

Decision and reasons for decision

In the matter of disciplinary action against Crown Melbourne Ltd pursuant to section 20 of the *Casino Control Act 1991* (Vic).

Commission	Chris O'Neill APM, Chair Andrew Scott, Deputy Chair Dr Ron Ben-David, Deputy Chair Claire Miller, Commissioner
Date of decision	15 October 2025
Date of reasons	21 November 2025
Decision	For the reasons attached to this decision, the Victorian Gambling and Casino Control Commission has determined: <ul style="list-style-type: none">a. to take disciplinary action against Crown Melbourne Ltd under section 20(4) of the <i>Casino Control Act 1991</i> (Vic) (the Act), for a contravention of section 76C of the Act; andb. that the appropriate disciplinary action is the imposition of a fine in the amount of \$100,000.00

Signed

A handwritten signature in blue ink, appearing to read 'C. O'Neill', is placed over a faint, light blue rectangular stamp or watermark.

Chris O'Neill APM
Chair

Introduction

1. This is the Victorian Gambling and Casino Control Commission's (**Commission**) determination of what, if any, disciplinary action to take against Crown Melbourne Ltd (**Crown**) under section 20(4) of the *Casino Control Act 1991 (Vic)* (**Act**). On 20 June 2025, the Commission issued a Notice to Show Cause (**Notice**) to Crown as to why disciplinary action should not be taken regarding the following contraventions of the Act:
 - a. Section 76B of the Act for permitting an excluded person to enter or remain in the casino; and
 - b. Section 76C of the Act for permitting an excluded person to gamble.
2. The Act provides that it is an offence for a casino operator if:
 - a. an excluded person enters or remains in a casino, unless the casino has taken all reasonable steps to prevent that excluded person from entering or remaining in the casino, pursuant to section 76B of the Act; and
 - b. an excluded person plays a game in the casino, pursuant to section 76C of the Act.
3. An individual was excluded from the casino on 2 August 2024 in writing by Crown, pursuant to section 72(1) of the Act on the basis of concerns for their welfare (the **excluded person**). As at 31 October 2024, the order had not been appealed by the excluded person or revoked or withdrawn by Crown, and the period of exclusion was ongoing.
4. The Commission detected the alleged contraventions of sections 76B and 76C of the Act through its ongoing monitoring of Crown's operations.
5. The Commission subsequently issued Crown with the Notice for the alleged contraventions:
6. On 4 July 2025, Crown provided written submissions to the Commission wherein it acknowledged both contraventions and regretted that the events occurred. Crown noted that its control environment was ineffective in relation to the initial identification of the excluded person and subsequent intervention.
7. The Commission has considered all the materials provided to it by Crown in this matter.

Summary

8. For the reasons that follow, the Commission has determined:
 - a. to take no disciplinary action against Crown for contravention of section 76B of the Act; and
 - b. to issue Crown a fine of \$100,000 for contravention of section 76C of the Act.

Background

9. This disciplinary action arose because an excluded patron entered and gambled at Crown during the Relevant Period.
10. The person was excluded by Crown due to concerns for their welfare. In summary, during the Relevant Period:

- a. on 31 October 2024, the excluded person entered the casino, which was manned by a Crown Security Service Officer. The excluded person approached the entrance walking quickly with their head down, holding a phone to their ear and holding a drink. The excluded person remained in the casino until 1 November 2024, a total of 14 hours and 40 minutes (the **Relevant Period**); and
 - b. the excluded person gambled on an Electronic Table Game (**ETG**) during the Relevant Period continuously without taking a food, beverage or restroom break and was not approached at any time by a Crown PlaySafe attendant or any Crown staff. Crown staff only intervened after being alerted by a Commission inspector of the continuous play period by the excluded person.
11. The excluded person made efforts to conceal their identity upon entry by wearing glasses, looking down and holding a phone to their face/ear, as well as the alteration in their appearance from previous photos of the person in Crown's possession.
12. In its submissions to the Commission, Crown emphasised that since a Notice to Show Cause dated 14 June 2024, as well as the two directions issued at Crown on 14 June 2024 and 30 April 2025, Crown has implemented significant 'excluded person controls' including but not limited to the following:
 - a. Installation of photo kiosk and physical signage with inbuilt facial recognition technology.
 - b. Review of security and surveillance resources and positioning.
 - c. Continuous training of entry point officers, and positioning ambassadors at the entry point.
 - d. Accelerated implementation of mandatory carded play on ETG.

Findings

Section 76B contravention

13. The Commission finds that the excluded person entered and/or remained in the casino during the Relevant Period. Crown does not dispute that the excluded person entered and or remained in the Casino during the Relevant Period.
14. However, entry or remaining in the casino of itself is not sufficient to establish a contravention of section 76B of the Act. To establish a contravention of section 76B of the Act, the Commission needs to be satisfied that Crown did not take "all reasonable steps" to prevent excluded patron from entering and/or remaining in the Casino.
15. Crown has submitted that the excluded person's efforts to disguise their appearance may have contributed to its systems' failure to detect their entry; and that it has implemented significant number of controls and measures over the 12 months to prevent, detect, and intervene excluded persons from entering, remaining, and gambling in the casino.
16. The Commission acknowledges Crown's submission and recognises that Crown has taken significant steps to strengthen its excluded person controls to prevent excluded persons from entering in the casino. The Commission accepts that the excluded person made efforts to conceal their identity upon entry including by wearing glasses and looking down and holding a phone to their face/ear. However, Crown's controls should factor that excluded persons may deliberately attempt to conceal their identity. The fact that a person seeks to disguise themselves does not absolve Crown of its responsibility to maintain and enforce effective exclusion controls.

17. Separately, the Commission is not satisfied that Crown has demonstrated that its controls are sufficient to prevent the excluded person from remaining in the casino. Evidence shows that the excluded person remained on the premises for an extended period without detection. Crown staff only intervened after being alerted by a Commission inspector, highlighting potential shortcomings in Crown's systems and controls in policing the presence of an excluded person.
18. The Commission is concerned that the incident indicates that the implemented measures have not sufficiently mitigated the risks. In this case, for example there was no evidence of any roving Playsafe Crown staff interacting with patrons in the Relevant Period. Allowing an excluded person to remain in the casino for an extended period exposes them to potential gambling-related harm and undermines the intent of the exclusion regime. Crown must strengthen its systems and controls to better detect, respond to, and manage such risks in the future.
19. The Commission has remaining concerns regarding Crown's compliance with section 76B, particularly whether it has demonstrated adequate policing of its systems and controls to prevent excluded person in remaining in the casino. Notwithstanding these concerns, the Commission, has decided not to take disciplinary action under section 76B and will instead focus on the alleged contravention of section 76C. Section 76C represents a more serious breach and more accurately reflects the gravity of the conduct. This decision is assisted by the implementation of card play functionality on ETGs as of 30 September 2025, which may help mitigate remaining concerns regarding Crown's systems and controls going forward in relation to excluded persons remaining in Crown.
20. The Commission notes that it has the power to take disciplinary action in respect of both provisions, and its decision to proceed under section 76C alone, on this occasion, should not be read as limiting its power or ability to take enforcement action in future for contraventions of either section, or both, where appropriate.
21. The Commission expects Crown to ensure that its controls are actively monitored and strengthened so that excluded persons who gain entry despite existing measures are promptly identified and removed, preventing them from remaining in the casino.

Section 76C contravention

22. The Commission finds that the excluded person had gambled continuously without a break during the Relevant Period. The Commission relied on records indicating the excluded person gambled for a total of 14 hours and 40 minutes. Crown accepts and acknowledges these allegations.
23. The Commission considers contraventions under section 76C of the Act to be the more serious, given this causes direct gambling harm inflicted on excluded patrons.
24. The length of time the excluded person gambled in the casino is extremely concerning. Throughout this extended period, the excluded person did not take a food, beverage or toilet break nor were they approached by a Crown PlaySafe attendant or any Crown staff.
25. Allowing excluded persons to remain on the premises for extended periods not only undermines the integrity of the exclusion system but also exposes these vulnerable individuals to heightened risk of gambling harm. This is a serious violation of Crown's obligation to minimise such harm.

Contraventions

26. In light of the above, the Commission concludes as follows:

- a. that Crown has contravened section 76C of the Act and therefore the grounds for disciplinary action under section 20(1)(b) of the Act has been established; and
- b. not to separately proceed to take disciplinary action for alleged contraventions of section 76B of the Act.

What is the appropriate sanction?

27. Section 20(4) of the Act provides that following the Commission's consideration of Crown's submissions, the Commission may take disciplinary action against the casino operator as the Commission sees fit and does so by giving written notice to the casino operator:

- a. of the cancellation or suspension of the casino licence, the variation of the terms of the licence or the imposition of the fine; or
- b. in the form of a letter of censure; or
- c. any combination of the sanctions referred to in paragraph (a) or paragraphs (a) and (b).

28. The Commission has determined that a fine is appropriate for contravention of section 76C of the Act. The Commission's decision is informed by the following considerations:

- a. Harm-minimisation and safeguarding against exposure to gambling related harm are mandatory obligations. In this instance, Crown did not discharge its responsibility of protecting excluded patrons.
- b. The excluded person engaged in continuous gambling for an extended period of 14 hours and 40 minutes (being Relevant Period) without any break.
- c. This conduct is serious and without the imposition of a fine, the contravention would not be adequately denounced and both general and specific deterrence would be materially undermined.
- d. The Commission acknowledges that Crown has taken some significant steps to improve its systems and process to prevent excluded patrons from entering the Casino. However, in the Commission's view, improvement steps, including future steps, do not outweigh the need for the imposition of a fine.

Setting the fine

29. The Commission's approach in setting a fine has been addressed in prior determinations, therefore it does not intend to set out that approach here¹. Relatively, having regard to circumstances outlined above and reasons noted below, the Commission is satisfied that a fine of \$100,000 is appropriate, which is payable within 28 days from the date of these reasons.

Seriousness of the contraventions and the circumstances in which the conduct took place

30. As stated above these obligations are directed toward preventing and minimising gambling-related harm.

¹ See the Commission's reasons for decision in disciplinary action taken against the casino operator for the 'China Union Pay' process https://www.vgccc.vic.gov.au/sites/default/files/2024-04/vgccc_decision_-_china_union_pay.pdf and Responsible Service of Gambling failings https://www.vgccc.vic.gov.au/sites/default/files/2024-11/reasons_for_decision_rsg_da.pdf

31. The regulatory framework expressly provides for disciplinary actions in cases where exclusion orders are not effectively enforced. The legislature's intention is clear, in that, Crown must maintain robust systems and controls to ensure that excluded persons are prevented from gambling.
32. The exclusion order in this instance was issued due to concerns about the individual's welfare. By allowing this at-risk individual to gamble, Crown has let them be exposed to further gambling harm or further risk of gambling harm, contrary to its statutory duty to such patrons.
33. As stated above, the Commission accepts that Crown has taken and continues to take steps to improve its systems and controls in relation to excluded persons. That is a mitigating factor that the Commission has given weight to when determining the appropriate fine. If not for these steps, the fine would have been set at a higher level,

General deterrence

34. General deterrence is a significant factor in determining an appropriate disciplinary response.
35. Imposition of a fine in this matter must therefore convey to Crown, and to other licensees, that non-compliance with exclusion obligations will attract firm and proportionate regulatory consequences. The Commission considers that a meaningful penalty is necessary to uphold the integrity and deterrent purpose of the regulatory regime.

Specific Deterrence

36. The Commission considers that the imposition of a fine will have the appropriate specific deterrence effect in the circumstances.
37. In assessing what is needed to achieve specific deterrence, previous history of the licensee is relevant. The more serious the contravention, the severer disciplinary action needed to ensure it has sufficient effect to achieve deterrence. Crown is a substantial company and has been a subject of the Commission's disciplinary action previously.
38. In October 2024, the Commission imposed disciplinary sanctions against Crown in relation to similar conduct involving 451 instances of contraventions of section 76C. That action included a \$2 million fine and the issuing of two Directions designed to strengthen Crown's compliance controls regarding excluded patrons.
39. Since that time, Crown has undertaken and continues to undertake, extensive reform and transformation program intended to improve operational controls and compliance capability. The Commission recognises the significance of these efforts and acknowledges that they represent a material shift in Crown's compliance approach.
40. The contravention presently before the Commission demonstrate that Crown did not have full and effective implementation of exclusion control measures in place at the time of the contravention. It is appropriate that Crown's ongoing transformation particularly since the Commission's Directions, is reflected in determining the quantum of a penalty. Therefore, in the current circumstances, this matter warrants a lower penalty compared to previous matters, where such reformative transformation actions were absent.

Cooperation

41. Crown has cooperated and engaged constructively with the Commission as part of the Show Cause process into these contraventions. This is also a factor that warrants consideration for the penalty.