

Marrakesh Treaty Questionnaire – Australia

1. Please indicate the relevant provisions in your national legislation providing for or regulating the limitations and exceptions to facilitate access to published works for persons who are blind, visually impaired, or otherwise print disabled.

From 22 December, the relevant sections of the Australian Copyright Act will be:
Part IVA, Division 1 section 113D of the *Copyright Act 1968 (Cth)* (Copyright Act)
Part IVA, Division 2 section 113E and 113F of the Copyright Act.
See: <https://www.legislation.gov.au/Details/C2017A00049>

2. Does your national legislation permit the cross-border exchange (i.e. exportation) of “accessible format copies”, as defined in Article 2 b)1 MVT? If yes, under which conditions?

Yes Part IVA, Division 2, Section 113F of the Copyright Act allows exportation of material under the following conditions:

- (a) the use is for the sole purpose of assisting one or more persons with a disability to access the material in a format that the person or persons require because of the disability (whether the access is provided by or on behalf of the organisation or by another body or person); and
- (b) the organisation, or the person acting on behalf of the organisation, is satisfied that the material (or a relevant part of the material) cannot be obtained in that format within a reasonable time at an ordinary commercial price.

3. Does your national legislation allow the importation of “accessible format copies”, as defined in Article 2 b) 2 MVT? If yes, under which conditions?

Yes Part IVA, Division 2, Section 113F of the Copyright Act allows importation of material under the following conditions:

- (a) the use is for the sole purpose of assisting one or more persons with a disability to access the material in a format that the person or persons require because of the disability (whether the access is provided by or on behalf of the organisation or by another body or person); and
- (b) the organisation, or the person acting on behalf of the organisation, is satisfied that the material (or a relevant part of the material) cannot be obtained in that format within a reasonable time at an ordinary commercial price.

4. Does your national legislation provide a definition of “authorized entity”, as defined in Article 2 c)3 MVT? If yes, please provide the reference.

From 22 December, section 10(1) of the Copyright Act shall define an authorized entity as being, organisation assisting persons with a disability means:

- (a) an educational institution; or
- (b) a not-for-profit organisation with a principal function of providing assistance to persons with a disability (whether or not the organisation has other principal functions).

5. Please provide a list with contact details of entities that can operate as authorized entities in your territory, and any further information that you can provide, such as number of accessible titles in the catalogue of the authorized entity and the languages covered.

Refer to Marrakesh Treaty webpage (Information Access Point) on WIPO website.