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LOTTERIES COMMISSION ACT 1990

**LOTTERIES COMMISSION
(INSTANT LOTTERY)
RULES 1996**

WESTERN AUSTRALIA

**LOTTERIES COMMISSION
(INSTANT LOTTERY) RULES 1996**

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LOTTERIES COMMISSION ACT 1990

LOTTERIES COMMISSION (INSTANT LOTTERY) RULES 1996

Made by the Commission under section 28 (1).

PART 1 — PRELIMINARY

Citation

1. These rules may be cited as the *Lotteries Commission (Instant Lottery) Rules 1996*.

Interpretation

2. In these rules, unless the contrary intention appears —

“agent” means a person appointed by the Commission as its agent for purposes associated with instant lottery games, and includes the any branch or section of the Commission;

“authorized payout centre” means an agent who has been authorized by the Commission to pay prizes over \$100;

“computer linked terminal” means a computer terminal that is linked to a central processing computer at the Commission, and which allows an agent to verify whether a ticket entitles the holder of that ticket to an instant prize;

“instant prize” means a prize in the first stage of an instant lottery that is ascertained when the holder of a ticket removes from the surface of the ticket the opaque material covering the amounts, pictures, figures, letters or other symbols (excluding any security code) printed on the ticket;

“name and address” means (as a minimum) the surname, initials, and residential or postal address of a person;

“payout period” means the period from the purchase of a ticket to a day 12 months from the day that the last ticket of the lot of which that ticket is a part was issued by the Commission for sale;

“ticket” means an instant lottery ticket;

“void”, in relation to a ticket, means —

- (a) void and incapable of winning a prize under rule 6; or
- (b) determined by the Commission to be void and incapable of winning a prize under rule 7.

Application

3. (1) Subject to subrule (2), these rules apply in relation to all instant lotteries conducted by the Commission.

(2) Part 4 applies only in relation to instant lotteries which involve a second stage draw.

PART 2 — TICKETS

Security code

4. (1) The Commission may include a security code on any part of a ticket for the purpose of verifying whether the ticket entitles the holder to an instant prize or identifying counterfeit or reconstituted tickets.

(2) A security code may be —

- (a) characters, words, numerals, symbols or other markings; and
- (b) printed, stamped, embossed or otherwise shown on the ticket.

(3) A security code included on a ticket is not part of an instant lottery, or the play instructions for the lottery, and cannot be used or interpreted to determine the value of an instant prize, to enhance the value of an instant prize or to qualify the ticket holder to participate in the second stage of the lottery.

All prizes may be claimed before ticket lot sold

5. The Commission may continue to distribute, and agents may continue to sell, instant lottery tickets from a particular lot even if all the instant prizes (including the top prize) for that lot of tickets have already been won or claimed.

Void tickets

6. A ticket is void and incapable of winning a prize if the ticket —
- (a) has a number under the **“void if removed”** panel that is missing, incomplete, obliterated or illegible;
 - (b) has on it or contains information, other than the information referred to in rule 11, that has been altered in any way;
 - (c) has the words **“void”** or **“specimen”** marked under the **“void if removed”** panel;
 - (d) has been stolen from the Commission or an agent;
 - (e) has been misprinted;
 - (f) is counterfeit; or
 - (g) has been reconstituted by joining parts of 2 or more tickets together to produce another ticket.

Tickets voidable at the discretion of the Commission

7. (1) The Commission may determine that a ticket is void and incapable of winning a prize if the ticket —
- (a) has been damaged or mutilated;
 - (b) has a portion of the ticket (other than a number under the **“void if removed”** panel) missing; or
 - (c) is, in the opinion of the Commission, defective in any other manner.
- (2) The Commission may make a determination under subrule (1) —
- (a) during the first stage of an instant lottery, at any time prior to an instant prize being paid to the ticket holder; and
 - (b) during the second stage of an instant lottery, at any time prior to a second stage prize being paid or given to the ticket holder even if —
 - (i) the ticket has been drawn or selected as a potential winning ticket; or

(ii) an instant prize has been paid in relation to that ticket.

(3) The Commission must not make a determination under subrule (1) in relation to a ticket by reason only of —

- (a) the removal from the surface of the ticket of the opaque material that covers the amounts, pictures, figures, letters or other symbols printed on the ticket which indicate whether or not the holder of the ticket is entitled to an instant prize or to participate in the second stage of the lottery or both; or
- (b) the separation of a portion of the ticket that is intended to be both —
 - (i) part of the original ticket; and
 - (ii) once removed, a ticket that may be entered in the second stage of the lottery.

Limited liability of Commission for void tickets

8. The liability of the Commission, if any, for a void ticket is limited to substituting a valid ticket for the ticket which is void.

PART 3 — INSTANT PRIZES

Claims for instant prizes

9. (1) To claim an instant prize the holder of a winning ticket must present it to the Commission or an agent within the payout period for that ticket.

(2) An instant prize is to be paid to the holder of the winning ticket when the ticket is presented —

- (a) if the prize is \$100 or less —
 - (i) by the Commission, an authorized payout centre or an agent; and
 - (ii) in cash or in any other manner determined by the Commission;

- (b) if the prize is more than \$100 but not more than \$2 000 —
 - (i) by the Commission, an authorized payout centre or an agent authorized by the Commission to pay that prize; and
 - (ii) in cash or in any other manner determined by the Commission;

or

- (c) if the prize is more than \$2 000 —
 - (i) by the Commission, an authorized payout centre or an agent authorized by the Commission to pay that prize; and
 - (ii) by cheque or in any other manner determined by the Commission.

(3) The Commission, an authorized payout centre or an agent must not pay an instant prize in respect of a ticket presented in accordance with subrule (1) if that ticket has already been —

- (a) marked **“paid”**; or
- (b) verified through a computer linked terminal,

by the Commission, an authorized payout centre or an agent.

PART 4 — SECOND STAGE

Supervision of conduct of draws

10. (1) The Commission must ensure that the second stage of an instant lottery is supervised —

- (a) by an officer from the Office of the Auditor General; or
- (b) where, in the opinion of the Auditor General, it is not necessary for an officer to supervise that stage of the lottery, by such person and in such a manner as the Commission thinks fit.

(2) Subrule (1) does not apply to a second stage that is determined by a race or other event that occurs independently of the Commission.

Eligibility for second stage prizes

11. A ticket is not eligible to win a prize in the second stage of an instant lottery if the ticket —

- (a) does not have the name and address of the person to whom any prize relating to that ticket is to be paid clearly printed in ball point pen in the appropriate space on the back of the ticket; or
- (b) is not signed by that person or a person acting on that person's behalf.

Tickets drawn to be checked

12. (1) When a ticket is drawn or selected to win a second stage prize the Commission must check that the ticket is not void and is eligible to win a second stage prize.

(2) Where a drawn or selected ticket is void or is not eligible to win a second stage prize, another ticket must be drawn or selected in place of the void or ineligible ticket and this rule then applies to the replacement ticket.

Second stage prizes

13. (1) To claim a second stage prize the prize winner must claim the prize from the Commission within 12 months from the date on which the second stage of the lottery was conducted.

(2) A second stage prize which is a monetary prize is to be paid by the Commission by cheque or in any other manner determined by the Commission.

(3) The winner of a non-monetary second stage prize may convert the prize into a monetary prize of an amount equal to the retail value of the non-monetary prize as specified in the permit for that lottery.

(4) Where a second stage prize is not claimed by the prize winner, the Commission may, if it thinks fit —

- (a) if the prize is a non-monetary prize, convert it to a monetary prize; and
- (b) in any case, post the prize to the prize winner.

Multiple names on ticket

14. Where more than one name and address is inserted on the back of a second stage winning ticket, the prize is to be paid or given to the person whose name and address appears first on the ticket.

PART 5 — MISCELLANEOUS

Rules to be made available

15. (1) A copy of these rules must be kept by every agent at that agent's selling point and must be made available for public inspection on request.

(2) In addition to the requirement in subrule (1), the Commission may publicize the rules, or any amendment to the rules, in any other manner that it thinks fit.

Publication of name and address of prize winners

16. The Commission may publish the name and address of a prize winner, including a syndicate name where a syndicate name is supplied.

Statutory declarations

17. (1) In order to satisfy itself of the identity of a prize winner, the Commission may require the person claiming the prize to complete a statutory declaration containing such information as the Commission considers necessary.

(2) Before paying any prize the Commission may require the person claiming the prize to complete a statutory declaration stating that the person has not, or is not to that person's knowledge part of a syndicate which has, acted in a manner contrary to the Act or these rules in relation to a ticket.

(3) If the holder of a ticket refuses or fails to provide a statutory declaration when required to do so, the Commission may refuse to pay a prize to that person.

Decisions of Commission final and binding

18. A decision or determination by the Commission in relation to an instant lottery is final and binding upon the holders of tickets, and any other persons claiming prizes, in respect of the lottery.

Repeal

19. The *Instant Lottery Rules 1991* and the *Instant Lottery (Telespin) Rules 1991* are repealed.

Transitional

20. Despite rule 19 the *Instant Lottery Rules 1991* and the *Instant Lottery (Telespin) Rules 1991* continue to the extent necessary to ensure payment of prizes for all instant lotteries conducted under those rules where —

- (a) the entitlement to the prize arose under those rules before the commencement of these rules; and
- (b) the payout period for the winning ticket has not elapsed

The Common Seal of the Commission was affixed on 12 June 1996 by order and in the presence of —

LLOYD STEWART, Chairperson.
DEBORAH McGEOCH, Member.
ANNE GRIFFITHS, Member.

