


Decision and reasons for decision

In the matter of disciplinary action against Werribee RSL Sub-Branch Inc under section 3.4.25 of the *Gambling Regulation Act 2003* (Vic) for contravening section 3.4.25(1)(h) of that Act.

Delegate	Glorija Kuzman Director, Gambling Division Victorian Gambling and Casino Control Commission
Date of decision	17 July 2025
Date of reasons	17 July 2025
Delegation	Pursuant to the Instrument of Revocation and Delegation dated 31 October 2024 and effective 11 November 2024, I, Glorija Kuzman, Director, Gambling Division of the Victorian Gambling and Casino Control Commission, make this decision under section 3.4.25(4) of the <i>Gambling Regulation Act 2003</i> (Vic).
Decision	For the reasons attached to this decision, I have found there is a ground for disciplinary action and decided to take disciplinary action against the venue operator Werribee RSL Sub-Branch Inc, by imposing a fine of \$30,000 to be paid within 28 days or another period as agreed by the VGCCC.
Signed	
	Glorija Kuzman
	Director, Gambling Division

Introduction

1. This is the Victorian Gambling and Casino Control's (**VGCCC**) decision and reasons for decision regarding disciplinary action taken against the venue operator Werribee RSL Sub-Branch Inc (**Werribee RSL**) under section 3.4.25(4) of the *Gambling Regulation Act 2003* (Vic) (**Act**).
2. Pursuant to the Instrument of Revocation and Delegation dated 31 October 2024 and effective 11 November 2024, I, Glorija Kuzman, Director, Gambling Division of the VGCCC, make this decision under section 3.4.25(4) of the Act.

Background

3. Werribee RSL currently holds a venue operator's licence, expiring on 26 November 2027, and operates a venue located at 2A Synnot Street, Werribee VIC 3030 (**Venue**).
4. As a condition of the venue operator's licence, a venue operator must conduct a compliant self-exclusion program pursuant to section 3.4.12A of the Act. On or around 2023, Werribee RSL adopted Community Clubs Victoria's self-exclusion program titled "The Clubs VIC Self Exclusion Program" (undated) (**SEP**).
5. The VGCCC were notified of the following contraventions of the SEP.

Patron 1

6. On 26 January 2024, the VGCCC received an anonymous report alleging that, on 25 January 2024, a self-excluded patron was allowed to enter the gaming room of the Venue and gamble (**Patron 1**)¹.
7. On 13 February 2024, the allegation in the anonymous report was substantiated by the Venue's Manager and during an inspection by a VGCCC Inspector.

Patron 2

8. On 9 May 2024, the Venue's Manager notified the VGCCC that another self-excluded patron had been allowed into the gaming room of the Venue numerous times. It was subsequently established that Patron 2 was able to gamble on at least four occasions between 15 February 2024 and 8 May 2024 (**Patron 2**)².
9. Following the notification relating to Patron 2, the VGCCC subsequently obtained relevant information and records from Werribee RSL, and conducted a record of interview with representatives of Werribee RSL.
10. On 8 April 2025, the VGCCC issued a notice to Werribee RSL pursuant to section 3.4.25(2) of the Act to show cause why disciplinary action should not be taken on the grounds specified in the notice (**Notice**).
11. Werribee RSL responded to the Notice by letter dated 1 May 2025 (**Werribee RSL Response**).
12. I have considered the Werribee RSL Response and the other material produced by Werribee RSL in making the decision, and formulating the reasons for the decision, to take disciplinary action against Werribee RSL.

¹ For privacy purposes, a pseudonym has been adopted in place of the name of this self-excluded patron.

² For privacy purposes, a pseudonym has been adopted in place of the name of this self-excluded patron.

Decision

13. I have found there is a ground for disciplinary action and decided to take disciplinary action against Werribee RSL, by imposing a fine of \$30,000 to be paid within 28 days of the date of this decision or another period as agreed by the VGCCC.

Basis for disciplinary action

14. Pursuant to section 3.4.25(1)(h) of the Act, repeated breaches of the SEP is one of the grounds for disciplinary action against a venue operator. The full particulars for each breach underpinning the grounds for disciplinary action are set out in the Notice and are not restated in full in these reasons, however, are summarised below.
15. **Breach 1:** *Allowing self-excluded persons to enter a gaming room*
- a. Pursuant to page 9 of the SEP: "Ministerial Direction section 5.1(a) - *ensuring that a self excluded person does not enter gaming room.*"
 - i. On 1 occasion on 25 January 2024, the Venue failed to ensure that a self-excluded person, namely Patron 1, did not enter the gaming room.
 - ii. On 24 occasions between 15 February 2024 and 8 May 2024, the Venue failed to ensure that a self-excluded person, namely Patron 2, did not enter the gaming room.
16. **Breach 2:** *Failure of employees to comply with procedures to:*
- *ensure self-excluded persons do not enter gaming room; and*
 - *detect self-excluded persons who enter the gaming room*
- a. Pursuant to clauses 39 & 47 of the SEP: "Employees will...re-acquaint themselves with the self excluded persons list...prior to each shift".
 - i. Between 8 January 2024 and 8 May 2024, employees failed to re-acquaint themselves with the self-excluded persons list prior to each shift.
17. **Breach 3:** *Failure to ensure gaming employees receive adequate SEP training*
- a. Pursuant to clause 59 of the SEP: "All gaming employees will receive adequate training in:
 - 59.1. *The operation of the [SEP]*
 - 59.2. *How to help persons seeking information about self-exclusion or wishing to self-exclude*
 - 59.3. *Understanding how to appropriately manage persons who have self-excluded*
 - 59.4. *How to identify self-excluded persons*"
 - i. Between 8 January 2024 and 18 March 2024, gaming employees failed to receive any training in the matters outlined in clauses 59.1-59.4 of the SEP.
 - ii. Between 19 March 2024 and 8 May 2024, gaming employees failed to receive adequate training in the matters outlined in clauses 59.1-59.4 of the SEP, as evidenced by the further 14 occasions of entry into the Venue by Patron 2.

Werribee RSL Response

18. As outlined in the Werribee RSL Response, Werribee RSL acknowledged the seriousness of the matters at hand, and the importance of rigorous adherence to self-exclusion protocols and to the SEP.
19. Werribee RSL submitted that the breaches have occurred due to human error and procedural gaps which contributed to the failure to identify and prevent entry to the gaming room, rather than any deliberate non-compliance or disregard for the SEP or other protocols, policies and procedures.
20. In particular, Werribee RSL submitted that Patron 2's actual physical appearance did not match the photograph Patron 2 provided of himself and as part of their self-exclusion registration.
21. In response to the breaches, Werribee RSL stated that it had taken a number of steps to address the VGCCC's concerns to prevent recurrence of these breaches, which include:
 - a. reviewing and refreshing their SEP procedures;
 - b. offering refresher training and accountability for staff with a focus on the importance of self-exclusion, facial recognition procedures, detection and handling of self-excluded persons, and the SEP;
 - c. implementing a facial recognition system to improve identification of self-excluded persons by assisting staff to make a positive facial identification;
 - d. in February 2025, introduced a venue wide policy to present valid photo ID upon entry, allowing staff to cross-check patrons against the self-exclusion register upon entry to the venue and prior to them reaching the gaming room;
 - e. management conducting:
 - i. daily audits of SEP entries;
 - ii. facial recognition alerts;
 - iii. random checks of the self-exclusion register;
 - iv. general supervision of all floor staff to ensure compliance; and
 - f. integrating their self-exclusion register with the InfoSign system to ensure staff have immediate access to current and accurate self-exclusion records.
22. I note that this is Werribee RSL's first contravention of the SEP, and that Werribee RSL has:
 - a. acknowledged the seriousness of the breaches and the importance of ensuring they do not reoccur ;
 - b. committed to continuing to improve and strengthen their policies, procedures and staff training in relation to self-exclusion policies;
 - c. proactively self-reported these incidents;
 - d. cooperated with the VGCCC's investigation; and
 - e. undertaken the above remedial steps as outlined in paragraph 21 to improve compliance with the Act and the SEP.

The VGCCC's assessment

23. I have considered all the relevant materials and information before it, including the materials provided by Werribee RSL to the VGCCC upon request and the Werribee RSL Response.
24. The VGCCC notes that self-excluded persons are at particular risk of gambling harm and by self-excluding from venues, they have taken the initiative to mitigate that risk. Self-exclusion programs, such as the SEP, are effective gambling harm minimisation strategies aimed at assisting such vulnerable persons to better manage their gambling behaviour.

25. Venues and gambling providers have an obligation to minimise gambling harm. A venue allowing a self-excluded person to enter a gaming room is a serious failing of that venue's obligation to minimise gambling harm.
26. The disciplinary action taken should sufficiently deter other venues from allowing self-excluded patrons to enter gaming rooms.
27. Further, I consider that it is an aggravating factor that both Patron 1 and Patron 2 were able to gamble in the gaming room, in circumstances where such self-excluded persons should not be in the gaming room in the first instance.
28. Venues must have adequate processes for the identification of self-excluded persons, including mechanisms to minimise human error in identification of self-excluded persons in those processes. Venue operators should be proactive and continue to find the best or optimal way to prevent self-excluded persons from entering a gaming room.
29. I acknowledge that since the breaches, Werribee RSL has appeared to make numerous improvements to the Venue. I have taken these into account as relevant matters in mitigation.
30. I note Werribee RSL had proactively self-reported these breaches to the VGCCC and subsequently cooperated with the VGCCC's investigation into same. Werribee RSL is not alleged to have previously breached the SEP or any Victorian gambling law, and has demonstrated remorse for these breaches.

Disciplinary Action

31. In light of the above, I conclude that the three breaches of the SEP identified in paragraphs 15 to 17 give rise to repeated breaches of the SEP and that a ground for disciplinary action has been established pursuant to section 3.4.25(1)(h) of the Act.
32. Given that there are repeated breaches of the SEP, I have decided to take disciplinary action against Werribee RSL, pursuant to section 3.4.25(4) of the Act.

Appropriateness of a fine

33. Section 3.4.25(1) of the Act provides that the disciplinary action that the VGCCC may take against a venue operator is any of the following:
 - (a) *the cancellation or suspension of the venue operator's licence;*
 - (b) *the variation of the conditions of the venue operator's licence;*
 - (c) *the issuing of a letter of censure to the venue operator;*
 - (d) *the imposition of a fine not exceeding an amount that is 5000 times the value of a penalty unit fixed by the Treasurer under section 5(3) of the Monetary Units Act 2004 (Vic).*
34. At the date of the relevant conduct, the value of a penalty unit was \$192.31, meaning that the maximum penalty that may be imposed is \$961,550. As at the date of this decision, one penalty unit is currently \$203.51, meaning that the maximum fine that may be imposed is \$1,017,550. Given the Act is unclear as

to which penalty unit should apply, in this instance, I am proceeding on the basis that the relevant time is the period in which the contravention occurred.

35. Section 3.4.25(4) of the Act entitles the VGCCC to take disciplinary action against Werribee RSL as it sees fit.
36. I consider that a letter of censure would not be a sufficient and proportionate outcome in the circumstances. In particular, it would not achieve the key objectives of general and specific deterrence referred to above in paragraphs 23 to 30.
37. Ultimately, I have concluded that disciplinary action in the form of a fine is warranted for the following reasons.
 - a. Firstly, general deterrence would not be achieved by anything less than a fine.
 - i. Venue operators must understand that there are financial consequences for committing repeated breaches of the relevant SEP (see section 3.4.12A of the Act), particularly where such SEPs are an important harm minimisation tool for a vulnerable class of customers potentially suffering from gambling harm.
 - b. Secondly, specific deterrence would not be achieved by anything less than a fine.
 - i. Werribee RSL must be deterred from again engaging in the same conduct described in this decision, and to encourage Werribee RSL to seek to redress gaps in its processes.
 - ii. I acknowledge that Werribee RSL has appeared to make several improvements (as per the Werribee RSL Response). These improvements have moderated the quantum of the fine imposed.

Number of fines

38. As a preliminary matter, I consider that despite determining there are three breaches of the SEP, there is one ground for disciplinary action against Werribee RSL for which the VGCCC served a single notice to show cause under section 3.4.25(2). Therefore, I will issue a single fine under section 3.4.25(4) covering all three breaches of the SEP.

Setting the fine in this case

39. I provide my reasons for concluding that a fine of \$30,000 is an appropriate penalty in all the circumstances of this case.
40. Firstly, I have set out the VGCCC's general approach to setting a fine when taking disciplinary action in other determinations, but I do not repeat that here³.
41. Secondly, I note that the primary purpose of imposing a penalty or fine is to put a price on contravention that is sufficiently high to deter repetition by the contravenor and by others who might be tempted to

³ See the VGCCC'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/2024-04/reasons_for_decision_rsg_da.pdf).

contravene (i.e. both specific and general deterrence, respectively)⁴. It should not be seen as a “cost of doing business”. The above provides helpful guidance regarding setting pecuniary penalties.

42. As discussed in paragraph 34 above, the maximum fine available when taking disciplinary action against a venue operator is 5,000 times the value of a penalty unit. Taking the penalty unit at the time of the contravening conduct of \$192.31, the maximum penalty that may be imposed in this case is \$961,550.
43. The size of the maximum penalty that may be imposed indicates that the Parliament intended for serious consequences to be available to the VGCCC when a ground of disciplinary action is established and in taking disciplinary action warranting the imposition of a fine.
44. The need for deterrence, both specific and general, weighs heavily when setting the appropriate level of fine on Werribee RSL. The fine must be high enough to deter future contraventions of the SEP by Werribee RSL and other venue operators, and cannot be considered the cost of doing business, particularly where non-compliance with its self-exclusion program may result in self-excluded persons experiencing further potential gambling harm.
45. However, I consider that the conduct is such that it falls within the lower end of the scale of the maximum penalty. I consider that a fine of \$30,000 is appropriate, which translates to just over 3% of the maximum penalty. However, a fine at the lower range should not be misunderstood to suggest that the breaches giving rise to the ground for disciplinary action were not serious.
46. The financial position of Werribee RSL is relevant when considering the appropriate level of penalty. From financial information received from Werribee RSL, it would appear that in recent years Werribee RSL has been trading at a loss.
47. I note Werribee RSL’s submission that a further and extensive fine will impact its members, visitors and others whom Werribee RSL supports, but I also note Werribee RSL did not address any specific inability to pay a fine.
48. As stated above, general and specific deterrence are important factors in the setting of an appropriate fine. The need for deterrence is particularly high given the circumstances in this case where two self-excluded persons were allowed to enter Werribee RSL’s gaming room, and in some cases, gamble.

⁴ See *Trade Practices Commission v CSR Ltd* [1990] FCA 762; *Commonwealth v Director, Fair Work Building Industry Inspectorate* [2015] HCA 46.