

15 November 1999

Ms Kay Collins  
Director  
Intellectual Property & Competition Review Committee Secretariat  
Attorney-General's Department  
Robert Garran Offices  
BARTON ACT 2600

Dear Ms Collins

**Review of Australia's intellectual property framework to contribute to competition reform**

**ACROD** is the national industry association for disability services. It has a membership of some 560 organisations Australia-wide that are responsible for operating several thousand services to people with disabilities and their families. ACROD has a national office in Canberra and divisions in all States and Territories. ACROD is recognised by all Governments as the peak body for the disability industry.

**Australian Blindness Forum (ABF)** was formed in 1992. It is an unincorporated body that is funded only through the contributions of its members, currently 19 agencies. Its main purposes are to appoint delegates to the World Blind Union and to nominate a delegate to the National Board of ACROD. As well, the ABF holds conferences to discuss national and international issues affecting the blindness and vision impairment field.

While ACROD and the ABF are not making a detailed submission in this instance, we ask that the Committee give due weight to the following statements.

- People with print disabilities, including those who are blind or vision impaired, are entitled to read, watch or listen to the same material as everyone else, in whatever form they prefer, without undue delay, and at no greater cost than to other people. These rights need to be formally recognised through appropriate amendments to legislation, particularly to the Copyright Act 1968.

- Access to information for people with print disabilities has been greatly improved through the development of computer and communication technologies, and the provision of information through specialist libraries has been facilitated through recent amendments to copyright legislation. The means exist for information to be transferred into braille or large print, into audio, or for it to be accessed electronically.
- However, the unfair use of copyright protection can seriously hamper people with print disabilities in exercising their basic freedom to access information.
- Agencies working on behalf of people with print disabilities are currently involved in costly and time-consuming negotiations with content providers.
- A radical simplification of the Copyright Act 1968 is needed for reproduction of published works in accessible formats, in accordance with the Objects and key concepts of the Disability Discrimination Act 1992, in particular the concepts of Appropriate Adjustments and Unjustifiable Hardship. The Copyright Act should allow the free and unfettered reproduction, exchange and use of published works in accessible hardcopy and electronic formats, unless and until the free distribution is so widespread that it has a significant negative impact on the market demand for the published work and the financial return to the owners of copyright or intellectual property.
- ACROD and the ABF strive for a situation where the rights of people with print disabilities, including those who are blind or vision impaired, are given the same recognition as those of copyright owners. This would mean that the transferring of a document into an accessible format would not be seen as an infringement of copyright and, therefore, would not need permission. Originals obtained in order to produce the alternative format would be paid for at the standard price, so authors, publishers or other rights owners would not lose out.
- ACROD and ABF strongly support the intent of the Copyright Amendment (Digital Agenda) Bill 1999 to give freedom to reproduce and communicate copyright material in electronic form under Statutory Licence on report to Copyright Agency Limited (CAL).
- Electronic versions of materials need to be made available by publishers at the time of publication for use by agencies, ideally through a centralised form of deposit.

- ACROD and the ABF believe that the undoubted benefits to people with print disabilities of removing copyright barriers to electronic versions of materials far outweigh the effects of any costs to businesses, including small businesses.

If any clarification is needed, please contact the writer at ACROD by:

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Yours sincerely

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(Blindness and Vision Impairment)