Public and Educational Lending Rights Scheme 2026

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

Dated 9.9 2026

Tony Burke
Minister for the Arts

OPC67758 - B

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Part 1—Preliminary

1 Name

This instrument is the *Public and Educational Lending Rights Scheme 2026*.

2 Commencement

(1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information

Column 1	Column 2	Column 3
Provisions	**Commencement**	**Date/Details**
1. The whole of this instrument	At the same time as section 8 of the *Public and Educational Lending Rights (Better Income for Authors) Act 2026* commences.	

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

(2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under the *Public and Educational Lending Rights (Better Income for Authors) Act 2026*.

4 Schedule 2

Each instrument that is specified in Schedule 2 to this instrument is repealed as set out in that Schedule.

5 Definitions

Note: A number of expressions used in this instrument are defined in the Act, including the following:
(a) Australian creator;
(b) Australian publisher;
(c) book.

In this instrument:

Act means the *Public and Educational Lending Rights (Better Income for Authors) Act 2026*.

Australian bibliographic database means either of the following:

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(a) the Australian National Bibliographic Database operated by the National Library of Australia;
(b) the Schools Catalogue Information Service operated by Education Services Australia.

educational lending library means a library in Australia of the following kind, but does not include a subscription library:
(a) a school library;
(b) a university library;
(c) a TAFE library;
(d) a library belonging to another educational institution.

eligible book has the meaning given by section 6.

eligible creator, in relation to an eligible book, is an individual:
(a) who is an Australian creator of the book; and
(b) who has made a claim for lending rights payments for the book; and
(c) in relation to whom the Secretary has approved the claim.

eligible publisher, in relation to an eligible book, is a person:
(a) who is an Australian publisher; and
(b) who publishes the book in Australia; and
(c) who has made a claim for lending rights payments for the book; and
(d) in relation to whom the Secretary has approved the claim; and
(e) for whom the claim has not ceased to be in effect (see sections 30 and 31).

estimated number of copies, of an eligible book, for a scheme year, held:
(a) in public lending libraries—means the number of copies of the book most recently estimated under subsection 24(1) for that book for that scheme year; and
(b) in educational lending libraries—means the number of copies of the book most recently estimated under subsection 24(2) for that book for that scheme year.

lending rights claim means a claim made under section 25.

lending rights payment means an amount payable:
(a) under section 8 to an eligible creator of an eligible book held in public lending libraries; or
(b) under section 13 to an eligible creator of an eligible book held in educational lending libraries; or
(c) under section 18 to the eligible publisher of an eligible book held in public lending libraries; or
(d) under section 21 to the eligible publisher of an eligible book held in educational lending libraries.

public lending library does not include:
(a) any of the following libraries:
(i) a library established by a law of the Commonwealth;
(ii) a subscription library; or

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(b) a reference collection (including a legal deposit collection) of a library established by a law of a State or a Territory.

scheme year means the 2026-27 financial year and each subsequent financial year.

6 Meaning of *eligible book*

(1) A book is an ***eligible book*** if the book:

(a) is copyright material within the meaning of the *Copyright Act 1968*; and

(b) has a International Standard Book Number (otherwise known as an ISBN); and

(c) has a catalogue record in an Australian bibliographic database; and

(d) is not:

(i) designed for a single use activity; or

(ii) a magazine or other serial publication.

Note: For subparagraph (d)(i), examples include colouring books, sticker books and collections of crosswords or other puzzles.

(2) Despite paragraph (1)(b), if a book that is an eligible book is published in a revised or re-issued edition, copies of the new edition are copies of the eligible book regardless of whether the new edition is assigned a different International Standard Book Number.

7 Simplified outline of the Scheme

An Australian creator or an Australian publisher may make a lending rights payment claim to the Secretary as the eligible creator or eligible publisher of an eligible book.

The Secretary must make payments to eligible creators and eligible publishers whose books are held in public lending libraries and educational lending libraries in sufficient quantities.

Different amounts are payable for eligible books held in public lending libraries and eligible books held in educational lending libraries.

The amount payable for an eligible book is based on the estimated number of copies of the book held in the relevant kind of library and is set out in Schedule 1.

Each year, the Secretary must cause an estimate to be made of the holdings of each eligible book in relevant libraries, unless a previous estimate for the book was below a minimum number.

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Part 2—Payments to Australian creators—public lending

8 Payments to Australian creators

The Secretary must, for each scheme year, make a payment to an individual who is an eligible creator of one or more eligible books if copies of one or more of the books are held in one or more public lending libraries during that scheme year.

9 Amount of payment to Australian creators

(1) The amount payable to an individual under section 8 is the total of the amounts payable for the scheme year in relation to public lending of each eligible book for which the individual is an eligible creator.

(2) Despite section 8 and subsection (1) of this section, no amount is payable to an individual if the total that would otherwise be payable is less than the relevant minimum payment amount in clause 5 of Schedule 1.

10 Amount payable per eligible book

(1) The amount payable in relation to public lending of an eligible book for the purposes of section 9 is:

(a) if the book has one eligible creator—the amount worked out in accordance with clause 1 of Schedule 1; or

(b) if the book has more than one eligible creator—the amount worked out in accordance with clause 1 of Schedule 1 divided by the number of eligible creators.

(2) Despite subsection (1), an amount is only payable under section 8 in relation to an eligible book for a scheme year if the estimated number of copies of the book in public lending libraries for that scheme year is 50 or greater.

11 Form of payment

A payment to an eligible creator under section 8 must be made by direct deposit to a bank account:

(a) in the name of the eligible creator; or

(b) held for the eligible creator's benefit by the eligible creator's guardian; or

(c) held for the eligible creator's benefit by a person who holds an enduring power of attorney granted by the eligible creator.

Note: Payment cannot be made to an eligible creator's literary agent unless the agent is also a kind of person mentioned in paragraph (b) or (c).

12 Right to payment cannot be assigned

An individual's right to payment under section 8 cannot be assigned to another person.

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Part 3—Payments to Australian creators—educational lending

13 Payments to Australian creators

The Secretary must, for each scheme year, make a payment to an individual who is an eligible creator of one or more eligible books if copies of one or more of the books are held in one or more educational lending libraries during that scheme year.

14 Amount of payment to Australian creators

(1) The amount payable to an individual under section 13 is the total of the amounts payable for the scheme year in relation to educational lending of each eligible book for which the individual is an eligible creator.

(2) Despite section 13 and subsection (1) of this section, no amount is payable to an individual if the total that would otherwise be payable is less than the relevant minimum payment amount in clause 5 of Schedule 1.

15 Amount payable per eligible book

(1) The amount payable in relation to educational lending of an eligible book for the purposes of section 14 is:

(a) if the book has one eligible creator—the amount worked out in accordance with clause 2 of Schedule 1; or

(b) if the book has more than one eligible creator—the amount worked out in accordance with clause 2 of Schedule 1 divided by the number of eligible creators.

(2) Despite subsection (1), an amount is only payable under section 13 in relation to an eligible book for a scheme year if the estimated number of copies of the book in educational lending libraries for that scheme year is 50 or greater.

16 Form of payment

A payment to an eligible creator under section 13 must be made by direct deposit to a bank account:

(a) in the name of the eligible creator; or

(b) held for the eligible creator's benefit by the eligible creator's guardian; or

(c) held for the eligible creator's benefit by a person who holds an enduring power of attorney granted by the eligible creator.

Note: Payment cannot be made to an eligible creator's literary agent unless the agent is also a kind of person mentioned in paragraph (b) or (c).

17 Right to payment cannot be assigned

An individual's right to payment under section 13 cannot be assigned to another person.

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Part 4—Payments to Australian publishers—public lending

18 Payments to Australian publishers

The Secretary must, for each scheme year, make a payment to a person who is an eligible publisher of one or more eligible books if copies of one or more of the books are held in one or more public lending libraries during that scheme year.

Note: Subsection 2C(1) of the *Acts Interpretation Act 1901* provides that person includes a body politic or corporate as well as an individual.

19 Amount of payment to Australian publishers

(1) The amount payable to a person under section 18 is the total of the amounts payable for the scheme year in relation to public lending of each eligible book for which the person is an eligible publisher.

(2) Despite section 18 and subsection (1) of this section, no amount is payable to a person if the total that would otherwise be payable is less than the relevant minimum payment amount in clause 5 of Schedule 1.

20 Amount payable per eligible book

(1) The amount payable in relation to public lending of an eligible book for the purposes of section 19 is the amount worked out in accordance with clause 3 of Schedule 1.

(2) Despite subsection (1), an amount is only payable in relation to public lending of an eligible book for the purposes of section 19 in a scheme year if:

(a) an amount is payable under Part 2 to at least one Australian creator for the book for that scheme year; and

(b) the estimated number of copies of the book in public lending libraries for that scheme year is 50 or greater.

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Part 5—Payments to Australian publishers—educational lending

21 Payments to Australian publishers

The Secretary must, for each scheme year, make a payment to a person who is an eligible publisher of one or more eligible books if copies of one or more of the books are held in one or more educational lending libraries during that scheme year.

Note: Subsection 2C(1) of the *Acts Interpretation Act 1901* provides that person includes a body politic or corporate as well as an individual.

22 Amount of payment to Australian publishers

(1) The amount payable to a person under section 21 is the total of the amounts payable in relation to educational lending of each eligible book for which the person is an eligible publisher.

(2) Despite section 21 and subsection (1) of this section, no amount is payable to a person if the total that would otherwise be payable is less than the relevant minimum payment amount in clause 5 of Schedule 1.

23 Amount payable per eligible book

(1) The amount payable in relation to educational lending of an eligible book for the purposes of section 22 is the amount worked out in accordance with clause 4 of Schedule 1.

(2) Despite subsection (1), an amount is only payable in relation to educational lending of an eligible book for the purposes of section 22 in a scheme year if:

(a) an amount is payable under Part 3 to at least one Australian creator for the book for that scheme year; and

(b) the estimated number of copies of the book in educational lending libraries for that scheme year is 50 or greater.

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Part 6—Estimated numbers of copies of eligible books

24 Estimates of numbers of copies of eligible books

Estimated number of copies—public lending

(1) The Secretary must, for each scheme year, cause an estimate to be made of the number of copies of each eligible book held in public lending libraries at any time during that scheme year if:
  (a) one or more claims for lending rights payments have been approved under section 26 in relation to the book; and
  (b) in the most recent estimate (if any) for the book, it was estimated that there were 50 or more copies of the book held in public lending libraries.

Estimated number of copies—educational lending

(2) The Secretary must, for each scheme year, cause an estimate to be made of the number of copies of each eligible book held in educational lending libraries at any time during that scheme year if:
  (a) one or more claims for lending rights payments have been approved under section 26 in relation to the book; and
  (b) in the most recent estimate (if any) for the book, it was estimated that there were 50 or more copies of the book held in educational lending libraries.

Factors to be taken into account when making estimates

(3) In making (or causing to be made) an estimation under subsection (1) or (2), the Secretary may, without limitation, have regard to the following matters:
  (a) the records of relevant libraries;
  (b) any statistical sampling and estimation processes that the Secretary considers appropriate.

Note: All editions of an eligible book are to be counted in an estimation.

Notification of claimants if estimation is fewer than 50 copies

(4) If the estimated number of copies of an eligible book held in relevant libraries is fewer than 50, the Secretary must cause each person in relation to whom the Secretary has approved a claim for lending rights payments for the book to be notified of the following:
  (a) if the estimate was made under subsection (1):
    (i) that the estimated number of copies of the book held in public lending libraries is fewer than 50; and
    (ii) that, in accordance with paragraph (1)(b), an estimate of the number of the copies of the book held in public lending libraries is not required to be conducted for future scheme years;
  (b) if the estimate was made under subsection (2):
    (i) that the estimated number of copies of the book held in educational lending libraries is fewer than 50; and

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(ii) that, in accordance with paragraph (2)(b), an estimate of the number of the copies of the book held in educational lending libraries is not required to be conducted for future scheme years; and

(c) in any case—the effect of subsection (5).

Request for new estimate

(5) A claimant who has been notified about an eligible book under subsection (4) may request the Secretary to cause an estimate of the number of copies of the book under subsection (1) or (2) to be made on the grounds that:

(a) the book has been reprinted; or

(b) there is another circumstance affecting the number of copies of the book held in relevant libraries.

(6) On receiving such a request, the Secretary may cause a new estimate to be made under subsection (1) or (2). Such an estimate may be made:

(a) in the scheme year the request is made; or

(b) in the following scheme year.

Note: The Secretary may decide to make an estimate in the scheme year the request is made if, for example, it would affect the annual estimation of how many books are covered by this Scheme.

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Part 7—Claims for lending rights payments

Division 1—Making and approving claims

25 Making claims for lending rights payments

(1) A person who is an Australian creator or an Australian publisher of an eligible book may make a claim for lending rights payments in relation to the book.

(2) The claim must be in the approved form.

(3) The claim must be made before the end of the 5 year period starting the day after the end of the year in which the book is first published.

(4) The Secretary may, by notifiable instrument, approve one or more forms for the purposes of subsection (2).

26 Approving claims—claims by Australian creators

(1) The Secretary may approve a claim by an Australian creator for lending rights payments in relation to an eligible book if satisfied of all of the following:
  (a) the claimant is an individual who is an Australian creator of the book;
  (b) the individual is alive;
  (c) the individual is eligible to receive a royalty payment from the sale of copies of the book;
  (d) if the Secretary has requested the individual provide additional information under section 28—the individual has provided that information.

(2) In determining a matter for the purposes of subsection (1), the Secretary may have regard to the following:
  (a) any entry about the book in an Australian bibliographic database;
  (b) payments in advance for royalties for the book;
  (c) any significant continuing financial interest of the Australian creator in the book;
  (d) any other matter that the Secretary considers relevant.

27 Approving claims—claims by Australian publishers

(1) The Secretary may approve a claim by an Australian publisher for lending rights payments in relation to an eligible book if satisfied of all of the following:
  (a) the claimant is the Australian publisher of the book;
  (b) the claimant published the book in Australia;
  (c) the claimant did not require an Australian creator of the book to pay any amount, or provide any amount of finance, to the claimant for the publication of the book;
  (d) the Secretary has approved a claim under section 26 in relation to the book for one or more of the Australian creators of the book;
  (e) if the Secretary has requested the person provide additional information under section 28—the person has provided that information.

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(2) In determining whether a person is the Australian publisher of an eligible book for the purposes of paragraph (1)(a), the Secretary may have regard to the following:
  (a) any entry about the book in an Australian bibliographic database;
  (b) the contract for publication of the book;
  (c) who copy-edited the book;
  (d) who designed the book;
  (e) who supervised the production of the book;
  (f) who supervised the printing of the book;
  (g) who marketed the book;
  (h) who assumes financial responsibility for the publication of the book;
  (i) who assumes financial responsibility for the distribution of the book;
  (j) any other matter that the Secretary considers relevant.

(3) In determining whether a person published an eligible book in Australia for the purposes of paragraph (1)(b), the Secretary may have regard to the following:
  (a) where the contract for the publication of the book was made;
  (b) where the book was copy-edited;
  (c) where the book was designed;
  (d) where production of the book was supervised;
  (e) where printing of the book was supervised;
  (f) where the book was marketed;
  (g) how the book was distributed;
  (h) any other matter that the Secretary considers relevant.

28 Request for additional information

The Secretary may request that a claimant provide additional information relevant to establishing any matter mentioned in section 26 or 27.

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Division 2—When claims cease to be in effect

29 Revocation of approval

The Secretary may revoke an approval of a claim under section 26 or 27 if satisfied that the claimant no longer meets the requirements for the approval.

Note: Section 29 does not limit subsection 33(3) of the *Acts Interpretation Act 1901*.

30 Cessation of claim for lending rights payment—individuals

(1) A claim by an individual for lending rights payments as the eligible creator or eligible publisher of an eligible book ceases to be in effect at the end of the scheme year in which the individual dies.

(2) Any amounts that would be payable to the individual for that scheme year are payable to the individual's estate.

(3) An amount payable to an individual's estate is not subject to section 11 or 16.

31 Cessation of claim for lending rights payment—bodies corporate

A claim by a body corporate for lending rights payments as the eligible publisher of an eligible book ceases to be in effect at the end of the scheme year in which the last surviving eligible creator of the book dies.

32 Transfer of claim—Australian publishers

(1) If:

(a) an Australian publisher of an eligible book transfers the rights to publish the book to another person; and

(b) that other person becomes the Australian publisher of the book;

the claim for lending rights payments (and any future associated payments) transfers to the new publisher.

(2) For the purposes of section 29, in relation to the requirement in paragraph 27(1)(b), the new publisher is taken to have published the book in Australia.

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Part 8—Miscellaneous

33 Crown not eligible for lending rights payments

Despite anything else in this instrument, lending rights payments are not payable to:

(a) the Commonwealth; or

(b) a State; or

(c) a Territory.

34 Delegation

(1) The Secretary may, in writing, delegate to the Committee, or to an SES employee, or acting SES employee, in the Department one or more of the Secretary's powers or functions under this instrument.

Note: Sections 34AA to 34A of the *Acts Interpretation Act 1901* contain provisions relating to delegations.

Directions to delegate

(2) A person or the Committee exercising powers or performing functions under a delegation under subsection (1) must comply with any written directions of the Secretary under subsection (3).

(3) The Secretary may, in writing, give directions for the purposes of subsection (2).

Delegation to the Committee

(4) For the purposes of paragraph 11(a) of the Act, the exercise by the Committee of a power or function delegated to the Committee by the Secretary under subsection (1) of this section is a function conferred on the Committee.

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Part 9—Application and transitional arrangements

Division 1—Application on commencement of the Scheme

35 Definitions

In this Division:

commencement day means the day that this instrument commences.

old scheme means the *Public Lending Right Scheme 2016*.

36 Claims made under old scheme

If a claim was:

(a) made under section 21 of the old scheme; or

(b) recognised under section 29 of the old scheme;

and, as a result of that claim, a person was, immediately before the commencement day, either an eligible creator or an eligible publisher within the meaning of the old scheme, the claim is taken to be an approved claim for lending rights payments for the purposes of this instrument.

37 Payments made under old scheme

(1) If a payment has been made to a person in relation to a book for the 2026-27 financial year under the old scheme before the commencement day, no further lending rights payments under section 8 or section 18 (as relevant) of this instrument are to be made to the person in relation to that book for the 2026-27 scheme year.

(2) If a payment has been made to a person in relation to a book for the 2026-27 financial year in accordance with the Department's Educational Lending Right policy before the commencement day, no further lending rights payments under section 13 or section 21 (as relevant) are to be made to the person in relation to that book for the 2026-27 scheme year.

Note: The Educational Lending Right policy was an administrative scheme run by the Department for the purpose of providing payments to creators and publishers for books held in educational lending libraries. The Educational Lending Right policy could in 2026 be viewed on the Department's website (https://www.arts.gov.au).

38 Estimates made under old scheme

Previous estimates taken to be made under new scheme

(1) If an estimate (a ***previous estimate***) has been made of the number of copies of an eligible book in public lending libraries for a year under subsection 11(2) of the *Public Lending Right Scheme 2016* as it existed immediately before the commencement of this Scheme, that estimate is taken to be an estimate made under subsection 24(1) for the equivalent scheme year.

(2) If an estimate (a ***previous estimate***) has been made of the number of copies of an eligible book in educational lending libraries for a year in accordance with the

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Department's Educational Lending Right policy, that estimate is taken to be an estimate made under subsection 24(2) for the equivalent scheme year.

Note: The Educational Lending Right policy was an administrative scheme run by the Department for the purpose of providing payments to creators and publishers for books held in educational lending libraries. The Educational Lending Right policy could in 2026 be viewed on the Department's website (https://www.arts.gov.au).

Previous estimates of less than 50 copies—public lending libraries

(3) Subsection (4) applies if:
   (a) the most recent previous estimate of the number of copies of an eligible book in public lending libraries is less than 50; and
   (b) no estimate of the number of copies of the eligible book in public lending libraries has been made since the commencement day.

(4) If this subsection applies:
   (a) the Secretary is not required to cause an estimate of the number of copies of the book in public lending libraries to be made; and
   (b) a person who has made a claim in relation to the book (under this instrument or the old scheme) may make a request for a new estimate under subsection 24(5).

Previous estimates of less than 50 copies—educational lending libraries

(5) Subsection (6) applies if:
   (a) the most recent previous estimate of the number of copies of an eligible book in educational lending libraries is less than 50; and
   (b) no estimate of the number of copies of the eligible book in educational lending libraries has been made since the commencement day.

(6) If this subsection applies:
   (a) the Secretary is not required to cause an estimate of the number of copies of the book in educational lending libraries to be made; and
   (b) a person who has made a claim in relation to the book (under this Scheme or the old scheme) may make a request for a new estimate under subsection 24(5).

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Schedule 1—Amounts of lending rights payments

(Note: See Parts 2, 3, 4 and 5.)

1 Amount payable to an eligible creator for public lending rights in relation to an eligible book

The amount payable under Part 2 is the total of all amounts worked out in accordance with the items of the following table.

Amount payable to eligible creator for public lending rights in relation to eligible book

Item	Column 1 Range of estimated copies	Column 2 Amount per copy in range
1	1 to 1,500	$2.30
2	1,501 to 2,000	$2.34
3	2,001 to 10,000	$2.35
4	10,001 to 60,000	$2.24
5	60,001 or more	$1.75

2 Amount payable to an eligible creator for educational lending rights in relation to an eligible book

The amount payable under Part 3 is the total of all amounts worked out in accordance with the items of the following table.

Amount payable to eligible creator for educational lending rights in relation to eligible book

Item	Column 1 Range of estimated copies	Column 2 Amount per copy in range
1	1 to 200	$2.30
2	201 to 1,000	$0.93
3	1,001 to 5,000	$0.52
4	5,001 to 50,000	$0.089
5	50,001 or more	$0.07

3 Amount payable to an eligible publisher for public lending rights in relation to an eligible book

The amount payable under Part 4 is the total of all amounts worked out in accordance with the items of the following table.

Amount payable to eligible publisher for public lending rights in relation to eligible book

Item	Column 1 Range of estimated copies	Column 2 Amount per copy in range
1	1 to 1,500	$0.575

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Amount payable to eligible publisher for public lending rights in relation to eligible book		
	Column 1	**Column 2**
Item	**Range of estimated copies**	**Amount per copy in range**
2	1,501 to 2,000	$0.58
3	2,001 to 10,000	$0.5875
4	10,001 to 60,000	$0.56
5	60,001 or more	$0.4375

4 Amount payable to an eligible publisher for educational lending rights in relation to an eligible book

The amount payable under Part 5 is the total of all amounts worked out in accordance with the items of the following table.

Amount payable to eligible publisher for educational lending rights in relation to eligible book		
	Column 1	**Column 2**
Item	**Range of estimated copies**	**Amount per copy in range**
1	1 to 200	$0.575
2	201 to 1,000	$0.2325
3	1,001 to 5,000	$0.13
4	5,001 to 50,000	$0.02225
5	50,001 or more	$0.0175

5 Minimum payment amount

The minimum payment amount for a kind of payment mentioned in an item of column 1 of the following table is the amount mentioned in column 2 for that item.

Minimum payment amounts		
Item	**Type of payment**	**Amount**
1	Payment under Part 2 to an Australian creator—public lending	$100
2	Payment under Part 3 to an Australian creator—educational lending	$100
3	Payment under Part 4 to an Australian publisher—public lending	$100
4	Payment under Part 5 to an Australian publisher—educational lending	$100

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Schedule 2—Repeals

1 Repeal of instruments

Repeal the following instruments:

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

Public Lending Right Scheme 2016

Public Lending Right Scheme 2016 (Modification No. 1 of 2019)

Public Lending Right Scheme 2016 (Modification No. 1 of 2020)

Public Lending Right Scheme 2016 (Modification No. 1 of 2021)

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

Public Lending Right Scheme (Payment Rates) Modification 2024

Public Lending Right Scheme (Payment Rates) Modification 2025

Public Lending Right Scheme (Payment Rates) Modification 2026

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