

PART I

ALL PORTFOLIOS ARE REQUESTED TO COMPLETE PART I.

If you cannot answer a question, please indicate whether the question is NOT APPLICABLE or if INFORMATION IS NOT AVAILABLE.

Section 1: Contact details

1.1 Portfolio

1.2 Reporting and financial arrangements are governed by:
(Please indicate with a 'X' whether one or more of the following Acts apply)

Financial Management and Accountability Act 1997

YES	NO
X	

Commonwealth Authorities and Companies Act 1997

YES	NO
	x

Other

1.3 Contact Officer

Position

Phone

Fax

Email

Address

This section asks about your portfolio’s total revenues, charges and expenses (but not including the revenues, charges and expenses of agencies that will be completing separate responses to this questionnaire - see Attachment A). All portfolios should complete this section, whether or not you consider you undertake cost recovery.

Section 2: Portfolio revenues, charges and expenses

(Please indicate with a 'X' which response applies)

2.1 Has your portfolio charged any cost recovery fees, levies or other charges in the last five financial years?

YES	NO
X	

Relevant charges include any fees, levies, taxes (including some customs and excise duties earmarked for specific purposes) or other charges which arise from the services, programs or business activities of your portfolio, and which are collected by your portfolio, or by another agency on your behalf. For example, application fees, processing charges, consultancy fees, publication sales, special industry duties, excises or levies other than general taxation.

2.2 Were any of the appropriations allocated to your portfolio in the last five financial years linked (hypothecated) to revenue collected from fees, levies or charges (for example, levies paid to the Consolidated Revenue Fund but earmarked for allocation to your portfolio)? (Whether the revenue was collected by your portfolio or by another agency on your behalf).

YES	NO
X	

2.3 Has your portfolio considered introducing any cost recovery arrangements in the past that were not implemented?
(Please attach any relevant reviews, analysis or other information.)

YES	NO
	X

2.4 Is your portfolio considering introducing any cost recovery arrangements in the future?
(Please attach any relevant reviews, analysis or other information.)

YES	NO
	X

If you answered NO to questions 2.1 and 2.2, you need not answer any further questions. Thank you for your cooperation. Please return the questionnaire to the Commission (see front sheet for instructions).

If you answered YES to EITHER question 2.1 OR question 2.2 OR both, please complete section 3 below, and Part II on the following worksheet.

Section 3: Portfolio revenues and expenses

Please do not include the revenues and expenses in this section of agencies that will be completing separate responses to this questionnaire (see Attachment A).

3.1 Does your portfolio classify revenues and expenses as agency and administered?
Agency revenues and expenses are those controlled by the department/agency (for example, employee and administrative expenses). Administered revenues and expenses are those which are controlled by Government and managed or oversighted by the department/agency on behalf of the Government (for example, social security payments).

YES	NO
X	

If your portfolio classifies revenues and expenses as 'agency' and 'administered' then please fill in both tables below. If your portfolio does not classify revenues and expenses as 'agency' and 'administered' then please put all revenues and expenses in the 'agency' table below.

AGENCY portfolio revenues and expenses (Please use \$'000)					
	1995-96	1996-97	1997-98	1998-99	1999-2000
Agency revenue from cost recovery (a)					
3.2 Cost recovery revenue retained by your portfolio					
3.3 Cost recovery revenue paid to CRF and appropriated to your portfolio (or another agency for a specific purpose (ie. annotated, hypothecated or earmarked revenues)	na	579000	603000	763000	809000
3.4 Cost recovery revenue paid to CRF and not specifically appropriated to your portfolio (or another agency)	0	0	0	0	0
3.5 Total agency revenue from cost recovery	0	597000	603000	763000	809000
Agency revenue from other sources					
3.6 Other appropriations	0	0	66000	83000	77000
3.7 Other sources (eg. asset sales, dividends, interest, funding from other government agencies)	0	0	0	0	0
3.8 Total agency revenue from other sources	0	0	66000	83000	77000
3.9 Total portfolio agency revenue*	0	597000	669000	846000	886000
3.10 Total agency expenses	na	602000	590000	812000	981000

CRF Consolidated Revenue Fund
(a) Include all revenue from fees, levies, excises and other charges which arise from the services or activities of your portfolio, and which is paid to your portfolio, to another agency or to the Consolidated Revenue Fund.

ADMINISTERED portfolio revenues and expenses (Please use \$'000)

	1995-96	1996-97	1997-98	1998-99	1999-2000
Administered revenue from cost recovery (a)					
3.11 Cost recovery revenue retained by your portfolio					
3.12 Cost recovery revenue paid to CRF and appropriated to your portfolio (or another agency for a specific purpose (ie. annotated,					
3.13 Cost recovery revenue paid to CRF and not specifically appropriated to your portfolio (or another agency)					
3.14 Total administered revenue from cost recovery	0	0	0	0	0
Administered revenue from other sources					
3.15 Other appropriations					
3.16 Other sources (eg. asset sales, dividends, interest, funding from other government agencies)					
3.17 Total administered revenue from other sources	0	0	0	0	0
3.18 Total portfolio administered revenue	0	0	0	0	0
3.19 Total administered expenses					

CRF Consolidated Revenue Fund

(a) Include all revenue from fees, levies, excises and other charges which arise from the services or activities of your portfolio, and which is paid to your portfolio, to another agency or to the Consolidated Revenue Fund.

End of Part I. Please complete Part II, which is on a separate worksheet.

PART II

If your portfolio operated any cost recovery arrangements in 1999-2000, please complete this part. Please fill out a separate form for each sub-unit, cost recovery program or activity, or output or outcome for which you are reporting. Similar cost recovery arrangements may be reported in groups.

PART II(a)

Name of sub-unit, agency, program or activity, output or outcome

PLANT BREEDER'S RIGHTS SCHEME

Section 4: Cost recovery arrangements in 1999-2000

Descriptive material		
4.1	Nature of cost recovery arrangement (eg. licence fee, service charge, hypothecated excise tax or levy etc)	FEES FOR SPECIFIED SERVICES- PARTICIPATION IN THE PLANT BREEDER'S RIGHTS (PBR) IS VOLUNTARY. PARTICIPANTS CAN WITHDRAW AT ANY TIME.
4.2	Basic description of arrangements: (Please attach any relevant documents.)	COST RECOVERY FOR AGENCY IS ACHIEVED THROUGH VOLUNTARY FEES FOR APPLICATIONS AND GRANTS OF INTELLECTUAL PROPERTY RIGHTS IN NEW PLANT VARIETIES
4.3	Who pays the cost recovery charges?	PLANT BREEDERS SEEKING REGISTRATION OF NEW PLANT VARIETIES
4.4	Who benefits from the program or activity, output or outcome?	PLANT BREEDERS, PRIMARY INDUSTRIES, USERS, CONSUMERS, THE AUSTRALIAN ECONOMY AND AUSTRALIAN COMPETITIVENESS
4.5	Do you attempt to measure these benefits? If YES, how?	YES. MONITORING INVESTMENT FLOWS VIA: OVERSEAS AND DOMESTIC APPLICATIONS; INCREASE IN APPLICATIONS IN MAJOR CROP SECTORS; NUMBER OF APPLICANTS PARTICIPATING THE THE VOLUNTARY SCHEME
4.6	Are there alternate providers or substitutes for this program or activity, output or outcome? (Please describe)	IP AUSTRALIA (VIA THE ISSUE OF PATENTS); TRADEMARKS; OTHER VOLUNTARY REGISTRATION SCHEMES
4.7	When was this cost recovery arrangement introduced?	1988 (WITH THE ENACTMENT OF THE PRIMARY LEGISLATION). CABINET DECISION NO. 7410(A) OF 1986

PART II(b)

Name of sub-unit, agency, program or activity, output or outcome PLANT BREEDER'S RIGHTS SCHEME

Program or activity, output or outcome cost recovery arrangements in 1999-2000 (continued)
(Please use \$'000)

Program or activity, output or outcome revenues			
4.8	Cost recovery revenue paid to CRF earmarked for appropriation to same portfolio	\$	809000
4.9	Cost recovery revenue paid to CRF earmarked for appropriation to a third party	\$	0
4.10	Cost recovery revenue paid to CRF and not earmarked for particular appropriation	\$	0
4.11	Cost recovery revenue paid to CRF (subtotal)	\$	809000
4.12	Cost recovery not paid into CRF	\$	0
4.13	Total cost recovery revenue	\$	809000
4.14	Appropriations not related to cost recovery	\$	77000
4.15	Other sources (please specify)	\$	0
4.16	Total program or activity, output or outcome revenues	\$	886000
Program or activity, output or outcome expenses			
4.17	Direct expenses	\$	821000
4.18	Indirect expenses (including corporate overheads)	\$	160000
4.19	Third party expenses (a)	\$	0
4.20	Total program or activity, output or outcome expenses	\$	981000
Administration costs			
4.21	What costs are associated with administering the cost recovery arrangements?	\$	82000

CRF Consolidated Revenue Fund. Direct costs are those directly related to a particular program. Indirect costs include indirect agency overheads and general running costs. (a) Include third party costs where third parties are involved in a program or activity a their costs are being recovered as part of the cost recovery arrangements.

PART II(c)

Name of sub-unit, agency, program or activity, output or outcome PLANT BREEDER'S RIGHTS SCHEME

Section 5: Institutional arrangements

5.1	What was the rationale for introducing these cost recovery arrangements? (Please attach sources, eg. legislative objects clauses, press releases, second reading speeches.)	TO PROMOTE INVESTMENT IN PLANT INNOVATION CONSISTENT WITH THE INTERNATIONALLY HARMONISED SYSTEM OF PROTECTION FOR NEW PLANT VARIETIES
5.2	What was the legal basis for establishing these cost recovery arrangements: (Please name and attach relevant documents.)	
	Legislation (eg. s.31 of the Financial Management and Accountability Act, tax or levy acts)	PLANT VARIETIES ACT 1987 REPEALED BY THE PLANT BREEDER'S RIGHTS ACT 1994 S31 FMA ACT 1996
	Subordinate legislation (eg. regulations, standards)	PLANT BREEDER'S RIGHTS REGULATIONS (Attached)
	Co-regulation or quasi-regulation	NOT APPLICABLE
	Commonwealth/State/Territory agreement	NOT APPLICABLE
	Voluntary arrangements (eg. codes of practice)	NOT APPLICABLE
	Other	NOT APPLICABLE
5.3	Who was consulted about introducing these cost recovery arrangements? (Please name relevant bodies and describe the consultation arrangements.)	
	Commonwealth government (DOFA etc)	PARLIAMENT, RELEVANT PORTFOLIOS, GOVERNOR GENERAL
	Other governments (state, territory, local)	ALL
	Industry	PEAK INDUSTRY BODIES INCLUDING RELEVANT HORTICULTURE, FIELD AND CROP BODIES
	Consumers	ACCC AND RELEVANT INDUSTRY CONSUMER INTERESTS
	Other	PLANT BREEDER'S RIGHTS ADVISORY COMMITTEE

<p>5.4 What guidelines were consulted when establishing these cost recovery arrangements? (Please attach source of information, guidelines etc.)</p>	<p>AUDIT ACT 1901</p>
<p>5.5 Which agency is responsible for the following activities? (Please name relevant agency)</p> <p>Policy setting</p> <p>Price setting</p> <p>Administration</p> <p>Revenue collection</p>	<p>AFFA</p> <p>PARLIAMENT (VIA REGULATIONS)</p> <p>AFFA</p> <p>AFFA</p>
<p>5.6 Is there any ongoing consultation about these cost recovery arrangements? With whom? (Please name relevant bodies.)</p> <p>Commonwealth government (DOFA etc)</p> <p>Other governments (state, territory, local)</p> <p>Industry</p> <p>Consumers</p> <p>Other</p>	<p>DOFA AND OTHER RELEVANT GOVT BODIES</p> <p>ALL</p> <p>AS FOR 5.3</p> <p>AS FOR 5.3</p> <p>PLANT BREEDER'S RIGHTS ADVISORY COMMITTEE</p>
<p>5.7 Please describe these consultation arrangements.</p>	<p>PROPOSALS TO VARY FEES ARE THE SUBJECT OF DISCUSSIONS WITH THE PLANT BREEDER'S RIGHTS ADVISORY COMMITTEE; APPLICANTS; AND ACCREDITED PERSONS FOLLOWED BY NOTIFICATION ON THE WEBSITE AND PLANT VARIETIES JOURNAL INVITING COMMENTS. CHANGES TO FEES ARE BY REGULATION WITH ALL THE CONSULTATION THAT THAT PROCESS IMPLIES.</p>

<p>5.8 Have the cost recovery arrangements been formally reviewed? What was the outcome? (Please attach copy of review)</p>	<p>YES. (1) IN 1993 A REVIEW OF THE THEN PLANT VARIETY RIGHTS SCHEME CONCLUDED THAT THE SCHEME WAS OPERATING EFFICIENTLY THOUGH WAS NOT ACHIEVING A HIGH ENOUGH RATE OF COST RECOVERY. A SERIES OF RECOMMENDATIONS WERE MADE AND ADOPTED. (2) IN 1999 THE VICTORIAN CUT FLOWER AND NURSERY INDUSTRIES REGULATORY REFORM TASK FORCE (the major industry 'category' in the scheme) FOUND THAT THE COSTS OF PARTICIPATION IN THE SCHEME WERE COMPARABLE TO OTHER SCHEMES OVERSEAS. (3) IN 2000 THE STANDING COMMITTEE ON AGRICULTURE AND RESOURCE MANAGEMENT REPORTING ON ALL PBR JURISDICTIONS CONCLUDED THAT THE SCHEME WAS WORKING WELL WITH NO ADVERSE COMMENT ON COST RECOVERY ASPECTS. (4) LESS FORMALLY, THE PLANT BREEDERS RIGHTS ADVISORY COMMITTEE REGULARLY REVIEWS THE LEVEL OF FEES AND HAS CONCLUDED THAT THEY ARE APPROPRIATE</p>
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PART II(d)

Name of sub-unit, agency, program or activity, output or outcome

PLANT BREEDER'S RIGHTS SCHEME

Section 6: Price setting arrangements

6.1 How are these cost recovery charges determined? (Please attach any relevant documents)

- | | |
|--|---|
| (i) How are charges set? (eg. by formula in legislation or based on 'market prices') | THE ESTIMATED COST OF PROVIDING EACH OF THE SPECIFIED SERVICES |
| (ii) Are charges directly related to the costs of particular activities, outcomes or outputs, or charged on some other basis? (eg. levies on users' turnover, profits or assets) | YES, THE CHARGES ARE DIRECTLY RELATED TO THE COST OF PROVIDING THE SPECIFIED SERVICES |

6.2 If charges are directly related to the costs of particular activities, outputs or outcomes:

- | | |
|--|--|
| (i) What costs do charges aim to recover? (eg. only direct costs or indirect costs such as overheads) | ALL COSTS (DIRECT AND INDIRECT) OF PROVIDING THE SPECIFIED SERVICES |
| (ii) What proportion of these costs do charges aim to recover? (%) | 100% (ALSO INDUSTRY, VIA THE PLANT BREEDER'S RIGHTS ADVISORY COMMITTEE HAS RECOMMENDED THAT A 10% CONTINGENCY FUND |
| (iii) Does the charging regime require assets to be valued? (eg. to allow the calculation of user cost of capital or return on assets) | YES |
| (iv) If 'YES' to (iii), on what basis are assets valued? (eg. historic, replacement, deprival or replacement cost) | COST LESS DEPRECIATION |
| (v) Do charges include a user cost of capital? | NO ~ ALL FEES ARE PRE PAID |
| (vi) If 'YES' to (iv), how is it calculated? | |
| (vii) Do charges include return on assets? (eg. profit) | NO ~ NEARLY ALL EQUIPMENT/IT ETC ARE LEASED |
| (viii) If 'YES' to (vii), on what basis? | |
| (ix) Do charges discriminate between types of users? | NO (OTHER THAN ON THE BASIS OF VOLUME) |
| (x) If 'YES' to (ix), on what basis? | |

(xi) Do charges allow for access and equity considerations (eg. waivers, discounts)?	ACCESS = Yes (the same fees apply irrespective of location thereby allowing those in remote rural to participate in the scheme) WAIVERS = No (although
(xii) If 'YES' to (xi), on what basis?	
(xiii) Other (Please describe other significant features)	FEES ARE REDUCED ON MULTIPLE EXAMINATIONS OR WHERE EXAMINATIONS ARE UNDERTAKEN AT CENTRALISED TESTING
6.3 How are indirect costs allocated for cost recovery arrangements? (eg. activity based costing, according to share of direct costs or other rule.)	ACTIVITY BASED FULL COSTING AND FULL INDIRECT COSTS
6.4 Are there any price controls on these charges?	NO
6.5 How often is the level of charges changed?	THREE VARIATIONS SINCE 1988, TWO UP, ONE DOWN
6.6 What happens if revenue recovered is greater than costs incurred?	REVENUE HAS NEVER EXCEEDED FULL COSTS INCURRED (full costs are taken to include accrued employee liabilities etc)

End of Part II. Thank you for your cooperation. Please return the questionnaire and attachments to the Commission (see front sheet for instructions)