



THE INSTANT KIWI (PRIZE COMPETITION) RULES 1989

PURSUANT to section 90 of the Gaming and Lotteries Act 1977 (as that section is applied to New Zealand prize competitions by section 84 of that Act), the Minister of Internal Affairs hereby approves the Instant Kiwi (Prize Competition) Rules 1989 which were made by the New Zealand Lotteries Commission on the 7th day of September 1989, and of which a copy is set out in the Schedule hereto.

SCHEDULE

THE INSTANT KIWI (PRIZE COMPETITION) RULES 1989

PURSUANT to section 90 of the Gaming and Lotteries Act 1977 (as that section is applied to New Zealand prize competitions by section 84 of that Act), the New Zealand Lotteries Commission hereby makes the following rules.

ANALYSIS

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SCHEDULE—*continued*

RULES

1. Title and commencement—(1) These rules may be cited as the Instant Kiwi (Prize Competition) Rules 1989.

(2) These rules shall come into force on the 14th day of September 1989.

2. Interpretation—In these rules, unless the context otherwise requires,—

“Act” means the Gaming and Lotteries Act 1977:

“Approved competition design” means a competition design approved for the purposes of these rules by both the Secretary and the Audit Office in accordance with rule 9 of these rules:

“Commission” means the New Zealand Lotteries Commission established under section 72 of the Act:

“Instant kiwi” means a form of prize competition, promoted, organised, and conducted by the Commission, being more particularly described in rule 3 of these rules:

“Instant kiwi prize claim form” means a form supplied by the Commission to be used to claim a prize in a competition:

“Mail order retailer” means any retailer appointed by the Commission as a mail order selling agent for instant kiwi:

“Notional turnover”, in relation to a competition, means the projected gross receipts from total ticket sales for that competition, assuming that all the tickets are sold, less the sum of—

(a) The amount of goods and services tax that would be charged in respect of the supply of services by the Commission to players in the competition if all the tickets were sold; and

(b) The amount of lottery duty that would be payable by the Commission under the Gaming Duties Act 1971 in respect of the competition if all the tickets were sold:

“Player” means any person participating in a competition:

“Play panel” means each panel on a ticket in a competition containing—

(a) The play symbol or play symbols; and

(b) Such other information as the Commission may decide from time to time:

“Play symbol” means a symbol or value appearing in each play panel on a ticket in a competition in accordance with the approved competition design:

“Prize”, except in rules 16 to 18 and 21 to 24 of these rules, includes an additional prize determined under rule 19 of these rules:

“Prize-bearing ticket”, in relation to a competition, means a ticket containing in its play panel or play panels a play symbol or a combination of play symbols that, in accordance with the approved competition design, entitles the bearer of the ticket to a prize if the bearer answers correctly the required skill-testing or knowledge-testing question:

“Prize Reserve Fund” means the fund of that name established by the Commission in accordance with rule 13 of these rules:

“Retailer” means any person, company, partnership, or association appointed by the Commission as a selling agent for instant kiwi:

“Secretary” means the Secretary for Internal Affairs:

SCHEDULE—*continued*

“Ticket” means a ticket in a competition:

“Terminal” means an on-line computer terminal installed by the Commission for the purpose of validating tickets.

3. Description of instant kiwi—Instant kiwi is a prize competition in which players take part by buying tickets and win prizes by—

- (a) Obtaining a prize-bearing ticket; and
- (b) Answering correctly a skill-testing or knowledge-testing question.

PART I

METHOD OF PLAY

4. Entry to competition to be by ticket—(1) Entry to a competition shall be by ticket.

- (2) Each ticket held by any person shall be a separate entry.
- (3) A ticket shall be the only valid basis for claiming a prize.

5. Price of ticket—The price of a ticket shall be \$1.00, or such other price as the Commission may from time to time determine.

6. Responsibility of player on buying ticket—It shall be the responsibility of the player to ensure that, at the time of purchase, the covering on each play panel on the ticket is intact.

7. Player to determine whether ticket prize-bearing—(1) The player shall remove the covering from each play panel on the ticket to expose the play symbol or combination of play symbols, and thereby discover whether or not the ticket is a prize-bearing ticket.

(2) If the ticket is a prize-bearing ticket, the player may submit a claim to the prize in accordance with Part IV of these rules, and try to answer correctly the required skill-testing or knowledge-testing question.

8. Purchase of ticket by post or other delivery service—(1) A ticket in any competition may be purchased by post or other delivery service in accordance with the succeeding provisions of this rule.

(2) Written instructions for a ticket may be sent by prepaid post or other delivery service to the head office of the Commission in Wellington or to any mail order retailer.

(3) The instructions shall be accompanied by—

- (a) The appropriate payment; and
- (b) A prepaid envelope addressed to the sender of the instructions.

(4) The instructions shall be taken to apply to the competition specified in the instructions, and, subject to subclause (5) of this rule, a ticket or tickets in that competition shall be issued in accordance with the instructions.

(5) Where—

- (a) No competition is specified in the instructions; or
- (b) The competition specified in the instructions has already closed; or
- (c) The Commission or the mail order retailer has already sold out of tickets in the competition specified in the instructions,—

the Commission or the mail order retailer may apply the instructions to any other competition that is current at the time, and a ticket or tickets in that competition shall be issued accordingly.

SCHEDULE—*continued*

(6) Every ticket issued under this rule shall be posted or delivered to the buyer in the envelope supplied by the buyer.

PART II

CONDUCT OF COMPETITIONS

9. General provisions—(1) Competitions shall be conducted in accordance with the Act and these rules, and at times and places, and pursuant to methods, policies, and procedures, determined from time to time by the Commission.

(2) The frequency and duration of competitions shall be determined by the Commission.

(3) Every competition shall open on the date on which tickets are first offered for sale, and shall close on—

- (a) The date on which the last ticket is sold or the remaining tickets are cancelled by the Commission; or
- (b) Where provision is made for additional prizes in accordance with rule 19 of these rules, the date on which those additional prizes are determined.

(4) Every competition shall be conducted in accordance with a competition design approved by the Secretary and by the Audit Office.

(5) The competition design shall specify—

- (a) The total number of prizes in the competition; and
- (b) The total number of prizes in each prize tier, and the value of each of those prizes; and
- (c) The play symbol or combination of play symbols that must appear in the play panel or play panels on a ticket for that ticket to be a prize-bearing ticket; and
- (d) The skill-testing or knowledge-testing question required to be answered correctly by the bearer of a prize-bearing ticket as a condition of winning the prize; and
- (e) Where the Commission has determined any additional prizes under rule 19 of these rules, the prize or class of prize that carries with it the right to enter the New Zealand lottery or New Zealand prize competition by which the additional prizes are to be allocated.

(6) The determination of which tickets in a competition are to be prize-bearing tickets shall be made, by or under the authority of the Commission, on a random basis or wholly by chance before or simultaneously with the sale of any ticket.

10. Amount of prize pool for each competition—(1) The prize pool for each competition shall be determined by the Commission, but shall in no case be less than 56 percent of the notional turnover for that competition.

(2) The prize pool for any competition shall also include any amount added to the pool in accordance with rule 13 (2) of these rules.

11. Commission may set aside contribution to Prize Reserve Fund—The Commission may, at its discretion, set aside from any competition an amount, not exceeding 3 percent of the ticket sales for the competition, to be paid into the Prize Reserve Fund.

SCHEDULE—*continued*

12. Prize tiers—(1) The prize pool for each competition determined in accordance with rule 10 of these rules shall be divided into prize tiers in accordance with the approved competition design.

(2) The total prize amount in each prize tier shall be determined by the Commission from time to time in accordance with the approved competition design.

(3) The total prize amount in each prize tier shall be allocated in accordance with the approved competition design.

13. Prize Reserve Fund—(1) The Commission shall establish a Prize Reserve Fund, into which shall be paid—

(a) Such amounts as the Commission may set aside from any competition in accordance with rule 11 of these rules; and

(b) Any prize money from any competition remaining unclaimed on the expiry of 12 months after the close of that competition.

(2) The Commission may from time to time, at its discretion, allocate from out of the Prize Reserve Fund such sum or sums as it thinks fit for all or any of the following purposes:

(a) For addition to the total prize pool for any competition; or

(b) For addition to any prize tier or prize tiers in any competition; or

(c) For any other purpose in relation to any competition; or

(d) For additional prizes determined under rule 19 of these rules.

14. Results—(1) The results of a competition shall be published in such manner as the Commission may from time to time determine.

(2) The Commission shall retain a record of the results of a competition for at least 12 months after the close of the competition.

(3) The Commission may publish the name of any person who wins any prize in excess of \$1,000, unless that person indicates on the instant kiwi prize claim form that he or she does not wish to have his or her name published.

PART III

PAYMENT OF PRIZES AND TICKET VALIDATION REQUIREMENTS

15. Payment of prizes—(1) Prizes in every prize tier shall be available for payment in accordance with these rules at any time when the terminal and the Commission's on-line gaming computer system are operating.

(2) Additional prizes determined under rule 19 of these rules shall be paid in such manner as the Commission may from time to time determine.

16. Determination of prize claims—(1) In all cases the determination of prize entitlement shall be subject to the ticket validation requirements set out in rule 17 of these rules.

(2) A ticket shall in all circumstances be regarded by the Commission and by retailers as being owned by the bearer (physical possessor) of the ticket determined in accordance with these rules.

(3) The person named on a duly completed instant kiwi prize claim form shall be deemed to be the bearer of the ticket accompanying the instant kiwi prize claim form; and if more than one person is named on an instant kiwi prize claim form, the person first named shall be deemed to be the bearer of the accompanying ticket.

SCHEDULE—*continued*

(4) Notwithstanding that a ticket bears the name or other identification of any person or group, the Commission and retailers shall only be bound to recognise the bearer of the ticket as the owner, and, except as ordered by a Court of competent jurisdiction, shall not be bound to take notice of any trust (express, implied, or constructive) to which any ticket or prize money may be subject.

(5) The surrender of a ticket to the Commission or to a retailer and the receipt by the bearer of the ticket of any prize money payable in respect of the ticket shall be a good and complete discharge of the Commission, notwithstanding any notice the Commission may have of the alleged right, title, interest, or claim of any other person or persons to the prize money.

(6) Neither the Commission nor any retailer shall be responsible or liable as a result of the payment of a prize to the bearer of any lost or stolen ticket, whether or not advice of the loss or theft has been reported or notified to the Commission before payment of the prize.

17. Ticket validation requirements—In addition to any other requirements specified in these rules, the following requirements shall apply before a ticket shall be regarded as a valid prize-bearing ticket:

- (a) The ticket shall have been issued on behalf of the Commission by a retailer in the authorised manner:
- (b) The ticket shall be intact and shall not be mutilated, altered, unreadable, reconstituted, or tampered with in any manner:
- (c) The information recorded on the ticket shall correspond with the Commission's record of prize-bearing tickets and another ticket with identical data shall not have been already paid:
- (d) The exact number of play symbols that the Commission has determined shall appear on tickets in that competition shall appear in the play panel or play panels on the ticket:
- (e) Each of those play symbols shall be present in its entirety:
- (f) The validation number shall be present in its entirety:
- (g) Each number on the ticket, whether play symbols, competition number, validation number, or otherwise, shall be fully legible:
- (h) The ticket shall not be defectively printed or produced in error to an extent that it cannot be processed by the Commission or a retailer:
- (i) The ticket shall not be counterfeit or cancelled:
- (j) The ticket shall not be stolen:
- (k) The ticket shall be complete, not blank or partially blank, shall not have a hole punched through it, shall not be miscut, shall not be marked "void", and shall have only 1 validation number, only 1 ticket number, only 1 book number, and only 1 competition number:
- (l) The ticket shall be purchased before the close of the competition:
- (m) The ticket shall not appear on the Commission's record of cancelled tickets:
- (n) The ticket shall pass all additional confidential validation tests and security criteria established by the Commission.

18. Invalid ticket—(1) Any ticket that fails to meet each of the criteria specified in rule 17 of these rules shall be invalid.

SCHEDULE—*continued*

(2) No prize shall be paid on the basis of an invalid ticket.

(3) The Commission may, at its discretion, issue in the place of an invalid ticket a ticket of equivalent sales price for the same or any other competition.

19. Additional prizes—(1) The Commission may from time to time determine additional prizes to be distributed in accordance with a New Zealand lottery or a New Zealand prize competition, entry to which is limited to prize winners in any instant kiwi competition, or to any particular class of such prize winners determined by the Commission.

(2) Any such additional prizes shall be allocated from the Prize Reserve Fund.

PART IV

CLAIMING A PRIZE

20. Time limit on claims—(1) A claim for a prize in any competition shall be made within 12 months after the close of the competition.

(2) Any prize that is not claimed within that period shall be forfeited, and the amount of that prize shall be paid into the Prize Reserve Fund.

21. Claiming prizes not exceeding \$1,000—(1) A claim to a prize not exceeding \$1,000 based on a single ticket may be claimed by presenting the ticket to a retailer within 90 days after the close of the competition.

(2) If the retailer is satisfied—

(a) That the claim is made within 90 days after the close of the competition; and

(b) That the ticket meets each of the criteria specified in rule 17 of these rules; and

(c) The bearer of the ticket has answered correctly the required skill-testing or knowledge-testing question; and

(d) All other requirements (if any) of the Commission for the payment of prizes are met,—

the retailer may, on surrender of the ticket, pay the amount of the prize to the bearer of the ticket.

(3) If, in respect of any prize not exceeding \$1,000,—

(a) A person wishes to claim the prize later than 90 days after the close of the competition; or

(b) The retailer to whom the claim is made under subclause (1) of this rule declines to pay the prize for any reason; or

(c) For any other reason, a person wishes to claim the prize directly from the Commission,—

the claimant may submit the claim to the Commission in accordance with rule 24 of these rules.

22. Claiming prizes exceeding \$1,000—A claim to a prize exceeding \$1,000 based on a single ticket may be made—

(a) Through a retailer in accordance with rule 23 of these rules; or

(b) Directly to the Commission in accordance with rule 24 of these rules.

23. Claims through retailer—Where a person claims a prize exceeding \$1,000 through a retailer, the following provisions shall apply:

SCHEDULE—*continued*

- (a) The claimant shall sign the back of the ticket, and present it to the retailer:
- (b) The retailer shall process the ticket through the terminal, in the manner required by the Commission, to register the claim:
- (c) The retailer shall provide the claimant with an instant kiwi prize claim form:
- (d) The claimant shall complete and return the form to the retailer:
- (e) The retailer shall satisfy himself or herself that the claimant has answered correctly the required skill-testing or knowledge-testing question:
- (f) The retailer shall—
 - (i) Endorse the instant kiwi prize claim form; and
 - (ii) Attest that the claimant has answered correctly the skill-testing or knowledge-testing question; and
 - (iii) Return to the claimant 1 copy of the form so endorsed as a receipt for the ticket:
- (g) The retailer shall forward the instant kiwi prize claim form, with the ticket, to the Commission:
- (h) The Commission shall deal with the claim in accordance with paragraphs (a) and (d) of rule 24 (2) of these rules.

24. Claims made directly to Commission—(1) A claim for a prize in any competition may be made directly to the Commission either—

- (a) By pre-paid post or other pre-paid delivery system; or
 - (b) In person at the head office of the Commission in Wellington.
- (2) In respect of any such claim, the following provisions shall apply:
- (a) The Commission shall satisfy itself—
 - (i) That the ticket is a prize-bearing ticket; and
 - (ii) That each of the criteria specified in rule 17 of these rules is met:
 - (b) If the Commission is so satisfied, it shall send or give to the claimant a form containing the required skill-testing or knowledge-testing question, and shall not take any further action in respect of the claim unless and until that form is returned to the Commission and that question is answered correctly on the form:
 - (c) The Commission may also require the claimant to complete and return an instant kiwi prize claim form:
 - (d) Subject to the preceding paragraphs of this subclause, the Commission shall pay the amount of the prize to the claimant—
 - (i) By cheque handed to the claimant or sent to the claimant by post or other delivery system; or
 - (ii) By payment into a bank account nominated by the claimant:
 - (e) In any case where the Commission is not satisfied of each of the matters specified in paragraph (a) of this subclause, the Commission shall refuse the claim and notify the claimant in writing of its decision.

25. Claims for additional prizes—A claim for any additional prize determined under rule 19 of these rules shall be made and dealt with in such manner as the Commission may from time to time determine.

SCHEDULE—*continued*

PART VI

GENERAL PROVISIONS

26. Limitation of Commission's liability—Neither the Commission nor any retailer shall, in any circumstances, be liable for any loss (direct or indirect) suffered by a player, or a bearer of a ticket, or any other person due to—

- (a) The failure of, or damage or destruction to, the Commission's on-line gaming computer system or records; or
- (b) Delays, losses, errors, or omissions in or made by the postal or other delivery service or by the banking system; or
- (c) Any other action or event that prevents or hinders the issue of a valid ticket; or
- (d) Otherwise arising from participation in any competition.

27. Decisions of Commission binding—All decisions of the Commission concerning instant kiwi, including decisions as to the validity of tickets, the identity of the bearer of any ticket, the determination of prize winners, and the amount and division of prize money, shall be final and binding on all players and any other person or persons concerned for any reason with these matters.

Dated at Wellington this 7th day of September 1989.

The Common Seal of New Zealand Lotteries Commission, was, pursuant to a resolution of the Commission, hereunto affixed in the presence of:

[L.S.]

L. M. SEEL,
Member.

M. A. FITZGERALD,
Member.

Dated at Wellington this 8th day of September 1989.

MICHAEL BASSETT,
Minister of Internal Affairs.

EXPLANATORY NOTE

This note is not part of the rules, but is intended to indicate their general effect.

These rules, which come into force on 14 September 1989, provide for the conduct and operation of a type of New Zealand competition to be known as instant kiwi.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 14 September 1989.

These rules are administered in the Department of Internal Affairs.