



Blind Citizens Australia

Level 3
Ross House
247-251 Flinders Lane
Melbourne Victoria 3000
Telephone: 03 9654 1400
Toll Free: 1800 033 660
Fax: 03 9650 3200
Email: bca@bca.org.au
Website: www.bca.org.au

**Blind Citizens Australia Submission to the
Joint Standing Committee on Treaties**

Email: jsct@aph.gov.au

Submission to: **Joint Standing Committee on Treaties**

**PO Box 6021
Parliament House
Canberra ACT 2600**

**Response
Submitted by:** **Rikki Chaplin, Policy Officer
Rikki.Chaplin@bca.org.au
03 9654 1400**

This publication has been prepared and authorised by Blind
Citizens Australia Ltd.

8 July 2015

Blind Citizens Australia (BCA) welcomes the opportunity to submit comments, as part of the National Interest Analysis (NIA) process, to the JSCT's inquiry into the Marrakesh Treaty to Facilitate Access to Published Works for People who are Blind, Visually Impaired or otherwise Print Disabled (Marrakesh, 27 June 2013).

As the National representative organisation of people who are blind or vision impaired in Australia, BCA has followed and supported the Marrakesh Treaty through the negotiations. We know firsthand the difference ratification will have on the lives of our members and blind and print disabled community worldwide. BCA have made submissions in relation to copyright over many years.

We commend the Government for its positive and proactive approach to the ratification of the Treaty. Ratification of the Marrakesh Treaty will be an important step in meeting Australia's obligations under a number of Articles of the UN Convention on the Rights of Persons with Disabilities (CRPD) including: articles 9, 21, 30 and 32.

The World Blind Union has declared that there is a "book famine" estimating that in developed countries less than 5% of books that are published in print are ever produced in formats such as audio, braille, e-text or large print, which are accessible to people who are blind or are vision impaired. For those living in developing countries, this figure is less than 1%.

Blind Citizens Australia strongly recommends the early ratification of the Marrakesh Treaty. We do, however, have some objections about the notification, proposed within the NIA, amending Australia's ratification. This notification, declared under Article 4 of the Treaty, reinforces the current requirement to comply with the so-called 'commercial availability test'.

The obligation to comply with Part V (b) Div. 3, the 'commercial availability test', which requires that if a book is already available in one of the five formats specified, it cannot be reproduced in a similar alternative format, which presents as a significant barrier.

It is impossible for individuals or organisations producing accessible formats to continuously scan all published books around the world checking if they have been made in an accessible format.

It is important to consider this clause in conjunction with Article 2(b) of the Marrakesh Treaty which states; "accessible format copy" means a copy of a work in an alternative manner or form which gives a beneficiary person access to the work, including to permit the person to have access as feasibly and comfortably as a person without visual impairment or other print disability. The accessible format copy is used exclusively by beneficiary persons and it must respect the integrity of the original work, taking due consideration of the changes needed to make the work accessible in the alternative format and of the accessibility needs of the beneficiary persons.

Blind Citizens Australia believes Australia's current Copyright Law does not comply with this provision.

We look forward to receiving a copy of the exposure draft of the legislation that we expect will address this issue.