[Advance (1)]

South Australia

[Prepared by the Parliamentary Counsel on the instructions of the Hon. I. Gilfillan, M.L.C.]

STATE SUPPLY (PROCUREMENT OF SOFTWARE) AMENDMENT BILL 2003

A BILL FOR

An Act to amend the State Supply Act 1985.

Contents

The Parliament of South Australia enacts as follows:

Part 1—Preliminary

Short title
   1. This Act may be cited as the *State Supply (Procurement of Software) Amendment Act 2003*.

Amendment provisions
   2. In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

Part 2—Amendment of State Supply Act 1985

Insertion of Part 3A
   3. After Part 3 insert:

Part 3A—Special provisions relating to supply operations of public authorities

Principle applying to the procurement of computer software
   17A. (1) A public authority must, in making a decision about the procurement of computer software for its operations, have regard to the principle that, wherever practicable, a public authority should use open source software in preference to proprietary software.

   (2) In this section—

   "**distribute**" means distribute for free or on payment of the reasonable costs of distribution;

   "**open source software**" means computer software the subject of a licence granting a person a right—

   (a)   without any limitation or restriction, to use the software for any purpose; and

   (b)   without any limitation or restriction, to make copies of the software for any purpose; and

   (c)   without any limitation or restriction, to access or modify the source code of the software for any purpose; and

   (d)   without payment of a royalty or other fee, to distribute copies of—

       (i)   the software (including as a component of an aggregate distribution containing computer software from several different sources); or

          (ii)   a derived or modified form of the software,

      (whether in compiled form or in the form of source code), under the same terms as the licence applying to the software;

"**proprietary software**" means computer software that is not open source software.

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