

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 to be effective on and from 15 December 2006. These Rules supersede the Rules notified previously in the Government Gazette.

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 game of 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 outside of the State of New South Wales;
 - (iii) "Agent" means a person appointed by the Licensee for purposes associated with Instant Lottery and Promotional Instant Lotteries conducted by the Licensee and includes any branch or section of the Licensee nominated by the Licensee;
 - (iv) "Approved" means approved in writing by the Minister;
 - (v) "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);
 - (vi) "Commission" means the amounts which the Licensee is approved to charge the Player for an Agent or Direct Mail Agent accepting and doing all things required to effect a Player's purchase of a Ticket in an Instant Lottery but which does not include a charge determined in accordance with Condition 12 (c) of the Licence;;
 - (vii) "Computer Linked Terminal" means the computer equipment of the Licensee located in Agencies which is linked to the Licensee's central processing computer of the Licensee for purposes associated with Instant Lottery;
 - (viii) "Computer Records" means the sum of information which is provided to the Licensee by way of its central processing computer equipment in respect of an Instant Lottery which is retained or recorded on a magnetic tape or otherwise stored;

- (ix) “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;
- (x) “Director” means a Director of the Board of Directors of the Licensee;
- (xi) “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 outside of the State of New South Wales.
- (xii) “Draw” means the drawing of a public lottery conducted as part of an Instant Lottery or Promotional Instant Lottery in accordance with Rule 10;
- (xiii) “Employee” means, where the context refers to an employee or employees of the Licensee, such persons who are employed by the Licensee pursuant to the provisions of the New South Wales Lotteries Corporatisation Act 1996. In other contexts, “Employee” includes an employee of an Agent or Direct Mail Agent;
- (xiv) “Fee” means the sum of the Commission and Subscription;
- (xv) “Instant Lottery” means a public lottery game 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);
- (xvi) “Licence” means the Licence granted to the Licensee under Section 12 of the Act;
- (xvii) “Licensee” means New South Wales Lotteries Corporation, a corporation constituted pursuant to section 5 of the New South Wales Lotteries Corporatisation Act 1996;
- (xviii) “Minister” means the Minister of the Crown for the time being administering the Act;
- (xix) “Numbers” has the same meaning as contained in Section 5(2) of the Act;
- (xx) “Player” means:
 - (1) a player who has purchased a Ticket and paid the Fee in an Instant Lottery; and
 - (2) a person who has validly entered a Promotional Instant Lottery;
- (xxi) “Prize” means any prize determined in accordance with Rules 9 and 14;
- (xxii) “Prize Fund” means the account established under Section 27 of the Act and known as the Instant Lottery Prize Fund Account;

- (xxiii) "Prize Pool" means the amount allocated for the payment of Prizes being not less than sixty percent (60%) of all subscriptions received for a particular Instant Lottery unless otherwise approved;
- (xxiv) "Prize Reserve Fund" means the fund established by the Licensee in accordance with the provisions of Condition 9 of the Licence;
- (xxv) "Promotional Instant Lottery" means a public lottery game conducted or 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;
- (xxvi) "Registered Player" means a Player whose personal details have been provided to the Licensee which has subsequently, recorded them on Computer Records for the purpose of provision of a Player registration service (which may be consented to from time to time by the Chief Executive Officer) to that Player;
- (xxvii) "Rules" means these Rules made under the Act any amendment, modification, variation, or abrogation thereof for the time being in force;
- (xxviii) "Subscription" means the amount Approved, excluding Commission and any charge that may have been determined in accordance with Condition 12 (c) of the Licence, which a Player shall be charged to enter an Instant Lottery;
- (xxix) "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 Fee 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;which may be validated by a Computer Linked Terminal and which may include Ticket Serial Numbers and may be subject to security tests to determine the validity of the Ticket as directed by the Chief Executive Officer;
- (xxx) "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 where used in these Rules have been inserted to assist interpretation.

RULE 2 CONDUCT OF INSTANT LOTTERIES AND PROMOTIONAL INSTANT LOTTERIES

- (a) These Rules are to be read subject to the Act, its Regulations and the Licence, and shall apply, where the context permits, 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 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 to be won by them at the time of their proposed purchase or entry of an Instant Lottery or 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) Where the context permits, 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 PRICE OF TICKETS

- (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 Rule 4(b).

RULE 5 COMMISSION

The Licensee is Approved to charge the Player Commission in the amounts specified in Schedule 1 of these Rules. By entering an Instant Lottery the Player accepts liability to pay the Commission to the Licensee.

RULE 6 SALE OF TICKETS

- (a) A Ticket in an Instant Lottery may only be sold through:
 - (i) an Agent; or
 - (ii) a Direct Mail Agent;
- (b) A Direct Mail Agent may receive instructions by post, telephone, facsimile or modem and such Direct Mail Agent may receive Prize cheques for and on behalf of Players.
- (c) A Player may claim a Prize by posting a Ticket to the Licensee at the following address:

The Chief Executive Officer
NSW Lotteries
2 Figtree Drive
HOMEBUSH BAY NSW 2127

or such other address as may be notified from time to time by the Chief Executive Officer.

- (d) Fees and Player registration 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. Fees and player registration fees exceeding \$400.00 payable in respect of the purchase of Instant Lottery Tickets may only be paid by personal cheque with the prior written agreement of the Chief Executive Officer.
- (e) Payment by cheque is taken to have been effected when payment of the cheque has been made by the bank, building society or credit union on which the cheque is drawn.

RULE 7 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 Agents to the Player evidencing the Player's entry in a particular Instant Lottery or Promotional Instant Lottery. 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.
- (b) 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, then the latter 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, the Numbers revealed, the particular Instant Lottery or Promotional Instant Lottery entered.
- (c) 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.

- (d) 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.
- (e) The identity of a Player who has marked a Ticket in the manner referred to in Rule 7(d) must not be published by the Licensee.
- (f) A Player may at any time revoke a request for anonymity and participate in any promotion or marketing of the Licensee's products.
- (g) 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.
- (h) Tickets in an Instant Lottery shall specify:-
 - (i) the manner in which the Ticket holder may determine whether an Instant Prize has been won; and
 - (ii) the procedures for claiming Instant Lottery Prizes.
- (i) Subject to Rules 9 and 14 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, an Agent or a Direct Mail Agent for the purpose of receiving a Prize.

RULE 8 INSTANT LOTTERY PRIZES

- (a) 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.
- (b) 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.
- (c) A Prize in an Instant Lottery must not consist of or include tobacco.
- (d) A Prize in an Instant Lottery must not consist of or include liquor within the meaning of the Liquor Act 1982.

RULE 9 DETERMINATION OF PRIZES

- (a) The Licensee is to determine the number of Tickets in an Instant Lottery, the amount of money Prizes and the number and nature of other Prizes.

- (b) 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 Chief Executive Officer for the purposes of that Instant Lottery.
- (c) Without limiting Rule 9(b), Prizes in an Instant Lottery may be determined by the inclusion of Tickets in the lottery in a draw.
- (d) If any Prizes in an Instant Lottery are to be determined in a manner approved under Rule 9(b)(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.

RULE 10 DRAW FOR INSTANT LOTTERY PRIZES

- (a) This Rule applies when the Licensee determines that some of the Prizes in an Instant Lottery are to be determined by a draw.
- (b) 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 9(d).
- (c) A draw is to be conducted at such times and in such manner as the Licensee may determine.
- (d) Prizewinners 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.
- (e) A draw is to be carried out under the control and direction of the Licensee. A draw is not to be carried out except in the presence of the Auditor-General or an officer from the office of the Auditor-General nominated by the Auditor-General, as nominated by the Minister.
- (f) 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.
- (g) Each draw in an Instant Lottery is to be open to the public.
- (h) The Licensee is, if possible, to notify Prizewinners in a draw that they have won a Prize and may require them to claim the Prize before payment of the Prize.

RULE 11 CONDUCT OF PROMOTIONAL LOTTERIES

- (a) The Licensee may conduct a Promotional Instant Lottery in such manner at such times and places as the Chief Executive Officer determines.

- (b) A Promotional Instant Lottery may be conducted in conjunction with an Instant Lottery or separately from an Instant Lottery.

RULE 12 FORM OF ENTRY - PROMOTIONAL INSTANT LOTTERIES

- (a) 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.
- (b) Without limiting Rule 12(a), 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.
- (c) 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.
- (d) 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 or Direct Mail Agents to the entrant evidencing the processing of an entry in the Promotional Instant Lottery.

RULE 13 PRIZES IN PROMOTIONAL INSTANT LOTTERIES

- (a) 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.
- (b) A Prize in a Promotional Instant Lottery must not consist of or include tobacco.
- (c) A Prize in a Promotional Instant Lottery may not consist of or include liquor within the meaning of the Liquor Act 1982.

RULE 14 DETERMINATION OF PRIZES - PROMOTIONAL INSTANT LOTTERIES

- (a) The Chief Executive Officer is to determine the number and nature of Prizes in each Promotional Instant Lottery.
- (b) The Licensee is to publicly advertise the number and nature of, and the conditions relating to payment of, Prizes in each Promotional Instant Lottery conducted by it.
- (c) 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.
- (d) 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.

RULE 15 AGREEMENTS RELATING 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.

RULE 16 PAYMENT OF INSTANT LOTTERY PRIZES

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 has determined that the Ticket is valid and has won the Prize.

RULE 17 PAYMENT OF PROMOTIONAL INSTANT LOTTERY PRIZES

- (a) 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 12; 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 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 14(b).
- (b) The Licensee may record on an 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 not payable in respect of a Ticket in a Promotional Instant Lottery, on which such a test is recorded, if the Ticket does not satisfy the test.

RULE 18 PAYMENT OF MONEY PRIZES

- (a) A money Prize in an Instant Lottery or a Promotional Instant Lottery may be paid to the Player presenting a Prizewinning Ticket in that Instant Lottery, or a Prizewinning Ticket in that Promotional Instant Lottery, or to a Player who has submitted a Prizewinning Ticket in a form other than a Ticket or other document in a Promotional Instant Lottery:
- (i) in the case of a Prize below an amount to be specified from time to time by the Licensee - at any Agency or office of the Licensee or at such other location as the Licensee may, from time to time, determine; and
 - (ii) in the case of a Prize above an amount to be specified from time to time by the Licensee - at such locations as the Licensee may, from time to time, determine.
- (b) A Prize in an Instant Lottery or a Promotional Instant Lottery may be paid:
- (i) by cheque posted to the Player whose name and address is shown on the Prizewinning Ticket, or as is otherwise indicated on submission of the Prizewinning Ticket; or
 - (ii) by such other means as the Licensee may from time to time determine.

- (c) Any cheque drawn in payment of a Prize:
 - (i) must be made payable to the order of one named Prizewinner as shown on the Prizewinning Ticket or shown on, or otherwise indicated, on submission of the Prizewinning Ticket; and
 - (ii) must be crossed and marked "not negotiable".
- (d) Payment by cheque is taken to have been effected when payment of the cheque has been made by the bank, building society or credit union on which the cheque is drawn.

RULE 19 IDENTITY

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

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

RULE 20 EFFECT OF PAYMENT

- (a) The Licensee need not inquire into the entitlement to claim a Prize of any person who presents a Prizewinning Ticket in an Instant Lottery or presents or submits a Prizewinning 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 21 PROCEDURES FOR CLAIMING AND PAYMENT OF PRIZES

- (a) 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.
- (b) A sum representing the cost of applicable postage will be deducted from all Prizes paid by post to Players by the Licensee.
- (c) A Player or a Direct Mail Agent who claims to be entitled to a Prize not exceeding \$1000.00 and whose Ticket is not shown as a winner on a Computer Linked Terminal, or in such other manner as the Chief Executive Officer may determine, must lodge a Prize claim form containing or accompanied by the particulars required on the claim form;
- (d) The payment of Prizes to Players under eighteen (18) years of age and to those 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;

- (e) Subject to any Regulations made pursuant to the provisions of the Act, all unclaimed or uncollected Prize money shall be retained in the Prize Fund for payment to the Player entitled thereto;
- (f) Consequent upon posting of a remittance representing a Prize payment to the Player's address 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;
- (g) 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;
- (h) The payment of all Prizes pursuant to this Rule 21 will discharge the Licensee from liability notwithstanding the existence of any trust whether express, constructive or implied. Where the Licensee has paid a Player or a Direct Mail Agent pursuant to this Rule 21 and the Chief Executive Officer is, after such payment has been made, of the view that the Player was not the Player to whom such payment should have been made 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;

RULE 22 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 form of a Ticket or document in the Promotional Instant Lottery presented by the claimant for the Prize is damaged, altered, reconstituted or counterfeit; or
 - (ii) if the Ticket or entry 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 there has been unauthorised use of a computer linked terminal in relation to the verification code or any other test used in determining whether the Ticket or entry is a valid Ticket or entry and whether it has won a Prize; or
 - (iv) if the Player who purchased the Ticket has tendered insufficient payment or commission 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.

- (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 subclause (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. However, the Licensee is not to pay a Prize of \$5,000 or more in respect of a damaged Ticket or entry without the approval of the Minister.
- (e) The Licensee shall be entitled, in its absolute discretion, to recognise the person who holds, bears and submits a Ticket as the Prize winner.

RULE 23 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 or Direct Mail Agent as the case may be 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 or Direct Mail Agent and all Employees thereof.
- (b) The Licensee, Directors, the Chief Executive Officer, the Agent or Direct Mail 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, 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 23 (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 23 (d)(i) and Rule 23(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 or Direct Mail Agent and every Employee of an Agent or Direct Mail 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 23(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, Directors, the Chief Executive Officer, each and every Agent or Direct Mail Agent, and each and every Employee of the Licensee or an Agent or Direct Mail 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 or Direct Mail Agent, and each and every Employee of the Licensee or an Agent or Direct Mail 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 or Direct Mail Agent an Agent or Direct Mail 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 23 (h), in the acceptance of Commission by an Agent or a Direct Mail Agent, on behalf of the Licensee, the Agent or Direct Mail 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 23(a) to 23(j) inclusive as those protected by said Rules.

RULE 24 MISCELLANEOUS

- (a) Unless otherwise determined by the Chief Executive Officer any Ticket purchased in an Instant Lottery and Promotional Instant Lottery pursuant to regulations previously in force under any earlier legislation and which relate to an Instant Lottery Game to be conducted on or after the date these Rules take effect shall be taken as being purchased or entered pursuant to these Rules.
- (b) The Chief Executive Officer may authorise the charging by a Direct Mail Agent to a Player of such amounts to be retained by the Direct Mail Agent for the provision of ancillary services as may be approved by the Minister in accordance with the provisions of the Licence.

RULE 25 UNCLAIMED PRIZES

Unclaimed Prizes shall be dealt with in accordance with the provisions of regulations to the Act.

SCHEDULE 1

SUBSCRIPTIONS AND COMMISSION PAYABLE FOR INSTANT LOTTERIES

Instant Lottery Game	Commission	Subscription
\$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