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(SR 1994/205)

## KENO RULES 1994

PURSUANT to section 90 of the Gaming and Lotteries Act 1977 (as substituted by section 3(1) of the Gaming and Lotteries Amendment Act 1987), the Minister of Internal Affairs hereby approves the Keno Rules 1994, which were made by the New Zealand Lotteries Commission on the 14th day of September 1994, and of which a Copy is set out in the Schedule hereto.

### SCHEDULE

#### THE KENO RULES 1994

Note: Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint. A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint. These rules are administered in the New Zealand Lotteries Commission.

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## Rules

### 1 Title and commencement

- (1) These rules may be cited as the Keno Rules 1994.
- (2) These rules shall come into force on the 30th day of September 1994.

### 1A Application

- (1) These rules apply to Keno tickets, whether they are issued in printed form by a terminal or purchased electronically.
- (2) For the purpose of enabling Keno tickets to be purchased electronically, these rules apply subject to all necessary modifications.
- (3) Despite subclause (2),—
  - (a) a reference in these rules to any act done electronically or anything in an electronic form must be read only as a reference to Keno tickets being purchased electronically; and
  - (b) an act that is described in these rules as being done electronically must be done in accordance with any additional instructions provided by the Commission, including any terms and conditions governing the use of the Commission's Internet site for the purchase of those tickets electronically.

### 2 Interpretation

In these rules, unless the context otherwise requires,—

**Act** means the Gaming and Lotteries Act 1977

**Advance selection** means—

- (a) A player selection; or
- (b) A computer generated selection; or
- (c) A systems selection; or
- (d) A systems computer generated selection,—  
in a game specified by the Commission (being the game next following or up to such number of games following the game current at the time of the selection as the Commission from time to time determines)

**Board** means any one of the grids of numbers showing all the numbers in the range on a coupon

**Commission** means the New Zealand Lotteries Commission established under the Act

**Computer generated selection** means the numbers in the range that, instead of being chosen by the player, are chosen on a random basis by the Commission's computer system

**Cost of selection** means the amount nominated by the player on a coupon in accordance with instructions printed on it for a game or, in the case of a computer generated selection, means the amount nominated by the player and advised to the retailer in accordance with the options available for a game as specified in the game design

**coupon**, in relation to Keno, means a coupon provided by the Commission in printed form or by electronic means for use in making a player's selection or for use in making a player's systems selection or for indicating that the player wishes to make a computer generated selection or a computer generated systems selection, as the case may be

**Drawing** means the process used by the Commission to select on a random basis the winning numbers

**electronic** includes electrical, digital, magnetic, optical, electromagnetic, biometric, and photonic

**Game** means a game of keno beginning at the time ticket sales for the game commence and ending with a drawing for that game

**Game design** means the game design that, for the purposes of these rules, is determined by the Commission in accordance with rule 14 of these rules

**Game matrix** means the game matrix that, for the purposes of these rules, is determined by the Commission in accordance with rule 13 of these rules

**Keno** has the meaning given to it by rule 3 of these rules

**Mail order retailers** means any retailer appointed by the Commission as a mail order selling agent for keno

**Match** means a selection matching all, some, or none of the winning numbers drawn in a game

**Multi draw selection** has the meaning given to it by rule 9(2) of these rules

**Player** means any person participating in a game

**Player selection** means the numbers in the range selected by a player on a board or boards and marked on a coupon

**Players agents** means an agent approved by the Commission to undertake, on behalf of players, the services described in rule 11 of these rules

**Prize group** means each quantity of numbers which may be selected in a game so that where, for example, the maximum quantity of numbers that can be selected is 10, the prize groups may be 1 to 10 (inclusive)

**Prize Reserve Fund** means the fund of that name established by the Commission pursuant to rule 20 of the Lotto Rules 1996

**Prize tier** means each quantity of numbers (including none) which may be matched within each prize group for which the Commission will pay a prize so that, where for example, the prize group is 6, there may be 4 prize tiers for matching 3, 4, 5, or 6 numbers **purchased electronically**, in relation to a ticket,—

- (a) means purchased from the Commission by electronic means; but
- (b) does not include a purchase made from any other retailer or a purchase made by post or other delivery service

**Range** means the numbers between 1 and the number from time to time determined by the Commission as being the highest number from which winning numbers will be drawn in respect of a particular game so that a range could be, for example, the numbers between 1 and 80 (inclusive) or the numbers between 1 and 70 (inclusive)

**Retailer** means any person, company, partnership, or association appointed by the Commission as a selling agent for keno

**Secretary** means the Secretary for Internal Affairs

**Selection** means—

- (a) An advance selection; or
- (b) A computer generated selection; or
- (c) A player selection; or
- (d) A multi draw selection; or
- (e) A systems computer generated selection; or
- (f) A systems selection:

**Syndicate** means any combination of persons, whether formal or informal, having as its purpose, or as one of its purposes, participation directly or indirectly in the prizes of any game

**Systems computer generated selection** means the numbers in a range chosen on a random basis by the Commission's computer system and contained in a systems selection ticket

**Systems selection** means—

- (a) The combination of numbers derived from combining the different sets of

numbers within a board chosen by way of a player selection or computer generated selection and marked on the coupon in accordance with instructions printed on it or issued by the Commission; or

- (b) The combination of numbers derived from combining the set of numbers on a board chosen by way of a player selection or computer generated selection with the set of numbers selected by a player selection or computer generated selection on any other board of the coupon as directed by the player in accordance with instructions printed on the coupon or issued by the Commission.

**ticket** means a ticket that—

- (a) records selections, the game number or numbers, cost, and other information as determined by the Commission; and
- (b) is either issued in printed form by a terminal or purchased electronically

**Terminal** means the online computer terminal that has been installed by the Commission for the purpose of issuing tickets and entering, receiving, and processing keno transactions. **Winning numbers** means the numbers drawn on a random basis from the range at each drawing and used to determine the winning selections.

### 3 **Keno**

Keno is a New Zealand lottery in which each player endeavours to win prizes by selecting not more than a specified quantity of numbers from a given range of numbers and by matching with the winning numbers all or some or none of the numbers selected.

## **Part 1**

### *Method of play*

#### 4 **Cost of ticket**

The cost of each ticket shall be the sum of the cost of the selections for that ticket.

#### 5 **Making selection for game: tickets issued in printed form by terminal**

- (1) For a ticket issued in printed form by a terminal,—
  - (a) each player selection is made by a player marking, by hand on a coupon, the quantity of numbers selected and the actual numbers (corresponding with that quantity) selected from the range; and
  - (b) each systems selection is made by a player marking on the coupon for a systems selection the sets of numbers on a board to be combined with any other set of numbers within the board or between or among boards on the coupon.
- (2) The marking for a player selection must be a vertical line that does not extend beyond the outline of the box.
- (3) The marking for a systems selection must be made in accordance with the instructions for the making of a systems selection that are printed on the coupon or issued by the Commission.
- (4) The completed coupon must then be submitted to the retailer for processing through the terminal that will issue the ticket recording the selections marked on the coupon.
- (5) Any machinecompleted coupons must not be processed by the retailer.
- (6) At the request of a player wanting computer generated selections, the retailer must, through the terminal, issue a ticket that has recorded on it the quantity of numbers selected and numbers allocated by the computer for the game for which the ticket has been issued.

- (7) The Commission may, from time to time, specify the number of computer generated selections for which a ticket issued in printed form by a terminal may be issued in any game.

## **5A Making selection for game: tickets purchased electronically**

- (1) For a ticket purchased electronically,—
  - (a) each player selection is made by a player selecting electronically on a coupon the quantity of numbers selected and the actual numbers (corresponding with that quantity) selected from the range; and
  - (b) each systems selection is made by a player selecting electronically on the coupon for a systems selection the sets of numbers on a board to be combined with any other set of numbers within the board or between or among boards on the coupon.
- (2) A player may electronically submit a coupon completed in accordance with this rule to electronically purchase a ticket that records the selections made on the coupon.
- (3) The Commission may, from time to time, specify the number of computer generated selections for which a ticket purchased electronically may be issued in any game.

## **5B Application of rules 6 to 11**

- (1) Rules 6 to 11 apply to a ticket issued in printed form by a terminal, but only rules 6, 8(1) and (3), and 9 apply to a ticket purchased electronically.
- (2) To avoid doubt and for the purposes of rule 7, a ticket purchased electronically cannot be cancelled.

## **6 Entry into a game**

- (1) Each selection made for a game shall be a separate entry for that game.
- (2) A ticket shall be the only proof of a selection and is accordingly the only valid basis for claiming a prize or prizes.
- (3) A coupon has no monetary or prize value and shall not in any circumstances constitute evidence of ticket purchase or of any selection.

## **7 Cancellation of ticket**

- (1) Subject to rules 10(7) and 11(8) of these rules, a ticket for a game may be cancelled only if, on the same day as the day on which it was purchased, it is returned to the issuing retailer before the earlier of—
  - (a) The closeoff time for the returning of tickets that are to be cancelled for that game; or
  - (b) The close of ticket sales on that day.
- (2) On cancellation of a ticket the player shall be entitled to a refund from the retailer equal to the cost of the ticket.

## **8 Player responsibility**

- (1) It is the sole responsibility of a player to verify that the player selections or system selections recorded or displayed on the player's ticket correspond with those that the player made or requested and that the game number and date of drawing are correct, either, as the case may be,—
  - (a) by checking the ticket issued in printed form by a terminal; or
  - (b) before confirming the purchase of the ticket electronically.
- (2) By accepting a ticket issued in printed form by a terminal, the player shall be taken to have accepted that the player selections or the systems selections recorded on the ticket correspond with those marked on the coupon.
- (3) Neither the Commission nor any retailer shall in any circumstances be liable for any

errors or omissions in respect of the information recorded on the ticket (whether details of selection, game numbers, or otherwise whatsoever).

- (4) Cancellation of a ticket pursuant to rule 7 of these rules constitutes a player's or other person's sole and exclusive remedy where there is an error or omission on a ticket.

## **9 Multi draw tickets**

- (1) To give players the option of having the selections marked, or selected electronically, on the coupon entered for 2 or more games, coupons—
  - (a) Shall show boxes designated multi draw; and
  - (b) Shall specify the number of games that a player can enter.
- (2) The option provided for in subclause (1) of this rule is referred to in these rules as a multi draw selection.
- (3) To make a multi draw selection, a player (in addition to marking, or selecting electronically, the player selections on the coupon) shall mark, or select electronically, the appropriate multi draw box on the coupon in accordance with the instructions on the coupon so as to indicate the number of games for which player selections have been made. In the case of a player requesting a computer generated selection, the player may also make a multi draw selection by advising the retailer of, or, as the case may be, selecting electronically, the multi draw selection option required from the options available.
- (4) In all other respects the multi draw entry shall be completed and selections made in accordance with these rules.
- (5) Should a ticket issued for a multi draw selection win and be paid a prize, the bearer of that winning ticket shall, on surrender of that ticket, be issued with a substitute ticket for any games entered that are not drawn at the time the prize is paid.

## **10 Selections by post or other delivery service**

- (1) The Commission may choose to accept entries for a game delivered to it or to a mail order retailer by post or other delivery service.
- (2) Where the Commission chooses to accept entries by post or other delivery service, coupons or a written instruction for a computer generated selection completed in accordance with these rules and in each case accompanied by the required payment and a stamped (with correct postage) self-addressed envelope must be delivered to the office of the Commission or to any mail order retailer.
- (3) The Commission and a mail order retailer shall use all reasonable efforts to ensure that completed entries for a game received by them by post or other delivery service shall be entered in the game that, in the Commission's opinion or the retailer's opinion, as the case may require, is most likely to take place after the date that the ticket in respect of the entries has been returned by post or other delivery service to the addressee of the entry.
- (4) If, at the time of processing a coupon, any selection is found to be invalid or deficient, the person authorised by the Commission to process the coupon shall,—
  - (a) Where there are too many numbers marked, delete the highest number or numbers from that selection:
  - (b) Where there are too few numbers marked, select one or more numbers at random to complete the selection:
  - (c) In any other case, at the discretion of the Commission or the mail order retailer processing the coupon, either—
    - (i) Remedy the error and process the coupon; or
    - (ii) Refer the error back to the player for correction.

- (5) Players using the entry by post or other delivery service facility shall bear and accept (without recourse to either the Commission or the mail order retailer) the consequences of any failure to win a prize or prizes due to delays, errors, or omissions on the part of the Commission or on the part of a mail order retailer in processing entries or arising from loss of entries or tickets in transit.
- (6) The ticket shall be returned to the player by post in the stamped self-addressed envelope supplied by the player.
- (7) Any ticket issued to a player who used the entry by post or other delivery service facility to obtain that ticket may not be cancelled.

## **11 Players agents**

- (1) Players agents may, on behalf of players, accept at such premises, if any, as are approved for the purpose by the Commission, completed coupons.
- (2) Each coupon accepted under subclause (1) of this rule by a players agent shall be forwarded by the players agent to a retailer approved by the Commission for the issue of a ticket.
- (3) The ticket issued shall be returned by the players agent to the player.
- (4) The ticket shall be for the game that, in the retailer's opinion, is most likely to take place in the period immediately after the retailer expects the ticket to be returned to the player.
- (5) The players agent, in addition to receiving from the player the cost of the selections, shall be entitled to charge the player a fee for having the coupon processed and for returning the ticket to the player. The amount of the fee shall be approved by the Commission from time to time.
- (6) If, at the time of processing a coupon, any selection is found to be invalid or deficient, the person authorised by the Commission to process the coupon shall,—
  - (a) Where there are too many numbers marked, delete the highest number or numbers from that selection:
  - (b) Where there are too few numbers marked, select one or more numbers at random to complete the selection:
  - (c) In any other case, at the discretion of the players agent, either—
    - (i) Remedy the error and process the coupon; or
    - (ii) Refer the error back to the player for correction.
- (7) Every player who uses a players agent shall bear and accept (without recourse to either the Commission or the players agent) the consequences of any failure to win a prize or prizes due to delays, errors, or omissions on the part of a players agent in processing entries or arising from loss of entries or tickets in transit.
- (8) Any ticket issued to a player who uses the services of a players agent to obtain that ticket may not be cancelled.

## Part 2

### *Conduct of games*

#### **12 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 by the Commission from time to time.
- (2) The frequency and duration of games shall be determined from time to time by the Commission.

#### **13 Game matrix**

- (1) Every game shall be conducted in accordance with a game matrix.
- (2) The game matrix shall specify—
  - (a) The quantity of numbers that a player may select from a range; and
  - (b) The quantity of numbers that—
    - (i) At each drawing, is to be drawn from the range on a random basis; and
    - (ii) Is to be used to determine the winning selections; and
    - (iii) Could, for example, be 15; and
  - (c) The highest number in a range so that where, for example, that highest number is 80, the numbers in a range would be between 1 and 80 (inclusive).

#### **14 Game design**

- (1) Every game shall also be conducted in accordance with a game design determined, from time to time, by the Commission and approved by the Secretary and the Audit Office.
- (2) The game design shall specify—
  - (a) The game matrix for the game; and
  - (b) The combination of numbers a player may choose by way of a systems selection or a systems computer generated selection; and
  - (c) Any restrictions on the making of a selection; and
  - (d) The closeoff time for the returning for cancellation of tickets for the game; and
  - (e) The cost options to be offered in the game; and
  - (f) Any minimum cost of entry to the game; and
  - (g) Any minimum number of selections necessary for entry to the game; and
  - (h) The prize groups for the game; and
  - (i) The prize tiers for the game; and
  - (j) The maximum liability of the Commission in respect of—
    - (i) Any particular prize group; or
    - (ii) Any particular prize tier; or
    - (iii) The game; and
  - (k) The proportion or amount, if any, of money to be paid from sales of tickets from the game in respect of a jackpot for that game or a future game; and
  - (l) The maximum size of a jackpot; and
  - (m) The odds of winning a prize in the game; and
  - (n) The number of games which shall be played or the dollar amount which may be reached before the jackpot or any part of it is paid into the Prize Reserve Fund under rule 19(5) of these rules
  - (o) Such other information as the Commission thinks fit.

## **Part 3**

### *Draws and division of prizes*

#### **15 Procedure for drawings**

Drawings shall be conducted in accordance with the Act, at times and places and pursuant to methods, policies, and procedures determined by the Commission from time to time.

#### **16 Selection of winning numbers**

- (1) Drawings shall be made using such equipment as the Commission may from time to time determine.
- (2) At each drawing the winning numbers shall be selected on a random basis by that equipment.

#### **17 Amount of prizes for each game**

- (1) The prizes for each game (including the prize tiers and prize groups) shall be determined by the Commission.
- (2) For the avoidance of doubt, there may be included in the available prizes for any game or, as applicable, in respect of any particular number or numbers matched in a game,—
  - (a) Any additional (jackpot) amounts in accordance with rule 19 of these rules; and
  - (b) Any allocations made by the Commission from the Prize Reserve Fund.
- (3) The Commission may, in its discretion, set aside from ticket sales for a game, up to a maximum amount of 5 percent of ticket sales for that game, to be paid into the Prize Reserve Fund under rule 20(1)(a) of these rules.

#### **18 Division of prizes and allocation of prize pool**

- (1) Where all, some, or none of the numbers of a player selection, computer generated selection, systems selection, or systems computer generated selection match the winning numbers, the player will be entitled to the prize (if any) from time to time determined by the Commission as being payable for that prize tier.
- (2) Subject to subclause (3) of this rule, the prize payable to a player will be that derived by multiplying the prize payable for that prize tier by the cost of selection.
- (3) If the prizes payable for a game exceed the Commission's maximum liability for a particular prize group, prize tier, or game in accordance with the game design, then the Commission may effect a prorata reduction of some or all prizes in that prize group, prize tier, or game.
- (4) All prizes so reduced will be decreased in value by the same ratio which will be that ratio by which the prizes have to be reduced to make the total amount of the prizes won equal to the Commission's maximum liability for that particular prize group, prize tier, or game. All prorata reduced prizes will be rounded down to the nearest dollar multiple.
- (5) Where prorata reduced prizes are rounded down under subclause (4) of this rule, the Commission may, in its discretion, pay into the Prize Reserve Fund all money left over after the rounding down.
- (6) When prizes in a draw are subject to a prorata reduction, the Commission may decide that the jackpot for any particular prize tier will not be augmented in the next game.

## **19 Jackpots**

- (1) The Commission may, in accordance with the game design, in addition to the prize payable under rule 17(1) of these rules, allocate to the prizes for a game (or for any prize group or prize tier) a sum known as the jackpot.
- (2) Notwithstanding subclause (1) of this rule, if a drawing for a game results in no player having correctly selected by way of a player selection, computer generated selection, systems selection, or systems computer generated selection the numbers entitling a player to a prize, the Commission may pay an amount up to the value of that prize in a future game or games (also known as the jackpot) for the correct matching of those or any other numbers.
- (3) Jackpots will be payable in accordance with subclauses (2), (4), and (5) of this rule.
- (4) On a sharing of the jackpot, the amounts payable to each player entitled to share in the jackpot, shall be rounded down to the nearest dollar multiple. All money left over after rounding down shall, at the Commission's discretion, be added to a jackpot for the next game, or paid into the Prize Reserve Fund.
- (5) If the jackpot reaches the maximum size and or is not won within the number of games specified by the game design, the Commission may pay an amount equal to the jackpot or a proportion of it into the Prize Reserve Fund and the jackpot shall be reduced accordingly.

## **20 Prize Reserve Fund**

- (1) The Commission shall pay into the Prize Reserve Fund—
  - (a) Such amounts as the Commission may set aside for payment into the fund pursuant to rule 17(3) or rule 18(5) or rule 19(4) or rule 19(5) of these rules; and
  - (b) Prize money in respect of tickets that do not comply with the requirements contained in rule 25 of these rules and any provision of Part 7 of the Act; and
  - (c) Prize money unclaimed after 12 months from the date of the drawing in which the prize was won.
- (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 to—
  - (a) The total available prizes for any game:
  - (b) Some or all of the prize tiers in a game:
  - (c) Any jackpot in a game.
- (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.

## **21 No more than one prize for a selection**

Each selection shall be eligible for one prize only.

## **22 Results**

- (1) The results of each drawing shall be displayed by retailers in their premises in the area designated for keno sales as soon as practicable after each drawing and may also be published or broadcast in such other manner as the Commission may from time to time determine.
- (2) The information displayed and published shall include—
  - (a) The number of the game:
  - (b) The winning numbers:
  - (c) Such other information as the Commission may from time to time determine.

- (3) The Commission shall maintain a record of results for 12 months after each drawing.
- (4) The Commission may publish the name of any prize winner who, on the keno prize claim form, authorises the publication of his or her name as a prize winner.

## **Part 4**

### *Payment of prizes and ticket validation requirements*

#### **23 Payment of prizes**

Prizes that are won through tickets issued in printed form by a terminal shall, subject to the provisions of these rules, be available for payment in accordance with these rules as soon as practicable following the drawing but no later than the day following the drawing, at any time when the terminal and the Commission's online gaming computer system are operating.

#### **24 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 25 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 keno prize claim form shall be deemed to be the bearer of the ticket accompanying the keno prize claim form. If more than one person is named on a keno 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 syndicate, 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.

#### **25 Ticket validation requirements**

- (1) In addition to any other requirements in these rules, the requirements in subclause (2) or, as the case may be, subclause (3) apply before a ticket is regarded as a valid prize winning ticket.
- (2) For a ticket issued in printed form by a terminal,—
  - (a) the ticket must have been issued on behalf of the Commission by a retailer through a terminal in the authorised manner:
  - (b) the ticket must be intact and must not be mutilated, altered, unreadable, reconstituted, or tampered with in any manner:
  - (c) the information recorded on the ticket must correspond with the Commission's computer record of prize winning tickets:
  - (d) each number and letter on the ticket, whether a selection number, game number, or other number must be fully legible:

- (e) the ticket must not be defectively printed or produced in error to an extent that it cannot be processed by the Commission or any other retailer:
  - (f) the ticket must not be false, counterfeit, or cancelled:
  - (g) the ticket must not appear on the Commission's computer record of cancelled tickets:
  - (h) all information appearing on the ticket must appear in the Commission's official computer record of winning tickets, and another ticket with identical data must not have already been paid:
  - (i) the ticket must pass all additional confidential validation tests and security criteria established by the Commission:
  - (j) the ticket must not have been issued for a machine-completed coupon.
- (3) For a ticket purchased electronically,—
- (a) the information recorded on the ticket must correspond with the Commission's computer record of prize-winning tickets:
  - (b) the ticket must not be false or counterfeit:
  - (c) the ticket must not appear on the Commission's computer record of cancelled tickets:
  - (d) all information appearing on the ticket must appear in the Commission's official computer record of winning tickets, and another ticket with identical data must not have already been paid:
  - (e) the ticket must pass all additional confidential validation tests and security criteria established by the Commission.

## **26 Certain syndicate tickets invalid**

- (1) Any ticket purchased by or on behalf of a syndicate in or for which any person—
- (a) Obtains direct or indirect financial gain for forming, conducting, assisting in forming or conducting, or promoting that syndicate (hereafter in this rule referred to as a commercial syndicate); or
  - (b) Advertises by any means that he or she will receive money for a commercial syndicate; or
  - (c) Publicly advertises for persons to join, form, conduct, or assist in the forming or conducting of a syndicate,— shall be deemed to be void and ineligible for any prize.
- (2) For the purposes of subclause (1)(c) of this rule, a person will be regarded as having publicly advertised in terms of that rule if, among other things, the person advertises by means of television, radio, newspaper, magazine, or direct marketing.
- (3) Any ticket that is deemed by subclause (1) of this rule to be void and ineligible for any prize may not be cancelled.
- (4) The Commission shall not replace a ticket that under subclause (1) of this rule is void and ineligible for any prize.
- (5) For the purposes of this rule, a person does not obtain a financial gain by receiving any payment that represents the person's proportional share (based on the amount the person paid towards the tickets purchased by or on behalf of the syndicate) of any prize.

## **27 Consequences of ticket being invalid**

- (1) In the event that a ticket fails to pass all the criteria set out in rule 25 of these rules, the ticket shall be deemed void and ineligible for any prize.
- (2) The Commission may, solely in its discretion, replace an invalid ticket with a ticket of equivalent sales price for any subsequent game.

## **Part 5**

### *Advance entries*

#### **28 Advance selections**

The Commission may from time to time authorise the issuance of, and issue advance selections for, games specified by the Commission.

#### **29 Advance entries**

- (1) To make an advance selection entry a player shall (in addition to marking the player's selections on the coupon) either mark, in accordance with instructions on the coupon, the box designated advance (if such a box is provided on the coupon) or advise the retailer that it is an advance selection entry. In the case of a player requesting a computer generated selection or a systems computer generated selection, the player may make an advance selection entry by advising the retailer or marking the coupon accordingly.
- (2) In all other respects the entry shall be completed and selections made in accordance with these rules.

## **Part 6**

### *Claiming a prize*

#### **29A Prizes won through tickets purchased electronically**

- (1) Despite anything in this Part, the following provisions apply to all prizes won through tickets purchased electronically:
  - (a) prizes cannot be claimed from a retailer:
  - (b) monetary prizes will be credited to the purchaser:
  - (c) the purchaser must comply with the Commission's terms and conditions for prizes:
  - (d) nonmonetary prizes will be delivered to the purchaser's nominated address.
- (2) Rule 32 does not apply to prizes won through tickets purchased electronically, but the rest of the rules in this Part apply to those prizes.

#### **30 Time limit on claims**

All prizes must be claimed within 12 months from the date of the drawing at which the winning numbers were drawn. Any prize not claimed within the 12 month period in the manner specified in these rules shall be forfeited, and the unclaimed prize money shall be paid into the Prize Reserve Fund.

#### **31 Prizes of \$1,000 or less**

- (1) Where the prize, or the aggregate of the prizes, that may be claimed on any one ticket is \$1,000 or less, a claimant may either present the ticket to any retailer or submit a claim to the Commission for payment.
- (2) Retailers are authorised to pay such prize money up to 12 months from the date of the drawing at which the winning numbers were drawn.
- (3) Retailers shall pay the bearer of a ticket winning \$1,000 or less, presented within the 12month period, where all the ticket validation criteria and other requirements set forth in these rules have been satisfied, and all other procedures required of a retailer by the Commission have been properly followed.
- (4) In the event that the retailer is for any reason unable to validate the claimant's ticket, or is not authorised to pay the prize, or the claimant decides to submit the claim direct to the Commission, the claimant shall make the claim to the Commission in the manner and on the basis specified in rule 32 of these rules.

## **32 Prizes of more than \$1,000**

- (1) Where the prize, or the aggregate of the prizes, that may be claimed on any one ticket is more than \$1,000, a claimant may make a claim for payment either directly to the Commission or through a retailer. Payment of any such prize money shall be made only by the Commission.
- (2) Claims for prizes submitted directly to the Commission may be submitted either by mail (with stamped self-addressed envelope) or by personal presentation to the office of the Commission.
- (3) The procedure for prize claims made through a retailer shall be as follows:
  - (a) The claimant shall sign the back of the ticket and present it to the retailer who shall process the ticket through the terminal to register the claim and then provide the claimant with a keno prize claim form:
  - (b) The claimant shall forthwith complete and return the keno prize claim form to the retailer:
  - (c) The retailer shall endorse the keno prize claim form and return to the claimant one copy of the endorsed form as receipt for the surrender of the ticket:
  - (d) The keno prize claim form with the accompanying ticket shall then be forwarded by the retailer to the Commission for validation.
- (4) Where a claim for a prize is submitted to the Commission without a duly completed keno prize claim form, the Commission, before paying any prize, may require the person making the claim to complete a keno prize claim form.
- (5) Where all the ticket validation criteria set out in these rules have been satisfied, the Commission shall pay the claimant in accordance with the procedures set out in these rules.
- (6) If a ticket is validated by the Commission, a cheque payable to the order of the claimant or a direct credit to the claimant, for the amount of the prize due shall be—
  - (a) In the case of a cheque, either posted to the claimant or, for a claim made in person, handed to the claimant; or
  - (b) In the case of a direct debit, transferred to the bank account nominated by the claimant.
- (7) If the ticket is not validated by the Commission, the claim shall be refused, and the claimant notified promptly of the refusal.
- (8) Prize money posted to the claimant's address notified on the keno prize claim form shall be deemed to have been received by the claimant at the time when the letter containing the prize money would in the ordinary course of post be delivered.

## **Part 7**

### ***General provisions***

## **33 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, bearer of a ticket, or any other person due to—

- (a) The failure of, or damage or destruction to, the Commission's 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 which prevents or hinders the issue of a valid ticket; or
- (d) Otherwise arising from participation in any game.

### **34 Decisions of Commission**

- (1) All decisions of the Commission on questions of fact concerning keno, 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.
- (2) Where the Commission exercises its powers under these rules to determine various matters with respect to the operation of keno (for example, determinations in respect of the game matrix or game design) the Commission—
  - (a) Shall give reasonable notice of those determinations in point of sale advertising relating to that game; and
  - (b) May give notice of those determinations in any other publicity material relating to that game.

#### **Explanatory Note**

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

This is a reprint of the Keno Rules 1994. It incorporates all the amendments to the Keno Rules 1994 as at 28 March 2008. The list of amendments at the end of these notes specifies all the amendments incorporated into this reprint since 3 September 2007. Relevant provisions of any amending enactments that contain transitional, savings, or application provisions are also included, after the Principal enactment, in chronological order.

Keno Amendment Rules 2008 (SR 2008/80)