



Association of Professional Archaeologists (Ontario)

250 Yonge Street, Suite 2201

Toronto, Ontario M5B 2L7

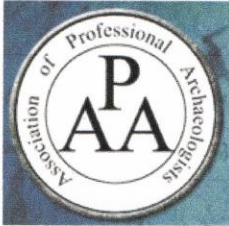
www.apaontario.ca

Sean Fraser,
March 27, 2018
Director,
Programs and Services Branch,
Ministry of Tourism, Culture and Sport

Dear Sean:

We wanted to take a moment to introduce our professional organization to you. The Association of Professional Archaeologists (Ontario) was the first of four Canadian provincial APAs formed to address the needs of archaeological consulting professionals. We have been in continuous operation since 1989 and have had extended experience, sometimes positive and sometimes not, with MTCS and its archaeology unit. Our organization is made up of licenced field directors, First Nation consultation staff, First Nation liaisons, and professional archaeologists with a current membership of 140. As an advocacy organization we are naturally going to find ourselves periodically questioning MTCS policy and decisions. This seems to be misunderstood by the present management.

What I wished to draw your attention to is the disappearance of broad based licence holder consultation once the 2011 Standards and Guidelines were in place. Information sessions from MTCS are not the same as consultation. Our organization and our members do not feel, generally, that MTCS is paying attention to very real concerns or opening up its policy formulation process to include us as the professionals being regulated. A recent release of personal licence information to third parties was entirely engineered by MTCS without promised consultation or notice to licence holders. Licence terms and conditions are altered by MTCS without any consultation. Over the past two years, more complaints than in the previous decade have been filed with the Ombudsman of Ontario about MTCS practices, principally concerning licencing.



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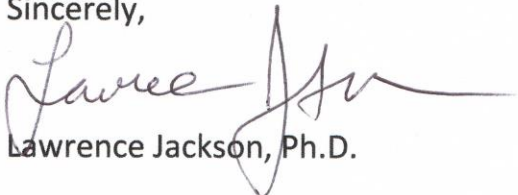
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Our organization recently co-hosted a workshop with Curve Lake First Nation on the Duty to Consult, with presentations from OKT Law (Toronto), Scugog First Nation and elder Doug Williams. It was noted that this Duty is a Crown duty and unless specifically delegated, does not apply to us as archaeologists or to our clients or to municipalities. Yet, we find ourselves beleaguered by sometimes misinformed First Nation demands for consultation which are supported by MTCS and some of its review staff. The MTCS engagement document, Engaging Aboriginal Communities, leaves our responsibilities vague and ill defined, yet any unverified complaint from First Nations can actually lead to an inspection of that archaeologist's work. There is no appreciable vetting of any third party complaints by MTCS, it is simply assumed that all complaints about archaeologists are valid and we have no recourse in defending ourselves, except to use lawyers, since there are no formal appeal mechanisms. You may note in the recent history of MTCS an increase in litigation costs related to archaeology.

In any event, we would be pleased to discuss any or all of these issues with you and to assist in working towards positive solutions. Our quarterly meetings with MTCS archaeology unit staff were suspended by MTCS last year. In retrospect, these meetings provided very little in terms of MTCS recognition of problem areas, access to individuals who could solve problems, and co-operative partnership to produce solutions. We would appreciate any efforts at building a more constructive, policy directed relationship with APA. Thank you.

Sincerely,



Lawrence Jackson, Ph.D.

Acting President, APA

For the APA Board of Directors