

LOCAL GOVERNMENT DISASTER RECOVERY ASSISTANCE ARRANGEMENTS

GUIDELINES

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1 OVERVIEW

1.1 INTRODUCTION

The State Emergency Management Plan (Part 3 – Guidelines and Frameworks – Annex B – Relief and Recovery Funding Arrangements) states that the South Australian Government may provide funding to support relief and recovery activities during and after an event. The financial support provided will vary depending on the severity, nature and duration of the event.

Local councils can apply for funding from the state government through the South Australian Local Government Disaster Recovery Assistance Arrangements (LGDRAA) to assist with managing the cost of disaster recovery activities following a *natural disaster*.

There are three types of *eligible measures* that are covered by these Guidelines:

- *counter disaster operations*
- repairs to and reconstruction of *essential public assets*, including emergency repairs.
- *community recovery fund* activities.

The LGDRAA are broadly consistent with requirements under the Disaster Recovery Funding Arrangements (DRFA), a joint funding initiative of the Commonwealth, state and territory governments to provide financial assistance for relief and recovery efforts. Through the DRFA, the South Australian Government is able to seek financial assistance of up to 75 per cent from the Australian Government towards the cost of *eligible measures*¹.

These Guidelines are designed to assist local councils when applying for disaster assistance funding. Further information can also be sought by contacting the Department of Treasury and Finance (DTF) Account Manager.

1.2 GENERAL PRINCIPLES

1. The LGDRAA provide a mechanism to assist local councils with managing the cost of disaster recovery activities following a *natural disaster*.
2. The state government's assistance aims to help councils alleviate the damage caused as a direct result of a *natural disaster*. It is not intended to fund every loss incurred by a council or to provide compensation for any indirect or consequential impacts.
3. Councils are responsible for undertaking appropriate disaster resilience and management strategies, such as acquiring insurance. State government assistance is intended to complement these strategies.
4. Councils are expected to use their own resources when undertaking *eligible measures*. A council should only claim assistance when the expenses incurred are in excess of what it would reasonably be expected to manage within its resource capacity.

¹ From 1 November 2018, the NDRRA was replaced by revised Disaster Recovery Funding Arrangements (DRFA). This LGDRAA Guideline takes account of the changes that are incorporated into the DRFA.

5. Recovery measures undertaken by councils should be consistent with the intent of the Guidelines, and should be undertaken as efficiently as possible.

1.3 DEFINITIONS

All definitions relevant to these guidelines are contained in the table below.

TERM	DEFINITION
Allowable time limit	<p><u>Provision of Local Council Financial Assistance Claim Form (Form 2):</u></p> <p>Within 12 months after the end of the financial year in which the disaster event occurred.</p> <p><u>Finalise and incur all expenditure on all eligible measures:</u></p> <p>Within 24 months after the end of the financial year in which the disaster event occurred.</p>
Betterment	The reconstruction of an <i>essential public asset</i> to a more disaster-resilient standard than its pre-disaster standard.
Claimable expenditure	<p>Expenditure (in accordance with accrual accounting concepts) incurred by councils in delivering eligible recovery measures within the allowable time limit.</p> <p><i>Note: Claimable expenditure is net of any amount recovered or to be recovered from commercial insurance arrangements.</i></p>
Community Recovery Fund	A fund established by either state or local government to aid community recovery, development and capacity building.
Counter disaster operations	<p>Activities carried out by councils to protect individuals and communities, and ensure public health and safety in public urban areas during or immediately following a <i>natural disaster</i>.</p> <p>Both staffing and equipment costs can be eligible <i>counter disaster operations</i> expenses. See Paragraph 2.1.1 for more details.</p>
Eligible measure	<p>An activity carried out by a council to alleviate damage arising as a direct result of a <i>natural disaster</i>, which falls under one of the following categories:</p> <ul style="list-style-type: none"> • the restoration or replacement (“reconstruction”) of <i>essential public assets</i>, which includes: <ul style="list-style-type: none"> ○ reconstruction based on an estimated cost developed through market response or cost estimation. ○ emergency works carried out within 3 months of the asset becoming accessible to temporarily restore the asset to an acceptable level to support the immediate recovery of a community. ○ immediate reconstruction works carried out within 3 months of the asset becoming accessible to fully restore an <i>essential public asset</i>. • <i>counter disaster operations</i> • <i>a community recovery fund</i>
Essential Public Asset	An <i>essential public asset</i> must be a <i>transport or public infrastructure</i> asset owned by a council which is a necessary part of a council’s infrastructure and is integral to the normal functioning of a community.

	<p>Examples of things that are generally considered to be <i>essential public assets</i> under these Guidelines include:</p> <ul style="list-style-type: none"> • roads and associated infrastructure, e.g. road signs, guard rails, culverts • bridges • tunnels • footpaths • levees • stormwater infrastructure. <p>Examples of council assets that are generally not considered to be <i>essential public assets</i> under these Guidelines include:</p> <ul style="list-style-type: none"> • sporting, recreational or community facilities, e.g. playgrounds and associated facilities • memorials • environmental initiatives where the primary focus is on restoring the natural environment rather than the reconstruction of a damaged <i>essential public asset</i>.
Natural disaster	<p>A <i>natural disaster</i> is one, or a combination of, the following rapid onset events:</p> <ul style="list-style-type: none"> • bushfire • earthquake • flood • storm • cyclone • storm surge • landslide • tsunami • meteorite strike, or • tornado. <p>The following are not <i>natural disasters</i> for the purposes of these Guidelines:</p> <ul style="list-style-type: none"> • drought • frost • heatwave • epidemic • events where human activity is a significant contributing cause (e.g., poor environmental planning, commercial development, personal intervention - (other than arson or accident).
Natural disaster mitigation	Measures taken in advance of, or after, a natural disaster aimed at decreasing or eliminating the impact of a natural disaster on society and the environment.
Pre-disaster standard	<p>Assistance is intended to support the reconstruction of an <i>essential public asset</i> 'like for like', i.e. to restore the pre-disaster functionality of an asset only.</p> <p>Government assistance for reconstruction of an <i>essential public asset</i> to its pre-disaster standard will be provided in accordance with current building and engineering standards.</p>
Public infrastructure asset	An asset that is associated with the provision of health, education, justice or welfare services.
Transport Infrastructure asset	An asset that is associated with roads, road infrastructure (including footpaths, bike lanes, pedestrian bridges), bridges, tunnels and culverts.

2 ELIGIBLE MEASURES

2.1 TYPES OF MEASURES

There are three types of activities covered by these Guidelines:

- *counter disaster operations*
- repairs to and reconstruction of *essential public assets*, including emergency repairs.
- *community recovery fund* activities.

See the definitions in section 1.3.

Normal administrative and operational expenditure, such as ordinary time wages and salaries of regular employees and internal hire charges for the use of council owned equipment, whether diverted from their normal work or otherwise, are generally not eligible for government assistance.

2.2 COUNTER DISASTER OPERATIONS

- For an activity to be considered an eligible *counter disaster operation*, it must:
 - be intended to alleviate community hardship and distress
 - have incurred as a direct result of a natural disaster event
 - be undertaken within the immediate proximity of residential properties and completed within days of the natural disaster event
 - result in the council incurring extraordinary expenses, that is, expenses in excess of what a council would be reasonably expected to manage within its resources capacity.
- Examples of eligible *counter disaster operations* include:
 - sandbagging to prevent inundation of residential properties
 - construction of temporary levees to prevent inundation of residential properties
 - establishment of bushfire control lines to protect residential properties
 - establishment of temporary access routes required for disaster relief operations to allow residents to return to their homes
 - activities to render a damaged house safe and habitable, e.g., tarping damaged roofs or structural integrity assessments on residential properties
 - general clean-up works including the removal of debris and other hazardous objects
 - provision for necessary consumables such as tarps, ropes, chain, chain saws and fuel used during *eligible measures*
 - activities to restore direct damage incurred whilst undertaking eligible counter disaster operations, e.g., repairing fencing that was directly damaged while undertaking an eligible counter disaster operation.
- The controlling state government agency will maintain primary operational responsibility for undertaking *counter disaster operations* following a natural disaster and will generally directly incur most of the expenses associated with such operations.
- Where a council directly incurs expenditure as a result of activities undertaken at the direction of a state government agency, the costs should be reimbursed by that agency. Where this occurs, the expenditure cannot also be claimed through this process.
- The government assistance outlined in these Guidelines relates to any other expenses directly incurred by councils in performing *counter disaster operations*.

- A council should proceed with *counter disaster operations* irrespective of government assistance where it is considered necessary to protect communities and ensure public health and safety in public urban areas.

2.3 REPAIR/RECONSTRUCTION OF ESSENTIAL PUBLIC ASSETS

- For the purposes of these Guidelines, an *essential public asset* is a council owned asset as defined in section 1.3.
- The government provides assistance to council for reconstruction of an *essential public asset* to its pre-disaster standards, in accordance with current building and engineering standards.
- The application of current building and engineering standards ensures that contemporary construction methodologies and building materials can be used to restore the pre-disaster functionality or utility of the damaged *essential public asset*.
- Any expenses associated with the improvement or enhancement of the functionality or utility of an *essential public asset* are the responsibility of the council and are ineligible under these Guidelines, even if required under state regulation.

For example: additional expenses associated with restoring a road to a greater width than its pre-disaster standard (i.e. increasing the number lanes) in order to improve or enhance its functionality would be ineligible for government assistance.

- Where a council decides to undertake additional works to improve the functionality or utility of a damaged *essential public asset* following a *natural disaster*, councils will still be able to claim assistance for the eligible component of the reconstruction works.
- Reconstruction projects that are considered eligible for financial assistance should not commence until the project is approved through the application process outlined in Section 3.
 - The exception to this is immediate works that are required following a disaster to make an asset safe, temporary repairs to restore critical and basic functioning or permanent repairs that can be completed within three months of gaining access to the site.

2.4 BETTERMENT OF ESSENTIAL PUBLIC ASSETS

- Councils may apply for additional government assistance to improve the disaster resilience of an *essential public asset* that has been damaged by a *natural disaster* multiple times.
- Betterment is intended to limit the cost of rebuilding repeatedly damaged assets by allowing *essential public assets* to be rebuilt to a more disaster-resilient standard where it is cost-effective to do so.
- Betterment does not refer to improvements designed primarily to improve or enhance an assets functionality or utility.
- If financial assistance is required, a council should not commence an asset betterment project until approved by the state government.

2.5 ELIGIBLE EXPENSES

Eligible expenditure must directly relate to undertaking eligible measures in response to a natural disaster and be considered extraordinary to the normal operations of council, i.e. the expenses are in excess of what a council would be reasonably expected to manage within its resource capacity.

- Examples of eligible expenses are:

- equipment expenses where the expenditure relates to the hiring of additional plant and equipment and associated operational expenses
- staff allowances and overtime, and any other expenses associated with staff working outside of normal working hours, including travel and accommodation expenses, and associated on costs such as workers compensation premiums and payroll tax
- employment of sub-contractors and contractors
- expenditure relating to backfilling staff who are seconded to assist with eligible counter disaster operations activities.
- vehicle or equipment repairs and additional servicing requirements required (as a direct consequence of undertaking eligible counter disaster operations)
- transportation of personnel, equipment and materials necessary to support eligible counter disaster operations.

2.6 COMMUNITY RECOVERY FUND ACTIVITIES

- Following an event, the State Recovery Office or a local council may establish a *community recovery fund* to provide a range of assistance measures for individuals, community groups, not-for-profit organisations and businesses within the disaster affected community.
- Council activities as part of a *community recovery fund* may be eligible under these Guidelines if they result in an additional cost to the council.
- For *community recovery fund* activities to be eligible for disaster recover assistance, the *community recovery fund* must be administered by the state government in close collaboration with a council, OR by a community recovery committee with government representation.
- State government assistance may be provided for *community recovery fund* activities if the following conditions are met:
 - a community has been severely affected by a natural disaster; and
 - there is a clear need for assistance to restore social networks, functioning and community facilities.
- In order to apply for state government assistance, the council must consult with the Director of the State Recovery Office, and demonstrate one or more of the following:
 - the community is at risk of losing essential businesses as a direct result of the natural disaster
 - there is measurable loss or reduction in essential services in the community
 - there is measurable loss or damage to sporting, recreational or community assets and facilities
 - a significant number of community activities have ceased and/or been disrupted
 - there is evidence of secondary impacts to normal community functioning, community facilities and community social networks.
- The objectives of an eligible *community recovery fund* must be aimed at community recovery, community development and community capacity building. Given each community and disaster event is different, the objectives and activities associated with a *community recovery fund* will also be community and disaster specific.
- Examples of eligible council *community recovery fund* activities include, but are not limited to:
 - employment of community development workers
 - grants to community service organisations providing recovery services
 - assistance for the reconstruction of recreational or community assets and facilities owned by either a council or non-profit organisations

- community information initiatives
 - community commemorative events and/or memorials
 - advocacy and monitoring services
 - economic development initiatives including tourism and small business initiatives
 - heritage and cultural sites initiatives, excluding environmental restoration initiatives.
- If government assistance is required, a council should not commence a *community recovery fund* activity until the application has been approved.

3 HOW TO APPLY

3.1 APPLICATION FORMS

The following forms are to be used when making a claim for financial assistance under these Guidelines:

- Form 1: Preliminary Damage Assessment
- Form 2: Financial Assistance Claim
- Form 3: Asset Betterment

3.2 APPLICATION PROCESS

STEP 1. Councils should undertake a broad assessment of the damage in the council's area that has occurred as a result of a *natural disaster*.

STEP 2. Councils should notify the Director of the State Recovery Office that a *natural disaster* has caused damage in the council's area. This should include an overview of the damage based on the broad assessment undertaken in Step 1.

NOTE: COUNCILS SHOULD PROCEED WITH IMMEDIATE WORKS THAT ARE REQUIRED FOLLOWING A DISASTER TO MAKE AN ASSET SAFE, OR TEMPORARY REPAIRS TO RESTORE CRITICAL AND BASIC FUNCTIONING PRIOR TO RECEIVING NOTIFICATION OF ELIGIBILITY.

STEP 3. Councils should complete the following form:

Form 1: Preliminary Damage Assessment

Form 1 will be used to determine the scope and cost of recovery and whether the claim is eligible for funding assistance.

*Note:

- At this stage sufficient evidence must be gathered to demonstrate a clear link between the eligible disaster and the identified asset damage/recovery activities. To establish a claim for asset damage the evidence should include the asset location, function, pre-disaster and post disaster condition.
- The intent of this form is to give government a more informed idea of the likely size of a council's claim. A full and final estimate (obtained through a procurement process) is not required at this stage.
- If an *essential public asset* has been damaged, the assessment must be conducted by a suitably qualified professional and verified by an engineer or quantity surveyor (this can be an internal or external engagement).

- If a council is seeking financial assistance to establish a *community recovery fund*, the State Recovery Office must be engaged.

THE DEPARTMENT OF TREASURY AND FINANCE WILL CONSIDER WHETHER AN EVENT IS ELIGIBLE AND NOTIFY COUNCIL IN WRITING.

STEP 4. Once formal notification has been received, councils should finalise estimated recovery costs for *eligible measures*, including for *counter disaster operations* and *community recovery fund* activities.

Councils can prepare multiple claims for *eligible measures*. The financial threshold will apply to the total claimable amount for all *eligible measures* undertaken in relation to a specific *natural disaster*.

Councils should undertake a competitive procurement process to determine detailed cost for reconstruction of public assets.

STEP 5. Following finalisation of procurement process/es, councils should complete the following form:

Form 2: Financial Assistance Claim (submitted within 12 months following the end of the financial year of the event)

THE DETAILED CLAIM WILL THEN BE CONSIDERED BY GOVERNMENT.

COUNCILS WILL BE NOTIFIED IN WRITING OF THE AMOUNT OF FUNDING TO BE PROVIDED, AND PERMISSION TO PROCEED WITH A *COMMUNITY RECOVERY FUND* (WHERE SOUGHT)

A COUNCIL MAY SUBMIT SUBSEQUENT PRELIMINARY ASSESSMENT AND CLAIM FORMS IF ADDITIONAL REQUIREMENTS AND/OR INFORMATION ARE IDENTIFIED.

3.3 SUPPLEMENTARY DOCUMENTATION

3.3.1 Payment of government assistance

To enable payment of government assistance, a council is required to submit a tax invoice and supporting documentation to the Department of Treasury and Finance.

The tax invoice must contain the following information:

- name of the event
- amount of government assistance as approved in the letter from the Treasurer (Note, GST is not payable on the government assistance)
- Bank details for EFT transfer

3.3.2 Claims for repair/replacement of *essential public assets*

Council must provide the following documentation in support of claims for the repair/replacement of *essential public assets*:

- Invoices from contractors clearly stating the work undertaken (e.g., name and location of road etc), materials used, etc

- Any other evidence that will assist in establishing a clear link to the activity approved by the Government
- Clear explanation of material variances from any approved claim for individual projects.
- If the cost of repairs are likely to exceed the approved amount (Form 2) and/or include asset damage not previously reported, a supplementary claim will need to be lodged with DTF clearly outlining the reason for the variation.

3.4 PAYMENT OF FINANCIAL ASSISTANCE

- Payment of the government's assistance will usually be through reimbursement of actual expenditure incurred by a council. This will occur after the expenditure has been incurred, but does not need to have been already paid by council.

Payment will generally occur within 10 business days of receipt and verification of councils invoice and all required supporting documentation, subject to the adequacy of the documentation.

When payment is on a reimbursement basis the timing of payments is at the discretion of Council (either at completion of works or as progress payments)

- Where exceptional circumstances exist, a council may request advance payments as part of its claim application. Treasurer may approve advance payments to a council where:
 - the council has limited financial capacity to adequately respond to the event;
 - the council has demonstrated that the progress payments are a significant cash outlay relative to the size of its budget and other expenditure commitments;
 - the required advance payments are evenly allocated over the period in which the eligible measure(s) will be delivered; and
 - the council has requested advance payments as part of its claim application.
- If project expenditure is likely to be incurred outside of the allowable time limit Council should request a time extension from the Treasurer.

4 CLAIMS CALCULATION AND LEVEL OF ASSISTANCE

4.1 CALCULATING CLAIMS

The purpose of the LGDRAA is to provide financial assistance to local councils where costs are in excess of what a council would be reasonably expected to manage within its resource capacity. As such, the amount of funding available to each council and for each event will vary.

The total amount of government assistance to a council undertaking *eligible measures* is determined with reference to:

- the council's two financial thresholds;
- the total claimable expenditure amount; and
- the minimum asset reconstruction value.

4.1.1 Council's two financial thresholds

- The financial thresholds are designed to give consideration to the council's capacity to fund *eligible measures*. These thresholds apply to the total cost of all eligible *counter disaster operations*, repairs or reconstruction of *essential public assets* and *community recovery fund* activities undertaken in response to a specific *natural disaster*, except where extraordinary assistance (4.2.3) is being sought.
- Councils' average rate revenue is used to determine a council's capacity to fund *eligible measures*.
- The average rate revenue is based on the council's actual rate revenue of the previous two audited financial years, indexed for inflation by a rate to be determined by DTF. Rate revenue excludes revenue collected on behalf of third parties (e.g., Natural Resource Management Levies).
- The two financial thresholds are:
 - First financial threshold:**
 - two per cent of the council's average rate revenue, where a council's claim for assistance does not include the reconstruction of an *essential public asset*
 - the greater of the *minimum asset reconstruction value* or two per cent of the council's average rate revenue, where the council's claim for assistance includes the reconstruction of an *essential public asset*
 - Second financial threshold:**
 - 1.75 times the first threshold.

4.1.2 Total claimable expenditure amount

- The total claimable expenditure is calculated with reference to the amount stated in Form 2: *Financial Assistance Claim*, and any subsequent or amending claim forms submitted by the council.
- The total claimable expenditure is calculated as follows:
 - The cost of all *eligible measures*
 - Less**
 - Any amount already budgeted by the council for repair, replacement or betterment of damaged *essential public assets* prior to the event
 - Less**

- Any other sources of funding, such as insurance recoveries.

4.1.3 Minimum asset reconstruction value

- The minimum asset reconstruction value applies where the council's claim for assistance involves the reconstruction of an *essential public asset*.
- The minimum asset reconstruction value is **\$150,000**.

4.2 LEVEL OF GOVERNMENT ASSISTANCE

This section provides a general overview of the level of government assistance. This will vary depending on the event and the activity that the council is seeking assistance for.

4.2.1 Claims excluding asset betterment proposals

The table below outlines the level of government assistance that may be provided for the following *eligible measures*:

- *counter disaster operations*
- repairs to and reconstruction of *essential public assets*, including emergency repairs.
- *community recovery fund* activities.

Eligible Expenditure	Government assistance
<i>Less</i> than the minimum asset reconstruction value - \$150,000	No financial assistance provided if claim includes <i>essential public assets</i>
<i>Less</i> than the First Financial Threshold	No financial assistance provided
<i>More</i> than the First Financial Threshold, but <i>less</i> than the Second Financial Threshold	50%
<i>More</i> than the Second Financial Threshold	75%

4.2.2 Claims involving asset betterment proposals

- State government assistance to be provided for *betterment* of an *essential public asset* will be 50% of the *betterment* costs provided council has exceeded its first financial threshold.

4.2.3 Extraordinary Assistance

- The Treasurer may approve extraordinary assistance to a council in the event of a catastrophic *natural disaster* event and/or where a council has limited financial capacity.
- The level of extraordinary assistance will be determined on a case by case basis.
- A council can apply for extraordinary assistance even where the threshold in clause 4.1.1 has not been met.

5 COUNCIL REPORTING REQUIREMENTS

5.1 FINANCIAL YEAR ACQUITTAL REQUIREMENTS

- Where a council has incurred expenditure on *eligible measures*, it must provide the following form to DTF within six months of the end of the financial year in which the expenditure took place:
 - Form 4 *Financial Statement Audit* certified by the council's Chief Executive Officer and an external auditor.

5.2 COMPLETION OF ASSET RECONSTRUCTION REPORTING

- Where a council has received government assistance for the reconstruction of *essential public assets*, the council is required to submit Form 5 – *Confirmation of Project Completion* to DTF within six months of the completion of the reconstruction works.
- Post disaster assessment reporting provides consistent state data on the total expenditure incurred as a direct result of *natural disaster* events, and may contribute to improved understanding of the cost of response, relief and recovery measures.

5.3 ADDITIONAL INFORMATION REQUIREMENTS

- After receipt of the financial year acquittal, the Treasurer or delegate may at any time ask the council to provide further information that is considered necessary to ensure that the council payments were made in accordance with the principles outlined in these Guidelines.
- The Treasurer or delegate may undertake assurance activities prior to or after a council submits a claim or acquittal for assistance in undertaking an *eligible measure*. These activities may include, but are not limited to:
 - site inspections;
 - obtaining relevant documentary evidence to support value-for-money assessments;
 - an examination of council internal controls;
 - verification of measures or projects included in a claim or acquittal.
- The Treasurer may appoint an independent adviser to conduct these activities or refer to an adviser appointed by the Commonwealth Government to undertake such activities.