

**ENFORCEABLE UNDERTAKING UNDER
THE AUSTRALIAN CONSUMER LAW (WA)**

BETWEEN

PETER MELVIN KLEINIG

AND

COMMISSIONER FOR CONSUMER PROTECTION

RECITALS

WHEREAS:

- A. Mr Peter Melvin Kleinig (**Mr Kleinig**) of Western Australia has been communicating with a person or persons in Ghana purporting to require his assistance to expatriate funds held on his behalf by the 'Ministry of Finance, Republic of Ghana' and 'Amalgamated Bank' (**the Account**).
- B. The person or persons that Mr Kleinig has been communicating with represented that they are employed by or associated with the 'Ministry of Finance, Republic of Ghana' or 'Amalgamated Bank'.
- C. Mr Kleinig believes that in order for him to obtain the funds held in the Account he is required to pay various sums of money to this person or persons to cover fees to release the funds. Mr Kleinig was also told that he needed to obtain various permissions required by Ghanaian law to effectuate the clearance of funds (**Ghana Scheme**).
- D. Mr Kleinig has received money from various people seeking to assist Mr Kleinig in his involvement in the Ghana Scheme. Mr Kleinig has promised these people that he would repay the principal as well as a reward for their assistance on multiple occasions from January 2009.

- E. From 8 August 2013 Mr Kleinig has been advised by the Major Fraud Squad of Western Australia Police (**WA Police**) and the Commissioner for Consumer Protection (**Commissioner**) that the Ghana Scheme is not legitimate and that in all likelihood Mr Kleinig has been the victim of an advance fee fraud.
- F. Between 6 June and 13 June 2015, Mr Kleinig placed an advertisement in the West Australian newspaper soliciting funds for 'assistance' to transfer an overseas 'investment' and offering a lucrative return for that 'assistance'.
- G. The Commissioner is mindful that Mr Kleinig is likely the victim of a scam, but is nevertheless concerned that third parties have been drawn into the Ghana Scheme with little likelihood of realising a return on their 'assistance'.
- H. The Commissioner considers that Mr Kleinig's conduct is in trade or commerce and may be misleading or deceptive within the meaning of section 18 of the *Australian Consumer Law (WA)*, which enlivens the Commissioner's power under section 218 of the *Australian Consumer Law (WA)* to accept enforceable undertakings.
- I. Mr Kleinig understands that this undertaking is enforceable by a court.
- J. This enforceable undertaking does not prevent the Commissioner from taking any action in respect of the matters the subject of this Undertaking.
- K. This enforceable undertaking is not confidential and may be published by the Commissioner.

UNDERTAKINGS

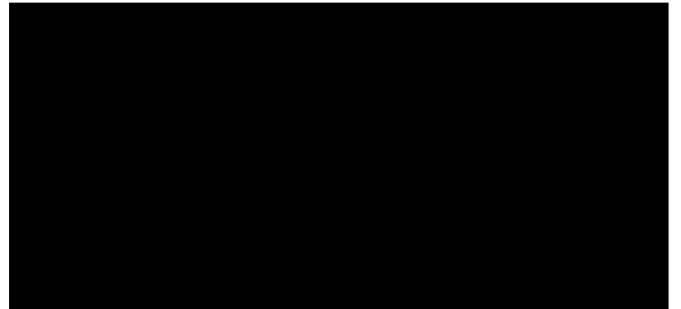
PETER MELVIN KLEINIG, upon this Enforceable Undertaking being accepted by the Commissioner, **UNDERTAKES**, pursuant to section 218 of the *Australian Consumer Law (WA)*, that he will not:

1. solicit or accept funds from another person for the purpose of furthering the Ghana Scheme;
2. solicit or accept funds from another person for the purpose of any investment by which funds are to be applied for the purpose, purported purpose or any related purpose of furthering the Ghana Scheme, or any other purpose purportedly required or related to the clearance of funds said to be held to the Account;

3. apply any funds actually obtained from another person for the purpose, purported purpose or any related purpose of effectuating the release of funds said to be held to the Account; and
4. procure anyone to apply funds for the purpose, or purported purpose, or any related purpose, of furthering the Ghana Scheme or any other purpose purportedly required or related to the clearance of funds said to be held to the Account.

Signed

A. **PETER MELVIN KLEINIG**



AND

B. **DAVID HILLYARD**
A/COMMISSIONER FOR
CONSUMER PROTECTION

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A handwritten signature in black ink, appearing to be 'D. Hillyard', written over a horizontal line.

DATE UNDERTAKING ACCEPTED

9th March 2016