

Kakavas v Crown Melbourne Ltd (2013) 250 CLR 392

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Facts

- Harry Kakavas was a problem gambler who, in period between 2005 and 2006, lost \$20 million dollars at the Crown Casino in Melbourne. His game of choice was baccarat.
- Kakavas had been previously excluded from the Crown in the 90's and it had taken him a lot of effort to be allowed back to gamble in the venue. He had had to portray himself as sophisticated, financially capable and reformed in order to be allowed back in.
- The Crown had offered Kakavas free accommodation, use of the private jet, food & beverage deals and gambling rebates.
- Kakavas claimed Crown engaged in unconscionable conduct. Kakavas claimed that the Crown had exploited his gambling problem so that he became a regular visitor and also by unconscientiously allowing and encouraging Kakavas to gamble at Crown while the knew or ought to have known that Kakavas would be required to forfeit winnings by virtue of a NSW exclusion order.

Issues

- Was the Crown's conduct unconscionable?

Held

- The High Court dismissed the appeal and concluded that Kakavas' attempt to invoke principles of unconscionability failed.
- The Court did not accept that Kakavas' pathological interest in gambling was a "*special disadvantage*" which made him susceptible to exploitation by Crown.
- Kakavas was able to make rational decisions in his own interests, including deciding to refrain from gambling altogether at various intervals.
- There was no predatory behaviour on behalf of Crown. Crown did not knowingly victimise Kakavas by allowing him to gamble at its casino.

Full Text

The full text is available here: <http://eresources.hcourt.gov.au/downloadPdf/2013/HCA/25>

Law case summary from www.lawcasesummaries.com