
LOTTERIES

LO301

Lotteries Commission Act 1990

**Lotteries Commission Rules Amendment
(COVID-19 Response) Rules 2020****SL 2020/52**

Made by the Lotteries Commission under section 28(1) of the Act.

Part 1 — Preliminary**1. Citation**

These rules are the *Lotteries Commission Rules Amendment (COVID-19 Response) Rules 2020*.

2. Commencement

These rules come into operation as follows —

- (a) Part 1 — on the day on which these rules are published in the *Gazette*;
- (b) the rest of the rules — on the day after that day.

Part 2 — *Lotteries Commission (Authorised Lotteries) Rules 2016* amended**3. Rules amended**

This Part amends the *Lotteries Commission (Authorised Lotteries) Rules 1996*.

4. Rule 3 amended

In rule 3 delete the definition of *payout period* and insert:

payout period means the period —

- (a) beginning on the day on which a lotto draw is conducted; and

- (b) ending on —
 - (i) if the result of the lotto draw is made available on the Lotterywest website in the period from 16 March 2019 to 15 March 2020 — 16 March 2021; and
 - (ii) if the result of the lotto draw is made available on the Lotterywest website in the emergency period — the day which is 24 months after the day on which the result of the lotto draw is publicly declared; and
 - (iii) otherwise — the day which is 12 months after the day on which the result of the lotto draw is made available on the Lotterywest website.

5. Rule 34 replaced

Delete rule 34 and insert:

34. Payment of prizes

A prize in a lotto draw is to be paid under this Division and Part 2 Division 5.

34A. Claims for prizes

To claim a prize in a lotto draw, the holder of a winning receipted ticket must present it —

- (a) at an appropriate location depending on the amount of the prize; and
- (b) within the payout period for the lotto draw; and
- (c) if the ticket is registered to a Lotterywest membership number that was used to register the ticket — together with the holder's Lotterywest membership card.

34B. Claims for prizes: provisions relating to the COVID-19 pandemic

- (1) This rule applies during the emergency period.
- (2) If the Commission is satisfied that, by reason of emergency circumstances, it is not reasonably practicable for the holder of a winning receipted ticket to claim a prize in a lotto draw by presenting a winning receipted ticket at an appropriate location in accordance with rule 34A, the holder may instead claim the prize by sending a copy or image of the ticket —
 - (a) to the Commission by email, post, facsimile or other electronic means; and

- (b) within the payout period for the lotto draw; and
- (c) together with —
 - (i) evidence of the holder's identity; and
 - (ii) the holder's bank account details; and
 - (iii) a statement by the holder in a form approved by the Commission affirming that the ticket is a valid ticket and that the holder is entitled to claim the prize.

35. Payment of prizes under this Division

- (1) Subject to subrules (2) and (4), a prize claimed under this Division will be paid in the manner determined by the Commission and within the payout period for the lottery draw and after any applicable validation period.
- (2) If a division 1 prize, or in the case of Set for Life, a division 1 or division 2 prize, is claimed and the details set out in the space provided on the receipted ticket for the prize winner's details are not sufficient to establish —
 - (a) the identity of the prize winner; or
 - (b) the name and address of the person to be paid; or
 - (c) if multiple names and addresses appear on the receipted ticket — which of the named people is to be paid,

the Commission may —

- (d) accept the claim but refuse to pay the prize until it is satisfied of the details referred to in paragraphs (a), (b) and (c); or
 - (e) if multiple names and addresses appear on the receipted ticket — accept the claim and pay the prize to the person whose name appears first; or
 - (f) reject the claim.
- (3) In order to satisfy itself of the details referred to in subrule (2)(a), (b) and (c), the Commission may request a statutory declaration containing such information as it may require as to the identity of the prize winner and person to be paid.
- (4) If the holder of a receipted ticket wins a division 1 prize in a lotto draw and one or more other prizes on the same ticket, none of those prizes are to be paid until after the validation period for that draw.

6. Various references to “12 months” amended

In the provisions listed in the Table delete “12 months” and insert:

see rule 3 the definition of *payout period*

Table

Sch. 3 Div. 3 in the item for Prize payout period	Sch. 4 Div. 3 in the item for Prize payment period
Sch. 5 Div. 3 in the item for Prize payout period	Sch. 6 Div. 3 in the item for Prize payout period
Sch. 7 Div. 3 in the item for Prize claim period	Sch. 9 in the item for Prize payout period

Part 3 — *Lotteries Commission (Instant Lottery)* *Rules 1996* amended

7. Rules amended

This Part amends the *Lotteries Commission (Instant Lottery) Rules 1996*.

8. Rule 2 amended

- (1) In rule 2 delete the definitions of:

payout period

validation period

- (2) In rule 2 insert in alphabetical order:

closure day has the meaning given in section 16A(1) of the Act;

payout period means the period —

- (a) beginning on the day a ticket in an instant lottery is purchased; and
- (b) ending on —
 - (i) if the closure day for the instant lottery is in the period from 16 March 2019 to 15 March 2020 — 16 March 2021; and
 - (ii) if the closure day for the instant lottery is in the emergency period — the day which is 24 months after the closure day; and
 - (iii) otherwise — the day which is 12 months after the closure day for the instant lottery;

validation period, in relation to an instant prize of \$5 000 or more, means the period —

- (a) beginning at midnight on the day on which the instant prize is claimed in accordance with rule 9 or 9AAA; and
- (b) ending at 5 pm on the day which is 14 days after the day on which the instant prize is claimed;

9. Rule 4 amended

In rule 4(3) delete “and” (first occurrence).

10. Rule 6 amended

In rule 6(a) delete “**removed “or agent use only”**” and insert:

removed” or “agent use only”

11. Rule 7 amended

In rule 7(1)(b) delete “**“or agent use only”**” and insert:

or **“agent use only”**

12. Rules 9 and 9A replaced

Delete rules 9 and 9A and insert:

9. Claims for instant prizes

To claim an instant prize in an instant lottery, the holder of a winning ticket must present it —

- (a) to either the Commission or an agent depending on the amount of the instant prize; and
- (b) within the payout period for the instant lottery; and
- (c) if there is a validation period to claim the instant prize — together with evidence of the holder’s identity and bank account details.

9AAA. Claims for instant prizes: provisions relating to COVID-19 pandemic

- (1) This rule applies during the emergency period.
- (2) If the Commission is satisfied that, by reason of emergency circumstances, it is not reasonably practicable for a holder of a winning ticket to claim an

instant prize in an instant lottery by presenting the winning ticket to the Commission or an agent in accordance with rule 9, the holder may instead claim the instant prize by sending a copy or image of the ticket —

- (a) to the Commission by email, post, facsimile or other electronic means; and
- (b) within the payout period for the instant lottery; and
- (c) together with —
 - (i) evidence of the holder's identity; and
 - (ii) the holder's bank account details; and
 - (iii) a statement by the holder in a form approved by the Commission affirming that the ticket is a valid ticket and that the holder is entitled to claim the instant prize.

9A. Payment of instant prizes

- (1) Subject to subrule (4), an instant prize claimed under this Part will be paid in the manner determined by the Commission and within the payout period for the instant lottery and after any applicable validation period.
- (2) Despite subrule (1), the Commission may exercise its absolute discretion to pay an instant prize before the expiry of any applicable validation period.
- (3) If there is no validation period to claim an instant prize, the Commission must pay the instant prize as soon as is practicable.
- (4) The Commission or an agent must not pay an instant prize claimed under this Part if the ticket to which the prize relates has, by the Commission or an agent —
 - (a) been marked “**paid**”; or
 - (b) been identified through a computer linked terminal as having been paid.

13. Rule 13 replaced

Delete rule 13 and insert:

13. Claims for second stage prizes

A prize winner must claim a second stage prize in an instant lottery from the Commission within the payout period for the instant lottery.

13A. Claims for second stage prizes: provisions relating to COVID-19 pandemic

- (1) This rule applies during the emergency period.
- (2) If the Commission is satisfied that, by reason of emergency circumstances, it is not reasonably practicable for a holder of a winning ticket in a second stage of an instant lottery to claim the prize from the Commission in accordance with rule 13, the holder may instead claim the prize by sending a copy or image of the ticket —
 - (a) to the Commission by email, post, facsimile or other electronic means; and
 - (b) within the payout period for the instant lottery; and
 - (c) together with —
 - (i) evidence of the holder's identity; and
 - (ii) the holder's bank account details; and
 - (iii) a statement by the holder in a form approved by the Commission affirming that the ticket is a valid ticket and that the holder is entitled to claim the prize.

13B. Payment of second stage prizes

- (1) Subject to subrule (2) —
 - (a) a monetary second stage prize will be paid in the manner determined by the Commission; and
 - (b) a non-monetary second stage prize may be converted into a monetary prize in an amount equal to the retail value of the prize if the conversion is specified in the permit for the instant lottery.
- (2) A second stage prize is forfeited if the prize is not claimed in accordance with —
 - (a) this Part; and
 - (b) the terms and conditions of the instant lottery.

The Common Seal of the Lotteries)
Commission was affixed on the)
30th day of April, 2020,)
by order and in the presence of —)

L.S.

S. P. KLINKEN, Chairperson.

S. CARRE, Board Member.

J. MCGINTY, Board Member.