



THE INSTANT KIWI (INSTANT GAME) RULES 1992

PURSUANT to section 90 of the Gaming and Lotteries Act 1977 (as that section is applied to New Zealand instant games by section 84A of that Act), the Minister of Internal Affairs hereby approves the Instant Kiwi (Instant Game) Rules 1992 which were made by the New Zealand Lotteries Commission on the 26th day of February 1992, and of which a copy is set out in the Schedule hereto.

SCHEDULE

THE INSTANT KIWI (INSTANT GAME) RULES 1992

Pursuant to section 90 of the Gaming and Lotteries Act 1977 (as that section is applied to New Zealand instant games by section 84A of that Act), the New Zealand Lotteries Commission hereby makes the following rules.

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RULES

1. Title and commencement—(1) These rules may be cited as the Instant Kiwi (Instant Game) Rules 1992.

(2) These rules shall take effect on and from the date of their notification in the *Gazette*.

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

“Act” means the Gaming and Lotteries Act 1977:

“Allocation”, in relation to a game, or any portion of a game, means the determination of the prize-bearing ticket or tickets, being a determination conducted before, or simultaneously with, the sale of any ticket, on a random basis or wholly by chance:

“Approved game design” means a game 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 instant game 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 game:

“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 game, means the projected gross receipts from total ticket sales for that game, 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 game 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 game if all the tickets were sold:

“Player” means any person participating in a game:

“Play panel” means each panel on a ticket in a game 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 game in accordance with the approved game design:

“Prize”, except in rules 17 to 19 and 22 to 25 of these rules, includes an additional prize determined under rule 20 of these rules:

“Prize-bearing ticket”, in relation to a game, or any portion of a game, means a ticket sold to a participant, and determined in accordance with an allocation to bear a prize:

“Prize Reserve Fund” means the fund of that name established by the Commission in accordance with rule 13 of the Instant Kiwi (Prize Competition) Rules 1989*:

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

SCHEDULE—*continued*

“Secretary” means the Secretary for Internal Affairs:

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

“Ticket” means a ticket in an Instant Kiwi game.

3. Description of Instant Kiwi—Instant Kiwi is an instant game in which players take part by buying tickets and win prizes by obtaining a prize-bearing ticket.

PART I

METHOD OF PLAY

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

8. Purchase of ticket by post or other delivery service—(1) A ticket in any game 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 game specified in the instructions, and, subject to subclause (5) of this rule, a ticket or tickets in that game shall be issued in accordance with the instructions.

(5) Where—

(a) No game is specified in the instructions; or

(b) The game specified in the instructions has already closed; or

(c) The Commission or the mail order retailer has already sold out of tickets in the game specified in the instructions,—

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

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

SCHEDULE—*continued*

PART II

CONDUCT OF GAMES

9. General provisions—(1) Games 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 games shall be determined by the Commission.

(3) Every game 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 20 of these rules, the date on which those additional prizes are determined.

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

(5) The game design shall specify—

(a) The total number of prizes in the game; 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) Where the Commission has determined any additional prizes under rule 20 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 game 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 game—(1) The prize pool for each game shall be determined by the Commission, but shall in no case be less than 56 percent of the notional turnover for that game.

(2) The prize pool for any game 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 game an amount, not exceeding 3 percent of the ticket sales for the game, to be paid into the Prize Reserve Fund.

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

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

SCHEDULE—*continued*

13. Prize Reserve Fund—(1) The Commission shall pay into the Prize Reserve Fund—

- (a) Such amounts as the Commission may set aside from any game in accordance with rule 11 of these rules; and
 - (b) Any prize money from any game remaining unclaimed on the expiry of 12 months after the close of that game.
- (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 game; or
 - (b) For addition to any prize tier or prize tiers in any game; or
 - (c) For any other purpose in relation to any game; or
 - (d) For additional prizes determined under rule 20 of these rules.
- (3) These rules allow the payment into the Prize Reserve Fund of additional sums of money and the allocation from the Prize Reserve Fund of additional sums of money and additional prizes, but do not otherwise affect the provisions of the Instant Kiwi (Prize Competition) Rules 1989*.

14. Results—(1) The results of a game 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 game for at least 12 months after the close of the game.

(3) Except where special conditions determined under rule 15 of these rules apply, 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.

15. Special conditions relating to publication of results and publicity—(1) Subject to this rule, the Commission may from time to time determine special conditions relating to the publication of the results of any game and to the publicity that the Commission may give to any game, or to any specified prize or prizes in any game or to the results of any game.

(2) Special conditions determined under this rule may include conditions making the award of a prize conditional on the bearer of the prize-winning ticket agreeing, on the prize claim form,—

- (a) To allow the Commission to give publicity to his or her win, which publicity may include the winner's name; and
 - (b) To appear at such time and place and to participate in such live events and appearances as are specified in the point of sale advertising relating to that game; and
 - (c) To make himself or herself or his or her likeness, in moving, still, or television pictures, available to the Commission for the purposes of the publication of the results of the game or the advertising of any future game or both.
- (3) Where special conditions are determined under this rule in relation to any game or any prize or prizes in any game, the Commission—
- (a) Shall give reasonable notice of those conditions—
 - (i) On each ticket sold in relation to that game; and
 - (ii) In the point of sale advertising relating to that game; and

SCHEDULE—*continued*

- (b) May give notice of those conditions in any other publicity material relating to that game.

PART III

PAYMENT OF PRIZES AND TICKET VALIDATION REQUIREMENTS

16. 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 20 of these rules shall be paid in such manner as the Commission may from time to time determine.

17. 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 18 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.

(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.

18. 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 game 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:

SCHEDULE—*continued*

- (g) Each number on the ticket, whether play symbols, game 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 game number:
- (l) The ticket shall be purchased before the close of the game:
- (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:
- (o) The ticket shall not, in the opinion of the Commission, be defective in any other manner or otherwise invalid.

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

(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 game.

20. 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 game, 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

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

(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.

22. 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 12 months after the close of the game.

(2) If the retailer is satisfied—

(a) That the claim is made within 12 months after the close of the game; and

(b) That the ticket meets each of the criteria specified in rule 18 of these rules; and

(c) 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,—

SCHEDULE—*continued*

- (a) The retailer to whom the claim is made under subclause (1) of this rule declines to pay the prize for any reason; or
- (b) 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 25 of these rules.

23. 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 24 of these rules; or
- (b) Directly to the Commission in accordance with rule 25 of these rules.

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

- (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—
 - (i) Endorse the Instant Kiwi prize claim form; and
 - (ii) Return to the claimant one copy of the form so endorsed as a receipt for the ticket:
- (f) The retailer shall forward the Instant Kiwi prize claim form, with the ticket, to the Commission:
- (g) The Commission shall deal with the claim in accordance with paragraphs (a) and (c) of rule 25 (2) of these rules.

25. Claims made directly to Commission—(1) A claim for a prize in any game 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 18 of these rules is met:
 - (b) The Commission may also require the claimant to complete and return an Instant Kiwi prize claim form:
 - (c) Subject to paragraphs (a) and (b) 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:
 - (d) 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.

SCHEDULE—*continued*

26. Claims for additional prizes—A claim for any additional prize determined under rule 20 of these rules shall, subject to any special conditions determined under rule 15 of these rules, be made and dealt with in such manner as the Commission may from time to time determine.

PART VI

GENERAL PROVISIONS

27. 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 game.

28. 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 26th day of February 1992.

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

[L.s.]

G. W. F. THOMPSON,
Presiding Member.

L. M. SEEL,
Member.

Dated at Wellington this 27th day of February 1992.

GRAEME LEE,
Minister of Internal Affairs.

EXPLANATORY NOTE

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

These rules provide for the conduct and operation by the New Zealand Lotteries Commission of a type of instant game known as Instant Kiwi. The rules (other than *rule 15*) are consequential on the passing of the Gaming and Lotteries Amendment Act (No. 2) 1991.

Rule 15 is new. It provides that the New Zealand Lotteries Commission may from time to time determine special conditions relating to the publication of the results of any game or to any specified prize or prizes in any game or to the results of any game.

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 5 March 1992.

These rules are administered in the New Zealand Lotteries Commission.