

## EXPLANATORY STATEMENT

Issued by the authority of the Minister for the Arts

*Subject – Public Lending Right Act 1985*

Public Lending Right Scheme 1997 (Modification No. 1 of 2016)

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 2014-15, payments totalling \$9.738 million were made to 7,658 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.

Taking into account the advice of the Department of Communications and the Arts, the Minister has determined to modify the rates of payment.

*The Public Lending Right Scheme 1997* (Modification No. 1 of 2016) increases the creator rate of payment for 2015–16 from \$2.02 to \$2.11 and the publisher rate of payment from 50.5 cents to 52.75 cents.

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

A Regulatory Impact Statement is not required for this type of modification to the Scheme.

### **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*.