



# **GAME RULES**

## ***IMPORTANT***

**These rules must be displayed for public scrutiny**



**NSW Lotteries**



**Version 2.0  
1 April 2010**

## **PUBLIC LOTTERIES ACT 1996**

### **INSTANT LOTTERIES RULES**

It is hereby notified that the Minister administering the Public Lotteries Act 1996, has approved of the following Rules for the Conduct of Instant Lottery and Promotional Instant Lotteries. In accordance with Section 23(3)(b) of the Act, these Rules take effect on and from 1 April 2010. These Rules supersede the Rules notified previously in the Government Gazette.

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## **RULE 1      DEFINITIONS**

- (a) In these Rules unless inconsistent with the context:
- (i) “Act” means the Public Lotteries Act 1996, any amendment, modification, variation, or abrogation thereof for the time being in force;
  - (ii) “Agency” means a place at which an Agent is allowed to:
    - (1) receive Subscriptions for and sell Tickets in an Instant Lottery;
    - (2) receive entries in a Promotional Instant Lottery and provide Promotional Instant Lottery Tickets; and
    - (3) in the case of a Direct Mail Agent receive Subscriptions and instructions to purchase Instant Lottery Tickets and to provide Promotional Instant Lottery Tickets on behalf of Subscribers;
  - (iii) “Agent” means a person appointed by the Licensee for purposes associated with Instant Lotteries and Promotional Instant Lotteries Conducted by the Licensee and includes a Direct Mail Agent;
  - (iv) “Ancillary Fee” means a fee which the Chief Executive Officer of the Licensee may from time to time authorise a Direct Mail Agent to charge a Player from whom a Direct Mail Agent accepts a subscription;
  - (v) “Approved” means approved in writing by the Minister;
  - (vi) “Chief Executive Officer” means the Chief Executive Officer of the Licensee or such delegate appointed by the Chief Executive Officer pursuant to Rule 3(f);
  - (vii) "Commission" means an amount:
    - (1) paid to, deducted by or retained by an Agent in connection with a Subscription (whether or not in the person’s capacity as an Agent); and
    - (2) determined by or in accordance with, and identified as Commission in, the conditions of the Product Licence or these Rules;
  - (viii) “Computer Linked Terminal” means the computer equipment of the Licensee located in Agencies which is linked to the Licensee’s central processing computer equipment for purposes associated with Instant Lotteries and Promotional Instant Lotteries, including determining whether a Prize has been won;
  - (ix) “Computer Records” means the sum of information, including Ticket Serial Number information, which is provided to the Licensee by way of the Licensee’s central processing computer equipment in respect of an Instant Lottery or a Promotional Instant Lottery and which is retained or recorded on a magnetic tape or otherwise stored;

- (x) “Conduct” in relation to an Instant Lottery and Promotional Instant Lottery has the same meaning as assigned to it by Section 4(1) of the Act;
- (xi) “Director” means a Director of the Board of Directors of the Licensee;
- (xii) “Direct Mail Agent” means an Agent, approved by the Minister, who is authorised by the Licensee to receive Subscriptions, Commissions and instructions in respect of an Instant Lottery or entries and instructions with respect to a Promotional Instant Lottery from a Player.
- (xiii) “Draw” means the drawing of a public lottery conducted as part of an Instant Lottery or Promotional Instant Lottery in accordance with Rule 7(q);
- (xiv) “Employee” means an employee of the Licensee. In other contexts where appropriate, “Employee” includes an employee of an Agent;
- (xv) “Fee” means the sum of the Commission and Subscription;
- (xvi) “Instant Lottery” means a public lottery Conducted pursuant to the Act, the Operator Licence, the Product Licence, Rules and Regulations whereby Prizes are determined (wholly or partly) by revealing Numbers on Tickets in the lottery (whether or not additional Prizes are determined in any other manner) but does not include Promotional Instant Lotteries;
- (xvii) “Licensee” means New South Wales Lotteries Corporation Pty Ltd;
- (xviii) “Minister” means the Minister for the time being administering the Act;
- (xix) “Numbers” has the same meaning as contained in Section 5 of the Act;
- (xx) “Operator Licence” means the operator licence granted to the Licensee, pursuant to the Act, to conduct any public lottery for which it, from time to time, holds a Product Licence granted pursuant to the Act;
- (xxi) “Player” means a person who:
  - (1) has paid the correct Subscription and Commission for a valid Instant Lottery Ticket; and
  - (2) holds, bears and submits a valid Ticket to the Licensee, and Agent for the purposes of receiving a Prize; and;

includes where relevant a person who has validly entered a Promotional Instant Lottery and who holds, bears and submits a ticket in the Promotional Instant Lottery to the Licensee, and Agent or a Direct Mail Agent for the purposes of receiving a Prize;
- (xxii) “Prize” means any prize determined in accordance with Rule 7;
- (xxiii) “Prize Allocation” shall be determined by the Licensee and has the meaning provided in Rule 7 (b);

- (xxiv) "Prize Fund" means the account established under Section 27 of the Act and known as the Instant Lottery Prize Fund Account;
- (xxv) "Prize Pool" is the proportion of Subscriptions paid into the Prize Fund for a particular Instant Lottery and has the meaning specified in Rule 7(a).
- (xxvi) "Prize Reserve Fund" means the fund located in the Prize Fund under Section 27 of the Act containing
- (1) the amounts specified in Rule 7(c);
  - (2) an amount representing any unclaimed Prizes, subject to a direction under Section 27A of the Act.
- (xxvii) "Product Licence" means the product licence granted to the Licensee to Conduct Instant Lotteries and Promotional Instant Lotteries pursuant to Section 12 of the Act;
- (xxviii) "Promotional Instant Lottery" means a public lottery Conducted for the purpose of promoting an Instant Lottery, and in respect of which:
- (1) eligibility to enter is confined to Players in an Instant Lottery which is currently selling or in which selling has concluded; and
  - (2) no further Subscription or Commission is charged;
- (xxix) "Regulation" means a regulation made under the Act;
- (xxx) "Rules" means these Rules made under the Act any amendment, modification, variation, or abrogation thereof for the time being in force;
- (xxxi) "Subscription" means the amounts paid for Entries but does not include the following:
- (1) Ancillary Fees; or
  - (2) Commission, unless the Act expressly provides otherwise;
- (xxxii) "Ticket" means the form of entry to an Instant Lottery or Promotional Instant Lottery, whether it be in documentary or other approved form, as agreed by the Chief Executive Officer, which permits a Player to play an Instant Lottery or Promotional Instant Lottery and which evidences:
- (1) in the case of an Instant Lottery, that a Player has paid the correct Subscription to enter the Instant Lottery; and
  - (2) in the case of a Promotional Instant Lottery, that a Player has validly entered the Promotional Instant Lottery;

and which may be validated by a Computer Linked Terminal and which may include a Ticket Serial Number and such other tests to determine the validity of the Ticket and whether it has won a Prize;

(xxxiii) "Ticket Serial Number" means the verification code in the form of numbers and/or letters and/or bar codes which may be printed on Tickets and which constitute the means by which the Licensee can determine after the issue of the Ticket whether it is a valid Ticket and also whether it has won a Prize;

(b) In these Rules unless inconsistent with the context:

- (i) a reference to the singular shall include the plural, and vice versa;
- (ii) headings are for convenient reference only and have no effect in limiting or extending the language of the provisions to which they refer.

## **RULE 2      CONDUCT OF INSTANT LOTTERIES AND PROMOTIONAL INSTANT LOTTERIES**

- (a) These Rules are to be read subject to the Act, its Regulations, the Operator Licence and the Product Licence and shall apply to every Instant Lottery and Promotional Instant Lottery.
- (b) All decisions made by the Chief Executive Officer concerning the Prize Fund and the declaration and payment of Prizes shall be final and binding on all Players.
- (c) An Instant Lottery or Promotional Instant Lottery shall, at its commencement, have a Prize structure as determined by the Chief Executive Officer.
- (d) The Prize structure shall comprise the number and value of Prizes to be offered by the Licensee to Players during the period of each Instant Lottery or Promotional Instant Lottery, as the case may be.
- (e) During the period in which the Licensee:
  - (i) offers for sale Tickets in an Instant Lottery; or
  - (ii) accepts entries in a Promotional Instant Lottery;some or all of the Prizes in the approved Prize structure may already have been won when a Player:
  - (iii) purchases a Ticket in an Instant Lottery; or
  - (iv) enters a Promotional Instant Lottery;leaving the balance of Prizes still available to be won by Players, or no Prizes, as the case may be, at the time of their respective purchase or entry.
- (f) There shall be no obligation or liability imposed upon the Licensee whatsoever to advise or otherwise inform prospective Players in an Instant Lottery or Promotional Instant Lottery of the number or nature of Prizes still available, or if any Prizes are still available, to be won by them at the time of their proposed purchase of a Ticket in an Instant Lottery or entry in a Promotional Instant Lottery, as the case may be.
- (g) A Ticket in an Instant Lottery may include a Promotional Instant Lottery on the same Ticket.
- (h) A Ticket in an Instant Lottery or Promotional Instant Lottery may include one or more Prizes to be won on the same Ticket.
- (i) An Instant Lottery or Promotional Instant Lottery may require the Player to reveal a winning Number on more than one Ticket in order to win a Prize.
- (j) The Licensee may Conduct a Promotional Instant Lottery in such manner and at such times and places as the Licensee determines.
- (k) A Promotional Instant Lottery may be Conducted in conjunction with an Instant Lottery or separately from an Instant Lottery.

### **RULE 3      APPLICATION OF RULES**

- (a) These Rules and all instructions and conditions printed on Tickets shall apply to each Instant Lottery or Promotional Instant Lottery and shall be binding on all Players.
- (b) In the event of any inconsistency between these Rules and the instructions and conditions printed on Tickets, these Rules shall prevail.
- (c) These Rules shall apply to each Promotional Instant Lottery and shall be binding on all Players.
- (d) By entering an Instant Lottery or Promotional Instant Lottery Players agree to be bound by these Rules and to accept as final and binding on them all decisions made by the Chief Executive Officer.
- (e) An Agent, including a Direct Mail Agent, has no authority to bind the Licensee in contract or otherwise.
- (f) The Chief Executive Officer may appoint a delegate to perform a function under these Rules which function would otherwise be required to be performed by the Chief Executive Officer. Such appointment shall be on such terms and conditions as the Chief Executive Officer may determine.
- (g) Any reference to the Chief Executive Officer in these Rules shall include a reference to a duly authorised delegate of the Chief Executive Officer under Rule 3(f).
- (h) These Rules will be displayed and made available for inspection at each Agency.

## **RULE 4      RULES APPLYING TO TICKETS**

- (a) The Ticket issued to the Player shall constitute the Player's official receipt and acceptance thereof shall constitute the Player's acknowledgment of all details thereon and shall be the only form issued by the Licensee or its Agent to the Player evidencing the Player's entry in a particular Instant Lottery or Promotional Instant Lottery.
- (b) Neither the Licensee nor an Agent shall be liable to a Player in the event of the destruction, loss, theft or mutilation of a Ticket issued to a Player. It shall be the sole responsibility of the Player to ensure the safe custody of a Ticket issued to the Player.
- (c) In the event that the particulars recorded on the Player's Ticket are not consistent with the particulars held by the Licensee by way of Computer Records or such other records held by the Licensee or otherwise available to the Licensee from its authorised contractor, then the latter mentioned particulars and records shall apply and shall determine what Prize, if any, the Player shall be entitled to and the Player shall be bound by any such determination. Particulars which may be recorded on a Ticket include the Ticket Serial Number and other security and/or prize validation related information, the Numbers to be revealed and information regarding the particular Instant Lottery or Promotional Instant Lottery entered as well as the details of the particular book and ticket number.
- (d) A Ticket shall at all times remain the property of the Licensee and a Player shall deliver up any Ticket to the Licensee upon demand.
- (e) A Player in an Instant Lottery may indicate anonymity is desired by clearly marking the box styled "NFP" on the Ticket with a cross or tick to indicate that the details relating to the Player shown on the Ticket should not be published.
- (f) The identity of a Player who has marked a ticket in the manner referred to in Rule 4(e) must not be published by the Licensee.
- (g) A Player may at any time revoke a request for anonymity and participate in any promotion or marketing activity requested by the Licensee.
- (h) Where a Player submits a Ticket as trustee, representative or nominee for another person or persons, the Licensee will be taken to have no knowledge, nor to be on notice whether actual or constructive, of any such arrangement and the transaction will be conducted solely with the Player.
- (i) A Ticket in an Instant Lottery shall contain instructions specifying:
  - (i) the manner in which the Ticket holder may determine whether an Instant Lottery Prize has been won; and
  - (ii) the procedures for claiming an Instant Lottery Prize.
- (j) Subject to Rule 7 the Chief Executive Officer may pay a Prize to a person who holds, bears or submits a Ticket in an Instant Lottery or a ticket in a Promotional Instant Lottery to the Licensee or an Agent for the purpose of receiving a Prize if the Chief Executive Officer is satisfied that the Ticket Serial Number and/or other security tests as the Chief Executive Officer thinks necessary show that the Ticket is a valid Ticket and has won a Prize.

## **RULE 5      PRICE OF TICKETS, COMMISSION AND ANCILLARY FEE**

- (a) The Licensee shall set, as approved, the amount payable by Players, excluding Commission, in respect of the sale of Tickets in an Instant Lottery;
- (b) The Licensee shall set, as approved, the Commission payable to Agents in respect of the sale of Tickets in an Instant Lottery;
- (c) The Commission payable to any Agent is not to exceed the amount set under Schedule 1, and does not include any Ancillary Fees charged by a Direct Mail Agent.
- (d) A Direct Mail Agent may charge an Ancillary Fee as authorised by the Chief Executive Officer from time to time.

**RULE 6      SALE OF INSTANT LOTTERY TICKETS AND ENTRIES IN  
PROMOTIONAL INSTANT LOTTERIES**

- (a) The sale of a Ticket in an Instant Lottery shall not be considered to have been made until the Subscription has been paid in respect of that Ticket.
- (b) A person under the age of eighteen (18) years is not permitted to purchase a Ticket in an Instant Lottery or a Promotional Instant Lottery;
- (c) A Ticket in an Instant Lottery may only be sold through:
  - (i) an Agent; or
  - (ii) by post, in accordance with Rule 6(e).
- (d) A Direct Mail Agent may receive instructions by post, telephone, facsimile or modem (internet) and such Direct Mail Agent may receive Prize cheques for and on behalf of Players.
- (e) Fees payable in respect of the sale of Tickets by post by the Licensee may be paid by postal note, or bank, building society or personal cheque. Payment by cheque is taken to have been effected when payment of the amount of the cheque has been made to the Licensee by the bank, building society or credit union on which the cheque is drawn.
- (f) The Chief Executive Officer is to determine the form of entries in a Promotional Instant Lottery that will be used by the Licensee in determining whether one or more Prizes have been won in the Promotional Instant Lottery.
- (g) Without limiting Rule 6(f), the Chief Executive Officer may determine that entries in a Promotional Instant Lottery are to be in the form of any of the following (or combination of the following):
  - (i) portions of a Ticket in an Instant Lottery nominated by the Chief Executive Officer;
  - (ii) any other Ticket or document;
  - (iii) entries made by means of an electronic or mechanical device or by a telecommunications system.
- (h) If an entry in a Promotional Instant Lottery is to consist of a portion of an Instant Lottery Ticket:
  - (i) the manner in which each game is to be played is to be clearly displayed on separate portions of each Ticket; and
  - (ii) the play areas of the Instant Lottery and Promotional Instant Lottery are to be displayed on separate portions of each Ticket.
- (i) If an entry in a Promotional Instant Lottery is to consist of a Ticket or document, a Ticket or document issued to an entrant in the Promotional Instant Lottery:
  - (i) constitutes the Player's official receipt;

- (ii) is, following its acceptance, to constitute the Player's acknowledgment of the details on the entry; and
- (iii) is to be the only document issued by the Licensee, its Agents to the entrant evidencing the processing of an entry in the Promotional Instant Lottery.

## **RULE 7      PRIZES**

- (a) The Prize Pool in an Instant Lottery shall be not less than fifty five percent (55%) and not more than sixty three point four percent (63.4%) of Subscriptions.
- (b) The Prize Allocation in a particular Instant Lottery shall comprise:
  - (i) the Prizes in the Instant Lottery;
  - (ii) the number of Tickets in the Instant Lottery; and
  - (iii) the cost of Prizes, which shall be not less than fifty five percent (55%) of Subscriptions, and which shall be funded in whole or in part from the Prize Pool.
- (c) Where the cost of Prizes in an Instant Lottery is less than sixty three point four percent (63.4%) of Subscriptions, that amount representing the difference between that cost and sixty three point four percent (63.4%) shall be retained in the Prize Reserve Fund.
- (d) Where the cost of Prizes in an Instant Lottery would otherwise exceed sixty three point four percent (63.4%) of Subscriptions, the amount representing the difference between that cost and sixty three point four percent (63.4%) of Subscriptions shall be drawn from the Prize Reserve Fund.
- (e) The Prizes payable in respect of an Instant Lottery are to be determined:
  - (i) by revealing the Number on the Tickets in the lottery; or
  - (ii) in such other manner as is approved by the Chief Executive Officer for the purposes of the particular Instant Lottery.
- (f) Without limiting Rule 7(e), Prizes in an Instant Lottery may be determined by the inclusion of Tickets in the lottery in a draw.
- (g) If any Prizes in an Instant Lottery are to be determined in a manner approved under Rule 7(e)(ii), the Licensee is to give notice of the manner of determination:
  - (i) by indicating the manner of determining the Prize on each Ticket in the Instant Lottery; or
  - (ii) by publicly advertising the manner of determination of the Prize, or both.
- (h) The Prizes payable in an Instant Lottery are to consist of one or more of the following:
  - (i) money;
  - (ii) Tickets in an Instant lottery;
  - (iii) Tickets in any other lottery;
  - (iv) such other prizes as may (subject to this clause) be determined by the Licensee.

- (i) The Chief Executive Officer may change or alter the nature of any Prize offered in an Instant Lottery, including the conversion of any Prize (or part of a Prize) into a monetary equivalent.
- (j) A Prize in an Instant Lottery or a Promotional Instant Lottery must not consist of or include tobacco.
- (k) A Prize in an Instant Lottery or a Promotional Instant Lottery must not consist of or include liquor within the meaning of the Liquor Act 1982.
- (l) The Prizes payable in a Promotional Instant Lottery may consist of one or more of the following:
  - (i) money;
  - (ii) holidays;
  - (iii) travel;
  - (iv) accommodation;
  - (v) services or goods provided by the Licensee or by persons or bodies other than the Licensee, whether or not for valuable consideration; and
  - (vi) such other Prizes as may (subject to this clause) be determined by the Chief Executive Officer.
- (m) The Chief Executive Officer is to determine the number, nature and value of Prizes in each Promotional Instant Lottery.
- (n) The Licensee is to publicly advertise or otherwise promote the nature and value of, and the conditions relating to payment of, Prizes, and where practical the number of Prizes, in each Promotional Instant Lottery Conducted by it.
- (o) The Chief Executive Officer may change or alter the nature of any Prize offered in a Promotional Instant Lottery, including (but not limited to) the following:
  - (i) the replacement of any holiday destination offered as a Prize or part of a Prize with another holiday destination;
  - (ii) the replacement of any mode of travel offered as a Prize or part of a Prize with another mode of travel;
  - (iii) the replacement of any form of accommodation offered as a Prize or part of a Prize with another form of accommodation;
  - (iv) the resupply of services or the replacement of goods provided by the Licensee or by persons or bodies other than the Licensee; and
  - (v) the conversion of any Prize (or part of a Prize) provided by the Licensee or by another person or body into a money equivalent.

(p) The Prizes in a Promotional Instant Lottery are payable in such manner as is approved by the Chief Executive Officer for the purposes of that Promotional Instant Lottery.

(q) Drawing for Instant Lottery Prizes

This Rule applies when the Licensee determines that some of the Prizes in an Instant Lottery are to be determined by a Draw:

- (i) A Ticket in an Instant Lottery is eligible to be included in a Draw in such circumstances as may be indicated or publicly advertised in accordance with Rule 7(g)(ii).
- (ii) A Draw is to be conducted at such times and in such manner as the Licensee may determine.
- (iii) Prize winners in a Draw are to be selected at random by such means (including the use of mechanical, electronic or other devices or aids) as the Minister may approve.
- (iv) A Draw is to be carried out under the control and direction of the Licensee.
- (v) The Licensee is, as far as is reasonably practicable, to ensure the security, performance and accuracy of any device or aid used in connection with a Draw.
- (vi) Each draw in an Instant Lottery is to be open to the public.
- (vii) The Licensee is, if possible, to notify Prize winners in a Draw that they have won a Prize and may require them to claim the Prize before payment of the Prize.

## **RULE 8      PROCEDURES FOR CLAIMING AND PAYMENT OF PRIZES**

- (a) A Prize in an Instant Lottery is payable only on presentation of a Ticket in that Instant Lottery indicating that the Prize has been won and after the Licensee is satisfied that the Ticket Serial Number and/or other security tests as the Licensee deems necessary show that the Ticket is valid and has won the Prize;
- (b) A Prize is not payable in a Promotional Instant Lottery unless:
  - (i) the entry submitted in the Promotional Instant Lottery is in the form determined by the Chief Executive Officer under Rule 6; and
  - (ii) if the form of entry requires the Player to have purchased a Ticket in an Instant Lottery, the Ticket satisfies any test used by the Chief Executive Officer to determine whether the Ticket is valid,and the claimant has complied with all conditions relating to the Promotional Instant Lottery advertised under Rule 7(n).
- (c) The Licensee may record on a Ticket in a Promotional Instant Lottery a verification code or other test and use it to determine whether the Ticket in a Promotional Instant Lottery is a valid entry and whether it has won a Prize. A Prize is only payable in respect of a Ticket in a Promotional Instant Lottery if such verification code or other test shows that the Ticket is valid and has won a Prize.
- (d) The Chief Executive Officer shall from time to time approve the form and content of the claim form to be forwarded by Players when claiming a Prize in an Instant Lottery or Promotional Instant Lottery.
- (e) A Prize exceeding \$1,000.00 must be claimed by lodgement with the Licensee of a Prize claim form containing or accompanied by the like particulars set out in the claim form and any other evidence that the Chief Executive Officer may from time to time require;
- (f) A Prize not exceeding \$1,000.00 shown on a Computer Linked Terminal will be paid to a Player, upon surrender of a winning Ticket, by an Agent with a Computer Linked Terminal;
- (g) A Prize not paid by an Agent in accordance with Rule 8(f) will be paid by the Licensee by cheque, or at the discretion of the Licensee by electronic funds transfer, upon the submission to the Licensee of a Prize claim form, the Prize winning Ticket and such other evidence as the Chief Executive Officer may from time to time require;
- (h) Any cheque drawn in payment of a Prize:
  - (i) must be made payable to the order of one named Prize winner as shown on the Prize winning Ticket or otherwise indicated on a Prize claim form on submission of the Prize winning Ticket; and
  - (ii) must be crossed and marked "not negotiable".
- (i) A Player who claims to be entitled to a Prize and whose Ticket is not shown as a winner by the Ticket Serial Number and/or such other security test deemed

necessary by the Chief Executive Officer must lodge a Prize claim form containing or accompanied by the particulars required on the claim form;

- (j) The payment of Prizes to Players who are known to have died before receiving any or all of a particular Prize shall be made in accordance with the laws of New South Wales;
- (k) Subject to Section 27 of the Act, all unclaimed or uncollected Prizes shall be retained in the Prize Fund for payment to the Players or entitled thereto;
- (l) Where payment of a Prize is made by cheque and mailed, it shall be posted to the name and address shown on the claim form. Thereafter, the Licensee shall not be held liable for any loss, delay in the delivery thereof or any negotiation of such cheque. A certificate under the hand of the Chief Executive Officer verifying the date of posting shall be conclusive evidence of same;
- (m) A Prize may be claimed through an Agent or by mail direct to:

*The Chief Executive Officer  
New South Wales Lotteries  
2 Figtree Drive  
SYDNEY OLYMPIC PARK NSW 2127*

or such other address as may be publicly notified from time to time by the Chief Executive Officer. A Prize claim form for a Prize may be forwarded by an Agent to the Licensee at the request of a Player or the Player may forward the Prize claim form to the Licensee direct;

- (n) Where more than one name is advised on a Ticket or on a claim form, payment to any one person so named at the address so given shall discharge the Licensee from all liability in respect of such payment to the other person so named;
- (o) The payment of all Prizes pursuant to this Rule 8 will discharge the Licensee from liability notwithstanding the existence of any trust whether express, constructive or implied. Where the Licensee has paid a Player pursuant to this Rule 8 and the Chief Executive Officer is, after such payment has been made, of the view that:
  - (i) the Player was not the Player to whom such payment should have been made; or
  - (ii) a Prize is not payable to the Player

the Player shall upon being requested to do so by the Licensee in writing refund to the Licensee the monies forwarded to him or her;

- (p) The Licensee shall be entitled, in its absolute discretion, to recognise the person who holds, bears and submits a Ticket as the Prize winner.
- (q) The Licensee accepts no responsibility or liability for lost or stolen Tickets.

## **RULE 9      IDENTITY**

The Licensee may require a claimant for a Prize in an Instant Lottery or Promotional Instant Lottery:

- (a) to furnish such evidence of the claimant's identity as the Licensee thinks sufficient to establish the claimant's identity; and
- (b) to verify that evidence in such manner as the Licensee considers appropriate.

## **RULE 10      EFFECT OF PAYMENT**

- (a) The Licensee need not inquire into the entitlement to claim a Prize of any person who presents a Prize winning Ticket in an Instant Lottery or presents or submits a Prize winning entry in a Promotional Instant Lottery.
- (b) Payment of a Prize to such a claimant in accordance with this Part discharges the Licensee from any action, liability, claim or demand from any other person in relation to the entry.

## **RULE 11      ADDITIONAL CIRCUMSTANCES WHEN PRIZES ARE NOT PAYABLE**

- (a) A Prize is not payable in an Instant Lottery or Promotional Instant Lottery:
- (i) if the Ticket in the Instant Lottery or an entry in the Promotional Instant Lottery presented by the claimant for the Prize is damaged, altered, reconstituted or counterfeit; or
  - (ii) if the Ticket in the Instant Lottery or entry in the Promotional Instant Lottery is stolen or is a Ticket or entry that has been printed but not issued by the Licensee; or
  - (iii) if the Licensee has reasonable cause to suspect fraud or attempted fraud (whether computer related or otherwise); or
  - (iv) if the Player has tendered insufficient Fee for the Ticket or has presented a cheque that is subsequently dishonoured or if the form of payment tendered is not otherwise acceptable to the Licensee; or
  - (v) in such other circumstances as are specified on the Ticket or entry or as have been publicly advertised by the Licensee in relation to the Instant Lottery or Promotional Instant Lottery; or
  - (vi) in respect of a Ticket which fails any confidential security test of the Licensee; or
  - (vii) any other breach of these Rules which justifies disqualification.
- (b) A Prize in an Instant Lottery or Promotional Instant Lottery is not payable to a person apparently under the age of 18 years.
- (c) The Licensee must use its best endeavours to notify a person whose name and address is shown on a Ticket or entry on which a Prize is not payable under this clause and must provide reasons why the Prize is not payable.
- (d) Nothing in Rule 11(a) prevents a Prize from being paid in respect of a damaged Ticket or entry if the Licensee determines that the Ticket or entry is a valid Ticket or entry and that it has won a Prize.

## **RULE 12      LIMITATION OF LIABILITY**

- (a) By entering an Instant Lottery or Promotional Instant Lottery a Player acknowledges that he or she has entered into an agreement with the Licensee and the Agent and agrees to be bound by the provisions of these Rules which subsist for the benefit of the Licensee, Board of Directors, the Chief Executive Officer, the Agent and all Employees thereof.
- (b) The Licensee, Directors, the Chief Executive Officer, the Agent and all Employees thereof shall have no responsibility or liability to a Player or any other person by reason of the loss or destruction of a Ticket for any reason or from any cause (whether arising from, or contributed to by, negligence or otherwise) beyond the amount of the Subscription paid in respect of that Ticket.
- (c) The Licensee, Directors, and the Chief Executive Officer shall have no responsibility or liability to pay a Player who claims a Prize and is unable to submit a Ticket. The Licensee shall have discharged all liability in relation to payment of a Prize by making payment to a person in accordance with the Rules.
- (d) The Licensee, Directors, the Chief Executive Officer and each and every Employee or contractor of the Licensee shall have no liability or responsibility to a Player or any other person for or in respect of:
  - (i) any negligence, omission, delay or failure whatsoever on the part of any person in the carrying out or performance of any duty, function, obligation or discretion conferred or contemplated by the Rules or otherwise in or about the Conduct or promotion of any Instant Lottery or Promotional Instant Lottery; and
  - (ii) without prejudice to the generality of Rule 12(d)(i) hereof, any negligence, omission, delay or failure in relation to:
    - (1) the payment of Prizes;
    - (2) the processing and issue of a Ticket following acceptance of the Fee in respect of an Instant Lottery or an entry in respect of a Promotional Instant Lottery;
    - (3) the processing of a Prize winning Ticket;
    - (4) the receipt and processing of a Prize claim form; and
  - (iii) without prejudice to the generality of Rule 12(d)(i) and Rule 12(d)(ii), any fraudulent or unlawful act or omission on the part of the Agent or an employee, servant or contractor of the Agent in respect of:
    - (1) the issue of a Ticket;
    - (2) the completion of a Prize claim form;
    - (3) the receipt of a Prize claim form;
    - (4) the processing of a Prize claim;
    - (5) the payment of a Prize; and

- (iv) any statement made by an Agent or an employee, servant or contractor of an Agent or by the Licensee, or any Employee, servant or contractor of the Licensee to a Player.
- (e) Each and every Agent and each and every Employee of an Agent shall have no liability or responsibility to a Player or any other person for or in respect of:
- (i) any negligence, omission, delay or failure whatsoever on the part of any person in the carrying out or performance of any duty, function, obligation or discretion conferred or contemplated by the Rules or otherwise in or about the Conduct of any Instant Lottery or Promotional Instant Lottery; and
  - (ii) without prejudice to the generality of Rule 12(e)(i) hereof, any negligence, omission delay or failure in relation to:
    - (1) the payment of Prizes;
    - (2) the processing and issue of a Ticket following acceptance of the Fee in respect of an Instant Lottery or an entry in respect of a Promotional Instant Lottery; or
    - (3) the processing of a Prize winning Ticket;
- (f) The Licensee, the Chief Executive Officer, each and every Agent and each and every Employee of the Licensee or an Agent shall have no liability or responsibility to a Player or any person for or in respect of any failure, disruption or malfunction of Computer Linked Terminals, electrical power, telecommunications links or computers (whether arising from, or contributed to by, negligence or otherwise) resulting in loss or corruption of information retained on any Computer Records held by the Licensee.
- (g) The Licensee, Directors, the Chief Executive Officer, each and every Agent and each and every Employee of the Licensee or an Agent shall have no liability or responsibility for any consequence of interference with or interruption to any Instant Lottery or Promotional Instant Lottery due to fire, storm, flood, riot, civil commotion, strike, failure or disruption of electrical power supply or telecommunications or other cause not within the reasonable control of such person.
- (h) In the processing of any Ticket, claim form or instructions received by an Agent an Agent shall for all purposes be the agent of a Player and not the agent of the Licensee or the Chief Executive Officer.
- (i) In the processing of a Prize claim form, the submission of a Prize claim form to the Licensee and the payment of a Prize, an Agent shall at all times and for all purposes be the agent of a Player and not the agent of the Licensee or the Chief Executive Officer.
- (j) Notwithstanding the provisions of Rule 12(h), in the acceptance of Commission by an Agent on behalf of the Licensee, the Agent shall for this purpose be the agent of the Licensee and not the agent of the Player.

- (k) The State of New South Wales, the Crown in right of that State, the Government of that State, the Minister, their successors and the employees and agents of each and every one of them shall have as ample protection from liability in respect of their acts and omissions (whether arising from, or contributed to by, negligence or otherwise) and the acts, omissions and contingencies the subject of Rules 12(a) to 12(j) inclusive as those protected by said Rules.

## **RULE 13      EFFECTIVE DATE**

- (a) The Instant Lottery Rules made pursuant to the Act and in force immediately prior to the date upon which these Rules take effect are rescinded.
- (b) Unless otherwise determined by the Chief Executive Officer any Ticket purchased in an Instant Lottery and Promotional Instant Lottery pursuant to Rules previously in force under any earlier Product Licence and which relate to an Instant Lottery to be Conducted on or after the date these Rules take effect shall be taken as being purchased or entered pursuant to these Rules.

## **RULE 14      AGREEMENTS RELATED TO PROMOTIONAL INSTANT LOTTERIES**

The Licensee may enter into agreements or arrangements, subject to the provisions of the Act, with other persons or bodies for the purpose of promoting any Promotional Instant Lottery.

**SCHEDULE 1**

**SUBSCRIPTIONS AND COMMISSION PAYABLE FOR INSTANT LOTTERIES**

<b><i>Instant Lottery</i></b>	<b><i>Commission</i></b>	<b><i>Subscription</i></b>
\$1.00 Instant Lottery Ticket	\$0.10	\$1.00
\$2.00 Instant Lottery Ticket	\$0.15	\$1.85
\$2.50 Instant Lottery Ticket	\$0.18	\$2.32
\$3.00 Instant Lottery Ticket	\$0.20	\$2.80
\$4.00 Instant Lottery Ticket	\$0.25	\$3.75
\$5.00 Instant Lottery Ticket	\$0.30	\$4.70
\$10.00 Instant Lottery Ticket	\$0.60	\$9.40

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