

LO301

## LOTTERIES COMMISSION ACT 1990

### LOTTERIES COMMISSION (INSTANT LOTTERY) AMENDMENT RULES 2019

Made by the Lotteries Commission under section 28(1) of the Act.

#### 1. Citation

These rules are the *Lotteries Commission (Instant Lottery) Amendment Rules 2019*.

#### 2. Commencement

These rules come into operation as follows—

- (a) rules 1 and 2—on the day on which these rules are published in the *Gazette*;
- (b) the rest of the rules—on the day after that day.

#### 3. Rules amended

These rules amend the *Lotteries Commission (Instant Lotteries) Rules 1996*.

#### 4. Rule 2 amended

(1) In rule 2 in the definition of **agent** delete the words “and includes the any branch or section of the Commission;” and insert—

and includes any branch or section of the Commission;

(2) In rule 2 delete the definition of **authorised payout centre**.

(3) In rule 2 insert in alphabetical order—

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

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

**validation period** applies to prizes of \$5,000 or more and means the period of time commencing at midnight on the day of presentation of the winning instant lottery ticket at the Lotteries Commission head office and ending at the close of business on the 14th day following that day (or on the business day preceding that 14th day, if the day falls on a public holiday);

(4) In rule 2 in the definition of **name and address** delete “residential or postal address” and insert—

residential address and postcode

#### 5. Rule 3 amended

In subrule 3(2) delete the words “instant lotteries which involve a second stage draw” and insert—

instant lottery promotions

#### 6. Rule 4 amended

(1) In rule 4(3)—

(a) after the words “ticket is not part of” delete “an instant lottery, or”

(b) after the words “for the lottery,” in the second line insert—

and

(c) after the word “lottery” in the last line insert—

or an instant lottery promotion.

#### 7. Rule 4A inserted

After rule 4 insert—

##### 4A. Ticket identification number

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

#### 8. Rule 5A inserted

After rule 5 insert—

##### 5A. Issue of Tickets

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

#### 9. Rule 6 amended

(1) In rule 6(a) after “void if removed” insert—

“or agent use only”

(2) Delete rule 6(c) and insert—

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

**10. Rule 7 amended**

- (1) In rule 7(1)(b) after “**void if removed**” insert—  
“**or agent use only**”
- (2) In rule 7(2)(b) after the words “instant lottery” insert—  
or an instant lottery promotion,

**11. Rule 9 amended**

- (1) Delete rule 9(1) and insert—
  - (1) To claim an instant prize the holder of a winning ticket must present it to either the Commission or an agent depending on the amount of the instant prize within the payout period for that ticket and after any applicable validation period.
- (2) Delete rule 9(2) and insert—
  - (2) An instant prize is to be paid to the holder of the winning ticket when the ticket is presented to either the Commission or the agent depending on the amount of the instant prize within the payout period for that ticket and after any applicable validation period.
- (3) In rule 9(3)—
  - (a) delete “an authorised payout centre” each occurrence.
  - (b) delete the words “subrule (1)”.
  - (c) after the words “ticket presented in accordance with” insert—  
this rule
  - (d) In subrule 9(3)(b) delete “verified through a computer linked terminal” and insert—  
identified through a computer linked terminal as having been paid,

**12. Rule 9A inserted**

After rule 9 insert—

**9A. Validation Period**

- (1) If a player wins a prize and there is no validation period for the relevant instant lottery game, the Commission must pay the prize to the player as soon as is practicable after presentation of the ticket.
- (2) The requirement to pay a prize is dependent on a claim being made by the player and the player confirming their identity and bank account details for the Commission.
- (3) If there is a validation period to claim the prize, the Commission must pay the prize to the player following the conclusion of the validation period provided the conditions under subrule (2) have been met, save that the Commission may exercise its absolute discretion to pay a prize prior to the expiry of the validation period.

**13. Rule 9AA inserted**

In Part 4—Second Stage insert new rule 9AA before rule 10—

**9AA. Entries**

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

**14. Rule 10 amended**

- (1) In rule 10(1) delete “The Commission must ensure that the second stage of an instant lottery is supervised” and insert—  
The Commission must ensure that the draw or selection of a potential winning ticket in the second stage of an instant lottery or an instant lottery promotion is supervised
- (2) Delete rule 10(1)(a) and (b) and insert—

- (a) by an officer from the department of the Public Service principally assisting in the administration of the *Gaming and Wagering Commission Act 1987*; or
- (b) where, in the opinion of the Commission, it is not necessary for an officer referred to in paragraph (a) to supervise that stage of the lottery, by such person and in such a manner as determined by the Commission.

Note: The heading to amended rule 10 is to read—

**Supervision of draw or selection of tickets**

**15. Rule 11 replaced**

Delete rule 11 and insert—

**11. Eligibility for second stage prizes**

A ticket is not eligible to win a prize in the second stage of an instant lottery or an instant lottery promotion if the ticket—

- (a) does not have the name and address of the person to whom any prize relating to that ticket is to be paid clearly printed in the appropriate space on the back of the ticket; or
- (b) is not signed by that person or a person acting on that person's behalf; or
- (c) the holder of the ticket has not complied with rule 12(1A) where the ticket was digitally entered in the second stage of the lottery

**16. Rule 12 amended**

After subrule 12(1) insert—

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

Note: The heading to amended rule 12 is to read—

**Tickets drawn or selected to be checked**

**17. Rule 13 amended**

(1) In rule 13(1) delete “on which the second stage of the lottery was conducted.” and insert—

when the last ticket or tickets in the lot of tickets to which the second stage draw relates were issued by the Commission.

(2) In rule 13(2) delete “by cheque or in any other” and insert—  
in the

(3) In rule 13(3) delete “as specified in the permit for that lottery” and insert—  
if the conversion is specified in the permit for that lottery

(4) In rule 13(4)—

- (a) delete “by the prize winner,” and insert—  
from the Commission in accordance with subrule 13(1) and the relevant terms and conditions the prize is forfeited and;
- (b) delete the words “the commission may if it thinks fit—”
- (c) Delete subrules (4)(a) and (b).

**18. Rule 15 replaced**

Delete rule 15 and insert—

**15. Rules to be made available**

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

**19. Rule 16 amended**

In rule 16 delete “winner, including a syndicate name where a syndicate name is supplied.” and insert—

winner, except in an instance where the winner has expressed to the Commission in an appropriate manner not to publish those details.

**20. Rule 16A amended**

In rule 16A(a), (b) and (c) after the words “instant lottery” insert—  
or an instant lottery promotion

**21. Rule 17 amended**

In rule 17(2) delete “not, or is not to that person's knowledge part of a syndicate which has,” and insert—

not

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The Common Seal of the Lotteries )  
Commission was affixed on the )  
12th day of December 2019, )  
by order and in the presence of — )

L.S.

STEPHEN CARRE, Chairperson.  
JAMES MCGINTY, Board Member.  
ELIZABETH McLELLAN, Board Member.

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