Government Procurement (Principles) Guideline Amendment Bill 2003

Roslyn Dundas MLA

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EXPLANATORY STATEMENT

Overview

The purpose of this Bill is to encourage the purchase of open source software by the ACT public sector, including Territory-owned corporations.

Open source software is software that is supplied with its source code, and which may be modified, copied, and distributed as the licensee wishes, without incurring an obligation to pay fees or charges.

Software supplied without its source code, or supplied with a licence that restricts the modification, copying, or distribution of the software, is defined as proprietary software.

The Bill amends the Government Procurement (Principles) Guideline 2002, which was made under the Government Procurement Act 2001.

The Government Procurement (Principles) Guideline 2002 requires Territory entities to obtain value for money, act ethically, and ensure competition among potential suppliers when procuring goods or services. It also requires the consideration of environmental sustainability, risk management, and local industry development when making procurement decisions.

This amendment would add an additional requirement for Territory entities to give preference to open source software when making software purchasing decisions.

Details of the Government Procurement (Principles) Guideline Amendment Bill 2003

Formal Clauses

Clause 1

Names the Act.

Clause 2

States that the Act will commence on the day after notification.

Clause 3

Identifies the Disallowable Instrument (DI2002-58) that this Bill amends.

Substantive Clauses

Clause 4

Inserts a new clause 6A that requires Territory entities (Government Departments, Government Agencies, and Territory-owned corporations) to select open source software ahead of proprietary software, wherever practicable.

This principle is in addition to the existing requirements in the Guideline that are intended to ensure value for money, local industry development, etc.

The clause defines open-source software and proprietary software. It also specifically defines the word "distribute" to clarify the definition of open source software.