



Western Australia

Lotteries Commission Act 1990

Lotteries Commission (Instant Lottery) Rules 1996

Lotteries Commission (Instant Lottery) Rules 1996

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Defined terms

Lotteries Commission (Instant Lottery) Rules 1996

Part 1 — Preliminary

1. Citation

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

2. Interpretation

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 any branch or section of the Commission;

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

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 lottery promotion means a second stage draw competition run by the Commission involving one or multiple instant lotteries;

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 address and postcode of a person;

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;

ticket means an instant lottery ticket;

ticket identification number has the meaning given in rule 4A;

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;

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.

[Rule 2 amended: Gazette 20 Mar 1998 p. 1533; 7 Jan 2020 p. 11; SL 2020/52 r. 8.]

3. Application

- (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 lottery promotions.

[Rule 3 amended: Gazette 7 Jan 2020 p. 11.]

Part 2 — Tickets

4. Security code

- (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 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 or an instant lottery promotion.

[Rule 4 amended: Gazette 7 Jan 2020 p. 11; SL 2020/52 r. 9.]

4A. Ticket identification number

The Commission may include on any part of a ticket a unique identification distinguishing number (*ticket identification number*) which may be used for the purposes of rule 9AA(3).

[Rule 4A inserted: Gazette 7 Jan 2020 p. 11.]

5. All prizes may be claimed before ticket lot sold

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.

5A. Issue of Tickets

The Commission may nominate a date on the Lotterywest website for when the Commission will cease to issue tickets in a particular lot of tickets to an agent for sale irrespective of whether the Commission has unsold books.

[Rule 5A inserted: Gazette 7 Jan 2020 p. 12.]

6. Void tickets

A ticket is void and incapable of winning a prize if the ticket —

- (a) has a number under the “**void if removed**” or “**agent use only**” 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”, “not for sale” or “specimen” marked under the “void if removed” or “agent use only” panel, or elsewhere on the ticket;
- (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.

[Rule 6 amended: Gazette 7 Jan 2020 p. 12; SL 2020/52 r. 10.]

7. Tickets voidable at the discretion of the Commission

- (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**” or “**agent use only**” 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, or an instant lottery promotion, 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.

[Rule 7 amended: Gazette 7 Jan 2020 p. 12; SL 2020/52 r. 11.]

8. Limited liability of Commission for void tickets

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

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.

[Rule 9 inserted: SL 2020/52 r. 12.]

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.

[Rule 9AAA inserted: SL 2020/52 r. 12.]

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.

[Rule 9A inserted: SL 2020/52 r. 12.]

Part 4 — Second stage

9AA. Entries

- (1) For the purposes of this Part, a person may enter a ticket in the second stage of an instant lottery or an instant lottery promotion by—
 - (a) digitally entering the ticket in accordance with subrules (2) and (3); or
 - (b) such other means as directed by the Commission.
- (2) A ticket is digitally entered in the second stage of an instant lottery or an instant lottery promotion if the holder of the ticket successfully enters the ticket in the second stage of the lottery by means of the Lotterywest website or as directed by the Commission.
- (3) The holder of a ticket must, at the time of digitally entering the ticket in the second stage of an instant lottery or an instant lottery promotion, provide the ticket identification number of the ticket.

[Rule 9AA inserted: Gazette 7 Jan 2020 p. 12-13.]

10. Supervision of draw or selection of tickets

- (1) The Commission must ensure that the draw or selection of a potential winning ticket in the second stage of an instant lottery or an instant lottery promotion is supervised —
 - (a) by an officer from the department of the Public Service principally assisting in the administration of the *Gaming and Wagering Commission Act 1987*; or
 - (b) where, in the opinion of the Commission, it is not necessary for an officer referred to in paragraph (a) to supervise that stage of the lottery, by such person and in such a manner as determined by the Commission.

- (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.

[Rule 10 amended: Gazette 7 Jan 2020 p. 13.]

11. Eligibility for second stage prizes

A ticket is not eligible to win a prize in the second stage of an instant lottery or an instant lottery promotion 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 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; or
- (c) the holder of the ticket has not complied with rule 12(1A) where the ticket was digitally entered in the second stage of the lottery

[Rule 11 inserted: Gazette 7 Jan 2020 p. 13.]

12. Tickets drawn or selected to be checked

- (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.
- (1A) If the drawn or selected ticket was digitally entered in the second stage of the lottery or an instant lottery promotion, the holder of the ticket must provide the ticket to the Commission for the purposes of subrule (1) in the manner notified by the Commission on the Lotterywest website.
- (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.

[Rule 12 amended: Gazette 7 Jan 2020 p. 13.]

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.

[Rule 13 inserted: SL 2020/52 r. 13.]

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.

[Rule 13A inserted: SL 2020/52 r. 13.]

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.

[Rule 13B inserted: SL 2020/52 r. 13.]

14. Multiple names on ticket

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

15. Rules to be made available

- (1) A copy of these rules must be kept and maintained on the Lotterywest website.
- (2) In addition to the requirement in subrule (1) the Commission may also publicise the rules, and any amendment to them, in any other manner it thinks fit.

[Rule 15 inserted: Gazette 7 Jan 2020 p. 13.]

16. Publication of name and address of prize winners

The Commission may publish the name and address of a prize winner, except in an instance where the winner has expressed to the Commission in an appropriate manner not to publish those details.

[Rule 16 amended: Gazette 7 Jan 2020 p. 14.]

16A. No obligation to release information

Nothing in these rules requires the Commission to release to a person, or to the public generally, information as to —

- (a) whether any or all of the prizes for a particular lot of tickets, or a particular instant lottery or an instant lottery promotion, have been won or claimed;
- (b) the persons who have won or claimed prizes in an instant lottery or an instant lottery promotion; or
- (c) the amount (if any) of the prize pool still available to be won from a particular lot of tickets, or a particular instant lottery or an instant lottery promotion.

[Rule 16A inserted: Gazette 21 Jul 2000 p. 3891; amended: Gazette 7 Jan 2020 p. 14.]

17. Statutory declarations

- (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 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.

[Rule 17 amended: Gazette 7 Jan 2020 p. 14.]

18. Decisions of Commission final and binding

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.

[19. Omitted under the Reprints Act 1984 s. 7(4)(f).]

[20. Omitted under the Reprints Act 1984 s. 7(4)(e).]



Notes

This is a compilation of the *Lotteries Commission (Instant Lottery) Rules 1996* and includes amendments made by other written laws. For provisions that have come into operation, and for information about any reprints, see the compilation table.

Compilation table

Citation	Published	Commencement
<i>Lotteries Commission (Instant Lottery) Rules 1996</i>	23 Jul 1996 p. 3525-36	23 Jul 1996
<i>Lotteries Commission (Instant Lottery) Amendment Rules 1998</i>	20 Mar 1998 p. 1533	29 Mar 1998 (see r. 2)
<i>Lotteries Commission (Instant Lottery) Amendment Rules 2000</i>	21 Jul 2000 p. 3891-2	21 Jul 2000
Reprint 1: The Lotteries Commission (Instant Lottery) Rules 1996 as at 10 Oct 2003 (includes amendments listed above)		
<i>Lotteries Commission (Instant Lottery) Amendment Rules 2019</i>	7 Jan 2020 p. 11-14	r. 1 and 2: 7 Jan 2020 (see r. 2(a)); Rules other than r. 1 and 2: 8 Jan 2020 (see r. 2(b))
<i>Lotteries Commission Rules Amendment (COVID-19 Response) Rules 2020 Pt. 3</i>	SL 2020/52 5 May 2020	6 May 2020 (see r. 2(b))

Defined terms

[This is a list of terms defined and the provisions where they are defined.

The list is not part of the law.]

Defined term	Provision(s)
agent.....	2
closure day	2
computer linked terminal	2
instant lottery promotion.....	2
instant prize.....	2
name and address	2
payout period	2
ticket	2
ticket identification number	2
validation period	2
void	2