

EXPLANATORY STATEMENT

Public Lending Right Act 1985

Public Lending Right Scheme 1997 (Modification No. 1 of 2014)

Issued by the authority of the Minister for the Arts.

The *Public Lending Right Act 1985* (the Act) provides the legislative framework for a Public Lending Right scheme to, amongst other things, recognise the loss of income by Australian creators and publishers of books held in public lending libraries. In 2012-13, payments totalling \$9.386 million were made to 7,901 claimants.

The *Public Lending Right Scheme 1997* (the Scheme) provides for the annual rates of payment to eligible creators and publishers. These annual rates may be adjusted through a modification to the Scheme made by the Minister pursuant to paragraph 5(1)(b) of the Act.

The Public Lending Right Committee (the Committee), established under the Act, provides advice to the Minister on the rates of payment for eligible creators and publishers. Taking into account the advice of the Committee, the Minister has determined to modify the rates of payment.

The *Public Lending Right Scheme 1997* (Modification No. 1 of 2014) increases the creator rate of payment for 2012–13 from \$1.96 to \$2.00 and the publisher rate of payment from 49 cents to 50 cents.

The modification is a legislative instrument within the meaning of the *Legislative Instruments Act 2003*. The gazettal requirement in subsection 5(1) of the Act is taken to be satisfied if the instrument is registered in the *Federal Register of Legislative Instruments* (subsection 56(1) of the *Legislative Instruments Act 2003*).

On 4 April 2012 the Office for Best Practice Regulation advised that a Regulatory Impact Statement is not required for modifications of this type to the Scheme.

Consultation was considered impractical because of the large number of creators and publishers involved and unnecessary as the changes are minor in nature.

Statement of Compatibility with Human Rights

This Legislative Instrument does not engage any of the applicable rights or freedoms.

This Legislative Instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.