

# NSW Seniors Card

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## Commercial Policy

# Document approval

The NSW Seniors Card Commercial Policy has been endorsed and approved by:

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**Simone Walker**  
**Deputy Secretary**  
**Approved**

# Document version control

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# 1 Purpose of policy

## 1.1 Purpose

This policy applies to all business-related promotional and advertising activities associated with the Department of Communities and Justice NSW Seniors Card program (“Seniors Card” or “Seniors Card Program”). Its purpose is to provide the framework, objectives and processes for managing promotions and advertising undertaken through Seniors Card by Participating Businesses.

This policy:

- provides a framework for approvals by, and responsibilities of, the NSW Government staff managing advertising sales and agreements entered into between Seniors Card and Participating Businesses
- sets out the principles Seniors Card will follow in providing opportunities for Participating Businesses to be involved in the Seniors Card Program
- provides potential and existing Participating Businesses with transparent, consistent and clear information about Seniors Card’s advertising and promotional rules.

This policy was developed in consultation with the following units of the NSW Department of Communities and Justice:

- Seniors Card
- Ageing Team
- Legal
- Procurement

## 2 Definitions

The table below is a list of terms, keywords and/or abbreviations used throughout this document.

| Term                    | Definition   |
|-------------------------|--|
| Participating Business  | Any business or organisation that participates in the Seniors Card for the purpose of providing offers.  |
| Offer                   | A discount on goods or services or some other special benefit or incentive offered to members by Participating Businesses.   |
| Member                  | A Seniors Card or Senior Savers Card holder, who is a permanent resident of NSW, aged 60 and over and, (i) in the case of the Seniors Card, works on average 20 hours or less per week, per year; and (ii) in the case of the Senior Savers Card, works on average over 20 hours per week, per year. |
| Ad hoc advertising      | A one off or a time limited advertising campaign in respect of an offer purchased by a Participating Business.   |
| Participation Agreement | An agreement entered into by Seniors Card and a Participating Business, to purchase an advertising package to promote an Offer.  |
| Marketing channels      | All or some (as the case may be) of the Seniors Card communications channels, including direct mail, electronic direct mail, website, e-newsletter, blogs, directory and social media platforms, such as Facebook. These are available on the media kit.   |

| Term  | Definition  |
|---|---|
| DCJ   | NSW Department of Communities and Justice   |
| Seniors Card or Seniors Card Program or Program | The DCJ NSW Seniors Card program from time to time in operation. This includes both the NSW Seniors Card and the NSW Senior Savers Card, as the context requires. |

This policy does not exclude or override the Terms and Conditions that apply to Participating Businesses or the terms of any participation agreement entered into with a Participating Business.

### 3 Scope and application

This policy applies to Seniors Card and its activities, including the basis on which Participating Businesses may advertise Offers. It is to be followed by all members of the Seniors Card team.

It also applies to officers of DCJ with line responsibility for Seniors Card activities including the relevant:

- Director
- Executive Director
- Deputy Secretary

# 4 Policy statement

## 4.1 Principles

- Seniors Card aims to provide a diverse range of Offers to its Members with the primary objective being to provide opportunities to reduce the cost of living for seniors while also seeking to support them to be active, healthy and socially engaged. Seniors Card therefore reserves the right to manage advertising and promotional activities to achieve these objectives.
- Seniors Card does not guarantee or endorse the quality or suitability of any goods or services offered by Participating Businesses or advertisers.
- Furthermore, Seniors Card encourages its Members, who are mature consumers, to make their own independent assessments of the Offers available through the Seniors Card Program, including whether the Offers meet or suit their individual needs.
- Seniors Card is a commercial operation and although its primary objective is to seek to benefit Members, it also seeks to generate revenue from Participating Businesses. Any revenue that is generated will be used to fund program operations and other activities under the NSW Ageing Strategy.
- NSW Seniors Card are generally open to all businesses that meet the eligibility requirements to become Participating Businesses. These eligibility requirements can be found at:  
<https://www.service.nsw.gov.au/transaction/apply-be-nsw-seniors-card-program-participating-business#eligibility>. Note, however, Seniors Card excludes from the Program certain businesses that it does not consider to be aligned with the principal objectives of the Seniors Card Program. Examples include but are not limited to:

- Payday lenders
- Betting agencies
- Tobacco products
- Adult entertainment
- Gaming services including poker machines and racing
- Seniors Card does not enter into exclusive agreements or arrangements with businesses. Where a Participation Agreement has been entered into between Seniors Card and a Participating Business, it is open to any other business to apply to have an arrangement similar to an arrangement Seniors Card has with another business in the same or similar industry, for the benefit of Members. That said, there may be practical reasons, including resources and availability limitations that may result in Seniors Card deferring or declining similar Offers.

## 4.2 Objectives

The objectives of Seniors Card include:

- Seeking to engage (in an open and equitable manner) with Participating Businesses of good standing that provide commercially beneficial and suitable Offers to Members.
- Seeking to ensure that all advertising associated with Seniors Card is aligned with the goals and priorities of the Program and complies with all applicable Australian laws and regulations.

## 4.3 Disclaimer statement

All advertising sent through Seniors Card marketing channels must include the following disclaimer:

*“An important notice from NSW Seniors Card*



## No endorsement

*The fact that businesses advertise their goods and/or services as part of the Seniors Card program, should not be considered to be an endorsement by the NSW Government, including the Seniors Card, of the products and/or services offered or provided by those businesses, or that those goods and/or services are appropriate for your needs or requirements. You should exercise your own independent judgment and are encouraged to seek your own legal, financial and medical advice (as may be appropriate) before taking up any offers or acquiring any goods and/or services offered by the businesses.*

## How did you receive this special offer?

*On your membership application form you indicated that you would like to receive information about offers that may be of interest to you. Please note that access to your personal details on the Seniors Card database is strictly controlled to ensure your privacy is protected. Special offer mailings are provided to you by Seniors Card and your details are not provided to the business concerned.*

*The frequency of emails to Seniors Card members on offers made by businesses that advertise their goods and/or services as part of the Seniors Card program is strictly limited. If you do not want to receive these offers in the future, please call Seniors Card on 13 77 88.*

*Seniors Card receives payment for conveying special offer emails and notices to Seniors Card holders. This money is used to support the operation of the program. For further information please click on the terms and conditions and visit the Seniors Card website.”*

DCJ reserves the right to change this statement at any time.

## 4.4 Standards, limitations and exclusions

Seniors Card prioritises arrangements with organisations whose products and services align with the objectives of the Seniors Card Program.

### 4.4.1 Advertising standards

It is the responsibility of Participating Businesses, who seek to advertise or promote their goods and/or services to Members through Seniors Card channels to ensure that, their advertising/promotional collateral complies in all respects with all applicable laws, regulations and codes, including, without limitation, Codes administered by the Advertising Standards Board and/or the Australian Association of National Advertisers.

In addition, Seniors Card may impose its own advertising standards.

### 4.4.2 Pre-approval

Without detracting from the above, Seniors Card reserves the right to exclude certain types of advertising or advertising messages that Seniors Card consider is inappropriate, including those:

- that are potentially misleading or claim benefits which may be considered controversial, exaggerated or unsubstantiated;
- with messages that contain negative representations of seniors and/or may be considered to be manipulative;
- with messages that generate or are reasonably likely to generate complaints;
- considered to be contrary to public policy;
- whose businesses, products or services are not subject to regulation under appropriate laws or regulations.

### 4.4.3 Limitations

Additionally, Seniors Card reserves the right to decline advertising, limit the extent of the advertising or impose conditions that must be satisfied

before advertising is approved. Examples of where Seniors Card is likely to decline or limit advertising include but are not limited to:

- Marketing calendar availability
- Program resourcing
- Conflict with program objectives
- Discount value
- Suitability of content/tone

Examples of products and services that this may apply to include but are not limited to:

- Competitions
- Requests for charitable donations
- Financial investment products
- Funeral insurance
- Promotion or sale of Alcohol
- Testimonials

The decision to limit or decline offers of products and services is at the sole discretion of the Seniors Card and Seniors Cards' decision in this regard is final.

## 4.5 Business Reputation

Seniors Card requires Participating Businesses to be of good standing. Participating Businesses may be subject to a high level review, which includes vetting carried out by Service NSW. These checks may include:

- **Complaint history:** including unresolved complaints, willingness to resolve complaints and failure to address systemic complaint behaviour.
- **Business details:** including size of business, time in business and goods and services on offer.

- **Compliance:** including compliance with legal obligations, trade / occupational licensing requirements, failure to comply with enforcement action and history of misleading advertising.

Organisations that do not pass this vetting process may not participate as Participating Businesses in the Seniors Card Program or book paid advertising/marketing in Seniors Card marketing channels.

#### 4.5.1 Cancellation of business offer

Seniors Card reserves the right to cancel an offer of a Participating Business and remove that business from the program if:

- the Participating Business or its business is the subject of an inquiry or investigation by a regulatory authority such as: NSW Fair Trading, NSW Police, the Independent Commission Against Corruption, the NSW Ombudsman, the Therapeutic Goods Administration, the Australian Securities and Investment Commission or the Australian Consumer and Competition Commission.
- the Participating Business or its business is found to have breached State or Commonwealth legislation.
- the Participating Business or its business is found to be incompatible with the principles and objectives of the Seniors Card.
- the Participating Business does not honour an Offer.
- in the opinion of Seniors Card, the Offer of the Participating Business is not aligned with the principal objectives of the program as described in this Policy.
- Where participating business does not pay invoices within the 30 day due date.

In addition to the conditions set out above, Seniors Card reserves the right to remove any participating business from the Scheme, at its sole discretion.

A Participating Business whose participation in the Seniors Card program is terminated or suspended may apply to rejoin the program at a later date. In addition to the standard vetting process, all such applications will require specific approval from the Manager, Card Operations. This approval is entirely within the discretion of the Manager, Card Operations.

## 4.6 Member offers

Seniors Card requires that an offer put forward by a Participating Business should provide a financial or commercial benefit to Members, which is not ordinarily available to the general public other than via the Seniors Card. Offers should be exclusive to Members and generally better than any marketing offer that is at the time generally available to the public by the Participating Business.

Many Participating Businesses offer a standard percentage discount, with a minimum standard set at 10% off a product or service for Seniors Card and Senior Savers Card members.

## 4.7 Pricing

All advertising opportunities available to Participating Businesses are described in the Seniors Card media kit, which can be found on the NSW Seniors Card website [seniorcard.nsw.gov.au](http://seniorcard.nsw.gov.au). The media kit is a public document stipulating conditions including pricing, minimum orders, and volume discounts.

### 4.7.1 Government agencies and not-for-profit organisations

Seniors Card may offer discounted advertising rates to other NSW Government or not-for-profit agencies. This is to encourage participation in Seniors Card by organisations that can provide Members with important and appropriate health, financial, lifestyle and other information or assistance.

## 4.8 Exclusivity

Seniors Card does not enter into exclusive agreements with Participating Businesses.

Seniors Card may only enter into an exclusive arrangement to meet significant NSW Government commitments or policy priorities, or where an open and transparent tender process has been undertaken. This is at the sole discretion of Seniors card.

In both cases, approval must be obtained from the Secretary DCJ and the Minister for Seniors. These decisions will be reviewed annually to ensure, amongst others, that they are delivering benefits to Members.

### 4.8.1 Managing competitors

Seniors Card regularly works with organisations that are or may be in competition with each other. In doing this:

- The principal objective of the Seniors Card program is to solicit offers that are beneficial to the members. Furthermore, it is open to a Participating Business or prospective Participating Business to seek arrangements that are similar to arrangements Seniors Card has agreed with other Participating Businesses who operate in the same or similar industries, where this is possible and practicable. Participating Businesses should be aware that there may be factors such as oversupply, volume purchases and, calendar scheduling and resourcing constraints and commitments and that may impact on this policy
- Seniors Card seeks to ensure all negotiations are commercial in confidence

- Seniors Card seeks to encourage all Participating Businesses to offer the best possible value discounts or other benefits to Members.

## 4.9 Review and approval of agreements

Participating Businesses may purchase advertising via Seniors Card channels through one off or ad hoc campaign packages and participation agreements:

- One off or ad hoc campaign packages are approved by the Manager, Card Operations and the Director.
- Agreements of significant policy priority for the NSW Government may be submitted to the Secretary, DCJ and the Minister for Seniors for review and approval.
- All Participation Agreements are reviewed by DCJ Legal on behalf of the Department of Communities and Justice and will not be binding on the parties until executed by both Seniors Card and the Participating Businesses.

## 5 Roles and responsibilities

The main roles and responsibilities for the implementation of this policy are as follows:

| Role              | Responsibility                       |
|-------------------|--------------------------------------|
| Seniors Card team | Day to day management of the policy. |

| Role   | Responsibility  |
|--|---|
| Manager, Card Operations   | Approval of advertising, reviews and limitations, pricing for government and non-government organisations, monitoring and review of the policy.                         |
| Director, Systems, Funding and Cards                               | Approval of advertising, reviews and limitations, and cancellation of memberships, approval of brokerage agreements.  |
| Executive Director, Stronger Communities, Investment and Inclusion | Approval of partnership agreements.   |
| Secretary, DCJ   | Approval of exclusive agreements that are indicative of significant NSW Government commitment and policy priority, or where an open tender process has been undertaken. |
| DCJ Legal  | Review and endorsement of partnership agreements on behalf of the Department of Communities and Justice.  |
| Service NSW  | Conducting business vetting checks.   |

## 6 Monitoring, evaluation and review

It is the responsibility of the Seniors Card team to monitor and update this policy as and when appropriate. This policy will be reviewed every two years or when any significant new information, legislative or organisational change warrants amendments to this policy.