

**Reprint  
as at 1 November 2014**



**Instant Kiwi (Instant Game) Rules  
1992  
(SR 1992/38)**

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 26 February 1992, and of which a copy is set out in the Schedule.

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**Schedule  
Instant Kiwi (Instant Game) Rules 1992**

**Contents**

	Page
1 Title and commencement	3
2 Interpretation	3
3 Description of Instant Kiwi	5
Part 1	
Method of play	
4 Entry to game to be by ticket	5
5 Price of ticket	5
6 Responsibility of player on buying ticket	5
7 Player to determine whether ticket prize-bearing	5

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**Note**

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.

Note 4 at the end of this reprint provides a list of the amendments incorporated.

**These rules are administered by the New Zealand Lotteries Commission.**

Schedule	<b>Instant Kiwi (Instant Game) Rules 1992</b>	Reprinted as at 1 November 2014
8	Purchase of ticket by post or other delivery service <i>[Revoked]</i>	5
	Part 2 Conduct of games	
9	General provisions	6
10	Amount of prize pool for each game	7
11	Commission may set aside contribution to Prize Reserve Fund	7
12	Prize tiers	7
13	Prize Reserve Fund	7
14	Results	8
15	Special conditions relating to publication of results and publicity <i>[Revoked]</i>	9
	Part 3 Payment of prizes and ticket validation requirements	
16	Payment of prizes	9
17	Determination of prize claims	9
18	Ticket validation requirements	10
19	Invalid ticket	11
20	Additional prizes	11
	Part 4 Claiming a prize	
21	Time limit on claims	12
22	Claiming prizes not exceeding \$1,000	12
23	Claiming prizes exceeding \$1,000	12
24	Claims through retailer	13
25	Claims made directly to Commission	13
26	Claims for additional prizes	14
	Part 6 General provisions	
27	Limitation of Commission's liability	14
28	Decisions of Commission binding	15

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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.

## **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 Gambling Act 2003

**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 Auditor-General in accordance with rule 9

**Commission** means the New Zealand Lotteries Commission continued under section 236 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

**Instant Kiwi prize claim form** means a form supplied by the Commission to be used to claim a prize in a game

**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, includes an additional prize determined under rule 20

**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 pursuant to rule 20 of the Lotto Rules 1996 (SR 1996/8)

**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

**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.

Rule 2 **Act**: replaced, on 1 November 2014, by rule 4(1) of the Instant Kiwi (Instant Game) Amendment Rules 2014 (LI 2014/317).

Rule 2 **approved game design**: amended, on 1 July 2001, pursuant to section 52 of the Public Audit Act 2001 (2001 No 10).

Rule 2 **Commission**: amended, on 1 November 2014, by rule 4(2) of the Instant Kiwi (Instant Game) Amendment Rules 2014 (LI 2014/317).

Rule 2 **mail order retailer**: revoked, on 1 November 2014, by rule 4(3) of the Instant Kiwi (Instant Game) Amendment Rules 2014 (LI 2014/317).

Rule 2 **Prize Reserve Fund**: substituted, on 9 January 1997, by rule 2 of the Instant Kiwi (Instant Game) Rules 1992, Amendment No 2 (SR 1997/2).

**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 1  
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, 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 4.

**8 Purchase of ticket by post or other delivery service**

*[Revoked]*

Rule 8: revoked, on 1 November 2014, by rule 5 of the Instant Kiwi (Instant Game) Amendment Rules 2014 (LI 2014/317).

## Part 2 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, 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 Auditor-General.
- (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, 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.

Rule 9(4): amended, on 1 July 2001, pursuant to section 52 of the Public Audit Act 2001 (2001 No 10).

Part 2—*continued*

**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% 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).

**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% 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 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.

**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; and
  - (b) any prize money in respect of a prize-bearing ticket remaining unclaimed on the expiry of 12 months after the close of the game to which the prize-bearing ticket relates, calculated in accordance with the following formula:

$$a \times b - c$$

where—

- a is the total value of prizes or total prize pool in respect of the game

Part 2—*continued*

- b is the proportion of tickets sold in respect of the game
  - c is the total value of prizes claimed in respect of the game.
- (2) The Commission may from time to time, at its discretion, allocate from the Prize Reserve Fund such sum or sums of money as it sees 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.
- (3) These rules allow the payment into the Prize Reserve Fund of sums of money and the allocation from the Prize Reserve Fund of sums of money, but do not otherwise affect the provisions of the Lotto Rules 1996.

Rule 13(1)(b): substituted, on 1 September 2006, by rule 4 of the Instant Kiwi (Instant Game) Amendment Rules 2006 (SR 2006/273).

Rule 13(2): amended, on 9 January 1997, by rule 3(1) of the Instant Kiwi (Instant Game) Rules 1992, Amendment No 2 (SR 1997/2).

Rule 13(3): substituted, on 9 January 1997, by rule 3(2) of the Instant Kiwi (Instant Game) Rules 1992, Amendment No 2 (SR 1997/2).

**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) The Commission may publish the name of any prize winner who, on the Instant Kiwi prize claim form, authorises the publication of his or her name as a prize winner.

Rule 14(3): substituted, on 9 January 1997, by rule 4 of the Instant Kiwi (Instant Game) Rules 1992, Amendment No 2 (SR 1997/2).

Part 2—*continued*

**15 Special conditions relating to publication of results and publicity**

*[Revoked]*

Rule 15: revoked, on 9 January 1997, by rule 5 of the Instant Kiwi (Instant Game) Rules 1992, Amendment No 2 (SR 1997/2).

Part 3

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 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.
- (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 1 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,

Part 3—*continued*

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:
- (g) each number on the ticket, whether play symbols, game number, validation number, or otherwise, shall be fully legible:

Part 3—*continued*

- (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 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 any particular class of player determined by the Commission.
- (2) A sum or sums of money from any additional prizes must be allocated from the Prize Reserve Fund.

Part 3—*continued*

Rule 20: replaced, on 1 November 2014, by rule 6 of the Instant Kiwi (Instant Game) Amendment Rules 2014 (LI 2014/317).

Part 4  
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; 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,—
  - (a) the retailer to whom the claim is made under subclause (1) 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.

**23 Claiming prizes exceeding \$1,000**

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

Part 4—*continued*

- (a) through a retailer in accordance with rule 24; or
- (b) directly to the Commission in accordance with rule 25.

**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 1 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).

**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.
- (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 is met:
  - (b) the Commission may also require the claimant to complete and return an Instant Kiwi prize claim form:

Part 4—*continued*

- (c) subject to paragraphs (a) and (b), the Commission shall pay the amount of the prize to the claimant—
  - (i) by a cheque payable to the order of the claimant for the amount of the prize due, which shall be either posted to the claimant or, for a claim made in person, handed to the claimant; or
  - (ii) by a direct credit to the claimant for the amount of the prize due, which shall be transferred to the 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), the Commission shall refuse the claim and notify the claimant in writing of its decision.

Rule 25(1)(b): amended, on 1 November 2014, by rule 7 of the Instant Kiwi (Instant Game) Amendment Rules 2014 (LI 2014/317).

Rule 25(2)(c): substituted, on 9 January 1997, by rule 7 of the Instant Kiwi (Instant Game) Rules 1992, Amendment No 2 (SR 1997/2).

**26 Claims for additional prizes**

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

**Part 6**  
**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

Part 6—*continued*

(d) otherwise arising from participation in any game.

**28 Decisions of Commission binding**

All decisions of the Commission on questions of fact 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.

Rule 28: amended, on 9 January 1997, by rule 8 of the Instant Kiwi (Instant Game) Rules 1992, Amendment No 2 (SR 1997/2).

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:

[Seal]

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.

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Issued under the authority of the Legislation Act 2012.  
Date of notification in *Gazette*: 5 March 1992.

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## **Reprints notes**

### **1    *General***

This is a reprint of the Instant Kiwi (Instant Game) Rules 1992 that incorporates all the amendments to those rules as at the date of the last amendment to them.

### **2    *Legal status***

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

### **3    *Editorial and format changes***

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

### **4    *Amendments incorporated in this reprint***

Instant Kiwi (Instant Game) Amendment Rules 2014 (LI 2014/317)  
Instant Kiwi (Instant Game) Amendment Rules 2006 (SR 2006/273)  
Public Audit Act 2001 (2001 No 10): section 52  
Instant Kiwi (Instant Game) Rules 1992, Amendment No 2 (SR 1997/2)

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