

# Business Finance Consents

For borrowers and guarantors your consents and declarations

## Borrowers and guarantors ("you"):

(Including ACN/ABN/trust if applicable)

### ABOUT THIS DOCUMENT

This document contains important information about your personal and confidential information. It also contains certain consents, declarations and elections you make.

You should read this document carefully before signing it.

This document is divided into Sections. Each Section sets out when it applies to you.

#### Section A – Privacy Statement

#### Section B – Disclosing information to your guarantors

#### Section C – Other things you declare to us

#### Section D – Director Guarantor Elections

#### Section E – Business Purpose Declaration

### Meaning of certain words in this document

In this document:

"We" and "us" means Westpac Banking Corporation ABN 33 007 457 141.

"Westpac Group" means Westpac Banking Corporation and its related bodies corporate

### SECTION A – PRIVACY STATEMENT

Applies to all borrowers and guarantors who are individuals (including trustees and partners). It also applies to you if you are an Office Bearer\* of the borrower

#### Personal information

We collect personal information from you to process your application, provide you with your product or service, and manage your product or service. We may also use your information to comply with legislative or regulatory requirements in any jurisdiction, prevent fraud, crime or other activity that may cause harm in relation to our products or services and help us run our business.

If you do not provide all the information we request, we may need to reject your application or we may no longer be able to provide a product or service to you.

If you are a proposed guarantor, we collect your personal information in order to assess you as a guarantor, take a guarantee from you and administer that guarantee. If you do not provide all the information we request, we may be unable to accept you as a guarantor.

#### Who we may provide your information to

We may disclose your personal information to other members of the Westpac Group, anyone we engage to do something on our behalf, lenders mortgage insurers, your broker or any other person acting on your behalf, other loan parties, and other organisations that assist us with our business.

We may disclose your personal information to an entity which is located outside Australia. Details of the countries where the overseas recipients are likely to be located are in our privacy policy.

As a provider of financial services, we have obligations to disclose some personal information to government agencies and regulators in Australia, and in some cases offshore. We are not able to ensure that foreign government agencies or regulators will comply with Australian privacy laws, although they may have their own privacy laws. By using our products or services, you consent to these disclosures.

We are required or authorised to collect personal information from you by certain laws. Details of these laws are in our privacy policy.

Our privacy policy is available at [westpac.com.au](http://westpac.com.au) or by calling 132 032. It covers:

- how you can access the personal information we hold about you and ask for it to be corrected
- how you may complain about a breach of the Australian Privacy Principles or a registered privacy code and how we will deal with your complaint
- how we collect, hold, use and disclose your personal information in more detail.

We will update our privacy policy from time to time.

#### Credit information

We may:

- obtain consumer credit information about you from a credit reporting body to enable us to assess your creditworthiness;
- obtain information about your commercial activities or commercial credit worthiness from a business which provides information about the commercial credit worthiness
- exchange personal information and credit information about you with other credit providers to assess your application and creditworthiness and to notify them of any defaults by you
- disclose credit information and other personal information about you to a guarantor or to a proposed guarantor (for the purpose of them considering whether to offer to act as guarantor)
- give or obtain a banker's opinion about you.

If you are a proposed guarantor, we may obtain credit reporting information about you from a credit reporting body for the purpose of assessing whether to accept you as a guarantor.

If you have made your application or have been introduced to us through a broker or other intermediary, we may exchange credit information and other personal information about you with them. We may also communicate with them directly in relation to your application instead of communicating with you.

The privacy page of our website [westpac.com.au](http://westpac.com.au) includes a "Statement of Notifiable Matters". These are matters you should be aware of in relation to the use and disclosure of your credit information. This statement includes:

- details of the credit reporting bodies to which we are likely to disclose your credit information, the types of credit information we may give them and how this information will be used
- your rights over your credit information, including how you can access and correct your information and make complaints
- your rights to direct a credit reporting body to limit the use of your information for direct marketing purposes and what protections are available if you believe you are a victim of fraud
- information about our Credit Reporting Policy.

You can call us on 132 032 or visit us in branch for a hard copy of the Statement of Notifiable Matters.

### Our reporting obligations

We are required to identify certain US persons in order to meet account information reporting requirements under local and international laws.

If you or (where you are applying on behalf of an entity) the entity and/or any office bearer\* of the entity and/or any individual who holds an interest in the entity of more than 25% (a Controlling Person) are a US citizen or US tax resident, you must telephone 1300 658 194 at the time of completing this application. When you contact us you will be asked to provide additional information about your US tax status and/or the US tax status of the entity and/or any Controlling Person which will constitute certification of US tax status for the purposes of this application.

Unless you notify us that you or (where you are applying on behalf of an entity) the entity and/or any Controlling Person are a US citizen or US tax resident as specified above, by completing this application you certify that you or (where you are applying on behalf of an entity) the entity and/or any Controlling Person are not a US citizen or US tax resident.

If at any time after account opening, information in our possession suggests that you, the entity and/or any Controlling Person may be a US citizen or US tax resident, you may be contacted to provide further information on your US tax status and/or the US tax status of the entity and/or any Controlling Person. Failure to respond may lead to certain reporting requirements applying to the account.

*\*An office bearer includes a director of a company, partner in a partnership, trustee of a trust, chairman, secretary or treasurer of an association or co-operative.*

### Information about other products and services

We will use or disclose your personal information to contact you or send you information about other products and services offered by the Westpac Group or its preferred suppliers. Please call us on 132 032 or visit any of our branches if you do not wish to receive marketing communications from us.

## SECTION C – OTHER THINGS YOU DECLARE TO US

Applies to all borrowers and guarantors

By signing this document you declare that where information has been provided about another individual, you have made that individual aware of that disclosure and the contents of the Privacy Statement contained in Part A of this document.

### SIGNING

By signing this document you:

- agree to the Privacy Statement (if Section A applies to you)
- consent to us disclosing information and documents to your guarantors (if Section B applies to you)
- make the declarations contained in Section C
- make the elections in Section D (if Section D applies to you).

Signature (borrower/guarantor\*\*)

Name

Date: / /

Director  Partner  Other

Signature (borrower/guarantor\*\*)

Name

Date: / /

Director  Partner  Other

Signature (borrower/guarantor\*\*)

Name

Date: / /

Director  Partner  Other

\*\*Delete the option that does not apply.

If more than three people are required to sign this document, please photocopy this page and attach it to this page.

## SECTION B – DISCLOSING INFORMATION TO YOUR GUARANTORS

Applies if a guarantee is regulated by the code of banking practice

### Consent to disclose information

By signing this document you consent to us disclosing documents and information about you to a proposed guarantor as required by law, including under the Code of Banking Practice.

## SECTION D – DIRECTOR GUARANTOR ELECTIONS

Applies to you if you are providing us with a new guarantee, the guarantee is regulated by The Code of Banking Practice and you are a director of the borrower.

### Information elections and review period

If the Code of Banking Practice applies to your guarantee and you are a director of the borrower, you have a right to receive the information listed in the table below and have at least until the next day to consider that information. However, you can choose not to receive any or all of the information listed in the table and not to have the review period. Irrespective of your decision, we are still required under the Code of Banking Practice to provide you with some other information, including information about certain excesses, overdrawings and dishonours.

You should carefully consider whether you would like to receive this information as it may contain important details that may affect your decision to provide the guarantee. You should also carefully consider whether you need until the next day to review this information. We will not influence your decision about making these choices.

Please let us know the information you would like to receive by making a selection in the table below. If you do not select an item, you agree not to receive it.

Name:

Borrower and facility information	Please tick the items you want to receive
<b>Application</b> If the borrower completed an application, a copy of that application	<input type="checkbox"/>
<b>Letter of offer and terms</b> A copy of the facility agreement which may include a facility offer and standard terms.	<input type="checkbox"/>
<b>Securities</b> A list of all securities (including guarantees) required to support the facility.	<input type="checkbox"/>
<b>Credit report</b> A copy of any credit reports we have obtained which relates to the facility.	<input type="checkbox"/>
<b>Insurance contracts</b> A copy of any current insurance contracts (this includes insurance of mortgaged property or consumer credit insurance) which relates to the facility.	<input type="checkbox"/>
<b>Statement of financial position</b> A copy of any statements of financial position which the borrower has provided to us within the last 2 years which support the facility.	<input type="checkbox"/>
<b>Latest statement of account</b> If you have been asked to guarantee an existing facility, a copy of the latest statement of account relating to that facility. In addition, any statements of account if we provided the borrower with a notice of demand or dishonour.	<input type="checkbox"/>
<b>Unsatisfied notices of demand</b> If you have been asked to guarantee an existing facility, a copy of any unsatisfied notices of demand we have given the borrower within the last two years.	<input type="checkbox"/>
<b>Review period</b>	
Please tick if you do not want to wait until the next day to sign the guarantee. If you choose not to have the review period, by signing this document you ask us to accept your signed guarantee before the end of the review period.	<input type="checkbox"/>

## SECTION E – BUSINESS PURPOSE DECLARATION

Applies to borrowers who are individuals (including partners and trustees) and strata corporations

Only sign this declaration if you are applying for business finance and you make that application as an individual (including an individual who is a sole trader, a partner in a partnership or a trustee of a trust) and you intend to use the finance for business purposes (other than investment in residential property).

### Business Purpose Declaration

I/We declare that the credit to be provided to me/us by the credit provider is to be applied wholly or predominantly for:

- business purposes; or
- investment purposes other than investment in residential property.

### IMPORTANT

You should **only** sign this declaration if this loan is wholly or predominantly for:

- business purposes, or
- investment purposes other than investment in residential property.

By signing this declaration you may **lose** your protection under the National Credit Code.

### Signing

Signature

Date: / /

Name

(PRINT PLEASE)

Signature

Date: / /

Name

(PRINT PLEASE)

Signature

Date: / /

Name

(PRINT PLEASE)