Amendment to be moved by Ms Roslyn Dundas

1

Clause 4

Proposed new section 6A

Page 2, line 13—

*omitting proposed new section 6A, substitute*

6A Principle about procurement of computer software

(1) In the procurement of computer software, a Territory entity should, as far as practicable—

(a) prefer open source software; and

(b) avoid the procurement of—

(i) software that does not comply with open standards; and

(ii) software for which support or maintenance is provided only by an entity that has the right to exercise exclusive control over its sale or distribution.

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

(3) For section (1) (b) (i), software does not *comply with open standards* unless the specifications for data representations used by the software (including, for example, file formats for data storage, transmission and network protocols) are completely and accurately
documented and available to the public for use, application or review without restriction.

Note An example is part of the instrument, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

(4) In this section:

**open source definition** means the document of that name published by the open source initiative, as in force from time to time.

*Note 1* The text of an applied, adopted or incorporated law or instrument, whether applied as in force from time to time or at a particular time, is taken to be a notifiable instrument if the operation of the Legislation Act 2001, s 47 (5) or (6) is not disapplied (see s 47 (7)).

*Note 2* A notifiable instrument must be notified under the Legislation Act.

**open source initiative** means the non-profit incorporated organisation of that name dedicated to managing and promoting the open source definition for the good of the community.

**open source software** means software that is the subject of a licence that complies with the open source definition.