

# Guarantor Interview Checklist

Bankwest Reference Number

Lender / Broker use only



## Important information

This checklist must be completed during the Guarantor(s) interview for all Home Loan applications involving Guarantors.

It is the Broker and/or Bankwest Lender's responsibility that the Guarantor(s) has understood and responded to each question outlined in this checklist.

## Introduction

- Interview the Guarantor(s) in person without the Borrower(s) present. The interview cannot be completed over the phone. Video conferencing may be allowed in some circumstances. Bankwest staff must only use Bankwest devices to conduct the interview.
  - (In person)** Confirm that the Guarantor(s) is the only person present at the interview other than yourself. Borrower(s) must not be present.
  - (Video conference)** Ask the Guarantor(s) to confirm that they are the only one(s) in the room. If there are others present, ask the Guarantor(s) to go into a room on their own.
- Ensure a signed and dated [Privacy Collection Notice](#) form is uploaded on submission.
- Provide the [Things you need to know about becoming a Guarantor](#) to the Guarantor(s).
- Conduct the interview in English either in person, or in person with the use of interpreter services.
- Start a conversation to outline what a guarantee is.

## Guarantor Eligibility

The following should be used as a guide as to whether an individual is suitable or not to become a Guarantor including signs of potential risks of financial abuse and vulnerability. Exercising your own judgement based on the Guarantor(s)' responses (and behaviour) during the interview, if you can answer yes to any of the indicators below then the Guarantor is not suitable:

Refer to the [Bankwest Customer Support](#) page for further guidance.

- Under any undue pressure or not exercising their own free will in deciding to give this guarantee.
- Being subject to any misrepresentation, manipulation or misled about why the guarantee is needed.
- Is the Guarantor likely to be put into hardship if the guarantee was enforced?
- Subject to any unreasonable or unfair conduct by anyone involved in this transaction (e.g. financial abuse).
- Is obviously incapable of engaging in the interview (e.g. under the influence of alcohol or drug).
- Is the guarantee to be executed under Power of Attorney on behalf of an individual?
- Is the Guarantor(s) a minor? (Less than 18 years old)

## Discussing Risk - Banking Code of Practice Disclosures

- Explain that the guarantee is covered by the Banking Code of Practice and that they can obtain further information about the Banking Code of Practice from the [Australian Banking Association](#) website.
- A Guarantor Pack will be posted directly to each guarantor. The Bank will not give the guarantee documents to the borrower, or to someone acting on behalf of the borrower (such as the broker), to arrange for the guarantee to be signed.
- Bankwest advises Guarantor(s) must seek legal advice from an independent third party (e.g. not from the Borrower's representative(s)) before entering the guarantee after the Guarantor Pack is received. This therefore removes the three-day requirement between received date and signed date of the guarantee indemnity.
- Advise the Guarantor(s) that the guarantee must not be signed in the presence of the borrower. **Note:** Brokers are an agent of the borrower and cannot witness any bank documents.
- Advise the Guarantor(s) that they may refuse to sign the guarantee or withdraw by providing written notice at any time before funding.
- Explain that the Guarantor(s) has the right to limit their liability in accordance with the Banking Code of Practice and as allowed by Law.
- Explain that the Guarantor(s) can request information about the transaction or loan to be guaranteed, and if applicable, the guarantee might cover future credit facilities and variations of the existing loan.
- Explain that the guarantee is for the life of the loan, or if they wish to be discharged earlier, it is subject to an internal bank assessment, which will require the Borrower(s)' consent as well.
- Explain their role as a Guarantor(s) and the difference between a Guarantor and Co-Borrower.

## Attestation

**Mandatory:** Provide commentary below why you think the Guarantor(s) is suitable? If the Guarantor(s) is over the age of 61, outline their retirement plan and exit strategy.

### Example - Family Guarantee

- **Why do I deem the Guarantor(s) as suitable?** Jane and Thomas are suitable guarantors as they mentioned they have been guarantors before and understand the associated risks and confirm they want to proceed to help their daughter, Mary.
- **Exit strategy / retirement plan?** Guarantor(s) are over 61+ so exit strategy and retirement plan was discussed, Guarantor(s) have a detailed plan with multiple unencumbered properties that they plan to sell in the future.
- **Any other unique circumstances?** Guarantor(s) mentioned that they might be interested in purchasing another property in the future. They are aware that being a guarantor may impact their ability to apply for lending in their own name(s) and were still comfortable to proceed.

### By completing this section, you agree as a Broker / Bankwest Lender that you have:

- Completed **all** required actions outlined in this checklist.
- Confirmed no signs of the Guarantor(s) being under duress or any signs of financial abuse during the interview. No disclosure made that they are experiencing vulnerability or shown any signs of vulnerability.
- Attested based on the discussions held with the Guarantor(s), that they meet the suitability criteria and are aware of their obligations.
- Provided comprehensive commentaries above on why the Guarantor(s) is suitable and outlined their retirement plan / exit strategy if the Guarantor(s) is over the age of 61.

Full name of Broker/Bank Colleague's Name

Broker Code/BB Number

Broker/Bank Colleague signature

Date