

# Currency Term Deposit

## United States of America Appendix

This is the United States of America Appendix to, and forms part of, the Currency Term Deposit Terms and Conditions Australia of the Commonwealth Bank of Australia ('Bank') and applies where United States of America Eligible Depositors make a Currency Term Deposit with the Bank.

### 1. Definitions and interpretation

#### 1.1 Definitions

In this Appendix, unless the context requires otherwise:

**Securities Act** means the U.S. Securities Act of 1933, as amended;

**United States of America Eligible Depositor** means a person organized or located in the United States of America or that is a US Person who is an institutional "accredited investor" (as defined in Rule 501(a)(1), (2) or (3) under the Securities Act); and

**US Person** – means a "US person" within the meaning of Regulation S under the Securities Act.

#### 1.1 Interpretation

Capitalised terms or phrases which are used in this Appendix but not defined in clause 1.1 above have the meanings given to them in the Currency Term Deposit Terms and Conditions Australia.

### 2. Depositor Protection

Currency term deposits are not eligible for federal deposit insurance through the Federal Deposit Insurance Corporation. Also, except to the extent described herein, they are not insured or guaranteed by any other governmental agency or body in the United States of America, Australia or elsewhere.

### 3. Interest Withholding Tax

Should You have a United States of America address, United States of America bank account, be a resident of the United States of America for tax purposes or be a US person it will be necessary for You to provide the Bank with appropriate United States of America documentation such as a W8 or W9 form. If You do not do so the Bank may be obliged to deduct tax at a rate of 30% from any United States of America sourced income or USD deposits.

United States of America tax resident depositors will be subject to Australian interest withholding tax at the rate of 10% unless:

- You are eligible for exemptions provided to sovereign entities, or
- You are lending to the Bank from an Australian permanent establishment, or
- You are exempt from Australian interest withholding tax because You are eligible for the benefits provided to a "financial institution" in Article 11 of the Convention between Australia and United States of America for the Avoidance of Double Taxation.

If you are not a United States of America tax resident (for example, You are a New York permanent establishment of a European bank) You may be entitled to the benefits of a Double Tax Treaty that reduces Australian interest withholding tax.

If You believe that a reduction may be applicable to You, You should discuss your reasoning with your Global Markets contact or relationship manager.

A Currency Term Deposit is not eligible for any Australian tax law exemptions, such as Section 128F of the Income Tax Assessment Act 1936.

## 4. FATCA

The United States ("US") Foreign Account Tax Compliance provisions of the Hiring Incentives to Restore Employment Act (FATCA) established, in an effort to assist the United States Internal Revenue Service ("IRS") in enforcing US taxpayer compliance, a new due diligence, reporting and withholding regime. The Australian Government and the US Government have signed an intergovernmental agreement with respect to FATCA ("IGA") and the Australian Government has enacted legislation giving effect to the IGA and FATCA. You may be requested to provide certain certifications and information to us so that we can comply with our obligations under FATCA. If Interest or any other payment under a Currency Term Deposit is subject to withholding as a result of FATCA, there will be no "gross up" or any additional amount payable by us to You by way of compensation for any withheld amount. You should consult with your tax advisor to obtain a more detailed explanation of FATCA.

## 5. Minimum Deposit Amount

For United States of America Eligible Depositors, the minimum Deposit Amount is AUD 1,000,000 (or its foreign currency equivalent).

## 6. Representations, Warranties and Agreements of Depositor

You represent and warrant for the benefit of the Bank on the date You agree to these Terms and Conditions and at all times during the Term of a Currency Term Deposit that:

- a. You are a United States of America Eligible Depositor (as defined in this United States of America Appendix) and are making a Currency Term Deposit for your own account and benefit and for investment purposes and not with a view to the distribution thereof;
- b. You acknowledge that (i) the Bank provides certain disclosures, including its audited annual financial statements and unaudited interim financial statements, on its U.S. investor website at <https://www.commbank.com.au/about-us/shareholders/us-investors.html> (the "U.S. Investor Website"); (ii) the Bank is not, and does not expect or intend to become, subject to the periodic reporting and other information requirements of the U.S. Securities Exchange Act of 1934, as amended (the "Exchange Act"); and (iii) the disclosures included on the U.S. Investor Website may differ from the periodic reporting and other information requirements of the Exchange Act;
- c. You are aware of and have had access to the information that the Bank has publicly disclosed on its U.S. Investor Website and that You have had access to and reviewed such financial and other information concerning the Bank and the Currency Term Deposits, in each case as you have deemed necessary or appropriate to make your own independent and informed decision to make a Currency Term Deposit, including the opportunity, at a reasonable time prior to making your Currency Term Deposit, to ask questions and receive answers from representatives of the Bank concerning the Bank and the Currency Term Deposit;

- d. You acknowledge that neither the Bank nor any other person has offered to sell the Currency Term Deposit to You by means of any form of "general solicitation" or "general advertising" (within the meaning of Rule 502(c) of Regulation D under the Securities Act);
- e. You have such knowledge and experience in financial and business matters that You are capable of evaluating the merits and risks (including for tax, legal, regulatory, accounting and other financial purposes) of Your investment in the Currency Term Deposit ;
- f. You are financially able to bear the economic risk of an investment in the Currency Term Deposit and have adequate means to provide for Your current needs and other contingencies and to withstand the loss of the entire investment in the Currency Term Deposit and have no need for liquidity with respect to Your investment in the Currency Term Deposit;
- g. You have determined that an investment in the Currency Term Deposit is suitable and appropriate for Yourself, both in respect of the nature and amount of the Currency Term Deposit;
- h. You have conducted and relied entirely upon Your own investigation and assessment of, and sought any advice You deem necessary from Your own advisors regarding, the Currency Term Deposit and the Bank including, without limitation, the particular United States of America federal, state and local income and other tax consequences of making a Currency Term Deposit in light of Your particular situation as well as any consequences arising under the laws of any other taxing jurisdiction.
- i. You acknowledge that You have not relied and will not rely to any degree upon the Bank or any of its representatives or affiliates for advice as to any tax consequences related to such investment or for the preparation and filing of any tax returns and elections required or permitted to be filed by You in connection therewith;
- j. You understand that the Currency Term Deposit is not a security for purposes of the Securities Act but, if it were considered a security, it has not been, and will not be, registered under the Securities Act and that the Currency Term Deposit and that the Currency Term Deposit cannot be transferred or resold; and
- k. You understand that the Currency Term Deposit has not been approved or disapproved by the United States Securities and Exchange Commission or any other governmental authority or agency of any jurisdiction.

## 7. Your understanding of the risks involved

Currency Term Deposits contain an element of risk. The level of risk varies depending on the Currency Term Deposit's specific attributes, and how it is used (for example, as a hedge or a speculative transaction). These risks include (without limitation):

- **Liquidity risk** - Currency Term Deposits are a hold to maturity product and cannot be terminated by You prior to the Maturity Date;
- **Credit risk** - You are reliant on the ability of the Bank to meet its obligations under the Currency Term Deposit. The Australian Government Guarantee under the FCS applies to deposits denominated only in Australian dollars up to a statutory prescribed limit of AUD 250,000. As the minimum Deposit Amount is AUD 1,000,000 (or its foreign currency equivalent) for United States of America Eligible Depositors, the FCS will not cover the entirety of AUD Deposit Amounts;
- **Interest rate risk** - Future interest rates may be higher than the Interest Rate; and
- **Currency risk** - Fluctuations in exchange rates may adversely impact the value of your funds.

Other risks in respect of a Currency Term Deposit may be set out in the Currency Term Deposit Terms and Conditions Australia. You should understand those risks.

The Bank enters into each Currency Term Deposit with You on the understanding that:

- a. You have the capacity to evaluate and understand (either on Your own behalf or through independent professional advice) the risks associated with a Currency Term Deposit, and do understand, the Currency Term Deposit and to assume (financially and otherwise) those risks;
- b. You have made Your own independent decision to enter into the Currency Term Deposit and whether the Currency Term Deposit is appropriate or desirable for You; and
- c. You understand that You are required to hold the Currency Term Deposit until the Maturity Date and You must continue to bear the economic risk of the Currency Term Deposit.