**The Ontario Archaeological Society Inc.**

***encouraging the ethical practice of archaeology***

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Ontario Archaeological Society

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The Ontario Archaeological Society would like to submit their concerns and responses to the proposed changes to the *Ontario Heritage Act* (Schedule 7) as part of Bill 5, the *Protect Ontario by Unleashing our Economy Act*, announced on April 17, 2025.

Our organization has over 600 members in the province, including avocational, academic, consulting and Indigenous archaeologists. Our mandate includes the promotion of the ethical practice of archaeology in Ontario, and in the last several years, we have been actively working to build capacity with First Nations and Indigenous organizations by providing free training to support these ethical practices.

Our concerns are also shared with several other heritage, environmental and legal organizations, including the Architectural Conservancy of Ontario, the Ontario Historical Society, the Ontario Maritime Heritage Committee, Environmental Defense and the Canadian Civil Liberties Association and many others. We have been meeting and sharing information with these organizations, along with First Nations and Indigenous organizations across the province to share our knowledge. We all share common concerns with this proposed legislation.

One of our major concerns of Bill 5, is the establishment of ‘Special Economic Zones’ (Schedule 9) that would allow the province unprecedented powers to reduce or eliminate the requirements for archaeological and environmental assessments. We realize that the province desires to ensure that development projects can be started and finished more efficiently, and we are not anti-development. We realize the importance of these activities to support Ontario’s economic prosperity and ensure adequate housing, transportation and energy resources are available for the benefit of all Ontarians, and Canada as a whole. However, this bill is not the way to do it.

Our members, many of whom are professional archaeologists whose clients are often developers, know that archaeological assessments, while they can be time-consuming, are not why projects languish. For example, the Auditor General’s report from 2018 clearly shows that issues related to cost overruns and delays with the Eglington Avenue light rail transit project are but due to poor planning and project management-not by archaeological assessments (<https://www.auditor.on.ca/en/content/annualreports/arreports/en18/v1_307en18.pdf>). Archaeological assessments, when done properly, can save time and money by allowing developers to avoid sensitive areas early in the process. When archaeological and cultural heritage concerns are ignored, we only must look at examples of Oka, Caledonia and Ipperwash to see what the results can be, which collectively cost Canadian taxpayers almost half a billion dollars and years of delays ([https://www.thespec.com/opinion/contributors/we-ve-destroyed-so-much-indigenous-legacy-already-how-much-more-is-it-ok-to/article\_2685ab58-ba42- 507d-a4f8-f9e841cf54c1.htm](https://www.thespec.com/opinion/contributors/we-ve-destroyed-so-much-indigenous-legacy-already-how-much-more-is-it-ok-to/article_2685ab58-ba42-%20507d-a4f8-f9e841cf54c1.htm)). These events were not only costly financially but leads to the erosion of trust between First Nations and the Province, which is still evident in the current court applications that First Nations in the Ring of Fire have brought forward ([https://www.cbc.ca/news/canada/thunder-bay/first-nations-mining-act-court-application-1.7292351#](https://www.cbc.ca/news/canada/thunder-bay/first-nations-mining-act-court-application-1.7292351)).

We would also like to remind you that many of our members make their living, and pay taxes, as part of the archaeological consulting industry. It employs, at minimum, at least 1000 people in the province, many of whom are small business owners running these consulting firms. The proposed legislation, by potentially eliminating the need for archaeological assessments for many of the projects that are these companies’ main source of revenue, would decimate these businesses and increase unemployment during a time of financial insecurity.

However, we do note that there are some aspects of the proposed changes that are a step in the right direction, particularly the increased powers of inspection by the Minister. Currently, the inspection process on archaeological sites is infrequent and many of our members have expressed frustration over the lack of repercussions to those who are not upholding ethical standards of archaeological practice. We hope that this new amendment will ensure that better, more thorough investigations of *Ontario Heritage Act* violations will result in actual repercussions for those involved.

We also support the new amendment as part of these increased inspection powers that will allow for archaeological collections and artifacts (belongings) to be deposited in either a public institution or Indigenous community. Many of our members have been calling for changes to how these collections of belongings can be transferred-currently only to approved institutions or First Nations with ‘proper’ storage facilities. We hope that the spirit of this legislation means that individual belongings or collections of belongings can be placed in the care of the associated First Nation without the current onerous processes.

Our organization suggests that a better way of reducing red tape and making the system more efficient is to ensure that the current system in place is properly funded and managed. Delays associated with archaeological assessments are more often related to delays within the Ministry of Multiculturalism and Citizenship (MCM). This Ministry has been chronically underfunded for decades, and at best is treated with benign negligence or actively targeted as a ‘waste’. Our members have been providing pragmatic solutions to these issues for years, and while staff at the Ministry are often receptive and agree that these changes would improve the process, there is no political will at the upper levels to allow for implementation of any of these suggestions. As the Ministry is currently undergoing engagement for modernizing the system, we ask that the government implement the suggestions from heritage practitioners and Indigenous communities who are currently involved in this process. Specifically, there are a few key practical ways the province can ensure efficient assessments without removing the current protections in place:

1) **Ensure the MCM is adequately staffed**. Lack of capacity to deal with the thousands of projects the MCM deals with means a backlog of reviews for projects is now up to seven years. When there is a lack of staff, they experience burnout and frustration, leading to high staff turnover, which then snowballs into the remaining staff seeing increased workloads, who then also leave. This lack of capacity also means that sometimes staff are not properly trained, or are not provided with consistent guidance, which in turn leads to incorrect or conflicting information being given to archaeologists and causing further delays. If the province is wanting to improve the speed at which projects are approved, ensuring there is funding available to hire enough staff, and work to retain this staff by providing them with the human capital they need to be properly trained and supported.

2) **Improve the Archaeological Sites Database**. This database is one of the key tools archaeologists have to determine what areas have been assessed-when, how and by whom, and can be a means of providing guidance to proponents early in the planning process which in turn can save unnecessary delays later. We realize that part of the problem is a larger IT infrastructure issue, but there are some very immediate and less expensive ways to improve the system. First, hire enough staff dedicated to ensuring that all the information in the database is up to date and correct. It is a common occurrence to see sites in the database having incorrect or incomplete information, and the associated reports are not readily available. While this is often related to information collected prior to the implementation of the *Standards and Guidelines for Consulting Archaeologists* in 2011, many reports completed after 2011 are still not available electronically. This then requires archaeologists to go hunting for reports, either through the MCM (where requests are often delayed due to lack of staffing), or by requesting them from the original authors who may be deceased or difficult to contact. Having this very basic information readily available will greatly reduce the time needed for assessments. In addition, the database is currently only available to those licensed by the province. While the purpose of this is to ensure that sites are protected, increasing access to this database to specific groups, particularly First Nations and municipal planning staff would also greatly decrease the time required for basic archaeological assessments.

3) **Update the current *Standards and Guidelines for Consulting Archaeologists* to require consultation with Indigenous Communities at Stage 1**. Most of our members work closely with Indigenous communities, many of whom have their own highly trained cultural heritage staff. They often express frustration at the lack of engagement in the early phases of a project when a Stage 1 archaeological assessment is initiated. Currently, Indigenous engagement is only required at Stage 3, which leads to further delays as communities scramble to deal with projects well underway and engenders further mistrust in the consultation process. Having First Nations engaged at Stage 1 will help to improve the relationship between the province and these communities, while potentially also providing valuable background information that will help inform proponents of sensitive areas to be avoided, which in turn will lead to fewer delays during project implementation.

We hope that these concerns and suggestions are taken into careful consideration by the province, as many of these are shared by numerous First Nations, Indigenous organizations, heritage practitioners and proponents.

Thank you,

The Ontario Archaeological Society