

**NEW SOUTH WALES LOTTERIES (AMENDMENT) ACT 1993**  
**No. 49**

**NEW SOUTH WALES**



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**NEW SOUTH WALES LOTTERIES (AMENDMENT) ACT 1993**  
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NEW SOUTH WALES



**Act No. 49, 1993**

An Act to amend the New South Wales Lotteries Act 1990 with respect to the payment of prizes in instant lotteries. [Assented to 21 September 1993]

**The Legislature of New South Wales enacts:**

**Short title**

1. This Act may be cited as the New South Wales Lotteries (Amendment) Act 1993.

**Commencement**

2. This Act commences **on** the date of assent.

**Amendment of New South Wales Lotteries Act 1990 No. 78**

3. The New South Wales Lotteries Act 1990 is amended by inserting after Part 2 the following Part:

**PART 2A—INSTANT LOTTERIES**

**Definitions**

33A. In this Part:

“**instant lottery**” means a public lottery that is an instant lottery, and includes a public lottery in which prizes are determined (wholly or partly) by exposing the matter in panels on the tickets in the lottery (whether or not additional prizes are determined in any other manner);

“**symbol**” includes amount, number, word or picture.

**Verification of tickets and prizes**

33B. (1) NSW Lotteries may record on a ticket in an instant lottery a verification code by which NSW Lotteries can determine after the sale of the ticket whether it is a valid ticket and also whether it has won a prize.

(2) NSW Lotteries may implement other tests in respect of instant lotteries for determining whether a ticket is a valid ticket and also whether it has won a prize.

(3) Those verification codes or other tests have the following purposes:

- (a) to prevent forgery or fraudulent alteration of tickets;
- (b) to provide a conclusive means of determining prize-winning tickets in accordance with the total amount allocated for prizes in that lottery.

(4) A prize is not payable in respect of a ticket in an instant lottery if the ticket does not satisfy any such verification code or other test.

(5) This section has effect even though the ticket may indicate that a prize has been won.

(6) The regulations may make additional provisions for or with respect to the payment of prizes in instant lotteries.

**Clarification of certain rules for winning prizes in instant lotteries**

33C. (1) In an instant lottery, a statement that a prize is won by matching 3 symbols or by matching 3 identical symbols (or a statement to the same effect) means, and is taken always to have meant, that a prize is won if the same symbol appears 3 times. For example:

7	1	wins a prize	7	1	does not win a prize
3	7		3	7	
4	7		3	1	

(2) In an instant lottery, a caption to a symbol (for example, the word “one” beneath the symbol “1”) forms part of the symbol and does not constitute a separate symbol for the purposes of counting the number of symbols.

(3) This section applies to a statement on a ticket in the instant lottery or to a statement publicly advertised or used in connection with the instant lottery.

**Application of Part**

33D. (1) This Part applies to all instant lotteries promoted or conducted before or after the commencement of this Part, whether under the State Lotteries Act 1930 or under this Act.

(2) This Part has effect despite any other Act or law or any agreement.

**Pending or previous proceedings**

33E. (1) The rights of a claimant to a prize in an instant lottery are to be determined in accordance with this Part even if proceedings in relation to the payment by NSW Lotteries of a prize in the instant lottery to the claimant are pending at the commencement of this Part.

(2) If, before or after the commencement of this Part:

- (a) the claimant of a prize in an instant lottery has obtained a judgment with respect to the claim in proceedings instituted before that commencement; and
- (b) the rights of the claimant have not been determined in accordance with this Part,

the judgment is, by force of this section, vacated and set aside.

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(3) Nothing in this Part affects the judgment of the Court of Appeal of the Supreme Court in *State Lotteries Office v. Burgin* (No. CA 40133/93) as between the parties to those proceedings.

(4) In, this section, “judgment” includes a summary or default judgment or order.

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*[Minister’s second speech made in—  
Legislative Assembly on 8 September 1993  
Legislative Council on 14 September 1993]*