

2003

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Ms Roslyn Dundas)

## **Government Procurement (Principles) Guideline Amendment Bill 2003**

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### **A Bill for**

An Act to amend the *Government Procurement (Principles) Guideline 2002 (No 2)* DI2002-58

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The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 **1 Name of Act**

2 This Act is the *Government Procurement (Principles) Guideline*  
3 *Amendment Act 2003*.

4 **2 Commencement**

5 This Act commences on the day after its notification day.

6 *Note* The naming and commencement provisions automatically commence on  
7 the notification day (see Legislation Act, s 75 (1)).

8 **3 Instrument amended**

9 This Act amends the *Government Procurement (Principles)*  
10 *Guideline 2002 (No 2)* DI2002-58.

11 **4 New clause 6A**

12 *insert*

13 **6A Principle about procurement of computer software**

14 (1) In the procurement of computer software, a Territory entity should,  
15 as far as practicable, prefer open source software to proprietary  
16 software.

17 (2) This is in addition to the procurement principles to be applied under  
18 clause 6.

19 (3) In this clause:

20 *distribute* means distribute without charge or on payment of the  
21 reasonable costs of distribution.

22 *open source software* means computer software that is the subject  
23 of a licence granting a person—

24 (a) a right, without any limitation or restriction, to—

- 1           (i) use the software for any purpose; and  
2           (ii) make copies of the software for any purpose; and  
3           (iii) access or modify the source code of the software for any  
4                 purpose; and  
5       (b) a right, without payment of a royalty or other fee, to distribute  
6           copies of—  
7                 (i) the software (including as part of a total distribution of  
8                         computer software from several different sources); or  
9                 (ii) a derived or modified form of the software.  
10       ***proprietary software*** means computer software that is not open  
11       source software.