

Government Audit Services

Report on the Audit of the Yukon Government's Performance under the Environment Act

September 19, 2002

TABLE OF CONTENTS

| | |
|--|----|
| AUDITOR'S REPORT | 1 |
| INTRODUCTION | |
| Background | 3 |
| Objectives | 3 |
| Scope | 4 |
| RESPONSE TO PREVIOUS AUDIT RECOMMENDATIONS | |
| Sections 110(1) and 159(1) | 5 |
| Sections 81 to 93 | 6 |
| Sections 47(1), 48(1,2, & 3), 49, 50(1 & 2) | 6 |
| Section 41(1,2,3 & 5) | 7 |
| Section 39 (1 to 4) | 7 |
| REVIEW OF RESPONSIBILITIES WITHIN REGULATORY CONNECTIONS | |
| Contaminated Sites Regulations | 8 |
| Storage Tank Regulations | 9 |
| Spills Regulations | 11 |
| REVIEW OF SECTIONS OF THE ACT WITH NO LINK TO REGULATIONS | |
| Section 39(1b) Audit Standard | 13 |
| Section 50(1) – Interim Report (State of the Yukon Environment) | 13 |
| Sections 150 to 165 - Enforcement | 14 |

AUDITOR'S REPORT

As required by the Yukon Environment Act (the Act), Government Audit Services has carried out an audit of the Yukon Government's (YTG) performance in meeting its responsibilities under that Act. The purpose of the audit was to determine whether in the period, from September 1, 1997 to September 30, 2000 and as required under subsection 39(2) of the Act, the Yukon Government's performance in meeting its responsibilities was efficient and fair. The performance is the responsibility of the Yukon Government.

The audit plan and methodology initially proposed to YTG was adjusted with the advice of representatives of the Executive Council Office and the Department of Environment (*formerly known as the Department of Renewable Resources*). The plan, based on a sample of responsibilities (provisions) listed in the Act included audit criteria for each of the provisions selected for testing as well as the definitions for the criteria efficiency and fairness. The plan also identified those responsibilities that were considered to be essential to the protection of the environment.

Except as explained in the following paragraph, the audit was conducted in accordance with the plan and included such tests and other procedures as considered necessary in the circumstances. In carrying out the audit, we relied on the records and files, information systems, and interviews with staff of the Yukon Government.

Based on the findings identified in this report, there is reasonable assurance that the Yukon Government's performance in meeting its responsibilities under the Act for the period under review was efficient and fair in all significant respects. The summary of our major findings is as follows:

MANAGEMENT RESPONSE TO PREVIOUS AUDIT RECOMMENDATIONS

Recommendations were implemented with respect to:

- Sections 81 to 93, Development Approvals and Permits through the establishment of the Development Assessment Unit (DAP) in the Executive Council Office (ECO), and
- Sections 41 to 44, Powers and Duties of Yukon Council on the Economy and Environment through the enactment of the Yukon Council on the Economy and the Environment Regulations (YCEE).

Recommendations were implemented to a limited extent with respect to:

- Section 39 (1 to 4) relating to consideration of environment in all decisions. The Department of Environment started the development of the Environment Management System (EMS).
- Sections 47(1), 48(1,2 & 3), 49, 50(1 &2) regarding reporting on the Yukon State of the Environment (SOE) reporting. Reporting due dates have not always been met.

Recommendations were not implemented with respect to Sections 110(1) and 159(1) on "irreparable damage and actual or imminent harm".

CURRENT REVIEW CONCLUSIONS

The Government was found to be meeting its responsibilities in an efficient and fair manner with respect to the:

- Beverage Container Regulations
- Recycling Fund Regulations
- Pesticides Regulations
- Special Waste Regulations
- Ozone-Depleting Substances Regulations
- Administrative Regulations
- Air Emissions Regulations
- Yukon Council on the Economy and the Environment Regulations
- Solid Waste Regulations

The government could improve its efficiency in meeting its responsibilities with respect to the:

- Contaminated Sites Regulations
- Storage Tank Regulations
- Spills Regulations

During the course of the audit we noted many positive environmental management practices and areas where Government staff members excel in terms of efficiency and fairness. These observations are also reported to provide a more balanced picture of YTG's performance. The most significant findings, exceptions and recommendations contained in this report have been reviewed with YTG staff.

INTRODUCTION

BACKGROUND

The primary means of achieving the protection of human health and the environment, and the judicious use of the Yukon's natural resources is embedded in provisions of the Environment Act. Proactive and preventative measures are laid out in the Act, promulgated in 1991. The Act articulates guiding principles of the Yukon Government's commitment to environmental protection and defines the Government's responsibilities under the Act.

One means of meeting responsibilities is through the development and implementation of regulations. These may be viewed as one of the tools that provide a way to effectively and fairly protect the environment, monitor compliance, and occasionally, as deemed necessary, provide for fair but effective enforcement. How well this is achieved is subject to periodic audit as per Part 2 "Environmental Responsibilities", Section 39 of the Act. This section states that the performance of the Government of the Yukon in meeting its responsibilities under this Act shall be subject to an audit with respect to its efficiency and fairness.

The responsibility for conducting the audit rests with the Commissioner in Executive Council. To provide objectivity, audits conducted thus far have involved a third-party independent auditor. EBA Engineering Consultants Ltd. (EBA) undertook this engagement and is the second audit commissioned by YTG. The previous audit was completed in 1997.

This report summarizes the results of audit findings and makes recommendations to improve the performance of YTG and those departments or branches having responsibilities under the Act (e.g., Departments of Environment, Public Safety Branch, etc.).

OBJECTIVES

The objective of the audit was to assess the performance of YTG as per Section 39 of the Act. To provide a comprehensive assessment four somewhat different but complementary reporting objectives were identified:

- 1) Provide first-hand independent and unbiased information about current practices and procedures.
- 2) Provide verification that procedures and practices of various departments having responsibilities under the Act are consistent with specific provisions of the Act.

- 3) Provide a means to assist departments and sections within departments in understanding and adhering to various requirements of the Act.
- 4) Provide information that will help to formalize the management system in place to improve performance in terms of fairness and efficiency.

As in the previous audit, we defined efficiency in terms of how well resources were used to accomplish goals, including productivity and competence. Fairness was defined as to whether there was just, unbiased, equal treatment of people's concerns according to due process and legitimate rules.

SCOPE

The provisions of Section 39(2) of the Environment Act generally identify the areas to be covered by the audit and the provisions of Section 39(3) establish a timeframe of every three years.

The protocol, according to which this audit was conducted, was based on environmental management system (EMS) expectations and efficiency and fairness criteria developed during the development of previous audit programs and modified for application to the 2001 audit cycle. The environmental management system framework assessment was based on the ISO 14001 Standard. The final compliance protocol was based on the Act, the prevailing Regulations and their applications in an effective and fair manner.

The audit fieldwork was conducted in February 2001 and covered the period from August 31, 1997 to September 30, 2000. The scope of the audit included a representative sample of activities related to the environmental performance of departments having responsibilities under the Act, interviews with selected management and staff personnel, and a sampling of documents/records. It also included a follow-up review of YTG's response and actions related to previous audit recommendations.

Document reviews were limited to those files that contained entries dated within the audit period. It is to be noted that the review phase of the project also considered documents and records dated up to February 13, 2001 where these were directly related to issues arising between August 31, 1997 and September 30, 2000.

We would like to recognize the high level of cooperation provided by the staff and management of the Departments of Environment, Executive Council Office and Finance, as well as the staff of the Public Safety Branch and the former Department of Economic Development. This cooperation was crucial to the success of the audit process.

RESPONSE TO PREVIOUS AUDIT RECOMMENDATIONS

The discussion of YTG's response to previous audit recommendations will, in some cases, overlap with observations made in a later section of this report. The findings presented here are meant to maintain the distinction between addressing the previous audit recommendations and meeting responsibilities under the Act.

SECTIONS 110(1) AND 159(1)

The 1997 audit stated that *although YTG has developed an Operations Manual that contains procedures and guidelines for enforcing compliance with the Act, interpretations or guidelines for the terms "irreparable damage and "actual or imminent harm" were not included. The report went on to say that guidelines could help provide staff with some understanding about the subject matter and the precautions that should be taken if a situation of a questionable nature were to occur. YTG's response at that time indicated that the operational manual is continually updated as sections are proclaimed and resources become available.*

During our current review we found no evidence to show that this audit's recommendation was accepted and acted upon.

Conclusion

It is our opinion that guidelines defining the terms "irreparable damage and actual or imminent harm" are still important and would provide staff with some understanding of this subject. Otherwise, YTG and its responsible departments will not have the ability to consistently or fairly determine whether an actual activity resulting from an event would or would not fall into a category to which the Act refers. As a result, the risk of staff being exposed to activities that may be classified as "actual or imminent harm" would not be reduced.

Furthermore, without interpretations that define the activity, environmental protection officers would not be in a position to issue environmental protection orders, which, in fact, is the purpose of Section 159 of the Act. All future training activities should focus on the environmental protection officers' ability to recognize activities that fall within the power of Section 159 of the Act.

Recommendation #1

The Department of Environment should give interpretation to Section 159 (1) of the Environment Act, as previously recommended.

Management Response

The Department is currently developing an administrative procedure manual that will describe processes and address the application of the various administrative powers available under the Act. The Department will seek legal guidance to find a working definition of "irreparable damage" and "actual or imminent harm".

SECTIONS 81 TO 93

The 1997 audit noted that YTG has limited jurisdiction to implement sections of the Act under Development Approvals and Permits, as most land is under Federal jurisdiction. It pointed out that the development assessment process (DAP) was being negotiated as part of settlement of land claims. Therefore, YTG's future direction is closely tied to the devolution of power process and is being negotiated as part of the settlement of land claims. The 1997 audit did not include an examination of activities for negotiating the DAP.

Conclusion

YTG's has since established a Development Assessment Process unit within the Executive Council Office. We consider YTG's response to be reasonable and no other comments are offered.

SECTIONS 47(1), 48(1, 2 & 3), 49, 50(1 & 2)

YTG's environmental responsibilities are set out in Part 2 of the Act. They include ensuring that consideration of the environment is integrated into all decisions of YTG, preparing and reviewing revisions to the Conservation Strategy and a State of Environment Report (SOE), auditing YTG's performance, and fostering an understanding of the environment. The 1997 audit report indicated that *the reporting due dates specified under this part of the Act have not always been met, but preparation of the reports has been progressing within the constraints of limited resources and experience in this relatively new field of endeavour.*

The SOE report was meant to be published within three years of the date that Section 48(1) came into force (September 30, 1992) and every three years thereafter. In June 2000 an SOE report for 1999 was released subsequent to the completion of the audit fieldwork.

Conclusion

Although there may be an issue of timeliness with respect to the release of SOE reports, it is our opinion that YTG's response to the 1997 audit report is meeting the core elements of the recommendations under the above sections of the Act.

SECTION 41(1, 2, 3 & 5)

The 1997 audit report reviewed powers and responsibilities of the Yukon Council on the Economy and the Environment (YCEE) and how the Council must represent a balance of interests of regions and various stakeholders. The Act also requires that the Commissioner in Executive Council provide adequate resources to ensure that the Council is able to fulfil its responsibilities under the Act.

The auditor recommended that due to the significance of the Council's required responsibilities under the Act, Regulations should be prepared and submitted for public consultation as required under Section 41(4) of the Act. At the time of this audit, it was noted that YTG has enacted the "Yukon Council on the Economy and the Environment Regulations" dated March 31, 1999.

Conclusion

It is our opinion that the Regulations meet the intent of Section 41(4) of the Act.

SECTION 39(1 TO 4)

In 1997 YTG indicated that it did not have resources to put in place a formal Environmental Management System (EMS), but agreed to document environmental considerations in all cabinet submissions. At the time of this audit, evidence was available to indicate that the Department of Environment had initiated a process titled "*Review of the Environmental Management System for the Environment Act*". The Department released its first report March 31, 2000 and more recently, its second report on December 31, 2001. These documents are based on a framework for developing an environmental management system for the Environment Act dated March 1998 and identifies the five pillars of the ISO 14001 Standard.

Subsequent to the 1998 framework document, a database had been developed that tracks performance section by section of the Act, identifying commitments that have been fulfilled and those which are outstanding.

Conclusion

It is our opinion that the Department of Environment has made significant progress in developing an environmental management system. The principal activity to date has focussed on the monitoring and measurement elements of the ISO Standard (development of a database).

REVIEW OF RESPONSIBILITIES WITHIN REGULATORY CONNECTIONS

This section of the report deals with the review of YTG's performance relating to the enforcement of certain regulations under the Environment Act and sections of the Act where issues of efficiency or fairness were found during the audit. Below we identify our findings and recommendations with respect to the:

- Contaminated Sites Regulations (proclaimed in 1997)
- Storage Tank Regulations (proclaimed in 1997)
- Spills Regulations (proclaimed in 1997)

CONTAMINATED SITES REGULATIONS

Part 9 of the Act, Sections 111 to 117 deals with release of contaminants and contaminated sites and describes those actions that YTG can take with respect to contaminants.

Findings

At the time of the audit five sites in the Yukon had been designated as contaminated sites and these are listed in the public registry. The Regulations had been enforced since 1997. Two of the listed sites have been issued certificates of compliance while three sites have not.

The Environmental Protection & Assessment Branch presently has approximately 85 files containing varying amounts of technical information on potentially contaminated sites. Some of these sites may have contamination above the criteria of the Contaminated Sites Regulations, while others may not. These sites are in the process of being evaluated and some will then be designated. According to the Department, the low number of sites designated relative to the number of contaminated site files is a reflection of the existing workload, the priority given to major contaminated sites and the available resources.

A total of 12 files were reviewed during the audit and most were found to be satisfactory. The issue most commonly noted was that documentation was sometimes incomplete with respect to follow-up information requested by YTG on contaminated sites. Therefore, it was unclear as to how some cases were resolved or if investigations were undertaken.

Conclusions

Efficiency Criteria – It is our opinion that YTG's performance, with respect to productivity, under the sections of the Act pertaining to contaminated sites and the Contaminated Sites Regulations, could be improved by providing additional resources (human and technical).

Fairness Criteria - It is our opinion that there is reasonable assurance that YTG's performance under the Contaminated Sites Regulations and the supporting sections of the Act was fair in all significant respects.

Recommendation #2

The Government of the Yukon should review its current resource allocation to the Environmental Protection & Assessment Branch. The review should determine whether or not the lack of dedicated resources available for the regulation of contaminated sites is the root cause of only five sites being listed in the registry or designated as contaminated sites.

Management Response

The Department agrees with this recommendation and will review the adequacy of its operations and maintenance budget for environmental protection and assessment.

STORAGE TANK REGULATIONS

The Yukon Government has enacted Storage Tank Regulations for the construction/installation of new above ground storage tanks or underground storage tanks or storage tank systems and/or the modification and decommissioning of existing systems. The Regulations specifically exclude existing petroleum storage tanks and systems and heating oil tanks with a capacity of less than 4,000 litres.

Findings

Inspection of permitted activities under the Storage Tank Regulations is administered and conducted by personnel in the Public Safety Branch. The Fire Marshal and staff are appointed by the Minister for the specific purposes of the Regulations and Section 151(1) of the Act, and are empowered to perform the duties of an Environmental Protection Officer. It is recognized that Environmental Protection Officers may inspect sites during/after the removal of old underground storage tanks to determine whether the site is contaminated or not. The Fire Marshal's office conducts inspections during the installation of new systems.

Permits for installation of new underground storage tank systems have been issued by the Fire Marshal since 1997. Facilities also require a permit to operate. Up to September 30, 2000, no inspections of operating facilities had been conducted since 1997.

Nineteen files were reviewed during the audit. Documentation in files was found to be very detailed. It was noted that permits were issued when applications were incomplete or were issued after work was complete.

Conclusions

Efficiency Criteria - It is our opinion that YTG's performance under the Storage Tank Regulations is inefficient with respect to productivity in inspecting permitted operations and enforcement of permit requirements for all new or altered storage tank systems.

Fairness Criteria - Notwithstanding the fact that the Regulations exclude old systems, it is our opinion that YTG's performance under the Storage Tank Regulations and the supporting sections of the Act was fair in all significant respects.

Recommendation #3

The Government of the Yukon should ensure that there are regular inspections of permitted operations and enforcement of permit requirements as required under the Storage Tank Regulations.

Management Response

Since the writing of the Audit Report, the Public Safety Branch has ensured that all storage tanks installed after 1996 meet the standards as outlined within the National Fire Code of Canada, 1995. Standards are set out in the storage tank permits with instructions on how to keep records for inspections. Inspections are on going and all renewal permitting requires an inspection. All tanks must be approved by a recognized testing agency such as Underwriters of Canada (ULC).

Approximately 50 service providers will be renewing permits this year and each will undergo an inspection. There have been no problems with storage tanks since the writing of this report.

With a view to ensuring that the Government of Yukon meets its obligations under the Act as articulated in Section 5 of the Act, the audit team makes this further recommendation:

Recommendation #4

The Department of Environment should assess environmental risks associated with storage tank systems not subject to regulation as articulated in Section 5(2) of the Environment Act.

Management Response

The initial intent was to develop Storage Tank Regulations in two phases:

- *Phase I was developed in 1996, when regulations were developed that apply to new tanks and tanks that undergo major renovations.*
- *Phase II would include all existing storage tanks. This has not been completed yet due to limited time and resources. Implementation of Phase II would include (or replace) such a risk assessment.*

SPILLS REGULATIONS

The Act deals with the release of substances into the environment and sets out requirements for the reporting of such releases to the Yukon Spills Report Centre.

Finding

There is not a clear distinction as to when a spill would become a contaminated site. Section 10(8) of the Contaminated Sites Regulations appears to be inconsistent with Part II, Spills and Section 135 of the Act in that it prohibits the relocation of contaminants until the Minister authorizes the relocation. Section 135(a-ii), however, requires a person, "*when he or she has knowledge of a spill, take all reasonable measures ii) to remove the substance spilled in such a manner as to reduce or mitigate any danger to human health or the natural environment*".

As a result of this possible confusion, the initial emergency response to spills involving contaminants as defined in the Contaminated Sites Regulations could be impeded while attempting to comply with provisions such as the relocation authorization in the Contaminated Sites Regulations.

Furthermore, it is our view that the transition process from a "spill site" to "contaminated site" has not been developed, therefore, YTG's ability to deal with potentially significant environmental concerns is limited.

Conclusions

Efficiency Criteria - It is our opinion that YTG may not be efficiently meeting its responsibilities under the sections of the Act supporting the Spills Regulations.

Fairness Criteria - It is our opinion that there is reasonable assurance that YTG's performance under the sections of the Act supporting the Spills Regulations was fair in all significant respects.

Recommendation #5

The Spills Regulations should be reviewed in conjunction with the Contaminated Sites Regulations with a view to developing guidelines to assist in defining when a spill should become a contaminated site.

Management Response

The Department will review the Spill Regulations and the Contaminated Site Regulations to determine if guidelines should be developed to clarify for staff when a spill should be considered a spill, when a site is a contaminated site, and how the two terms interact. The definition of "Special Waste" may also interact in some cases. The issue may be addressed in the Operations Manual for the Environment Act. The Department is also developing a manual to provide guidelines for the use of administrative authorities including those addressing spills, contaminated sites and special wastes.

REVIEW OF SECTIONS OF THE ACT WITH NO LINK TO REGULATIONS

In this portion of the audit report the applicable sections of the Environment Act are provided in the text of the report to assist the reader in relating audit observations to responsibilities.

SECTION 39(1B) - AUDIT STANDARD

Findings

Section 39(1b) of the Act states that YTG shall “ensure that consideration of the environment is integrated in all decisions of YTG including policies, programs, budgeting, funding, regulatory initiatives, plans, developments and projects”. During the audit, we were unable to find written procedures or practices that have been adapted by YTG to fulfil its responsibilities under the above section of the Act.

Recommendation #6

With a view to ensuring that future audits can, in fact, assess the government’s performance under Section 39 (1-b) of the Environment Act, procedures and practices should be formalized that, when audited, would provide evidence that environmental considerations are integrated into the decision-making process.

Management Response

Some procedures have already been developed as a result of recommendations contained in the 1997 audit report. For instance, all Cabinet submissions now include a review of “Environmental Considerations”. In addition, in 2000, the Policy & Planning Branch and the Environmental and Protection Assessment Branch prepared a presentation for the government’s Policy Review Committee (PRC) to initiate a discussion on how to implement Section 39. However, this presentation was deferred until the 2000 audit recommendations had been received and reviewed. This presentation is still available and can be presented to PRC with short notice. This presentation would be the first step in addressing this recommendation.

SECTION 50(1) - INTERIM REPORT (STATE OF THE YUKON ENVIRONMENT)

Section 50(1) of the Act states that “Commencing from the date of the first Yukon State of the Environment report, for every period of 12 consecutive months in which the Yukon State of the Environment report is not made, the Minister shall prepare an interim report and submit it to the Legislative Assembly”.

Findings

The Planning and Policy Branch has not been able to meet the requirements under the Act. Audit evidence indicates that the root cause is likely the lack of dedicated resources to the State of the Yukon Environment reports. Audit evidence also indicates good cooperation from other governments. There were no interim reports for 1996 and 1998 (1998 should have been the State of the Environment report).

Recommendation #7

With a view to ensuring that YTG is able to meet its commitments under Sections 48 and 50 of the Environment Act, dedicated resources should be assigned for the preparation of the Yukon State of the Environment reports and interim reports.

Management Response

The Yukon Government's approach to the state of the environment reporting has been evolving to meet our reporting timelines and to work within the budgets provided. For instance, we intend to prepare "indicator style" reports rather than "comprehensive style" reports for the main reports required every three years. We have also changed the format of our interim reports to brief bulletin style reports that provide an update on selected environmental trends and indicators from the broad topic areas discussed in the State of the Environment Reports (i.e., Air, Water, Climate Change, Land, the Living World, etc). In addition, we are currently seeking the assistance of the Yukon Government Bureau of Statistics to maintain some of our core data sets in order to reduce our overall costs and strain on staff time.

While dedicated resources have been assigned to the preparation of the Yukon State of the Environment Reports and Interim Reports, we concur with the intent of the recommendation that these need to be sufficient to ensure that the task is accomplished.

SECTIONS 150 TO 165 - ENFORCEMENT ("ENVIRONMENT AND COMPLIANCE POLICY FOR THE ENVIRONMENT ACT")

In response to increasing public expectations for environmental enforcement, YTG has developed an approach of providing firm but fair enforcement of environmental legislation in a timely and consistent manner. Effective environmental protection can only be achieved by mitigating environmental impacts and enforcing the Regulations especially on those whom knowingly and wilfully discharge substances that have a significant adverse impact on the environment.

The primary objectives of Part 13 of the Act and the Enforcement Compliance Policy is to achieve and maintain compliance with environmental legislation, including appropriate acts, regulations, approvals and orders. In achieving this objective, the following principles apply:

- All Yukon residents are expected to comply with environmental legislation.
- Every instance of non-compliance will be met with an appropriate enforcement response.
- To achieve its stated objectives YTG will use all of the components of enforcement action at its disposal, education, correction and mitigation.
- Recognizing that all Yukon residents have a responsibility for ensuring the protection of the environment, YTG will encourage the public to report environmental concerns and suspected contraventions of environmental legislation.
- Public complaints will be treated seriously and followed up with the appropriate enforcement response.
- Legislative reporting requirements relating to non-compliance and to significant adverse environmental impacts are the cornerstone of enforcement activities.

The Environment Act and Regulations provide for a number of enforcement options. In response to a suspected non-compliance incident, YTG has the power to conduct fact-finding investigations, followed by a compliance assessment to determine whether a contravention has occurred and, if so, what the appropriate enforcement response should be. To achieve compliance, this response may include the use of both administrative and prosecution tools.

The Environment Department has the lead role of enforcement of environmental legislation and will liaise with other responsible government departments to ensure a coordinated and consistent enforcement.

Findings

Some elements of the Environment Act, as they relate to definitions of irreparable damage and actual or imminent harm, were dealt with in our response to previous audit recommendations. Other elements of enforcement that could be improved relate to the ability of the Field Services Branch to investigate and generate information relating to spills or potentially contaminated sites. Sections 151 and 152 of the Act give power of inspections to Environmental Protection Officers to inspect permitted sites or sites where there is sufficient evidence to indicate that the site should be permitted. However, the lack of evidence may, from time to time, restrict

YTG to undertake the necessary inspections to determine the level and significance of contamination.

Recommendation #8

The Department of Environment should undertake a review of sections of the Environment Act dealing with the Enforcement and Compliance Policy of the Act. The review should ensure that the objectives of the Act are fully met with particular emphasis on the powers of the Environmental Protection Officers and their ability to generate information on sites currently not under a permit.

Management Response

The powers of the Environmental Protection Officers have been reviewed and necessary amendments to the Act to address this issue have been identified. Such amendments would ensure the enforcement powers particularly the powers of inspection, are sufficient to ensure the objectives of the Act can be met. This recommendation can be addressed once the Department receives approval to pursue these amendments to the Act.