

Public Lending Right Scheme (Electronic Books and Audiobooks) Modification 2023

I, Tony Burke, Minister for the Arts, make the following instrument.

Dated 7 March 2023

Tony Burke

Minister for the Arts

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1 Name

 This instrument is the *Public Lending Right Scheme (Electronic Books and Audiobooks) Modification 2023*.

2 Commencement

 The whole of this instrument commences on the day after it is registered.

3 Authority

 This instrument is made under paragraph 5(1)(b) of the *Public Lending Right Act 1985*.

4 Schedules

 The *Public Lending Right Scheme 2016* is modified as set out in Schedule 1 to this instrument.

Schedule 1—Modifications

Public Lending Right Scheme 2016

1 Section 3 (definition of *book*)

Repeal the definition, substitute:

***book*** means a work that has been published, and includes:

 (a) printed books;

 (b) electronic books; and

 (c) audiobook versions of the kinds of works referred to in paragraphs (a) or (b),

but excludes:

 (d) magazines and other serial publications;

 (e) books designed for a single use (for example sticker books and workbooks); and

 (f) any other material determined by the Committee to be excluded from the Scheme.

Note: A determination under paragraph (f) is a legislative instrument within the definition of the *Legislation Act 2003*.

2 Subsection 6(5)

Omit “reprinting”, substitute “re-releasing”.

3 Paragraph 8(1)(e)

Before “who”, insert “in the case of a printed book,”.

4 Paragraph 8(2)(e)

Before “who”, insert “in the case of a printed book,”.

5 Paragraph 10(1)(d)

After paragraph 10(1)(d), insert “and”.

6 Paragraph 10(1)(e)

After paragraph 10(1)(e), omit “; and”.

7 Paragraph 10(1)(f)

Repeal the paragraph.

8 Subsection 10(1) (second note)

Repeal the note.

9 Subsection 10(3)

Omit “reprint”, substitute “re-release”.

10 Subsection 11(4)

Omit “reprinted”, substitute “re-released”.

11 Section 12 (heading)

Repeal the heading, substitute:

12 Revised or re-released editions

12 Subsection 12(1)

Omit “re-issued”, substitute “re-released”.

13 Subsection 12(2)

Omit “re-issued”, substitute “re-released”.

14 Subsection 14(2)

Repeal the subsection, substitute:

 (2) The creators’ public lending right rate of payment is provided by the following table:

|  |  |
| --- | --- |
| **Estimated number of copies of a book** | **Rate of payment** |
| 50 copies or more | $2.19 per copy |
| Table item not currently in use | Table item not currently in use |

15 Subsection 15(2)

Repeal the subsection, substitute:

 (2) The publishers’ public lending right rate of payment is provided by the following table:

|  |  |
| --- | --- |
| **Estimated number of copies of a book** | **Rate of payment** |
| 50 copies or more | 54.75 cents per copy |
| Table item not currently in use | Table item not currently in use |