

Letter on behalf of Tim Evan, Vision Australia.

**Standing Committee on Legal and Constitutional Affairs
The Senate
Parliament House
Canberra**

Dear Sirs

**RE: Submission to Senate Standing Committee Regarding the
Copyright Amendment Bill 2006**

In May 2006, Vision Australia (VA), in collaboration with Blind Citizens Australia and the Round Table on Information Access for People with Print Disabilities, forwarded a submission to the Copyright Law Branch in support of certain amendments to Australian Copyright law.

The submission concluded with a proposal for an open-ended, fair dealing exception modelled on the Berne Convention, Canadian Copyright legislation and the WIPO model. The submission proposed that there were three criteria that were considered essential for any proposed Copyright legislation if it were to ensure that those in the Australian community who have a print disability could access and fully participate in every part of life they choose.

These were:

- That the exception not be limited to specific formats, languages or technology, in order to reflect the swiftly changing technological environment and the differing needs of citizens with a perceptual disability.
- That there be an open list of purposes for which such accessible materials might be used, in order that those with a perceptual disability may participate fully in the life of their community in areas of their choice reflecting the full scope of their capabilities and contributions.
- That any revision recognises a broader definition of a perceptual disability to encompass a full range of disabilities that may impede Australian citizen's access to information in its original format.

We believe that the Copyright Amendment Bill 2006 adequately addresses the needs discussed in the original submission, and greatly reduces the restrictions that our copyright provisions placed on our community.

The amendment is not format-specific. This allows our organisations and our clients to fully utilise the many and varied technological advances that are being made in the fields of media, information delivery and accessibility. The

amendment does not limit information access to educational purposes, recognising the fundamental right of all citizens, including those with a perceptual disability, to access information for purposes of their own choosing, including study, hobbies and recreational reading. Finally, the amendment has broadened the definition of a perceptual disability to more accurately reflect the needs and circumstances of the community.

Most importantly, the amendment allows our organisations to meet the specific requirements to be recognised as a "special case" under the three step test utilised by Section 92 of the Berne Convention, Article 13 of the TRIPS Agreement and Article 17.4.10(a) of the Australia-US Free Trade Agreement:

- Specific uses of copyright material by our organisations do not conflict with normal exploitation of the work, as reproductions produced are for a "closed market", and are circulated on a non-profit basis;
- Uses do not restrict a copyright holder from producing a similar version for the open market for their own commercial benefit.
- The uses of copyright material by our organisation do not unreasonably prejudice the legitimate interests of the copyright holder, as all reproductions in all formats produced by our organization contain a full and complete acknowledgement of the author, publisher and or/copyright holder of the original work.

Our organizations believe that the Copyright Amendment Bill 2006 will enrich the participation in life for people who have a print disability and will help to ensure that their capabilities and contributions are recognised by the Australian community.

Yours sincerely,

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Vision Australia is a living partnership between people who are blind, sighted or vision impaired. We are united by our vision that in the future people with blindness or vision impairment in Australia will access and fully participate in every part of life they choose.

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