of that licence. We are also clear that compliance with the *Standards and Guidelines for Consultant Archaeologists* (S&Gs) is a key concern for consultants in costing, planning, undertaking and reporting on archaeological fieldwork. The S&Gs include standards for fieldwork, as well as standards for the format and contents of archaeological reports to be prepared.

In recent years, report review outcomes have become increasingly contentious. APA members have developed the sense that reviewers emphasizing literal compliance over professional judgment or archaeological content. It has been argued by APA members that such detailed reviews are raising costs and stress levels for many licensees. We also believe that this literal reading of the standards contributes to challenges the ministry faces in meeting service delivery targets. The APA are actively interested in discussing avenues for reducing the review burden on both APA members and MTCS staff in ways that ensure compliance, while refocusing archaeological practice on our shared interest in the conservation, protection and preservation of the archaeological resource.

The APA recognizes that the tasks of Archaeology Programs Unit staff extend beyond report review and licensing, and includes maintaining Ontario's Past Portal, the Ontario Public Register of Archaeological Reports, and the Ontario Archaeological Sites Database, and overseeing the marine archaeology program. APA members, as the primary users of these services, can also assist in providing a users perspective, and offer practical suggestions for improvement.

**Policy and Modernisation:** From the OHA through the S&Gs to the various Bulletins and manager's memos, policy directs archaeological practice in Ontario. Since the release of the S&Gs in 2011 (and for the pilot period before that), APA members have built a significant body of practical knowledge on their application in real world situations. We have a strong interest in working with policy staff to ensure that future decisions to revise the S&Gs, and any revisions that may subsequently be made take this knowledge into account. We feel strongly that incorporating input based on APA member experience will result in more effective policy instruments.

We are also aware that some functions, such as training and support to municipalities on the application of the Provincial Policy Statement (PPS), may be the responsibility of ministry staff outside of the

Archaeology Program Unit. APA members often hear about actions taken by municipalities, museums or government agencies that short change the resource, or are contrary to archaeological resource protection. As part of our dialogue, we seek a better understanding of ministry structure, how the functions that touch on archaeological practice are distributed and, when warranted, whom to contact.

The APA understands that the ministry-wide modernization project has led to the development of Ontario's Past Portal and related review technologies; however, we still seek to understand fully what the ministry means by 'modernization'. Externally, this initiative is presented as creating greater objectivity in report review; however, many members feel that this has resulted in valuing administrative compliance over archaeological content in reporting. We believe that clarification of this program and how APA members can provide input and feedback would benefit both MTCS and the APA.

**First Nations and Aboriginal Engagement:** Of the direction found in the S&Gs, Aboriginal engagement is the most fraught with potential for adverse outcomes for both archaeologists and the ministry. Engagement intersects with a range of other Treaty, commercial and provincial areas, including the Duty to Consult. In most development contexts where we work, APA members cannot reasonably intrude on, let alone lead in these discussions. That said, many of our members have extensive experience with engagement, and a strong interest in working with ministry staff to establish a clear understanding – and consensus – on who, when and how to engage. We feel that working together, the APA and MTCS can build on our collective experience to clarify roles and responsibilities in what have at times proven to be complex and contested interactions.

My preference is that we have meetings on an occasional basis, with an agenda to include discussions based on one or two of the above subject areas. With sufficient advance notice, we can agree that either the ministry or the APA will lead and provide introductory materials. I also see the meetings as an opportunity to share concerns that may require some time to develop a response, and we can hand these over at the time, rather than sending a stream of letters between meetings.

For an initial meeting, I suggest that the ministry share an overview of the ministry structure (org chart, basic overview of roles and responsibilities), an introduction to current Unit staff (many of whom appear to be new), and a brief statement on the status of the proposed review of the S&Gs. I also suggest that we begin/continue the conversation about assessment report review and licensing terms and conditions.

I trust that this provides you with an idea of how we would like to proceed. If there are topics that you would like to add, or a format that you would prefer, please let me know. You can contact me by email at [andrewhinshelwood@hotmail.ca](mailto:andrewhinshelwood@hotmail.ca), or the APA directly at [info@apaontario.ca](mailto:info@apaontario.ca).

We look forward to a productive working relationship between the ministry and our new Executive.

Kind regards,



Andrew Hinshelwood  
Vice-President, APA