

ENFORCEABLE UNDERTAKING

BETWEEN

GERARDUS 'GERRY' JOHANNES HERMANUS JORISSEN & ANNE JORISSEN

AND

COMMISSIONER FOR CONSUMER PROTECTION

BACKGROUND

Whereas:

- A. Mr Gerardus 'Gerry' Johannes Hermanus Jorissen and Mrs Anne Jorissen (Mr & Mrs Jorissen) of 2 Grieve Place, Moora, Western Australia have been communicating with a person purporting to require the assistance of Mr & Mrs Jorissen to expatriate funds purportedly held to the account of Mr Jorissen by the 'Ministry of Justice Office, Westminster, London', which person is purportedly employed by or associated with the 'World Bank'
- B. Mr & Mrs Jorissen are of the belief that the expatriation of the funds require the payment by Mr Jorissen of various sums of money to the person by Western Union transfer for the purported purpose of releasing the funds to Mr Jorissen, and in obtaining various permissions said to be a requirement of United Kingdom or European law in order to effectuate the clearance of funds (the Scheme)
- C. Mr & Mrs Jorissen have been visited by a Detective from the Major Fraud Squad of Western Australia Police (WA Police) and have been advised of the opinion of the WA Police that the scheme is not legitimate, and that Mr & Mrs Jorissen have been the victims of an advance fee scam
- D. Mr & Mrs Jorissen have met with representatives of the Commissioner for Consumer Protection (Commissioner), and have been similarly informed of the Commissioner's opinion that the scheme is not legitimate, and have that in all likelihood Mr & Mrs Jorissen have been the victims of an advance fee fraud



- E. Mr & Mrs Jorissen have informed the Commissioner that they have exhausted all of their own resources in sending money by Western Union transfer to persons overseas in furtherance of the Scheme, and have received nothing in return
- F. Mr & Mrs Jorissen have placed advertisements in newspapers soliciting funds for an 'investment' opportunity by which funds have been solicited from various third parties and sent overseas by Western Union transfer in furtherance of the Scheme
- G. Mr & Mrs Jorissen have been issuing 'Investment Certificates' to persons who have provided money to Mr & Mrs Jorissen, promising repayment of the principal and interest upon the 'investment'
- H. The Commissioner considers that this is conduct in trade or commerce which may be misleading or deceptive within the meaning of section 18 of the *Australian Consumer Law (WA)*, and which therefore enlivens the Commissioner's power under section 218 of the *Australian Consumer Law (WA)* to accept enforceable undertakings
- I. The Commissioner is mindful that Mr & Mrs Jorissen are in all likelihood victims of a scam, but that the Commissioner is concerned that third parties are now being drawn into the Scheme with little likelihood of realising a return on their 'investment.'
- J. Mr & Mrs Jorissen understand that these undertakings are enforceable by a court.

UNDERTAKINGS

1. Mr & Mrs Jorissen undertake not to solicit or accept funds from any third party for the purpose of furthering the Scheme
2. Mr & Mrs Jorissen undertake not to solicit or accept funds from any third party for the purpose of any investment by which funds are to be applied for the purpose, or purported purpose, or any related purpose, of furthering the Scheme or any other purpose purportedly required or related to the clearance of funds said to be held to the account of Mr or Mrs Jorissen situated overseas.
3. Mr & Mrs Jorissen undertake not to apply any funds actually obtained from third parties for the purpose, or purported purpose, or any related purpose, of effectuating the release of funds said to be held to the account of Mr or Mrs Jorissen overseas.

SIGNED



GERARDUS 'GERRY' JOHANNES HERMANUS JORISSEN

DATE: 21/6/2013



ANNE JORISSEN

DATE: 21st/06/2013

A handwritten signature in cursive script, appearing to read 'Anne Jorissen', written below the printed name.

ANNE MARIE DRISCOLL

COMMISSIONER FOR CONSUMER PROTECTION

DATE: 24/6/13

