



**Australian Government**

---

Australian Government SME Guarantee Scheme  
**Amending Deed (Scheme Guarantee)**

Dated 9 June 2020 with an Effective Date of 8 July 2020

**The Commonwealth of Australia**

---

## Details

### Date

This Amending Deed (Scheme Guarantee) ("**Deed**") is dated the 9<sup>th</sup> day of June 2020.

### Parties

---

This Deed is made by:

1. **THE COMMONWEALTH OF AUSTRALIA** (the **Guarantor**)  
**IN FAVOUR OF**
2. **THE BENEFICIARIES** being Participating Lenders to whom the Guaranteed Liabilities are from time to time owed (the **Beneficiaries**).

### Context

---

This Deed is made in the following context:

- A. The Guarantor established an SME Guarantee Scheme (**Scheme**), an Australian Government initiative, in accordance with the terms of the Act.
- B. Under the Scheme, the Guarantor has provided a guarantee to the Beneficiaries as set out in the Deed of Guarantee to support SME lending by Participating Lenders in accordance with the Scheme Rules.
- C. On the Effective Date, the Guarantor proposes to make amendments to Rules 3.2 ("Eligible Loans") and 8 ("Repayment of Scheme-Backed Loans") of the Scheme Rules that constitute a widening of the class of loans which are eligible for the Scheme and the granting of guarantees in connection with the widened class of loans under section 5 of the Act. These amendments are to be reflected in the Amended Scheme Rules.
- D. The amendment to the Deed of Guarantee in this Deed confirms that the Guarantee applies to Scheme Backed Loans made in accordance with the Amended Scheme Rules.

# General Terms

## 1 Interpretation

---

Unless the contrary intention appears, in this Deed terms have the meaning given to them in the Deed of Guarantee (including by way of incorporation), and otherwise the following meanings:

**Amended Scheme Rules** means the Scheme Rules in respect of the SME Guarantee Scheme as amended by the Guarantor on the Effective Date.

**Deed of Guarantee** means the Deed of Guarantee dated 8 April 2020 in respect of the SME Guarantee Scheme made by the Guarantor in favour of the Beneficiaries.

**Effective Date** means 8 July 2020.

## 2 Amendment

---

On and from the Effective Date, a new clause 11 titled "Guarantor Confirmation" is inserted into the Deed of Guarantee, as follows:

*"The Guarantor hereby confirms and accepts that the guarantee granted pursuant to clause 2 ("Guarantee"), continues in full force and effect on the terms of the Amended Scheme Rules and shall (subject only to any applicable limitations on such guarantee stated in this Deed and the Amended Scheme Rules) extend to and include the Guaranteed Liability in respect of each Scheme Backed Loan under the Amended Scheme Rules."*

## 3 Confirmation

---

### 3.1 Confirmation

The Guarantor confirms that, except as provided for in clause 2 ("Amendment"), no other amendments are to be made to the Scheme Documents.

### 3.2 Scheme Document

This Deed is a Scheme Document for the purposes of the Amended Scheme Rules.

## 4 Governing law

---

The law in force in New South Wales governs this document. Each party submits to the non-exclusive jurisdiction of the courts of that place.

**EXECUTED** as a Deed Poll

## Signing page

Signed, sealed and delivered for and on behalf of the COMMONWEALTH OF AUSTRALIA by:




Signature of authorised signatory

Meghan Quim

Print name

In the presence of:



Signature of witness

Belinda Smith

Name of witness