

June 10, 2003

The Honorable Mike Rann  
Premier and Minister of Economic Development  
South Australia Parliament  
GPO Box 2343  
Adelaide, SA 5001

Dear Mr. Rann:

On behalf of the Initiative for Software Choice (ISC, [www.softwarechoice.org](http://www.softwarechoice.org)), I write to express our concerns regarding the proposed State Supply (Procurement of Software) Amendment Bill 2003 ("State Supply Bill"), which prefers the acquisition of open source software (OSS) over proprietary software for state software procurements. The ISC believes that if this "preference" legislation were to be enacted it would severely limit software choices for South Australia's government, harming not only its citizens, but also South Australia's vibrant information and communications technology (ICT) industry. As such, the ISC respectfully asks that the State Supply Bill be rejected should it come up for formal consideration.

The ISC is managed by the Computing Technology Industry Association (CompTIA, [www.comptia.org](http://www.comptia.org)) – a global ICT association with over 15,000 members in 89 countries – and together the ISC and CompTIA have 110 corporate and individual members in Australia.

The ISC strongly supports the development and adoption of all kinds of software – OSS, hybrid and proprietary. All models have a place in the highly competitive software market. Only in this manner, through vibrant and open competition, does the whole of the market thrive, and consumers – both public and private – reap tremendous benefits.

Standing in stark contrast to open competition are state-mandated software preferences. These "preference" policies strip merit out of the process by using access to source code as a proxy for ICT project success.

The State Supply Bill is one such "preference" proposal, requiring that "a public authority must, in making a decision about the procurement of computer software for its operations, have regard to the principles that, wherever practicable, a public authority should use open source software in preference to proprietary software."

The ISC believes that the State Supply Bill is not needed. Presently, no law, rule or regulation prevents South Australia from availing itself of the competitive software market in order to consider the myriad of software options for its administration. Should the bill get enacted, however, this could no longer be said.

The result would be reduced options for software acquisitions, largely eliminating proprietary offerings that might be the best solutions for the given need. Additionally, constituents would suffer because the best solutions could never truly be acquired, with at least one development model – proprietary software – being restricted from agency consideration. Further, South Australia's primarily

proprietary-based, ICT industry would be harmed because of foreclosed access to important state market opportunities.

As in any large ICT administration, South Australia's ICT challenges are no doubt abundant and evolving. Other governments facing similar issues – such as in Denmark and the UK – rely on a “value-for-money basis” when choosing their software. Instead of limiting the viable software options as “preference” legislation does, these policies work to enlarge the availability of software options, using merit-based choice to look to each ICT need agnostically.

Laws or rules based on access to the source code cannot, on their own, be a panacea for the many technology issues facing public administrators. Such “preference” policies only restrict choices, not expand them. As such, the ISC respectfully urges the South Australian Parliament to reject the State Supply Bill, and direct the government to do what it already does well – look to the competitive software market to acquire the best solution for a given need.

I have attached a copy of the ISC's principles for your review. At your convenience, I would be happy to participate in further discussions with you or others in the government regarding the importance of neutral procurement policies in the future.

Sincerely,

Bob Kramer  
Executive Director, ISC