

**REGISTRATION, OPT OUT AND SETTLEMENT APPROVAL NOTICE**

**FEDERAL COURT OF AUSTRALIA**

**ANZ BANK FEES CLASS ACTION (VID 811 OF 2010 AND VID 196 OF 2013)**

**THIS NOTICE IS INTENDED FOR ALL PERSONS WHO ARE GROUP MEMBERS IN THE ANZ BANK FEES CLASS ACTION BUT WHO HAVE NOT PREVIOUSLY REGISTERED AND SIGNED A FUNDING AGREEMENT WITH FINANCIAL REDRESS PTY LTD / IMF BENTHAM LTD TO PARTICIPATE IN THAT ACTION**

**PLEASE READ THIS NOTICE CAREFULLY**

**THERE ARE FOUR THINGS YOU MAY DO BY 4.00 PM ON 30 AUGUST 2019 (AS DETAILED IN THIS NOTICE):**

- 1. REGISTER TO PARTICIPATE (IN WHICH CASE YOU MAY BE ENTITLED TO RECEIVE A DISTRIBUTION FROM THE PROPOSED SETTLEMENT OF THE CLASS ACTION, BUT WILL NOT KEEP YOUR RIGHTS AGAINST ANZ)**
- 2. COMPLETE AND LODGE AN 'OPT OUT' FORM, AND LOSE ANY RIGHT TO RECEIVE A DISTRIBUTION FROM THE PROPOSED SETTLEMENT OF THE CLASS ACTION (BUT KEEP YOUR RIGHTS AGAINST ANZ)**
- 3. DO NOTHING (IN WHICH CASE, IF THE PROPOSED SETTLEMENT OF THE CLASS ACTION IS APPROVED, YOU WILL NOT BE ENTITLED TO RECEIVE A DISTRIBUTION FROM THE PROPOSED SETTLEMENT, NOR WILL YOU KEEP YOUR RIGHTS AGAINST ANZ IN RESPECT OF THE MATTERS WHICH ARE THE SUBJECT OF THE CLASS ACTION)**
- 4. OBJECT TO THE PROPOSED SETTLEMENT OF THE CLASS ACTION**

**SECTION 1**

**Why is this notice important?**

- 1. In 2010 a class action was commenced in the Federal Court of Australia against Australia and New Zealand Banking Group Ltd (**ANZ**) by John Andrews (and others) on their own behalf and on behalf of certain other customers of ANZ (**Andrews Proceeding**), alleging that certain fees charged by ANZ to its customers were unlawful. In 2013 a second class action was commenced in the Federal Court of Australia against ANZ by Lucio Robert Paciocco (and another) on their own behalf and on behalf of certain**

other customers of ANZ (**Paciocco Proceeding**), in which substantially the same allegations were made. Those two class actions have since been consolidated to form, in effect, one single class action, which is referred to in this notice as the 'ANZ Bank Fees Class Action'.

2. Following a trial of the Paciocco Proceeding in late 2013 (and subsequent appeals), the Court ultimately found that most of the fees that were charged by ANZ to its customers, and which were the subject of the ANZ Bank Fees Class Action, were not unlawful (and the Court therefore dismissed most of the claims that were made in the ANZ Bank Fees Class Action).
3. However, in the course of the trial, the lead applicant in the Paciocco Proceeding, Mr Paciocco, raised an additional claim that two 'Periodical Payment Non-Payment Fees' that were charged by ANZ to him in September 2008 and January 2009 were charged in breach of contract.
4. Periodical Payment Non-Payment Fees were charged by ANZ to its customers whenever a scheduled 'periodical payment' which the customer had authorised to be made from their ANZ account could not be made (usually because of insufficient available funds in the customer's account to make the payment).
5. Mr Paciocco alleged that ANZ was only contractually entitled to charge such a fee when the periodical payment was to be made to the account of another person or business (i.e. to someone other than the particular customer who had authorised the payment), and was not contractually entitled to charge such a fee when the periodical payment was to be made to the customer's own account (e.g. from the customer's transaction or savings account to another account in the name of the same customer, such as a loan account). The fees charged to Mr Paciocco fell into the second category, that is, the payments were to be made to another account in his name.
6. In the Paciocco Proceeding, ANZ admitted Mr Paciocco's individual claim in respect of the Periodical Payment Non-Payment Fees that were charged to him, and the Court ordered ANZ to repay to Mr Paciocco those fees, together with interest.
7. In this notice, '**PPN Fees**' refers to Periodical Payment Non-Payment Fees that were charged by ANZ to its customers where the periodical payment was to be made to the customer's own account (e.g. from the customer's transaction or savings account to another account in the name of the same customer, such as a loan account).
8. In 2016, following the Court's order, ANZ undertook a remediation program (**Remediation Program**), by which it sought to refund to customers all PPN Fees it had charged during the period 1 January 2008 to 23 February 2016 (inclusive), together with

an additional amount by way of interest compensation. The Remediation Program did not apply to PPN Fees that were charged to customers before 1 January 2008.

9. In March 2017 the applicants in the Andrews Proceeding made claims against ANZ in relation to the charging of PPN Fees during the period 1 August 2003 to 23 February 2016 (inclusive). Those claims are now brought on behalf of all persons who were charged PPN Fees, and comprise, in substance, allegations that:
  - a. for those PPN Fees that were refunded to customers as part of the Remediation Program, the additional amount that was paid to customers by way of interest compensation was inadequate; and
  - b. for those PPN Fees that were not refunded to customers as part of the Remediation Program, those fees should be refunded to customers (together with an additional amount of interest compensation).
10. The Federal Court has ordered that this notice be published for the benefit of all persons who:
  - a. are group members in the ANZ Bank Fees Class Action (as to which see the section below headed 'Are you a Group Member in the ANZ Bank Fees Class Action?'); and
  - b. have not previously registered and signed a funding agreement with Financial Redress Pty Ltd / IMF Bentham Ltd (**IMF**) to participate in the ANZ Bank Fees Class Action.

If you are a group member in the ANZ Bank Fees Class Action, and have previously registered and signed a funding agreement with IMF to participate in the ANZ Bank Fees Class Action, this notice does not apply to you – instead, there is a separate notice, titled 'Settlement Approval Notice', that applies to you. If this notice does apply to you, **you should read this notice carefully. Any questions you have concerning the matters contained in this notice should not be directed to the Court.** If there is anything in this notice that you do not understand, you should contact IMF, whose contact details are set out in paragraph [36] of this notice, or alternatively seek your own legal advice.

11. This notice provides important information about:
  - a. your status as a group member in the ANZ Bank Fees Class Action;
  - b. what you need to do if you wish to register to participate in the proposed settlement of the ANZ Bank Fees Class Action and potentially receive some compensation;
  - c. what you need to do if you wish to remove yourself from being a group member in the ANZ Bank Fees Class Action (opt out); and
  - d. what you need to do if you wish to object to the proposed settlement of the ANZ Bank Fees Class Action described below.

### **What is a class action?**

12. A class action is a legal action that is brought by one or more persons (**Applicant(s)**) on their own behalf and on behalf of a group of people (**Group Members**) against another person or persons (**Respondent(s)**, being in this case ANZ), where the Applicant(s) and the Group Members all have similar claims against the Respondent(s).
13. The Applicant(s) in a class action do not need to seek the consent of Group Members to commence a class action on their behalf, or to identify a specific Group Member or Members. However, Group Members can cease to be Group Members by 'opting out' of the class action if they wish to do so. An explanation of how Group Members are able to opt out is found below in Section 2, Option B of this notice.

### **What is the ANZ Bank Fees Class Action?**

14. The Andrews Proceeding was filed on 22 September 2010 in the Victorian Registry of the Federal Court of Australia. The Paciocco Proceeding was filed on 13 March 2013, also in the Victorian Registry of the Federal Court of Australia. Both proceedings were subsequently consolidated to form, in effect, a single proceeding. As noted above, although many of the claims that were originally pursued in the ANZ Bank Fees Class Action were ultimately unsuccessful, the Applicants allege that:
  - a. in respect of PPN Fees that were charged by ANZ to customers during the period 1 January 2008 to 23 February 2016 (inclusive), and were refunded to customers as part of the Remediation Program, the additional amount that was paid to customers by way of interest compensation was inadequate; and
  - b. in respect of all other PPN Fees that were charged by ANZ to customers during the period 1 August 2003 to 23 February 2016 (inclusive), and were not refunded to customers as part of the Remediation Program, those fees should be refunded to customers (together with an additional amount of interest compensation).
15. The detailed allegations are set out in the Applicants' Second Further Amended Statement of Claim filed in the Andrews Proceeding on 28 March 2018, a copy of which:
  - a. is available on the website of the Applicants' solicitors ([www.mauriceblackburn.com.au](http://www.mauriceblackburn.com.au));
  - b. is available on the website of IMF ([www.imf.com.au/anz](http://www.imf.com.au/anz)); or
  - c. can be obtained by contacting IMF, whose contact details are set out in paragraph [36] of this notice.
16. ANZ has denied the claims made against it, and is continuing to defend the ANZ Bank Fees Class Action.

### **Are you a Group Member in the ANZ Bank Fees Class Action?**

17. The ANZ Bank Fees Class Action is 'open', which means that it includes as Group Members all persons who were charged PPN Fees by ANZ during the period 1 August 2003 to 23 February 2016 (inclusive). Prior to 15 March 2019 the ANZ Bank Fees Class Action was 'closed', only being brought on behalf of those Group Members who had registered and signed a funding agreement with IMF.
18. You are a Group Member if you meet the following criteria:
  - a. at some time between 1 August 2003 and 23 February 2016 (inclusive) you were a customer of ANZ, and held and operated banking facilities with ANZ; and
  - b. during that same period you were charged one or more PPN Fees by ANZ.
19. If you do not meet the above criteria, you may disregard this notice. If you do meet the above criteria, and have previously registered and signed a funding agreement with IMF to participate in the ANZ Bank Fees Class Action, you may also disregard this notice, and should instead read the separate notice titled 'Settlement Approval Notice'. However, if you do meet the above criteria, and have not previously registered and signed a funding agreement with IMF to participate in the ANZ Bank Fees Class Action, you should read this notice carefully as it will affect your rights.
20. If you are unsure as to whether or not you are a Group Member, you should contact IMF, whose contact details are set out in paragraph [36] of this notice, or alternatively seek your own legal advice.

### **Are Group Members liable for legal costs?**

21. The costs of the ANZ Bank Fees Class Action have been, and will continue to be, funded by IMF, which has paid many millions of dollars in prosecuting the class action, including substantial sums in prosecuting the claims concerning the PPN Fees. The Applicants have retained Maurice Blackburn to act as their solicitors, but it is not necessary for you or other Group Members to retain Maurice Blackburn in order to participate as a Group Member.
22. If the Court approves the proposed settlement of the ANZ Bank Fees Class Action, the Court is likely to order that part of the settlement sum be used to compensate IMF for the costs which it has expended in conducting the class action (as set out further below); however, under no circumstances will that amount exceed the amount of the approved settlement, and therefore, under no circumstances will you be liable to pay any 'out-of-pocket' costs by remaining as a Group Member, whether to IMF, Maurice Blackburn or otherwise.

23. In litigation, the Court will typically order the losing party to pay a proportion of the legal costs of the successful party (**adverse costs order**). In a class action, it is only the Applicant(s) that faces the risk of an adverse costs order if the class action is unsuccessful; as a Group Member, an adverse costs order will not, and cannot, be made against you. IMF has indemnified the Applicants against this risk.

### **Funding of the ANZ Bank Fees Class Action**

24. The ANZ Bank Fees Class Action has been funded by IMF, which means that IMF has paid the legal costs of prosecuting the class action, and has also indemnified the Applicants against adverse costs orders made against them. Because the ANZ Bank Fees Class Action was largely unsuccessful, the costs which IMF has paid (and will not recover) comprise many millions of dollars.

### **Proposed Settlement of the ANZ Bank Fees Class Action**

25. Following a mediation between the parties which was held on 20 August 2018, the parties to the ANZ Bank Fees Class Action signed a Deed of Settlement and Release (**Deed**). The purpose of the Deed is to settle all of the remaining issues in the ANZ Bank Fees Class Action, including:
- a. the ongoing claims in respect of PPN Fees outlined above; and
  - b. the amount of costs to be paid by IMF to ANZ in respect of the other claims that were previously pursued in the ANZ Bank Fees Class Action, but which were ultimately unsuccessful.
26. The terms of the Deed are confidential, but in so far as it deals with the ongoing claims in respect of PPN Fees, it provides for ANZ to pay, in full and final settlement of those claims:
- a. an amount of \$750,000 (in respect of the claims of those Group Members who have already registered and signed a funding agreement with IMF to participate in the ANZ Bank Fees Class Action, and who were charged one or more PPN Fees during the relevant period); and
  - b. an additional amount, of up to \$750,000 (in respect of the claims of those Group Members who were charged one or more PPN Fees during the relevant period and have not previously registered and signed a funding agreement with IMF to participate in the ANZ Bank Fees Class Action, but who do so before the registration deadline of 30 August 2019). The precise amount of the payment will depend, in part, on the number of additional Group Members who do register to participate.
27. Not all of those two amounts will be distributed, in full, to Group Members. Instead, it is contemplated that a large part of those amounts will be paid to IMF to reimburse it for

the substantial costs which it has incurred in funding the ANZ Bank Fees Class Action to date (but even then, IMF will only recover a very small portion of the many millions of dollars of costs which it has incurred). It is then proposed that the balance of those two amounts will be distributed equally to the applicable Group Members (regardless of the amount of PPN Fees which each Group Member paid). It is not yet known how much each Group Member will receive by way of a distribution, but the amount is likely to be less than (and may be substantially less than) \$100 each (which, in part, reflects the fact that most Group Members would only have incurred a small number of PPN Fees during the relevant period). The precise amount of the distribution will depend on several factors.

28. The Deed also provides for all Group Members to release ANZ from any claim in relation to, concerning, arising out of, connected with or related to:
- a. the claims relating to PPN Fees made in the ANZ Bank Fees Class Action;
  - b. the matters relating to PPN Fees which are or were at any time the subject of the ANZ Bank Fees Class Action or any part of them, or which are raised in that action, whether arising at common law, in equity, under statute or otherwise; and
  - c. PPN Fees charged to Group Members, whether arising at common law, in equity, under statute or otherwise.

In effect, this means that, if the proposed settlement is approved by the Court, Group Members will be bound by that settlement, and will not be permitted to make any subsequent claim against ANZ in relation to any PPN Fees charged by ANZ during the period 1 August 2003 to 23 February 2016 (inclusive).

29. The proposed settlement is subject to the approval of the Federal Court. The Court will hear the application for approval of the settlement at 10.15 am on 6 December 2019 at the Federal Court in Melbourne. If you are a Group Member in the ANZ Bank Fees Class Action, you have the right, if you wish, to make submissions as to why the Court should, or should not, approve the proposed settlement. If you wish to exercise that right, you need to follow the steps outlined below in Section 2, Option D of this notice.

### **What do Group Members need to do?**

30. Group Members may do the following four things:
- a. **Option A:** register to participate in the proposed settlement of the ANZ Bank Fees Class Action.
  - b. **Option B:** opt out of the ANZ Bank Fees Class Action.
  - c. **Option C:** do nothing.
  - d. Group Members may also object to the proposed settlement of the ANZ Bank Fees Class Action.

There are different consequences depending on which of the above you choose.

31. **Option A:** Group Members who wish to receive a distribution from the proposed settlement of the ANZ Bank Fees Class Action (details of which are set out above in the section titled 'Proposed Settlement of the ANZ Bank Fees Class Action') must register by following the steps outlined below in Section 2, Option A of this notice. If you do so, and:
- a. you provide sufficient information to enable ANZ to confirm that you are a Group Member (i.e. that you meet the criteria set out in paragraph [18] above); and
  - b. the proposed settlement is ultimately approved by the Court,
- you may receive a distribution from the settlement sum. The precise amount of that distribution is presently uncertain, as it will depend (among other things) on how many other Group Members also register and the amount that the Court allows to be deducted to reimburse IMF for the legal costs which it has incurred in funding the ANZ Bank Fees Class Action to date, but the amount is likely to be less than (and may be substantially less than) \$100 per Group Member. There is no cost to register your claim.
32. **Option B:** Group Members who opt out of the ANZ Bank Fees Class Action will not be bound by the outcome of the class action, and will not be entitled to receive any monetary compensation that might result from the class action (including any monetary compensation that might result from the Court approving the proposed settlement of the ANZ Bank Fees Class Action). Group Members who opt out will no longer be Group Members in the class action following their opt out, but will preserve their legal rights (if any) against ANZ. If you wish to opt out, you need to follow the steps outlined below in Section 2, Option B of this notice.
33. **Option C:** Group Members who do nothing (i.e. neither opt out nor register) will remain as Group Members in the ANZ Bank Fees Class Action for all purposes, but will not, unless the Court determines otherwise, be entitled to receive a distribution from the proposed settlement of the ANZ Bank Fees Class Action. Thus, if the Court approves the proposed settlement, Group Members who do nothing will be bound by the settlement, and therefore not able to pursue the same or similar claims against ANZ, but will not be entitled to receive a distribution from the proposed settlement either.
34. The proposed settlement of the ANZ Bank Fees Class Action, as detailed above, is subject to the approval of the Federal Court. The Court will hear the application for approval of the proposed settlement on 6 December 2019. If you are a Group Member in the ANZ Bank Fees Class Action, you have the right, if you wish, to make submissions as to why the Court should, or should not, approve the proposed settlement. If you wish to exercise that right, you need to follow the steps outlined below in Section 2, Option D of this notice. You may make such submissions even if you have registered pursuant to Option A above (but not if you have opted out pursuant to Option B above).



### **Where can you obtain copies of relevant documents?**

35. Copies of relevant documents, including relevant orders of the Court:
- a. are available on the website of the Applicant's solicitors ([www.mauriceblackburn.com.au](http://www.mauriceblackburn.com.au));
  - b. are also available on the website of IMF ([www.imf.com.au/anz](http://www.imf.com.au/anz)); or
  - c. may be obtained by contacting IMF.

### **What if you have further questions?**

36. If you have any questions or queries, you may contact IMF as follows:

Email: 801097@imf.com.au

Tel: 1300 32 48 96

Post: IMF Bentham Ltd  
PO Box 5106  
Perth WA 6831

## SECTION 2

### YOUR FOUR OPTIONS

#### ***Option A – Register to Participate***

If you wish to remain as a Group Member in the ANZ Bank Fees Class Action, and to receive a distribution from the proposed settlement of the ANZ Bank Fees Class Action (provided you otherwise qualify) you must register your claim by no later than 4.00 pm on 30 August 2019 by:

- completing and submitting the online registration form via IMF's website, accessible at [www.imf.com.au/anz](http://www.imf.com.au/anz); or
- alternatively, completing the ANZ Bank Fees Class Action Group Member Registration Form attached to this Notice (**Attachment A**), and returning it to IMF by email (801097@imf.com.au) or post to the address shown on the form.

As noted above, if you do register your claim, and:

- you provide sufficient information to enable ANZ to verify that you are a Group Member (i.e. that you meet the criteria set out in paragraph [18] of this notice); and
- the proposed settlement is ultimately approved by the Court,

you may be entitled to receive a distribution from the settlement sum. The precise amount of that distribution is presently uncertain, for the reasons outlined in this notice. There is no cost to register your claim.

Your registration must be completed and received by IMF before **4.00 pm on 30 August 2019**. Registrations received after this time will not be accepted, and you will be treated as having not responded to this notice (see Option C below).

It will not ordinarily be necessary for any Group Member who registers to provide evidence of the PPN Fees which they were charged. That is because, as long as sufficient information is provided at the time of registration to enable ANZ to confirm the Group Member's identity, ANZ believes it will be able to ascertain from its own records what (if any) PPN Fees each Group Member was charged. However, ANZ may not be in a position to identify PPN Fees that were charged to customers between 1 August 2003 and 31 October 2005. Accordingly, if you believe that:

- you were charged at least one PPN Fee during the period between 1 August 2003 and 31 October 2005; and
- you were not charged at least one PPN Fee at any other time from 1 November 2005 to 23 February 2016,

you should also provide, at the time of registration, a copy of any documents which you have (such as bank statements) which show the fees that you were charged between 1 August 2003 and 31 October 2005. Please note that:

- you do not need to provide such documents if you were charged at least one PPN Fee at any other time from 1 November 2005 to 23 February 2016 (because ANZ believes it will be able to determine that from its own records); and
- if you do not have any documents (such as bank statements) which show the fees that you were charged between 1 August 2003 and 31 October 2005, you can still register (because ANZ may still be able to determine, from its own records, what fees you were charged, and when).

### ***Option B – Opt Out***

If you do not wish to remain as a Group Member in the ANZ Bank Fees Class Action, you must opt out by completing the 'Opt Out Notice' form attached to this notice (**Attachment B**), and returning it to the Federal Court by no later than 4.00 pm on 30 August 2019.

If you opt out, you will:

- cease to be a Group Member in the ANZ Bank Fees Class Action, and will not be affected by, or entitled to the benefit of, any orders made in the action;
- not be entitled to receive any compensation from any successful damages award or settlement outcome arising in the ANZ Bank Fees Class Action, including from the proposed settlement outlined in this notice; and
- be able to pursue any rights you may have against ANZ, on your own behalf and separate from the class action, if you so wish.

Opt out notices must be submitted to the Victorian District Registry of the Federal Court of Australia (Owen Dixon Commonwealth Law Courts Building, 305 William Street, Melbourne Vic 3000) before **4:00pm on 30 August 2019**. Opt out notices received after this time will not be accepted, and you will be treated as having not responded to this notice (see Option C below).

### ***Option C – Do Nothing***

As indicated above, Group Members who do nothing (i.e. neither opt out nor register before 4.00 pm on 30 August 2019) will remain as Group Members in the ANZ Bank Fees Class Action for all purposes, but will not, unless the Court determines otherwise, be entitled to receive a distribution from the proposed settlement outlined above. Thus, if the Court approves the proposed settlement, Group Members who do nothing will be bound by the settlement,

and therefore not able to pursue the same or similar claims against ANZ, but will not be entitled to receive a distribution from the proposed settlement.

***Option D – Object to the Proposed Settlement***

If you are a Group Member, and you wish to object to the proposed settlement of the ANZ Bank Fees Class Action you must file with the Court any affidavit evidence on which you propose to rely and/or a written outline of your grounds for opposing the application, and serve a copy on the Applicants' solicitors (Maurice Blackburn), by no later than 4.00 pm on 22 November 2019. Any Group Member who so objects may also (but is not obliged to) appear before the Court at the hearing of the application to approve the proposed settlement on 6 December 2019.

## Attachment A

**Complete this form only if you intend to choose Option A above, and register to participate as a Group Member in the ANZ Bank Fees Class Action, and you have not previously registered and signed a funding agreement to do so (or if you prefer to register electronically, you can do so via IMF's website ([www.imf.com.au/anz](http://www.imf.com.au/anz)))**

### GROUP MEMBER REGISTRATION FORM

#### ANZ BANK FEES CLASS ACTION

**Andrews & Ors v Australia and New Zealand Banking Group Ltd (VID 811 of 2010 and VID 196 of 2013)**

#### Return this form to:

Email: [801097@imf.com.au](mailto:801097@imf.com.au)

Post: ANZ Bank Fees Class Action Team  
IMF Bentham Ltd  
PO Box 5106  
Perth WA 6831

Contact name <i>This is the contact person who will receive updates in relation to the claim</i>	(First name)	
	(Middle name(s))	
	(Last name)	
Contact address	(Address)	
	(Suburb)	
	(State)	(Postcode)
	(Country)	
Contact telephone number(s)	(Home)	(Mobile)
	Contact email	
<b>Account Holder Details:</b> The group member named below provides the following information in respect of their claim in the ANZ Bank Fees Class Action.  (Please use your best efforts to provide all of the requested information, as the information will be used to verify that you are (or were) a customer of ANZ, and were charged at least one 'PPN Fee' during the relevant period. In the absence of all of the requested information, it may not be possible for ANZ to verify those matters, and you may therefore not be entitled to receive any distribution from the proposed settlement. Any information you provide will be treated with strict confidence, and will only be disclosed to ANZ to enable it to verify that you are (or were) a customer of ANZ, and that you were charged at least one 'PPN Fee' during the relevant period.)		
Account Holder Type  Note: If the account holder name has more than one account, you do <b>not</b> need to complete this form for each separate account. However, where the account holder is a different entity, please complete this form for each account holder. Joint accounts will be included under your individual account holder name and do not need to be registered separately.	<input type="checkbox"/> Personal and/or Joint Account (Individual)  <input type="checkbox"/> Business Account (Corporate)	

Full name of group member (i.e. full name of the relevant ANZ accountholder)			
Date of birth (for individual group members only)	(Day)	(Month)	(Year)
ABN or ACN number (for corporate group members only)			
Previous name of group member (please complete this section only if the account holder name has changed since you were an ANZ customer)			
Are you currently an ANZ customer?	<input type="checkbox"/> Yes  <input type="checkbox"/> No		
If no, what period (or approximate period) were you an ANZ customer?	(From)	(To)	
Account holder current postal address	(Address)		
	(Suburb)	(State)	(Postcode)
	(Country)		
Account holder email address			
Account holder telephone number(s)	(Home)	(Mobile)	
Account holder postal address at the time you were an ANZ customer (please complete this section if your postal address at the time you were an ANZ customer was different from your current postal address set out above)	(Address)		
	(Suburb)	(State)	(Postcode)
	(Country)		
ANZ account number(s) and/or ANZ internet banking login ID (please provide at least one current or past ANZ account number, or your ANZ internet banking login ID, to enable ANZ to verify your identity)	Account No:	(BSB)	(Account No)
	Internet Banking Login ID:		

**For the reasons set out in the notice to which this form is attached, ANZ may not be in a position to identify 'PPN Fees' that were charged to customers between 1 August 2003 and 31 October 2005. Accordingly, if you believe that:**

- **you were charged at least one ‘PPN Fee’ during the period between 1 August 2003 and 31 October 2005; and**
- **you were not charged at least one ‘PPN Fee’ at any other time from 1 November 2005 to 23 February 2016,**

**you should attach to this form a copy of any documents which you have (such as bank statements) which show the fees that you were charged between 1 August 2003 and 31 October 2005. Please note that:**

- **you only need to show you incurred one ‘PPN Fee’ in your documents, you do not need to return evidence of multiple occurrences of this fee;**
- **you do not need to attach such documents if you were charged at least one ‘PPN Fee’ at any other time from 1 November 2005 to 23 February 2016 (because ANZ believes it will be able to determine that from its own records); and**
- **if you do not have any documents (such as bank statements) which show the fees that you were charged between 1 August 2003 and 31 October 2005, you can still register by submitting this form (because ANZ may still be able to determine, from its own records, what fees you were charged, and when).**

By signing below, I:

- confirm that the information provided in this form is true and correct, to the best of my knowledge;
- confirm that I am the group member named above, or I am duly authorised to act on the group member’s behalf; and
- authorise IMF Bentham Ltd and/or Maurice Blackburn to provide the information contained in this form to Australia and New Zealand Banking Group Ltd (**ANZ**) for the sole purpose of ANZ verifying that the group member is or was a customer of ANZ, and was charged at least one ‘PPN Fee’, during the relevant period.

.....  
Please sign here

Date:

**Attachment B**

**Complete this form only if you intend to choose Option B above, and opt out of (i.e. take no further part in) the ANZ Bank Fees Class Action**

Form 21  
Rule 9.34

**Opt out notice**

VID 811 of 2010

Federal Court of Australia  
District Registry: Victoria  
Division: General

**JOHN ANDREWS** and others  
Applicants

**AUSTRALIA AND NEW ZEALAND BANKING GROUP LTD (ACN 005 357 522)**  
Respondent

To: The Registrar  
Federal Court of Australia  
Victoria District Registry  
Owen Dixon Commonwealth Law Courts Building  
Level 7, 305 William Street  
Melbourne Vic 3000

I, ....., a group member in this representative proceeding, give notice under section 33J of the *Federal Court of Australia Act 1976*, that I am opting out of the representative proceeding.

Date: 2019

.....  
Signed by

.....  
Filed on behalf of (name & role of party) .....  
Prepared by (name of person/lawyer) .....  
Law firm (if applicable) .....  
Tel ..... Fax .....  
Email .....  
**Address for service**  
(include state and postcode) .....