

**VISION AUSTRALIA'S SUBMISSION TO
THE DEPARTMENT OF COMMUNICATIONS,
INFORMATION TECHNOLOGY AND THE ARTS
REVIEW OF THE EXTENSION OF LEGAL DEPOSIT**

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RESPONSE TO 2007 DISCUSSION PAPER ON THE EXTENSION OF LEGAL DEPOSIT

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RESPONSE TO 2007 DISCUSSION PAPER ON THE EXTENSION OF LEGAL DEPOSIT

INTRODUCTION

VISION AUSTRALIA – WHO WE ARE

Vision Australia is a not-for-profit organisation and the nation's leading provider of blindness and low vision services. We are united by our passion that in the future people who are blind or have low vision will have access to and fully participate in every part of life they choose.

Our services, equipment and training enable more than 41,000 children and adult clients to live the lives they choose.

WHAT WE DO

Vision Australia is the leading provider of alternative format production and library services to people with a print disability in Australia, including people who are blind or have low vision, perceptual disability, amputees and people with chronic arthritis and quadriplegia.

Access to information is a fundamental human right. Accurate, relevant and timely information is the key ingredient to effective decision-making. Australia's long-term economic development is dependent on its ability to use information to make decisions that enable growth, progress and productivity¹.

Currently, almost 4 million Australians have a print disability and rely everyday on alternative formats as their main source of information and recreation. However, less than 5% of published printed information is available in an alternative format that is accessible to people with a print disability. Vision Australia's clients tell us that the major barrier to

¹ Australian Library and Information Association, Policy statement on information as a commodity and its importance to economic development. <http://www.alia.org.au/policies/information.commodity.html>

them fully participating in every part of life they choose is the lack of access to published information.

OUR RECOMMENDATIONS TO THE KEY ISSUES IN THE REVIEW

Given that access to the printed word is critical to people with a print disability for education, training, employment, recreation and daily living, it is essential that information producers and the Government work collaboratively to maximise access to information for people with a print disability.

The opportunity to amend the legal deposit is a once in a generation opportunity to improve information access in a way that includes modern multi-media formats of communication and uses established global best practice in extending the legal deposit.

We propose the extension of the current legal deposit scheme in the following ways:

- That the format for the deposit be changed to include one digital file and one printed format.
- That multi-media formats be incorporated into the deposit. This acknowledges the reality that multi-media formats are now a major form of modern publication.
- That a standard open source digital format for deposit, and a timetable for transition to the format, be agreed and adopted.
- That eligible organisations be allowed access to the digital files in the repository for production of accessible formats for people with a print disability.
- That the Federal Government introduce and fund a database of accessible formats as an extension of the legal deposit. The database could be managed by the print disability community.
- That models such as the National Instructional Material Accessibility Standards (NIMAS) deposit be considered as an example of global best practice.

THE BENEFITS

Vision Australia believes that significant benefits can be achieved if the above recommendations are adopted. These benefits include:

- **Improving efficiency and access** – appropriate digital copies will result in significant time savings and efficiency gains in converting materials to accessible formats for those who have a print disability. This will ultimately lead to better access to a wide range of information, enabling them to improve their participation in the Australian workforce, developing skills, increasing independence and adding to the diversity of our greater community.
- **Planning for the future** – decisions about the extension of Legal Deposit Scheme (LDS) should take into account the changing nature of how people produce and access information as a result of technological advances. The Scheme should, as much as is practicable, be 'future-proofed'.
- **Ease of storage and improving preservation** – it is envisaged that storage and preservation of digital copies will improve the overall collection, as printed copies can deteriorate or damage over time.

For Vision Australia, the benefits of a digital deposit would mean:

- an increase in the choice of titles for people with a print disability;
- access to these titles near or at the same time as they are published; and
- reduced production costs of 20% in converting files to accessible formats.

Based on Vision Australia's assessment, we strongly recommend that the Legal Deposit Scheme be extended on the basis of the initiatives outlined above.

THE PROCESS AND CHALLENGES IN CREATING ACCESSIBLE MATERIALS

Each year Vision Australia creates accessible versions of printed text for students, governments and people who have a print disability, enabling them to access and fully participate in every part of the life they choose.

Working with publishers to obtain digital files, Vision Australia has been able to reduce the length of time it takes to convert text to alternative formats.

On average only 10% of materials produced each year by Vision Australia are from digital files provided by a publisher. The rest are produced using volunteers to scan each page for conversion into e-text.

The process for creating 90% of the materials into accessible formats for people who are blind or have low vision is a lengthy and costly process. It involves:

- Acquiring two copies - one to be disassembled for easy scanning and the other for proof-reading the final accessible product;
- Significant time to scan and ensure consistency and accuracy before the conversion into alternative formats;
- Sourcing paid staff and volunteers regularly; and
- Maintaining the scanning equipment and alignment with specialised format conversion software to ensure that maximum speed is achieved with minimum errors.

In this process, books with large numbers of pages and quarto or folio publications are unsuitable for alternative format production. Any title that is out of print can be difficult to reproduce as it is not always possible to acquire two identical print copies.

Whilst the use of digital files by publishers to produce materials is widespread, there is still limited access to this store of information by the print disabled community. This has resulted in a loss of readily transferable information – a situation that has only worsened over time.

Issue 1: Should the legal deposit scheme (LDS) be extended to audiovisual and electronic materials and, if so, how should such materials be defined (including the quality of legal deposit materials, such as the ‘best copy’)?

Vision Australia believes that an extension of the scheme would be extremely beneficial in maintaining the integrity of the Legal Deposit, given the large numbers of multi-media electronic materials available, and to ensure access for future generations.

The initial creation of a digital document for publishing, and the current practice of limited retrieval and storage of these documents by publishers, has resulted in a loss of digital content that could be used by the print disabled community.

Vision Australia recommends the deposit of two copies consisting of one printed copy and one digital file. We believe that the digital file created for publishing should be submitted instead of a second print copy. This duality of print and digital deposit would ensure a

practical and highly relevant approach to Australian heritage, and enable greater access to information for the 4 million Australians who are unable to utilise standard print.

A 'best copy' print and 'best copy' digital file, created during the printing process of textual information, could be supplied by publishers or the primary producer of materials. This would be considered as the Primary Manifestation of a work.

Consistent with the international digital book standard, the 'best copy' digital file format should preferably be of XML DT Book format. The DAISY 3 standard is a good example of a multi-media open source standard. In considering the formats for digital deposits, formats that involve proprietary software, such as Adobe PageMaker (PDF), Framemaker or Quark files must be avoided as they cannot be readily converted to an accessible version.

The creation of accessible reproductions of print-based material for the use and benefit of people who have a print disability would not be considered as a Primary Manifestation, as these are only reproductions of print materials and are not available to the public. However, it is desirable to store information about accessible formats in an Australian database for easy access and searching by organisations and individuals under a requirement around Legal Deposit. These formats could then be made available under the appropriate commercial and legal copyright conditions by the producer of the accessible format. Storage costs should not be incurred by the NLA or NFSA.

Issue 2: Should an extended legal deposit scheme be in the Copyright Act 1968 or is a separate piece of legislation required?

Vision Australia recommends that all references to the Legal Deposit Scheme be retained within the Copyright Act 1968, and that appropriate amendments to the Act be made to allow access for the purposes of creating accessible formats for people with a print disability.

Issue 3: How many copies of published material should a publisher be required to deposit under an extended legal deposit scheme?

Vision Australia recommends that one copy being in digital format and the other in 'best copy' print. Registered print disability organisations should be required to lodge a

catalogue record in an appropriate database so that alternative format users can access the register and avoid duplication.

Issue 4: Should the existing requirement that material be deposited at the publisher's expense continue to apply under the extended legal deposit scheme?

No change should be made to the current requirements under the scheme. The publisher should not be disadvantaged as a result of the digital deposit and all ownership rights should stay with the publisher.

Issue 5: Should there be a role for other organisations, in addition to the NLA and NFSA, to act as repositories for material under an extended LDS?

Vision Australia believes that there are opportunities for organisations to work in partnership with the NLA and NFSA as repositories for materials within their areas of specialisation. We welcome the opportunity to work with both authorities in this area.

Vision Australia has the expertise to act as a repository for materials, particularly digital files. We would be extremely supportive of the development of a repository for digital files as this would be a primary enabler to increasing accessible information to greater than the 5% experienced currently.

As an alternative materials provider and a public library service, Vision Australia also has the knowledge and staff skills to act as a primary conduit for the processing and collection of these items.

Vision Australia is well-positioned and has the appropriate skills, expertise and capabilities to undertake this role. Vision Australia is the largest digital repository of accessible formatted materials in Australasia and one of the largest in the world and its content can be accessed by all Australians. Vision Australia would require financial support to assist it in performing these functions.

Issue 6: How might duplication of material collected by legal deposit agencies be avoided? For example, should

publishers be required to deposit relevant material with more than one institution?

If a digital copy is deposited with one central agency all authorised agencies would then have access to these collections, reducing duplication. The digital copy is not intended to replace the printed copy. It is intended to complement the publishers' preferred format.

Issue 7: Should an extended LDS apply to electronic versions of printed material?

Technological changes and advances mean that some materials are now available only in digital forms. Publishers are also increasingly producing digital formats for printed materials because they are more flexible than printed files in terms of access, communication and production enhancement.

Vision Australia believes that, as a principle, there should be a move from a printed publication as the source file to a digital open source file. This would require lodging digital files for all books published in Australia. Standards should be developed for digital source files to ensure that the system is future proofed.

Digital files will greatly improve accessibility for those with a print disability. In the absence of a greater take-up by publishers to produce publications in accessible formats, digital files will assist organisations, such as Vision Australia, to convert and develop accessible formats more efficiently and effectively.

The digital file repository would allow eligible users with a print disability and/or listed organisations working on their behalf, such as Vision Australia, to access the files for the purpose of creating copies in accessible formats for people with print disabilities.

By limiting access to the repository to eligible organisations or individuals with a print disability, the publishers of collected material could be confident that access to the files would not affect the commercial viability of their products.

Issue 8: What other material should an extended legal deposit scheme apply to?

The definition of library material should be broadened to include audio visual materials and materials in digital form.

Websites should be lodged with the NLA via the PANDORA service in line with the current collection guidelines for PANDORA.

Issue 9: Should an extended legal deposit scheme apply to broadcasts? If so, should this be limited to any particular types of material? Should the scheme apply to internet material hosted in Australia?

This should be considered by Government in the future.

Issue 10: Should an extended legal deposit scheme apply to internet material hosted outside Australia and in what situations?

If the material hosted outside Australia is in line with the current PANDORA guidelines, then this should be made part of the legal deposit.

Issue 11: What approach, comprehensive, selective or hybrid, should be used for collection of materials under an extended LDS? Should 'significance', say, to Australian audiences, be the basis of any extension of legal deposit?

Given that access to the printed word is critical to people with a print disability for education, training, employment, recreation and daily living, it is essential that information producers and the Government work collaboratively to maximise access to information for people with a print disability.

The increase of published information has enabled Australians to read more widely and comprehensively than ever before. For this reason, Vision Australia believes that a comprehensive approach should be used for collecting materials, irrespective of their format. This would be the most beneficial approach for people with a print disability.

The approach should reflect the global community that we live in today and should include all published content.

All reproductions of printed materials into alternative formats should be comprehensively registered (into an Australian database) to ensure that the print disabled community is not disadvantaged.

Issue 12: In light of the existing provisions in the Copyright Act, is there a need for any additional provisions to ensure the safe storage and preservation of legal deposit materials?

Savings in storage could be achieved if the requirement is changed to allow for the deposit of one digital copy and one printed/preferred format. The ease of access through digital files will also reduce the need for duplicating deposits and potentially achieve cost savings for publishers and responsible deposit libraries. The inclusion of digital files in the LDS is likely to enhance the overall preservation of the collection, reducing the problems associated with damage and preservation issues that may result with printed copies.

Issue 13: What timeframe should apply for deposit under an extended legal deposit scheme? Should different timeframes apply to the deposit of different published materials if legal deposit is extended?

No changes are recommended for this provision for the print copy. We recommend that a digital copy be deposited electronically at the time of publication. This would ensure that information for students and other members of the community would be able to be converted into an accessible format at a much faster pace than currently occurs. At present people with a print disability have to wait months before a text book is available in an accessible format, and in a majority of cases, once the item has been converted the need for it has passed. This disadvantages those with a print disability from their sighted peers and should be redressed as a matter of equity.

We also recommend stricter compliance regulations for non-conformance.

Issue 14: In light of the recent amendments to the technological protection measure provisions in the Copyright Act, are any additional provisions required to

ensure access to materials deposited under an extended LDS? Should publishers be required to ensure that the copy of published material provided under an extended LDS will be accessible?

With 95% of published information unavailable to 4 million people in Australia who have a print disability, Vision Australia believes that publishers of printed material should be required to deposit a digital file, which is then able to be used for alternative format production. This ability would allow registered organisations who assist the print disabled to transform materials using a publisher file, and the subsequent registration with Libraries Australia would reduce the incidence of multiple conversions of the same text.

Ideally this digital file would consist of an XML DT Book file from which alternative formats can be readily produced for people with print disabilities.

Issue 15: On what basis, if any, should access be restricted to material deposited under an extended LDS?

Vision Australia produces material in a range of accessible formats, and relies on both publisher permissions and statutory licensing provisions within the Copyright Act to produce this material. Terms and conditions for both copyright clearance methods include the stipulation that reproductions are only made available to people with a print disability. Vision Australia abides by these conditions by ensuring that all library members have a confirmed print disability (as defined under the Copyright Act), using a password-protected user interface for downloadable materials, and only sharing materials on a co-operative basis with organisations that have the same restrictions.

Vision Australia recommends that electronic materials deposited as Primary Manifestations under an extended LDS are restricted to organisations allowed under the terms and conditions described above. This restriction would enable people with print disabilities, and the organisations supporting them, to gain greater access to information without the risk of access by ineligible and unauthorized users.

Issue 16: Under any extended LDS should legal deposit materials be subject to separate provisions concerning their use by the repository institution and the public?

Vision Australia recommends that organisations serving the print disabled be granted an automatic right to access the electronic copy of printed material for the purposes of transcription into an accessible format. This model would increase the range of accessible information available and enrich participation in life for many print disabled Australians.