

Microsoft Australia Eligibility Guidelines For Charity Organisations

Microsoft makes discounted product licenses available to its authorised charity resellers for resale to customers who are eligible Charity Organisations. Such customers are also eligible for Microsoft Software Assurance. Microsoft makes charity customer eligibility determinations at its sole discretion and uses the categories and definitions below as guidelines in making them. These guidelines may change at times and without notice. You can see the latest version of these eligibility guidelines at <http://www.microsoft.com/licensing/programs/open/opencharity.aspx>.

Organisations are classified into four significant categories as per Microsoft's definition of a Charity Organisation.

Eligible Charity Organisations

Organisations that are eligible to acquire licenses as a qualified Charity Organisation are defined in the following section:

- [1] Qualifying Public Charity Organisations
- [2] Qualifying *Per Se* Organizations

Ineligible Organisations

Organisations that are **not** eligible to acquire licenses as a qualified Charity Organisation are defined in one of the two following sections:

- [3] Non-Public Charity Organisations
- [4] Non-Qualifying Public Charity Organisations

Eligible Charitable Organisations

[1] Qualifying Public Charity Organisations

To qualify under category [1], an organisation (including all subsidiaries, branches, or divisions) must meet **all** of the following criteria:

- 1.1 Have an Australian Business Number (ABN) and have the one of the following Tax Concession Status issued by the Australian Taxation Office ("ATO"):
 - a. Charitable Institution
 - b. Charitable Fund
 - c. Health Promotion Charity or
 - d. Public Benevolent Institution; and
- 1.2 Not be listed as a Non-Qualifying Public Charity Organisation in section [4].

[2] Qualifying *Per Se* Organizations

Certain organisations are eligible based on their primary mission area. To qualify under section [2], organisations must:

- 2.1 Hold **Charity Status**: and
- 2.2 Be *organized and operated exclusively* as one of the following:
 - a. A recognised **Hospice** that provides time-limited, end-of-life care intended to provide relief from suffering, treatment of pain and other distressing symptoms, psychological and spiritual care, a support system to sustain the individual's family, and care and support for loved ones following a death; services may include pharmaceuticals, medical equipment, and 24 hours a day, seven days a week access to assistance and

may be provided in the home, residential-care facility, or in a free-standing hospice residential facility;

- b. Assisted living healthcare Organisations—Organisations that provide residential based care or provide coordinated personal services in facilities providing 24-hour supervision and assistance (scheduled and unscheduled), and health-related services where the aggregate number of approved bed licenses under federal government's Aged Care Act 1997 does not exceed (60) sixty per ABN.
- c. Aboriginal and Torres Strait Islander Health care services whose charter and primary purpose is to provide health care services on a free or sliding-fee basis exclusively for Aboriginal and Torres Strait Islanders.
- d. **Humanitarian assistance and disaster relief** organisations; or
- e. **Voluntary health associations and clinics** that provide services on a free or sliding-fee basis and employ *only volunteer* medical staff (other non-medical staff can be paid); and

All organisations under categories [1] and [2] above must devote all of their resources for charitable purposes to qualify as a Charity Organisation. Holding Charity Status status from ATO as a result of non-charitable activities does not suffice and does not make an organization eligible.

2.3 Not be listed as a Non-Qualifying Public Charity Organisation in Section [4].

Ineligible Organisations

[3] Non-Public Charity Organisations

Any organisation that does not meet the criteria outlined in Section [1] **at the highest level of the organisation and for any subsidiary, branch, or division.**

[4] Non-Qualifying Public Charities

Even if an organisation otherwise qualifies according to the criteria set forth in Section [1], it will be deemed ineligible if the organisation (or any subsidiary, branch, part or division requesting licenses as a Charity Organisation) falls into one of the following categories:

- a. It pays (or otherwise makes available) any portion of the funds or properties it holds or receives for the benefit of any proprietor, member, shareholder, or trustee.
- b. Has, as part of its organisation/parent company/parent entity, an organisation that on its own will not qualify for Charity Status. See above.
- c. Government Organisation/Agency: The organization, even if it has a charity registration or Charity Status, will not be eligible if it is a government agency or entity or if it has been established under an Act of Parliament.
- d. Academic institutions eligible to participate in the Microsoft Academic Open License program as a Qualified Educational User, as that term is defined in the Microsoft Academic Open License agreement.
- e. Disqualifying healthcare Organisations include, but are not limited to, the following:
 - (i) **Hospitals**—Healthcare Organisations that have a governing body, an organized medical staff and professional staff, in-patient facilities and which provide medical, nursing, and related services for ill and injured patients 24 hours a day, seven days a week
 - (ii) **Healthcare networks and health plans**—Hospital owned vertically-integrated delivery systems, Integrated Delivery Systems (IDS), and managed healthcare networks, including Health Maintenance Organisations (HMO), Point of Service (POS) Organisations, Preferred Provider Organisations (PPO), and other specialty networks
 - (iii) **Ambulatory healthcare organizations**—Freestanding non-profit healthcare organizations, including public health centres, medical/dental clinics, preventative healthcare offices, military clinics, mobile services, and occupational health centres (Note: Certain ambulatory healthcare organizations are eligible to acquire licenses under **Section [2]**)

- (iv) **Assisted living healthcare Organisations**—Organisations that provide assisted living in congregate residential settings that provide or coordinate personal services, 24-hour supervision and assistance (scheduled and unscheduled), and health-related services.
 - (v) **Health research Organisations and research laboratories**—Organisations with the primary mission of providing systematic investigation of health-related topics, including research development, testing and evaluation, designed to develop or contribute to the knowledgebase
 - (vi) **Home Healthcare**—Organisations that provide healthcare to individuals in their place of residence
- f. Political, labour, and fraternal Organisations

Note Regarding Your Status as an Eligible Charity Organisation

If you lose your status as an eligible Charity Organisation subsequent to licensing products under this agreement, you may continue to use copies for which you are licensed, but you may not submit a new order for licenses or software assurance licenses as a Charity Organisation. You may renew expiring Software Assurance for licenses and Software Assurance purchased as a Charity Organisation by submitting orders for Software Assurance under any other Microsoft Volume Licensing programs for which you qualify.

