

## Guarantor instructions for independent advice guidelines

1. Print one copy of this document.
2. This document is provided to the person who has agreed to guarantee a finance application. It is for the Guarantor(s) to keep.
3. It is important that the person offering to guarantee a finance contract reads and understands this information before they sign any documents.
4. It is important that independent legal and financial advice is sought if this information is not understood by the Guarantor(s).

### Guarantor instructions for independent advice

#### Instructions for an individual required by ANZ to obtain independent legal and financial advice in regard to the provision of a Guarantee for lending

These instructions are designed to help formalise your role as a Guarantor for facilities you are proposing to agree to Guarantee for our Customer.

As a prospective Guarantor, it is important that you understand the following before you sign the Guarantee:

- You will need to obtain independent legal and financial advice on the effect of the Guarantee;
- You can refuse to enter into the Guarantee;
- There are financial risks involved in acting as a Guarantor;
- You have the right to limit your liability in accordance with the Code of Banking Practice and as allowed by law; and
- You can request information about the transaction or facility to be Guaranteed.

These rights, as well as other information, are set out in the Code of Banking Practice.

#### Before you sign the Guarantee:

- (a) Read the Customer's Asset Finance Facility Agreement - this sets out the full terms and conditions of the Customer's contract with us
- (b) Read the Code of Banking Practice Guarantor Disclosure Brochure which has been sent together with your Guarantee document. It contains information that you are entitled to be provided with under the Code of Banking Practice
- (c) Read the Guarantee document (one copy, marked 'copy', is for you to keep)
- (d) Read any disclosure information documents we have provided to you.
- (e) Obtain independent legal and financial advice.

#### Obtaining independent legal and financial advice

Contact your lawyer and qualified accountant and tell each of them that you intend to become a Guarantor and that you require independent advice on all aspects and implications of the transaction that are relevant to you.

Make an appointment to see your lawyer and qualified accountant. You should take these instructions; all the enclosed documents; a copy of the Asset Finance Facility Agreement; and any disclosure information documents that we have provided to you, to your appointments with both your lawyer and your accountant.

You should discuss any questions you may have with your lawyer and qualified accountant.

You will then need to:

1. Ask your lawyer and qualified accountant to each prepare on their letterhead a Letter of independent advice (in the same format as the ones we have enclosed)
  - In cases where your lawyer or qualified accountant will not provide a Letter of independent advice, you will need to have a Statutory Declaration prepared in the same format as the one attached. The Statutory Declaration will need to be sworn by you declaring that you have received independent advice. (You may need your lawyer's help to do this as your State or Territory's laws may have specific requirements.)
  - The statutory declaration must be witnessed by an authorised person. (A list of authorised witnesses has been attached to these instructions.)
2. When you return the executed Guarantee to ANZ, you will need to give ANZ the letters you have obtained from your lawyer and accountant (or the sworn Statutory Declarations) as evidence that you have sought and received independent advice. Please note that the execution of the Guarantee and the supporting evidence that you have received independent advice, must be to ANZ's satisfaction before our Customer's Asset Finance Facility can be funded.
3. Ask your lawyer to witness the execution of your Guarantee.

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