



ENFORCEABLE UNDERTAKING

Australian Consumer Law (SA)

Section 218

Undertaking to the Commissioner for Consumer Affairs given for the purposes of section 218 of the *Australian Consumer Law (SA)* by:

Mr Marc Olsen

1. PERSON GIVING THIS UNDERTAKING

1.1. This Undertaking is given to the Commissioner for Consumer Affairs by Mr Marc Olsen in the State of South Australia for the purposes of section 218 of the *Australian Consumer Law (SA)*.

2. BACKGROUND

2.1. Mr Marc Olsen is a natural person.

2.2. Mr Olsen was granted a licence by Consumer and Business Services to act as a sales representative under section 6A of the *Land Agents Act 1994* on 18 December 2015.

2.3. Mr Olsen failed to pay the appropriate sales representative licence renewal fee to Consumer and Business Services resulting in his licence being cancelled on 22 February 2017.

3. CONDUCT OF CONCERN

3.1. Between 23 February 2017 to 18 July 2017, Mr Olsen continued to act as a sales representative for a land agent, knowing that he was unlicensed.

3.2. Mr Olsen entered into sales agency agreements with vendors on behalf of his employer land agent whilst unlicensed and thereby made false or misleading representations, in connection with the sale of land, that he had approval as a sales representative.

4. CONTRAVENTIONS

4.1. The Commissioner considers and Mr Olsen acknowledges that by engaging in the conduct described in paragraph 3, it is likely Mr Olsen has contravened Section 152(1)(a) of the *Australian Consumer Law (SA)*.

5. COMMENCEMENT OF UNDERTAKING

5.1. This Undertaking comes into effect when:

5.2. The Undertaking is executed by Mr Olsen; and

5.3. The Commissioner for Consumer Affairs accepts the Undertaking so executed.

6. UNDERTAKING BY MR MARC OLSEN, FOR THE PURPOSES OF SECTION 218 OF THE AUSTRALIAN CONSUMER LAW (SA)

6.1. In response to the concerns raised by the Commissioner for Consumer Affairs, Mr Marc Olsen hereby provides an Undertaking to the Commissioner that:

6.1.1. Mr Olsen will not act as a sales representative unless registered as required by section 6A of the *Land Agents Act 1994*;

6.1.2. Mr Olsen will not make false or misleading representations in connection with the sale of land in compliance with s 152 of the *Australian Consumer Law (SA)*;

6.1.3. Mr Olsen will enrol in, and complete to a satisfactory standard within 12 months, the 3 units listed below which form part of the Certificate IV in Property Services (Real Estate) and provide evidence of their completion to Consumer and Business Services within 12 months of the signing of this undertaking:

- CPPDSM4008A Identify legal and ethical requirements of property sales to complete agency work.
- CPPDSM4009B Interpret legislation to complete agency work.
- CPPDSM4015B Minimise agency and consumer risk.

7. ACKNOWLEDGMENTS

Mr Marc Olsen acknowledges that:

7.1. It is an offence to breach an Undertaking, as set out in section 218 of the *Australian Consumer Law (SA)*;

7.2. CBS will make this Undertaking publicly available including by publishing it on the CBS public register of undertakings on its website;

7.3. CBS may, from time to time, make public reference to the Undertaking including in news media statements and in CBS publications; and

7.4. This Undertaking in no way derogates from the rights and remedies available to any other person arising from the alleged conduct.

7.5. This Undertaking may be produced to any Court in respect of any proceedings alleging any future contraventions of the *Australian Consumer Law (SA)*.

EXECUTED BY MR MARC OLSEN



Mr Marc Olsen

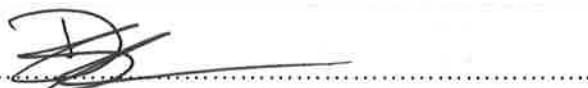
Date: 16 - 02 - 18



Signature of Witness

Witness name: Kaja Koeniak

Accepted by the Commissioner for Consumer Affairs (SA) pursuant to section 218 of the *Australian Consumer Law* (SA).



Commissioner for Consumer Affairs (SA)

Date: 27.2.18