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Royal Society for
the Blind of SA Inc.

15 January 2009

Ms Jill Irvine
Parallel Importation of Books
Productivity Commission
GPO Box 1428
CANBERRA ACT 2601

Dear Jill

RE: SUBMISSION TO THE PRODUCTIVITY COMMISSION

The Royal Society for the Blind of South Inc (RSB), a quality endorsed organisation is the primary provider of services to people who are blind or vision impaired in South Australia.

Founded in 1885 the RSB currently provides the full range of vision rehabilitation services to over 10,500 South Australians. In addition it is the only sensory service provider in South Australia with offices in regional areas.

The services the RSB provide include:

- Accommodation Support
- Adaptive Technology
- Braille and Computer Training
- Counselling
- Employment Services
- Equipment
- Guide Dogs
- Independent Living Training
- Library
- Low Vision Centre
- Mobility
- Print Alternatives
- Recreation
- Systemic advocacy and design advice
- Transport
- Volunteer Services

The RSB's mission and passion is to be able to assist people who are blind or vision impaired to achieve independence and the quality of life to which they aspire. It is our belief that people who are blind or vision impaired are valuable members of the community who, with the appropriate access and support, are able to fully participate in the community.

It is currently estimated that only 3 in every 1,000 printed documents¹ are available in an accessible format for people who are blind or vision impaired. With Australia's ageing population and the correlation between ageing and vision loss the number of people requiring access to information and reading materials (materials) in alternative formats will continue to grow.

¹*Library Services Policy, Blind Citizens Australia, January 2006*

Children and young people who are blind or vision impaired are often disadvantaged in the existing school system because of the lack of timely access to materials in alternative formats.

Many people who are blind or vision impaired do not have easy access to materials necessary for their education, training, employment and independent living, experience a profound sense of personal frustration and isolation because they cannot achieve their full potential in life. As a result they are often left with little choice but to rely on long-term welfare.

The RSB believes that equal access to material is a human right and that Australia is not recognising this within its Legislative framework and creating barriers through restrictions in breach of the United Nations Convention on the Rights of Persons with Disabilities of which Australia is a signatory.

The lack of understanding by Government of the needs and significant shortfalls of access to printed materials is demonstrated in the reference to the Australian Bureau of Statistics research which notes the level of readership for sighted people but makes no reference to the situation for people who are blind or vision impaired.

It is the RSB's belief that publishers have an obligation, both moral and legal, to either provide all materials in an accessible format other than print or forfeit their rights and provide an electronic copy of their materials to enable organisations such as the RSB to provide these materials in an accessible format. As a solution, the RSB believes that the Australian Government should expand the current legal repository system to require electronic copies of all materials in an agreed electronic standard to the legal repository for access by accredited organisations who will act as trusted intermediaries. This is consistent with what currently occurs in the United States of America.

In reference to the Copyright Restrictions on the Parallel Importation of Books, Productivity Commission Issues Paper (Paper), the primary emphasis of the Paper is concerned with the issues surrounding a "physical book". However Australia and the rest of the world have entered the digital age and hence a book can now be transmitted from any location in the world to any number of users and converted to a wide range of formats, eg text, audio, or Braille.

For people who are blind or vision impaired this technology provides the ability for them to source reading materials at the same time as their sighted peers and enjoy a genuine equality of access. Unfortunately the current Australian and International Copyright arrangements negate this advance in technology.

The RSB has invested heavily in piloting and creating systems based on digital technologies to improve access to materials for people who are blind or vision impaired. Our Books in the Sky (BiTS) initiative, delivered in partnership with public libraries and other forward thinking organisations in South Australia, already enables people who are blind or vision impaired to, either download directly or via a kiosk, a wide range of information including reading and newspaper materials on an accessible and portable player. A similar system exists in New South Wales.

BiTS is a closed system with encryption to protect intellectual property. At the current time the major factor restricting growth and continuing to cause isolation to

our clients is the lack of access to the electronic version of the materials and attempting to overcome copyright restrictions.

I have provided the following scenarios to demonstrate some of the difficulties created, I believe inadvertently, as a result of current Legislation.

1. No accessible copy of a “physical book” is available in Australia. In this instance the RSB can either:
 - a) Create a copy itself under the statutory exemption. In order to do so it is required to confirm that no copy exists and either transcribe a “physical book” into an accessible format or rely on the goodwill of the copyright holder to provide an electronic file.
 - b) If it is available in electronic format commercially it is usually substantially higher than the cost of a print copy and generally requires further formatting and may be provided with substantial restrictions on its usage.
 - c) If available through an organisation similar to the RSB, for instance in the United States of America, in spite of the fact that it exists in an accessible and usable format, it is unavailable without the approval of the American copyright holder.
2. Where a book is noted as being accessible, this is generally an audio copy only and more expensive than a “physical book”, possibly abridged and not an electronic file. These are also for single use only and not sold for distribution in a digital library.

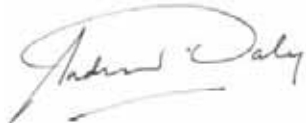
Accordingly, given the importance that equitable access to materials has to the quality of life of people who are blind, the RSB believe that:

1. The Australian Government, publishers and copyright holders have both a moral and legal responsibility to provide access to all materials in an accessible format at the same time printed materials are available.
2. That the definition with the Paper needs to be expanded to include and consider the impact of digital books in the creation and distribution of reading materials.
3. That the Australian Government create a template for a “Master” electronic file and require all copies of all materials to be deposited by the Copyright holder into a statutory deposit scheme.
4. That copyright holders who choose not to create a commercially available and price competitive accessible version, at the same time as the “physical book”, of their reading materials in Australia, forfeit their right to withhold permission for organisations such as the RSB to produce an accessible version for use by its client group.
5. That organisations such as the RSB ensure that only eligible clients, in accordance with the regulation providing exemptions for the print disabled, receive access to materials created above.

6. That organisations such as the RSB acting as trusted intermediaries endeavour as much as possible to protect the intellectual property of the copyright holder, whilst acknowledging that in the future similar to the music industry the availability of technology will make the electronic materials more readily available and transferable.

If you have any queries regarding the above please do not hesitate to contact me.

Yours faithfully

A handwritten signature in dark ink, appearing to read 'Andrew Daly', with a stylized flourish at the end.

ANDREW DALY
Executive Director