

Submission 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**

NDS response to the Options Paper

NDS appreciates the opportunity to provide the Attorney-General's Department with the following comments on the Marrakesh Treaty Implementation Options Paper.

NDS urges Australia to ratify of the Marrakesh Treaty as soon as practicable and to reduce the legal constraints on the production of accessible books and other written material for people with a print disability.

The "book famine" currently experienced by people who are blind and vision impaired needs to end. This will only happen when accessible materials can be legally shared and made available throughout the world. The Marrakesh Treaty is designed to facilitate this process by encouraging the collective removal of impediments to the reproduction of accessible materials by publishers and authorised print disability organisations. For Australia to do its part, government needs to make some changes to our copyright legislation

It will be a significant milestone when people with print disability have the same access to information as the rest of the world. Currently only 7% of books worldwide are in formats that can be accessed by people with a print disability, and in Australia research has shown that only 3–5% of all information released in print, in a year can be accessed by people with a print disability¹. For the estimated 575,000² people in Australia who are blind or have vision loss, plus people not in that category who have a print disability, this is a significant barrier to information.

¹ Round Table on Information Access for People with Print Disabilities, <http://printdisability.wordpress.com/about/annual-report-2010-2011/>

² The Economic Impact and Cost of Vision Loss in Australia, *Access Economics* (2010)

NDS prefers option two as the most effective and timely approach

Criteria for judging the options

NDS supports the Australian Blindness Forum's position on the Treaty, and would like to see a process implemented that will:

- reduce the legal constraints on authorised vision organisations to reproduce print publications in accessible formats;
- increase the number and range of books available worldwide;
- make books accessible through electronic delivery or over the internet;
- be easy to follow and comply with so that books can be made accessible without significant cost to the consumer or burden to the publisher;
- not impose onerous compliance or costs on print disability organisations;
- encourage publication of books of all types – educational, entertainment, manuals and others; and
- apply to all formats – audio, Braille, large print, photographic and electronic.

NDS believes that the moderate amendments outlined in option two are best suited to achieving these criteria. These will implement the Treaty requirements broadly, in the timeliest way, and do not impose an overly complicated process.

NDS would support option three if it did not create delays in moving towards ratification and implementation of the Treaty. However, there are concerns that the more radical proposal for a new 'fair dealing' provision, which provides an exception to the Copyright Act in certain situations, would delay implementation.

Option one does not implement the Treaty broadly enough and retains current duplication in processes.

Key legal changes and related processes that will improve access to books

NDS would like to see the development of cost-effective ways to produce books online and in electronic formats, as a way to reach more people with print disability or vision impairment. To facilitate this development it is imperative that changes to the Copyright Act do not impose further costs on organisations or consumers who use electronic formats.

NDS supports a process 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.

To fully recognise the right to information we need an enforceable process. This would require publishers to provide an organisation, public library or verified print disabled person with the electronic file of a book, if an alternative format version is not available.

We note that for some material, such as novels or poetry, human narration is a more appropriate method of reading a book and is preferred over an electronic synthesised voice. However, the high cost of producing books in Braille or narrated formats can be prohibitive. Therefore, to increase the range of accessible books available, NDS

supports a process that prevents duplication across print disability organisations, and facilitates the translation of a wide range of different books.

NDS agrees to the proposed changes to statutory licenses for publishers of books for people with print disability, so long as they do not create delays in book production.

NDS supports a position where copies of books and materials can only be exchanged with other Marrakesh Treaty parties.

Establish an Australian repository for accessible books

NDS supports a repository being created in Australia for books and materials for people with print disability. This should be part of the National Library or a government entity, to ensure equal access for all people with print disability. NDS supports other organisations, not just blindness organisations, to be providers of books for people with print disability.

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National Disability Services is the peak industry body for non-government disability services. Its purpose is to promote and advance services for people with disability. Its Australia-wide membership includes 1000 non-government organisations, which support people with all forms of disability. Its members collectively provide the full range of disability services—from accommodation support, respite and therapy to community access and employment. NDS provides information and networking opportunities to its members and policy advice to State, Territory and Federal governments.