

Terms and Conditions for Archaeological Licences

This licence is issued in accordance with Part VI of the *Ontario Heritage Act*, R.S.O. 1990, c. O.18 ("the Act") and is conditional upon the licensee's compliance with the terms and conditions applicable to this licence. The terms and conditions are directed by the Minister of Tourism, Culture and Sport ("the Minister") in accordance with clause 48(4)(d) of the Act. These terms and conditions shall apply to each licence issued under authority of the Act. These terms and conditions shall remain in effect for the term of the licence, subject to the right of the Minister to amend them from time to time. Failure by the licensee to comply with any of these terms and conditions may result in the suspension, revocation or refusal to renew this licence, in accordance with subsection 48(9) and section 49 of the Act, and may result in a charge being laid against the licensee under section 69 of the Act.

1. The licensee shall comply with the *Ontario Heritage Act* and Regulations, and with any relevant policies, directions and requirements made by the Ministry.
2. The licensee shall comply with any standards and guidelines that may be issued by the Ministry from time to time for carrying out archaeological fieldwork, for submitting Project Information Forms, for reporting on archaeological fieldwork, for analyzing archaeological collections, artifacts or similar matters. The Ministry reserves the right to amend such standards and guidelines at any time. Notice of amendment will be posted on the Ministry of Tourism, Culture and Sport's website at ontario.ca/archaeology for a period of 60 days before the amendment or amendments come into effect, at which time the amendment or amendments will apply to this licence, and this licence will be conditional on the licensee's continued compliance with the amended standards and guidelines.
3. The licensee shall use any forms and comply with any procedures required by the Ministry for carrying out and reporting on archaeological fieldwork, and for analysis and management of archaeological collections or artifacts.
4. The licensee shall file with the Ministry, by the specified date and in the specified form and manner, all fieldwork documentation, reports, site records and site updates required by the Ministry.
5. The licensee acknowledges and agrees that the Ministry may share the results of a review of archaeological assessments and reports with parties involved in making land use planning decisions and/ or licensees undertaking archaeological fieldwork related to the subject property.
6. The licensee shall comply with relevant provisions of the *Cemeteries Act* R.S.O. 1990, c. C.4 and Regulation 133/92, and with the *Funeral, Burial and Cremation Services Act, 2002*, S.O. 2002, c.33, when proclaimed in force.
7. In accordance with section 61 of the *Ontario Heritage Act*, this licence does not authorize the licensee to enter upon any property. The licensee is responsible for obtaining all necessary approvals and permits from the landowners and appropriate authorities to enter upon private or public lands for the purpose of carrying out archaeological fieldwork.
8. The licensee shall ensure that every report filed with the Ministry in accordance with subsection 65(1) of the Act does not infringe or induce the infringement of any third-party intellectual property right, including copyright.
9. The licensee acknowledges that the Ministry will maintain a register of reports in accordance with section 65.1 of the Act and agrees that any report filed by the licensee will, in whole or in part, form part of the register and will be available for inspection by any person.
10. The licensee acknowledges that the Ministry may reproduce any reports filed by the licensee, in whole or in part, for the purpose of making the register of reports available for inspection by any person.
11. The licensee acknowledges and agrees that the *Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. F. 31 applies to and governs all reports and documents filed by the licensee with the Ministry and may require the disclosure by the Ministry of such reports to third parties.
12. The licensee shall be present at the site of the archaeological fieldwork at all times when archaeological fieldwork is being carried out under this licence, and shall be responsible for the carrying out of, and reporting on, all archaeological fieldwork subject to the following exceptions:
 - (a) a professional licensee may delegate, in writing, to a field director as defined in O.Reg. 8/06, some or all of the day-to-day supervision of the carrying out of the archaeological fieldwork
 - (b) the professional licensee, or the field director with duly delegated authority, may occasionally be absent from the site of the archaeological fieldwork provided that
 - (i) he or she has been present for the major part of each day of archaeological fieldwork and has supervised the fieldwork to ensure that it meets all applicable standards and guidelines
 - (ii) he or she has made all key decisions
 - (iii) he or she has provided guidance and has set direction for all persons carrying out fieldwork under the licence.
13. The licensee agrees that he or she is responsible for the acts or omissions of his or her field directors, employees, agents, partners, subcontractors, volunteers and/ or any other person(s) acting under the licensee's supervision or direction. This paragraph is in addition to any and all of the licensee's obligations under this licence and under the general application of law. The licensee shall advise these individuals and entities of their obligations under the licence and shall ensure their compliance with the applicable terms of the licence. In addition to any other obligations of the licensee pursuant to the licence or otherwise at law or in equity, the licensee shall be fully responsible for any breach of the licence resulting from any act or omission of the above mentioned individuals and entities.
14. The licensee shall hold in safekeeping all artifacts and records of archaeological fieldwork carried out under this licence, except where those artifacts and records are transferred by the licensee to Her Majesty the Queen in right of Ontario or the licensee is directed to deposit them in a public institution in accordance with subsection 66(1) of the Act.
15. The terms and conditions of this licence take precedence over any contractual arrangements regarding archaeological fieldwork entered into by the licensee and any third parties.
16. The licensee shall satisfy any and all outstanding licensing obligations before commencing new fieldwork projects.
17. In accordance with sections 48 and 49 of the Act, the Ministry may refuse to issue or renew a licence, or may suspend or revoke a licence if the past conduct of the applicant or licensee does not afford reasonable grounds for the belief that the archaeological fieldwork will be carried out in accordance with the Act and the regulations, or if the licensee is in breach of a term of condition of the licence.
18. The licensee shall provide to the Ministry, in writing, any information about the competence or conduct of the licensee, arising during the term of the licence, relevant to the Ministry's authority to refuse to renew, suspend or revoke the licence.