



NDS submission to the Treaties Committee on the proposal to ratify the Marrakesh Treaty

NDS appreciates the opportunity to provide these comments on the Marrakesh Treaty.

NDS urges the Australian Government to ratify the Marrakesh Treaty as soon as practicable and to be a global leader in reducing the legal constraints on producing 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.

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 Australian research shows that only 3–5% of all information released in print each 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 with a print disability, this is a significant barrier to information. And evidence shows the problem is only going to get worse – with the number of people in Australia who are blind or have vision loss tipped to reach over 800,000 by 2020³. The barriers are even more difficult to overcome in developing countries. This treaty will help facilitate access to print material for an estimated 285 million people worldwide who are vision impaired.

NDS supports a pragmatic approach to legal reform

NDS understands that Australia already complies with the obligations set out in the Treaty and that no legislative amendments are necessary ahead of ratification. However, there are practical issues with disability provisions in the Copyright Act which should be addressed now to build on the momentum and work that has gone into developing the Treaty. These amendments should not be overly complicated or radical as to risk delaying ratification.

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)

³ This rapid increase is due to the aging population. The risk of eye disease increases three-fold for each decade over the age of 40. The situation is worse for indigenous Australians, who experience six times the rate of blindness and three times the rate of vision impairment [National Indigenous Eye Health Survey. 2009, The Centre for Eye Research Australia]

NDS supports the proposed amendments to the Copyright Act which:

- Bring the Act up-to-date and technologically neutral with a 'print disability exception' instead of a prescriptive licencing scheme. This allows the most cost-effective and appropriate technical option to be used for disability access to copyright material.
- Reduce the costs and complication in the process for an organisation to become a 'declared organisation'.
- Replace existing print disability provisions with a 'fair dealing exception for disability access.' This will enable faster access. NDS hopes that this will facilitate a process where the right to make an accessible copy (Braille, human narration audio, e-text, or large print) is automatically granted if the document is not made available in an accessible version, at the same time and price (or cheaper), as the print version.

More could be done to support implementation of the Treaty

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 coordination process that facilitates the translation of a wide range of books through preventing duplication of activity across different print disability organisations.

Establish an Australian repository for accessible books

NDS supports creating a repository 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.

International enforcement

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

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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.