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Submission from the Australian Blindness Forum to Marrakesh Treaty Implementation Options Paper

Respondents details

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Do you consent to having your submission and name/organisation published on the Attorney-General's Department website? Please select: **YES**

Response from the Australian Blindness Forum

The Australian Blindness Forum supports Option Two requiring some changes to the Copyright Act as put forward by the Attorney-General's Department in the process working towards ratifying the Marrakesh Treaty.

Ideally the solution that the ABF supports is one that:

- will increase the number and range of books available worldwide;
- makes books accessible through electronic delivery or over the internet;
- is easy to follow and comply with so that books can be made accessible without significant cost to the consumer or burden to the publisher;
- does not impose onerous compliance or cost on print disability organisations;
- encourages publication of books of all types – educational, entertainment, manuals and others; and
- the solution applies to all formats – audio, Braille, large print, photographic and electronic.

The membership of the ABF comprises providers of blindness and low vision services around Australia. The ABF has been advocating for advancing the Marrakesh Treaty and as such, are excited at the prospect of Australia being a signatory to the Treaty soon. As the Department is aware, there has been a paucity of books available for people with print disability for too long. The ABF congratulates the Attorney-General's Department for their work so far to advance the rights of people with print disability by working on the Marrakesh Treaty.

The ABF supports Australia's participation in the Marrakesh Treaty where it seeks to empower the individual through increased access to information and materials. It is essential for people with a print disability to be enabled to participate in access to information and this should be the key driver to Australia's signing of the Treaty.

Option Two

The ABF supports Option Two as put forward by the Department, because it allows organisations that makes or distributes accessible copies of works a relatively straight forward process without imposing too many onerous changes to the previous process. The option proposed does not impose conditions or actions that are onerous or hard to manage.

The ABF supports changes to the way information is made available for people who are blind or vision impaired. The combination of advances in technology and the Marrakesh Treaty means that people who are blind or vision impaired could have increased access to books electronically or over the internet, reducing administrative costs, creating ease of access to the books of the world, and increasing access to literature as has never been experienced before.

Statutory Licence

The ABF agree with the aspects that you propose to simplify regarding changes to statutory licences (reducing some processes relating to the provision of remuneration notices by organisations, obligations to mark copies, record notices and sampling notices).

The ABF supports that Part VB, Div 3 of the *Copyright Act* statutory licence would also be amended to ensure that the commercial availability test is applied in relation to the format required by a print-disabled person, instead of the five current formats (audio, Braille, large print, photographic and electronic).

The ABF also supports the s10A declaration process would be simplified to remove the requirement for consideration by the Attorney-General, tabling and Gazettal. Applications for declaration would be considered by the Department and published on the Department's website.

The ABF does agree with the proposition that accessible copies can only be exchanged with other Marrakesh Treaty parties. However, we wish to maintain our relationship with small Pacific Islander countries close to Australia, and we would not like to see the situation where works were not able to be shared with them, as we do now with equipment and support. The ABF would like Australia to show some consideration for these countries to be accommodated if their country is not able to ratify the Treaty.

Electronic and Accessible Formats

The technology now exists to deliver books in accessible electronic forms to people much more cheaply than printing and shipping bulky Braille copies or books on tape. Electronic books can be read with screen readers and refreshable Braille devices, or printed into large print or Braille if needed. Producing books electronically is still expensive however.

One aim of the Treaty must be to assist the development of inexpensive ways to produce books online and in electronic format, as a way of books reaching more people with print disability or vision impairment. Due to the high costs of producing accessible books for print disability organisations, it is imperative that any changes to the *Copyright Act* not impose further costs on to organisations or consumers.

The ABF takes the position that publishers must honour a request by an organisation, public library or verified print disabled person on request of the electronic file if an alternative format version is not produced. However we recognise that the practicalities, enforcement and auditing of this would be challenging.

If the central repository exists it would be easy for the library, individual or organisation to check on the availability of works. However, if not available, the process may become one of constant requests to the publisher regardless, which could be difficult and frustrating for all sides.

Commercial test

We would also like noted that if an accessible copy (Braille, human narration audio, e-text, or large print) is not published at the same time as the print version and available at the

same or less price than the print copy, then the right to make an accessible copy is automatically granted to a print disability organisation.

Cease duplicating books

Due to the high cost to digitise and produce books in Braille format, if another organisation has already produced a book, the ABF would like to see Australia have a process to stop organisations duplicating books and to work together to increase the number of accessible books for all people with print disability. The prospect of accessible copies of books being shared throughout states and countries will open up options for work, entertainment, education and everyday living.

However there must also be a process to take into account the quality of the initial accessible work. An organisation should not be prevented from creating a duplicate accessible work if it improves on the quality of the existing work.

Anecdotally we hear often of people with print disability who are avid readers who cannot get the variety of fiction books they would chose to read.

Repository

The ABF supports the development of a repository in each country and believes that this needs to be managed by a Federal Government agency.

The ABF also supports a move away from the "blindness organisation" being the only option for a person with a print disability to access books. A one stop repository is an efficient and effective way to create access and avoid duplication.

The ABF suggests that this function a Government model be developed, through Government in consultation with stakeholders, which would best meet the needs of users and provides a practical, efficient repository. Government would provide the legislative structure – the rules and requirements – and the model for delivery would be facilitated by a government auspiced entity such as the National Library, Australia Library and Information Association (ALIA), the national archives or similar body.

Summary

In summary, the ABF is supportive of a process that increases the provision and variety of books available around the world. Additionally, the ABF hopes that through the work of countries to adopt the Marrakesh Treaty, that digitisation of books is increased and the costs of production decreased. Our hope is that the Marrakesh Treaty will create rich environment of accessible books.

The ABF is pleased to hear from various sources that publishers are supportive of the Treaty and its aims, and are keen to work with organisations for the benefit of people with print disability.

We look forward to a solution whereby Australia's signatory to the Treaty does not limit what is already taking place.

ABOUT THE AUSTRALIAN BLINDNESS FORUM

The Australian Blindness Forum (ABF) was formed over 20 years ago in 1992 and is funded only by its members. The ABF is an Australian public company limited by guarantee and governed by a Board of Directors.

ABF exists to:

- Encourage exchange of information between members.
- Exert influence on government policy development.
- Enable blindness sector representation, both nationally and internationally.
- Enable Australia to facilitate its membership of the World Blind Union.
- Encourage and promote the development and equity of the level of services throughout Australasia.

Membership of ABF is open to any organisation that has as its primary objects the provision of services to people who are blind or vision impaired, or whose activities are substantially connected with the welfare of people who are blind or vision impaired, and those whose activities are substantially related to the prevention of blindness.

ABF combines the voice of people who are blind or vision impaired with that of the specialist service providers across the sector. As Australia's representative to the World Blind Union, the ABF has strong connections with the international blind and vision impaired community.

ABF is represented in every state and territory of Australia and all major organisations providing services to Australians who are blind or vision impaired are members of ABF.

The Australian Blindness Forum comprises 22 blindness sector service providers whose expertise and knowledge is reflected in the following comments. ABF is the peak body representing rehabilitation in the blindness sector.