



Digital Instant Game Rules 2017

Pursuant to section 243 of the Gambling Act 2003, the New Zealand Lotteries Commission (Lotto New Zealand) makes the following rules after approval by the Minister of Internal Affairs.

Contents

	Page
1 Title	2
2 Commencement	2
3 Interpretation	2
4 Transitional, savings, and related provisions	3
5 Eligibility to play	3
<i>Method of play</i>	
6 Entry to digital instant game to be by ticket	3
7 Price of ticket	3
8 All issued tickets to be completed	3
<i>Conduct of digital instant games</i>	
9 General provisions	4
10 Prize pool	4
11 Prize tiers	4
12 Commission may set aside contribution to prize reserve fund	5
13 Prize reserve fund	5
14 Availability of digital instant game	5
15 Results	5
<i>Awarding prizes</i>	
16 Payment of prizes	6
17 Determination of prize claim	6
18 General prize claim provision	6
19 Invalid ticket	6
20 Additional prizes	7
<i>General provisions</i>	
21 Limitation of Commission's liability	7
22 Decisions of Commission binding	7

Schedule 1
Transitional, savings, and related provisions

8

Rules

1 Title

These rules are the Digital Instant Game Rules 2017.

2 Commencement

These rules come into force on 1 October 2017.

3 Interpretation

In these rules, unless the context otherwise requires,—

account means the online account of a player that is established by the Commission when the player registers on a digital platform

Act means the Gambling Act 2003

allocation, in relation to a digital instant game, or a portion of a digital instant game, means the determination of the prize-bearing tickets 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

approved game design means a game design approved for the purposes of these rules by both the Secretary and the Auditor-General in accordance with rule 9

Commission means the New Zealand Lotteries Commission continued under section 236 of the Act

digital instant game means an instant game operated by the Commission on a digital platform in which players are issued tickets and win prizes by obtaining a prize-bearing ticket

digital platform means an electronic platform on which digital instant games are operated

player means a person participating in a digital instant game

prize—

(a) means prize money or a non-monetary prize; and

(b) includes an additional prize determined under section 246 of the Act

prize-bearing ticket, in relation to a digital instant game, or a portion of a digital instant game, means a ticket issued to a player and determined in accordance with an allocation to bear a prize

prize reserve fund means the fund of that name established by the Commission under rule 37 of the Lotto Rules 2000

retailer—

- (a) means the Commission; and
- (b) includes a person, company, partnership, or association appointed by the Commission as a selling agent for 1 or more forms of New Zealand lottery

ticket pool means the total number of tickets within a pool.

4 Transitional, savings, and related provisions

The transitional, savings, and related provisions (if any) set out in Schedule 1 have effect according to their terms.

5 Eligibility to play

- (1) To be eligible to purchase a ticket or play a digital instant game, a person must—
 - (a) be 18 years of age or older; and
 - (b) register on the digital platform as a player and provide all of the information required during the registration process; and
 - (c) comply with all terms and conditions that are published by the Commission on the digital platform.
- (2) The Commission must take reasonable steps to verify that the purchaser and the player (if different from the purchaser) is 18 years of age or older.

*Method of play***6 Entry to digital instant game to be by ticket**

- (1) Entry to a digital instant game is by a ticket issued by the Commission.
- (2) Each ticket is a separate entry for a digital instant game.

7 Price of ticket

- (1) The price of a ticket for a digital instant game is determined by the Commission.
- (2) The Commission must display the price of a ticket on the digital platform before the sale of a ticket for the digital instant game.
- (3) In addition to tickets issued under rules 16(1)(b) and 19(3), the Commission may, at its discretion, issue 1 or more tickets to a player at no cost to the player.

8 All issued tickets to be completed

- (1) If a player is issued a ticket, the player must complete the requirements on the ticket for playing a digital instant game.
- (2) If the player does not complete the requirements, the Commission may complete the requirements for the player.

- (3) If the Commission completes the requirements for the player and the ticket is a prize-bearing ticket, the Commission must award the prize or prizes to the player.

Conduct of digital instant games

9 General provisions

- (1) Digital instant games must be conducted—
 - (a) in accordance with the Act and these rules; and
 - (b) at times and places, on digital platforms, and according to methods, policies, and procedures determined by the Commission.
- (2) A digital instant game must be conducted in accordance with a game design approved by the Secretary and the Auditor-General.
- (3) The game design must specify—
 - (a) the ticket pool and ticket pool type; and
 - (b) the price of each ticket; and
 - (c) the prize tiers; and
 - (d) the number and value of prizes in each prize tier; and
 - (e) the chance of winning a prize in each prize tier; and
 - (f) how a player wins a prize; and
 - (g) where the Commission has determined additional prizes under section 246 of the Act, the prize or class of prize that carries with it the right to enter the New Zealand lottery by which the additional prizes are to be allocated.
- (4) The determination of which tickets are to be prize-bearing tickets must 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 Prize pool

The prize pool for a digital instant game must—

- (a) be determined by the Commission, but must be an amount of at least 50% of the face value of the ticket pool for that game; and
- (b) include any amount included in the prize pool under rule 13(2).

11 Prize tiers

- (1) The prize pool for a digital instant game must be divided into prize tiers according to the approved game design.
- (2) The total prize value in each prize tier must be determined and allocated by the Commission according to the approved game design.

12 Commission may set aside contribution to prize reserve fund

The Commission may set aside from a digital instant game an amount, not exceeding 5% of ticket sales for the digital instant game, to be paid into the prize reserve fund under rule 13(1).

13 Prize reserve fund

- (1) The Commission must pay into the prize reserve fund—
 - (a) any amounts that the Commission sets aside for payment into the fund under rule 12; and
 - (b) a prize or the monetary value of a prize in respect of a digital instant game ticket that does not comply with the requirements of these rules or a provision of subpart 2 of Part 3 of the Act.
- (2) The Commission may allocate from the prize reserve fund a sum of money to a digital instant game for the following purposes:
 - (a) to add to the total prize pool:
 - (b) to add to a prize tier:
 - (c) for another purpose in relation to a digital instant game:
 - (d) to provide additional prizes determined under section 246 of the Act.

14 Availability of digital instant game

- (1) The Commission must determine when and for how long digital instant games are available on digital platforms.
- (2) A digital instant game must open on the date and at the time that tickets are first offered for sale on the digital platform, and must end on the date and at the time—
 - (a) that the digital instant game is withdrawn by the Commission; or
 - (b) where provision is made for additional prizes in accordance with section 246 of the Act, that those additional prizes are determined.
- (3) The Commission may withdraw a digital instant game at any time without notice.
- (4) If a digital instant game is withdrawn after a person has purchased a ticket for the game, the player will be able to claim prizes on a prize-bearing ticket in accordance with the terms and conditions published by the Commission on the digital platform.

15 Results

- (1) The results of a digital instant game may be published in the manner determined by the Commission.
- (2) The Commission may publish—
 - (a) the area where a prize winner lives; and

- (b) the winner's first name and first initial of the winner's surname.
- (3) The Commission must retain a record of the results of a digital instant game for at least 12 months after the close of the game.

Awarding prizes

16 Payment of prizes

- (1) The Commission must award prizes by—
 - (a) crediting a monetary prize to a player's account; or
 - (b) issuing a free ticket prize to a player's account; or
 - (c) delivering a non-monetary prize to a player's nominated address.
- (2) The Commission must credit, issue, and deliver prizes to players in accordance with the terms and conditions published on the digital platform, as amended by the Commission.
- (3) A player must comply with the terms and conditions for prizes published by the Commission on the digital platform.

17 Determination of prize claim

- (1) A player must meet and comply with the registration and eligibility requirements set out in rule 5 to be entitled to a prize.
- (2) The player named as the registered player on the account that is connected with the prize-bearing ticket must be considered the winner of any prize from the ticket, whether or not the player purchased the ticket.
- (3) The crediting, issuing, or delivery of a prize in accordance with rule 16 is a good and complete discharge of the Commission's obligations in respect of the digital instant game and prize-bearing ticket, despite any notice that the Commission may have of the alleged right, title, interest, or claim of another person to the prize.

18 General prize claim provision

Prizes cannot be claimed from a retailer other than the Commission.

19 Invalid ticket

- (1) No prize will be awarded in respect of a ticket that the Commission considers to be invalid.
- (2) A ticket for a digital instant game is invalid if it is affected or potentially affected by—
 - (a) fraud;
 - (b) tampering;
 - (c) unauthorised access to a computer system;
 - (d) corruption or alteration of data:

- (e) unlawful conduct;
 - (f) another matter capable of influencing the outcome of the ticket or the security of the digital platform on which it is operated.
- (3) In place of an invalid ticket, the Commission may issue a ticket of equivalent sale price for the same or another digital instant game.

20 Additional prizes

If the Commission determines additional prizes under section 246 of the Act, a sum of money for the additional prizes must be allocated from the prize reserve fund in accordance with rule 13(2)(d).

General provisions

21 Limitation of Commission's liability

The Commission is not, in any circumstances, liable for loss (direct or indirect) suffered by a player or another person—

- (a) due to the failure of, or damage or destruction to, the Commission's on-line gaming computer system or records; or
- (b) caused by delays, losses, errors, or omissions by the postal or other delivery service or by the banking system; or
- (c) due to another action or event that prevents or hinders the issue of a valid digital instant game ticket or the ability to play a game; or
- (d) otherwise arising from participation in a digital instant game.

22 Decisions of Commission binding

- (1) Decisions of the Commission on questions of fact concerning digital instant games are final and binding on all players and other persons concerned for any reason with those questions.
- (2) In subclause (1), **decisions of the Commission** includes decisions about the—
- (a) validity of entries; and
 - (b) eligibility and registration of players; and
 - (c) limitation on playing digital instant games; and
 - (d) determination of prize winners; and
 - (e) invalidity of tickets; and
 - (f) amount of prize money.

Schedule 1
Transitional, savings, and related provisions

r 4

Part 1
Provisions relating to these rules as made

There are no transitional, savings, or related provisions relating to these rules as made.

Dated at Auckland this 31st day of May 2017.

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

[Seal]

Matthew Boyd,
Presiding Member.

Wayne Pickup,
Chief Executive.

Approved by the Minister of Internal Affairs on the 25th day of May 2017.

Hon Peter Dunne,
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 1 October 2017, provide for the operation by the New Zealand Lotteries Commission of online digital instant games.

These rules are a legislative instrument and a disallowable instrument for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act.

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 27 July 2017.

These rules are administered by the New Zealand Lotteries Commission.