

Pursuant to section 367(1) of the Gambling Act 2003, I, Christopher Blake, Secretary for Internal Affairs, make the following game rules:

GAMBLING ACT (INSTANT GAME) GAME RULES 2004

ANALYSIS
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1 Title and commencement

- (1) These rules are the Gambling Act (Instant Games) Game Rules 2004
- (2) These rules shall come into force on the 1st day of July 2004.

2. Interpretation

- (1) In these rules, unless the context otherwise requires,—

Act means the Gambling Act 2003

authorised purpose has the same meaning as **authorised purpose** in section 4(1) of the Act

instant game means gambling when a winning ticket or the money or other reward that the winning ticket bears is determined, before or simultaneously with the sale of tickets, randomly or wholly by chance

licence has the same meaning as **class 3 operator's licence** in section 4(1) of the Act

Secretary has the same meaning as **Secretary** in section 4(1) of the Act

ticket means a document or thing that is evidence of, or signifies participation in, gambling or, if there is no document or thing, includes the right to participate

- (2) Any term or expression that is defined in the Act and used, but not defined, in these rules has the same meaning as in the Act.

3 Application of rules

These rules apply to an instant game that is class 1, class 2 or class 3 gambling.

4 Conduct of game – class 1, class 2 and class 3 gambling

Every organiser and society (or an individual where section 22 of the Act applies) must comply with the following rules when conducting an instant game that is class 1, class 2 or class 3 gambling -

- (1) The organiser shall clearly indicate to all participants the rules and requirements by which the instant game will be played.
- (2) A ticket is the only valid basis for participating in the instant game.
- (3) A ticket is the only valid basis for winning an instant game.
- (4) Instant game tickets must not be combined with a fee to any other event or entertainment.
- (5) Prizes are given only to persons who win.
- (6) Prizes must be randomly allocated to tickets.
- (7) The authorised purpose(s) to which the net proceeds of the instant game are applied or distributed must not change once ticket sales have commenced.
- (8) Prizes must be given to winners within 3 months after the prize provider is made aware of a winning ticket, unless the winner does not wish to accept the prize.
- (9) A complete prize list must be made available upon request by any member of the public from the organiser. Prize lists should also be made available to view wherever practicable, especially static selling areas such as selling booths.
- (10) The details of any conditions attached to a prize must be clearly indicated at the point of sale.
- (11) Prize winners must not incur costs additional to the cost of participation in the instant game when claiming their prize.
- (12) Prizes offered must not be changed once the instant game has commenced.

5 Conduct of game - class 2 and class 3 gambling

Every society and organiser must comply with the following additional rule when conducting an instant game that is class 2 or class 3 gambling:

- (1) Neither the society nor the organiser may hold a ticket.

6 Conduct of game - class 3 gambling

Every society and organiser must comply with the following additional rules when conducting an instant game that is class 3 gambling:

- (1) Tickets to the instant game must not be printed until a licence has been issued by the Secretary, unless the Secretary has given prior approval.
- (2) A specimen of the printed ticket must be provided to the Secretary prior to the commencement of ticket sales.
- (3) Unless entry to the instant game is restricted to members of a society, organisers must provide each participant with an individually numbered ticket, showing the following information:
 - (i) the name of the society:

- (ii) the name and address of the organiser of the instant game:
- (iii) the authorised purposes for which the instant game is conducted:
- (iv) the value and characteristics of the major prize(s) to be won:
- (v) the cost of entry:
- (vi) the total number of tickets offered in the instant game:
- (vii) the following words: By licence issued under section 37 of the Gambling Act 2003:
- (viii) licence approval number issued by the Department of Internal Affairs:
- (ix) the date(s) on which ticket sales will be held:
- (x) the details of the claims process and the last date on which claims for prizes can be lodged:
- (xi) the address and phone number of the Department of Internal Affairs.

(4) The following information is published at the point of sale:

- (i) the name of the society;
- (ii) the name and address of the organiser;
- (iii) the authorised purpose for which the prize competition is being conducted;
- (iv) the cost of each ticket; and
- (v) the number of tickets offered for sale.

(5) A copy of these rules, together with any amendments and a copy of the licence is available on request from any person who requests such information.

(6) The value of any prize (excluding cash) shall be the retail value at the time of the application, or the date of purchase if the prizes are purchased prior to the application being lodged.

(7) The society must alert the Secretary 7 days prior to the printing and/or the method of prize allocation so that the Department may if it considers necessary, arrange for a Gambling Inspector to be present at the allocation of prizes to tickets.

(8) When prizes are concealed on or within paper tickets, the society must ensure that their printer –

- (i) agrees to allow a Gambling Inspector to enter the printing premises to view the method of the prize allocation to tickets:
- (ii) affirms that the prize allocation is to be conducted to ensure the anonymity of the allocation of prizes to tickets:
- (iv) will ensure that the prize or prize bearing ticket(s) are determined on a random basis or wholly by chance.

(9) If a prize remains unclaimed 3 months after the final date of the selling of the tickets, or prize bearing tickets remain unsold, the society must notify the Secretary for Internal Affairs within 1 month. Prizes must then be disposed of according to the Secretary for Internal Affairs directions. The society must ensure that the prize is retained for 3 months after the draw; or if the prize is livestock or a property of a perishable nature, sell the prize in a way that brings a reasonable price and retain the proceeds (after deducting the reasonable costs of the sale) for 3 months after the draw until directions are received from the Secretary for Internal Affairs.

7 Percentage returned as prizes

Prizes must be worth at least 20% of the instant game's gross potential income.

8 Records and auditing (applicable if the instant game is class 3 gambling)

Subject to the provisions of the Gambling Act 2003 and any relevant regulations:

- (1) The society must provide an independently audited Audit and Prize Statement of the instant game in the approved manner.
- (2) The society must forward an Audit and Prize Statement to the Secretary within three months from the date the instant game result is determined.
- (3) Any person completing the Audit and Prize Statement for the society shall be a chartered accountant in public practice who is not associated, directly or indirectly, with the conduct of the instant game or the society's licensed promoter if one is employed.
- (4) Where proceeds are provided to any other society as an authorised purpose:
 - (i) The Audit and Prize Statement must include an additional form of verification and consent from the recipient society;
 - (ii) The Secretary may require additional information from the recipient society in relation to how the proceeds have been spent;
 - (iii) The Secretary may direct the recipient society to carry out an audit of the proceeds received by a chartered accountant.

9 Retention of documents (applicable if the instant game is class 3 gambling)

- (1) The society must retain all unsold tickets, invoices, statements, and other documentation associated with the instant game for a period of six months after the date of the results determination. They are to be produced upon request to the Secretary.

Made in Wellington this ____ day of _____ 2004.

Christopher Blake, Secretary for Internal Affairs