

EXPLANATORY STATEMENT

Public Lending Right Act 1985

Public Lending Right Scheme 1997 (Modification No. 1 of 2010)

Issued by the authority of the Minister for Environment Protection, Heritage and the Arts.

The *Public Lending Right Act 1985* (the Act) provides the legislative framework for a Public Lending Right (PLR) scheme to, amongst other things, recognise the loss of income by Australian creators and publishers of books held in public lending libraries. In 2008-09, payments totalling \$8.15 million were made to 8,876 claimants.

The Public Lending Right Scheme 1997 (the Scheme) provides for the annual rates of payment to eligible creators and publishers, which are adjusted each year by modifying the Scheme. The Minister can make modifications to the Scheme 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 2010) increases the 2009-10 creator rate of payment from \$1.61 to \$1.66 and the publisher rate of payment from 40.25 cents to 41.5 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 16 March 2004 the former Office of Regulation Review (now the Office for Best Practice Regulation) advised that a Regulation Impact Statement is not required for the determination of new PLR rates of payment for creators and publishers.

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