

# Bury Holdings Pty Ltd ATF Canterbury Unit Trust

206 Canterbury Road, Canterbury, NSW 2133

Phone: 1300 547 687

ABN: 84 978 282 093

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## Contract of Employment

Private and Confidential

12 Dec 2014

Contract Number:

This employment contract is made on 12/12/2014 between Bury Holdings Pty Ltd ATF Canterbury Unit Trust (the employer) and [REDACTED] (the employee).

### Position

Senior Financial Investment Manager - reporting to Managing Director

The roles and responsibilities of this position will be described separately in an attached Position Description.

### Commencement Date

Your employment will commence on the day following your 186 visa approval.

### Location

You will be based at Canterbury NSW but may be required to work at such other locations within NSW as reasonably determined by the needs of the business.

### Term

This is a permanent position for at least three years .

### ■ Probationary Period

○ A three month Probationary Period will apply to this role. During this time you will receive advice, training and guidance to help you become familiar with, and competent in performing the work you have been appointed to do. The appointment is subject to the satisfactory completion of the Probationary Period which itself is subject to termination during any stage, by either party, upon one week's notice in writing, or by payment in lieu of notice.

### Remuneration

Your gross salary is at a rate of \$190,000 per annum.

### ■ Payment

○ Your salary will be paid weekly on a Thursday.

### ■ Superannuation

○ Superannuation payments will be made on your behalf in accordance with the

Superannuation Guarantee into a Superannuation fund of your choice. You will need to choose a fund upon your commencement of your employment.

### ■ Salary Review

- Your remuneration package will be reviewed annually on or about the anniversary of your employment or in accordance with workplace laws.

### Leave Entitlements

#### ■ Annual Leave

- You are entitled to 20 days' (4 weeks') annual leave per year of service. Leave is accrued in accordance with the Fair Work Act 2009 and should be taken within one year of falling due, on occasions negotiated with your manager.

#### ■ Personal leave

- You are entitled to 10 days paid personal/carer's leave in accordance with the Fair Work Act 2009.
- You are entitled to a period of two days unpaid carer's leave per occasion in accordance with the Fair Work Act 2009.
- You are entitled to a period of two days paid compassionate leave per occasion in accordance with the Fair Work Act 2009.

#### ■ Long Service Leave

- You will be entitled to long service leave in line with the provisions of the Long Service Leave Act 1992.

#### ■ Parental Leave

- You may be entitled to parental leave in line with the provisions of the Fair Work Act 2009.

### Termination

The minimum period of 4 weeks are required to be given to the employer by the employee.

The company may terminate your employment at any time without notice if:

- You are guilty of serious misconduct; or
- You are in material breach of a provision of this contract, including confidentiality undertakings.

Following the termination of your employment you will be required to return all company property.

### Hours of Work

Bury Holdings Pty Ltd ATF Canterbury Unit Trust's general hours of business are between 9:00 am to 5:00 pm, Monday to Friday. It is expected that you will work an average of 37.5 hours per week during general business hours. From time to time you will be

required to work reasonable additional hours or after hours when necessary to perform your duties.

**Privacy**

You are required to observe and uphold all of the Company's privacy policies and procedures as implemented or varied from time to time. Collection, storage, access to and dissemination of employee personal information will be in accordance with privacy legislation.

**Confidentiality of Information**

During your employment you may become aware of information relating to the business of Bury Holdings Pty Ltd ATF Canterbury Unit Trust, including but not limited to client lists, trade secrets, client details and pricing structures.

Confidential information, including client lists, trade secrets, pricing structures and any and all documents created by you in the course of your employment remain the sole property of Bury Holdings Pty Ltd ATF Canterbury Unit Trust. You shall not, either during or after your employment, without the prior consent of Bury Holdings Pty Ltd ATF Canterbury Unit Trust, directly or indirectly divulge to any person or use the confidential information for your own or another's benefit.

**Jurisdiction**

This contract is made in the State of NSW.

**Welcome and Acceptance**

██████████ we would like to take this opportunity to welcome you to Bury Holdings Pty Ltd ATF Canterbury Unit Trust and wish you a long and rewarding career with us.

**Employer:**

**Bury Holdings Pty Ltd ATF Canterbury Unit Trust**

**Date: 19/12/2014**

Sign \_\_\_\_\_



**Employee:**

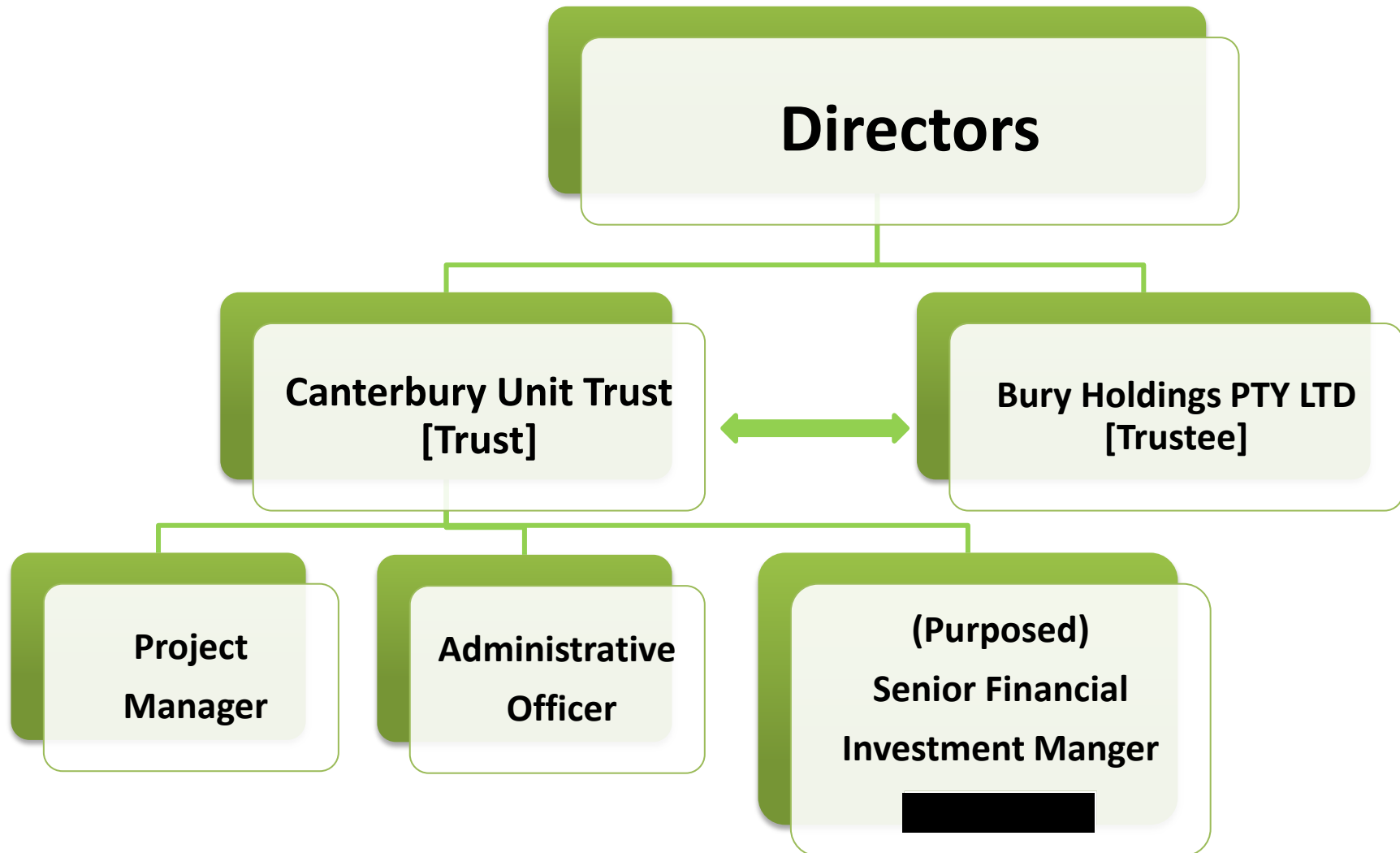
██████████

**Date: 19/12/2014**

Sign \_\_\_\_\_



## Bury Holdings Pty Ltd ATF Canterbury Unit Trust



## Bury Holdings Pty Ltd ATF Canterbury Unit Trust

206 Canterbury Road, Canterbury, NSW 2133

Phone: 1300 547 687

ABN: 84 978 282 093

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### Statement of Remuneration

Our company, Bury Holdings Pty Ltd ATF Canterbury Unit Trust (ABN 84 978 282 093), was established in August 2010. We are a Sydney based real estate and investment business, and own a group of well-qualified professionals and specialists who provide services in selling and purchasing properties, investing in land, and developing commercial building projects. We are known as being competitive and dedicated to our passion for completing real estate investment projects on time, under budget, to a high standard of quality, and for the greatest profit. For the past three years, we have sold dozens of apartments in NSW and completed several commercial building projects as well.

In recent years, China's economy grows rapidly, and the clients from China or with Chinese background have become a considerable fund source in Australian market. As our company is thriving and expanding, we plan to attract more foreign funds for our future investment projects, especially those funds from China. In order to comply with the company's development strategies, as well as to allow the company to remain competitive in today's marketplace, we plan to recruit a full-time Senior Financial Investment Manager, who has practical experience in financial industry and has the ability to attract and raise more funds from Chinese clients. The ideal person for this position is a person who has at least ten years working experience in finance and banking industry, while undertaking management duties for minimum five years. Also, the person must have a rich knowledge and deep understanding of China's financial market, and be familiar with cooperating and negotiating with Chinese investors.

After careful selection, we have decided to sponsor [REDACTED] as our full-time Senior Financial Investment Manager. [REDACTED] has considerably rich working experience in the banking industry since he has been worked as the Bank Branch President in

Guangzhou Rural Commercial Bank for four years and the Bank Branch President in SPD Bank for six years. He is responsible for raising funds, directing finance and investment activities, and giving financial advice on investment projects, and he has made remarkable achievements in his career.

Therefore, we would like to rely on [REDACTED] professional knowledge and expertise in banking and financing to facilitate the development of our company. With his Chinese background, [REDACTED] is excellent in dealing and negotiating with Chinese clients and investors, which is one of his biggest advantages compared to Australian employees. More importantly, [REDACTED] has presented himself with the professional knowledge, positive work attitude, excellent communication skills, and strong confidence in the interview. He is the ideal person for this position.

We are pleased to offer [REDACTED] with the annual salary rate \$190,000 plus superannuation for his position. Our offer is based on current market rate, and we have also taken the reference to the updated similar job advertisements and considered [REDACTED] working history and career achievements.

We believe that [REDACTED] will make significant contribution to our business development with his rich working experience in construction industry, professional knowledge, and excellent negotiation skills in Chinese. We are expecting an exciting and beautiful future with [REDACTED] joining.



Joseph Alha

Director

Bury Holdings Pty Ltd ATF Canterbury Unit Trust

08 December 2014

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# Investment Operations Manager 2IC | Global Fund Manager

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## Investment Operations Manager 2IC | Global Fund Manager

- **Global Fund Manager | Superb reputation & performance with significant FUM.**
- **Will suit 7-10yrs exp in senior operations role from Funds with global equities.**
- **\$150-170,000pa + 40% + amazing opportunity with significant career progression.**

**Our client is a highly regarded Fund Manager with significant funds under management (FUM)** from both retail and institutional clients, with a strong global presence. A rare and exciting opportunity has just become available for an ambitious and capable Senior Investment Operations professional to join their Sydney team.

**This broad and varied position is focused on driving commercial outcomes within the Operations Division,** your primary responsibilities would be to ensure internal and external reporting requirements are met in a timely and efficient manner; to analyse and improve operational functions and processes including reviewing existing systems and assist with managing implementation of new systems where appropriate; to provide back-up on daily reconciliation of trading activities when required.

### So who are you?

- Tertiary qualification – Business related degree in Commerce/Finance
- Minimum 7-10 years previous experience in a Fund Management Operations environment, dealing in international equities, with a knowledge of unit pricing; trade (buy/sell) reconciliations and processing
- Minimum 10 years in the financial services industry, preferably starting your career in a back office/custody role
- Analytical ability and literacy in financial research programs such as Bloomberg and intermediate to advanced competency in Excel and Word
- Sound understanding of investment markets, the investment process and funds management operations
- Team leadership and management skills
- Strong client services skills
- Strong initiative and proactive identification of potential issues
- Strong project management skills
- Aptitude in Bloomberg AIM, Factset and OMGEO CTM

**This is a broad and challenging role that will have you using your intelligence and initiative** to play a vital role in the company's continuing success and development, and you will see your career develop significantly in line with the firm's growth.

**Don't miss out on this rare opportunity as positions such as this are few and far between and don't come around every day!** To arrange an interview call Sian Keegan @ Keegan Adams on 9216 6711 or email your CV and Cover Letter via the Apply link on this website.

28 Nov 2014

**Location:** Sydney ▶ CBD, Inner West & Eastern Suburbs

**Salary:** \$150-170,000pa + 30/40% bonus + Career Development

**Work type:** Full Time

**Classification:** Banking & Financial Services ▶ Funds Management

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### Courses from SEEK Learning

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- [Bachelor of Business \(Accounting\)](#)
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## Chief Financial Officer

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Recruiting Reinvented.

### Chief Financial Officer

- Reporting to CEO, CFO role in high growth technology and online company listed
- Strong capital position, exponential growth across Europe and Australia
- Progressive role requires financial stewardship, investment advice, insight and
- Reporting to CEO, CFO role in high growth technology and online company listed on ASX
- Strong capital position, exponential growth across Europe and Australia
- Progressive role requires financial stewardship, investment advice, insight and work ethic

This rapidly growing ASX listed technology and emerging online company is seeking a commercially astute, adaptive CFO. This newly created role in the Melbourne office requires a highly motivated, dynamic and confident financial business partner to the Executive team with direct Board liaison, but someone also comfortable operating in a very hands-on manner. Proactive, process-driven and with a continuous drive for performance improvement, you will work collaboratively within the management and manage small finance team. This is a pivotal role in a growing company and provides a fantastic opportunity for a CFO looking to make a career-defining role and become a serious Public Company, Chief Financial Officer.

Reporting to the CEO and direct liaison with the Board and Chairman, your responsibilities will include:

- Financial control including daily profitability and weekly / monthly financial reporting, extensively involvement in budgeting, forecasting, variance analysis and ASX financial reports.
- Budget management / support for the CEO, COO and General Managers to achieve budget objectives
- Preparation and analysis of monthly internal management, performance metrics and Board reporting
- Creation and analysis of Quarterly, Half-year and Year-ending reports in-conjunction with the Audit team
- Relentless focus on real-time actionable financial insight to support a dynamic business and progressive marketplace
- Liaising with the Company Secretary on compliance and governance matters
- Day to Day ownership of Xero; oversee reconciliation and reliability as the source of truth
- Improving existing systems and reports whilst ensuring that internal controls remain robust
- Assisting with preparation of budgets and financial modelling of the current and future business
- Management of inventory control and month end reconciliation
- Ad hoc projects to be specified by senior management
- Direct management of an internal Accountant - management of cash flows and CAPEX in addition to oversight of AP, AR & Payroll will also be central responsibilities of the role.

To be successful in this role, you will possess:

- CPA/CA Qualified with 8-10+ years' experience, and at least 2-3 in a FC/CFO capacity
- Strong cost accounting background and demonstrated exposure to ASX requirements, ideally reporting in an online or technology environment
- Exposure to Xero and exposure to ecommerce systems and

8 Dec 2014

Location: Melbourne ▶ CBD &amp; Inner Suburbs

Salary: \$160K - \$200K + equity

Work type: Full Time

Classification: Accounting ▶ Financial Managers &amp; Controllers

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- dashboard creation with strong interpersonal skills to engage with multiple internal and external stakeholders
- You will possess a can-do attitude, strong work ethic, the highest levels professional integrity and respect for a publically owned business environment. You will also be willing to work across all aspects of the business to gain the knowledge required to truly understand the machinations of the success of the business.
  - Experience as a public company Financial Controller / CFO
  - Technology and online or digital experience highly regarded

To be successful in this role, you will be required to have strong strategic and technical skills, be very adaptable and have the ability to work in an ever-changing and fast-paced environment. Essential to this role will be having the ability to work to tight deadlines, the confidence to perform under the spotlight at investor briefings, the interpersonal skills to effectively partner with stakeholders from across the business and external auditing team. Previous experience from technology, online or digital business or fast growth technology business with experience in ASX Company reporting requirements is essential. This is the pathway to becoming a CFO heavyweight of an emerging ASX listed company with significant growth potential and global aspirations. Strong in Europe and Australia, this company is constantly entering new markets.

To apply, please submit your CV as per below.



[www.recruitloop.com.au](http://www.recruitloop.com.au)

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From the information on this page, are you confident you can tell whether this job is relevant?

- Yes
- Kind of
- Not really
- No

Be careful - Don't provide your bank or credit card details when applying for jobs. Something suspicious? [report this job ad](#).

You **must have the right to live and work** in this location to apply for this job.

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# Finance Manager - decision unit support focus within wealth management

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## Finance Manager - decision unit support focus within wealth management

- Decision unit support focus
- Launch your career with financial services giant

As a result of internal promotion a role has been created for an energetic, passionate and insightful Finance Manager to join a leading Australian financial services group.

Leading a large group of accounting professionals, you and the team will be responsible for assessing strategic investment decisions and for the financial governance of major strategic and regulatory programmes.

To be successful you will either be CA, CPA, CFA or MBA qualified with previous wealth management industry experience. Your ability to distill complex messages to an Executive Team will be well honed as will your people management skills.

Please contact Vanessa Stack on 02 8022 8714 to discuss this opportunity in more detail.

Email: Please click the 'Apply Now' button below.



**GEMMELL OVENDEN WALSH**  
RECRUITMENT

12 Jan 2015

**Location:** Sydney ▶ CBD, Inner West & Eastern Suburbs

**Salary:** \$200K+super+bonus

**Work type:** Full Time

**Classification:**Accounting ▶ Financial Managers & Controllers

Apply for this job

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- Share this job

**Courses from SEEK Learning**

- Accounting courses
- Bachelor of Business (Business Administration)
- Bachelor of Business (Accounting)
- Master of Professional Accounting

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**TAFE, university or online courses**

Choose an industry

Apply for this job

- Add to shortlist
- Email this job
- Print job and notes

**We were just wondering...**

From the information on this page, are you confident you can tell whether this job is relevant?

Yes      Kind of      Not really      No

Be careful - Don't provide your bank or credit card details when applying for jobs. Something suspicious? [report this job ad.](#)



**Australian Government**  
**Department of Immigration  
and Border Protection**

Department Of Immigration and Border Protection  
**Application for Employer Nomination  
for a Permanent Appointment**

**Record of  
Responses**

## Terms and Conditions

I have read and agree to the **Yes**  
terms and conditions:

## Business / organisation

### Scheme details

Scheme type: **Employer Nomination Scheme - visa subclass 186**  
Visa application stream: **Direct entry**

### Business / organisation details

Legal registered name: **Bury Holdings Pty Ltd ATF Canterbury Unit Trust**  
Trading name:  
Industry type: **Rental, Hiring and Real Estate Services**  
Date established or  
commenced trading in  
Australia: **11 Aug 2010**

### Registration identifiers

Give details of all registration identifiers for the business / organisation.

Give details of a registration identifier for the business / organisation.

Business registration type: **Australian Business Number (ABN)**  
Business registration ID: **84978282093**

Give details of a registration identifier for the business / organisation.

Business registration type: **Australian Company Number (ACN)**  
Business registration ID: **145753055**

### Work location postcode

Give details of the postcode where the nominated person will be employed.

Postcode: **2133**

**Business / organisation address details****Head office address**

Give details of the business / organisation's head office address in Australia.

Note that a street address is required. A post office address cannot be accepted as a business / organisation address.

Country: **AUSTRALIA**  
Address: **206 Canterbury Road**  
Suburb / Town: **Canterbury**  
State / Territory: **New South Wales**  
Postcode: **2133**

**Postal address**

Is the postal address the same as the head office address?

**No**

Country: **AUSTRALIA**  
Address: **PO Box [REDACTED] Enfield South**  
Suburb / Town: **Enfield South**  
State / Territory: **New South Wales**  
Postcode: **2133**

**Contact person****Contact person details**

Give details of the contact person within the business / organisation.

Family name: **Alha**  
Given names: **Joseph**

**Postal address**

Country: **AUSTRALIA**  
Address: **PO Box [REDACTED] Enfield South**  
Suburb / Town: **Enfield South**  
State / Territory: **New South Wales**  
Postcode: **2133**

**Contact telephone numbers**

Business phone: **1300547687**  
Mobile / Cell phone: [REDACTED]

**Electronic communication**

We can communicate about this application more quickly using email and/or fax. Does the contact person agree to this department communicating via email and/or fax? This may include receiving notification of the outcome of the application.

**Yes**

Email address: [REDACTED]@HOTMAIL.COM  
Fax number:

**Authorised recipient**

Does the applicant authorise another person to receive written correspondence on their behalf? This authorises the department to send the authorised person all written correspondence that would otherwise be sent directly to the applicant.

**Yes, a migration agent**

This person is referred to as the 'authorised recipient'.

**Migration agent contact details****Migration agent**

MARN: **0746350**  
Family name: **HAO**  
Given names: **YUEMING**  
Organisation: **AUSKY VISA SOLUTIONS**

**Postal address**

Country: **AUSTRALIA**  
Address: **7/1-3 TRELAWNEY ST**  
Suburb / Town: **EASTWOOD**  
State / Territory: **New South Wales**  
Postcode: **2122**

**Contact telephone numbers**

Business phone: **0298740729**

Mobile / Cell phone: [REDACTED]

**Electronic communication**

We can communicate about this application more quickly using email and/or fax. Does the authorised recipient agree to this department communicating via email and/or fax? This may include receiving notification of the outcome of the application.

**Yes**

Email address: [REDACTED]@HOTMAIL.COM

Fax number:

**Position to be filled****Position details**

Position: **Senior Financial Investment Manager**  
Occupation (ANZSCO) **Financial Investment Manager**

**Address where nominated person will be employed**

Country: **AUSTRALIA**  
Address: **206 Canterbury Road**  
Suburb / Town: **Canterbury**  
State / Territory: **New South Wales**  
Postcode: **2133**

**Terms and conditions that apply to current employees**

Do you already have Australian employee(s) in your workplace doing the same work as the nominated person?

**No****Terms and conditions that will apply to the nominated person**

Base rate of pay per annum: **190000**  
Guaranteed annual earnings: **208050**  
Give details of how the base pay and guaranteed annual earnings were determined: **We determine our remunerations based mainly on the market rate, and also consider complying with the related workplace regulations and policies. Our terms and conditions including the remunerations are same applied to all the employees no matter they are Australians or overseas.**

Will you make any deductions from these earnings apart from tax?

**No**

Will the business / organisation be paying the nominated person's salary?

**Yes**

Will the terms and conditions of employment of your Australian employee(s) apply to the nominated person?

**Yes**

## Employment and training details

### Employment

Of the Australian operations of the business / organisation, what is the total number of:

Australian employees **2**

(including Australian citizens  
and permanent residents)

Foreign employees (i.e. non- **0**

Australian citizens or non-  
permanent residents)

Of the total number of foreign employees, what is the number of:

Temporary business / **0**

organisation entrants:

Overseas students: **0**

Working holiday makers: **0**

Other: **0**

### Training

What is the total number of Australian citizens or permanent residents employed in the business / organisation as:

Professionals: **2**

Tradespersons: **0**

Recent Australian university **0**  
graduates with less than 12  
months work experience:

Apprentices employed under **0**  
a training agreement or  
contract of training:

Other trainees employed **0**  
under a training agreement or  
contract of training:

Gross payroll expenditure of **360000**  
the business / organisation in  
the past 12 months:

Gross expenditure on **4000**  
training Australian citizens or  
permanent residents in the  
past 12 months:

Include paid study leave, accredited training courses, reimbursement of study related costs,  
employment of designated training officers and the cost of in-house training.

Did the business / organisation make any contributions to an industry training fund in the past 12  
months?

**No**

## Nominated Person

Are the nominated person details available to be added?

**Yes**

## Passport details

Enter the following details as they appear in the nominated person's passport

Family name:

[REDACTED]

Given names:

[REDACTED]

Sex:

**Male**

Date of birth:

[REDACTED]

Passport number:

[REDACTED]

Country of passport:

**CHINA**

Nationality of passport holder:

**CHINA**

Date of issue:

[REDACTED]

Date of expiry:

[REDACTED]

Place of issue / issuing  
authority:

**EXIT&ENTRY ADMINISTRATION MINISTRY OF PUBLIC SECURITY**

## Place of birth

Town / City:

**QINGYUAN**

State / Province:

**GUANGDONG**

Country of birth:

**CHINA**

## Residential address



Note that a street address is required. A post office address cannot be accepted as a residential address.

Country: CHINA  
Address: [REDACTED]  
Suburb / Town: GUANGZHOU  
State / Territory: GUANGDONG  
Postal code: [REDACTED]

**Contact telephone numbers**

Business phone: [REDACTED]  
Mobile / Cell phone: [REDACTED]

**Migrating family members**

Are there any migrating family members included in this application?  
Yes

Relationship to the nominated **Spouse/De Facto Partner** person:

Family name: [REDACTED]  
Given names: [REDACTED]  
Sex: Female  
Date of birth: [REDACTED]

Relationship to the nominated **Child** person:

Family name: [REDACTED]  
Given names: [REDACTED]  
Sex: Male  
Date of birth: [REDACTED]

**ENS / RSMS Declarations**

Warning:  
Giving false or misleading information is a serious offence.

The applicant declares that they:  
Have the authority to enter into legal commitments for the nominating business / organisation.  
Yes

Will provide full-time employment for the visa applicant for at least two years.

**Yes**

Acknowledge that any resulting visa may be cancelled if holder does not commence work within six months or does not continue to work in the nominated position for at least two years.

**Yes**

Acknowledge that any non-compliance with Australian agreements, awards and conditions may incur penalties under Australia's industrial relations system and affect future immigration nominations.

**Yes**

## **Declarations**

Warning:

Giving false or misleading information is a serious offence.

The applicants declare that they:

Have read and understood the information provided to them in this application.

**Yes**

Have provided complete and correct information in every detail on this form, and on any attachments to it.

**Yes**

Understand that if any fraudulent or misleading documents or information is found, this application is likely to be refused and they may become ineligible to be granted a visa for a period of time.

**Yes**

Understand that if this application is approved, any person not included in this application will not have automatic right of entry to Australia.

**Yes**

Will inform the Department of Immigration and Border Protection in writing immediately as they become aware of a change in circumstances (including change of address) or if there is any change relating to information they have provided in or with this application, while it is being considered.

**Yes**



**Australian Government**  
**Department of Immigration and Border Protection**

8 May 2015

BURY HOLDINGS PTY LTD ATF CANTERBURY UNIT TRUST  
PO Box [REDACTED] Enfield South  
Enfield South NSW 2133

**In reply please quote:**

Name of Applicant	BURY HOLDINGS PTY LTD ATF CANTERBURY UNIT TRUST
Application ID	1800575953
Name of Nominee	[REDACTED]
Nomination TRN	EGO7E05N98
File Number	BCC2015/61722
Transmission Method	Email sent to [REDACTED]@HOTMAIL.COM

Dear Applicant

**Notification of refusal of a nomination application**

**Nominee(s)**

[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

I wish to advise that the application for approval of a nomination has been refused. The attached Nomination Refusal Decision Record outlines details about this decision.

After careful consideration of all the information you have provided, I was not satisfied that the relevant criteria for the approval of this nomination as set out in Australian migration law have been met.

**Review rights**

No further assessment of this application can be taken at this office. However, you are entitled to apply to the Migration Review Tribunal (MRT) for a review of this decision within 21 days after the day on which you are taken to have received this letter.

**Receiving this Letter**

As this letter was sent to you by email, you are taken to have received it at the end of the day it was transmitted.

**people** our business

Please note that this review period is prescribed in law and an application for merits review may not be accepted after that date.

### **Lodging an application for review**

Applications for review can be lodged in person, faxed or posted to any registry of the Migration Review Tribunal (MRT). Certain registries of the Administrative Appeals Tribunal (AAT) also accept applications for review on behalf of the MRT.

#### Registries of the Migration Review Tribunal

<b>New South Wales Registry</b> Level 11, 83 Clarence Street Sydney NSW 2000 Fax: 02 9276 5599	<b>Victoria Registry</b> Level 10, 120 Spencer Street Melbourne VIC 3000 Fax: 03 8600 5801
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#### Registries of the Administrative Appeals Tribunal

<b>Queensland</b> Level 4, 119 North Quay Brisbane QLD 4000 Fax: (07) 3361 3001	<b>South Australia</b> 11th Floor, 91 Grenfell Street Adelaide SA 5000 Fax: (08) 8201 0610	<b>Western Australia</b> Level 5, 111 St Georges Terrace Perth WA 6000 Fax: (08) 9327 7299
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Further information about merits review is also available from the MRT on the Tribunal website at [www.mrt-rrt.gov.au](http://www.mrt-rrt.gov.au) and in the enclosed brochure *M10 - Migration Review Tribunal*.

### **Questions about this decision**

If you have questions about this decision, or the process or information that was taken into account, you may contact us by any of the means listed below.

### **Client service information**

We value your compliments, complaints and suggestions. Your compliments let us know where we are performing well and your complaints and suggestions help us improve the services we provide.

In Australia you can call the Global Feedback Unit on 133 177 between 8:30 am and 4:30 pm Monday to Friday. Further information on our Client Service Charter and how to make a compliment, complaint or suggestion is available at [www.immi.gov.au/myvisa/feedback](http://www.immi.gov.au/myvisa/feedback)

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**Contacting this processing office**

We prefer contact with this office concerning your application to be by email. We try to respond to all email enquiries within seven (7) working days.

Yours sincerely

Michelle THOMPSON  
Position Number: 60019454  
WA PESE  
Department of Immigration and Border Protection

Please note the original of this letter including attachments was sent to:  
Yueming HAO  
[REDACTED]@HOTMAIL.COM

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**Australian Government**  
**Department of Immigration and Border Protection**

**NOTICE OF DECISION**  
**NOMINATION REFUSAL NOTICE**  
**FOR EMPLOYER NOMINATION**

**Details of Nomination**

Name of Nominator BURY HOLDINGS PTY LTD ATF  
CANTERBURY UNIT TRUST  
Date of Decision 08 May 2015

**Nominated Person**

Client Name [REDACTED]  
Client ID [REDACTED]  
Date of Birth [REDACTED]  
Passport Number [REDACTED]  
Proposed Occupation, training or activity Financial Investment Manager - 222312  
Dependents [REDACTED]  
Dependents [REDACTED]

**Details of nomination application**

Place of Lodgment Central Office  
Date of Application 07 January 2015  
Nomination Application ID 1800575953  
File Number BCC2015/61722

**Information and evidence considered**

I am a delegated decision maker under regulation 5.19(5) of the *Migration Regulations 1994* (the Regulations). In reaching my decision, I have considered the following:

- relevant legislation contained in the *Migration Act 1958* and the Regulations collectively "migration law";
- information contained in the department's policy guidelines Procedures Advice Manual 3;
- all documents and information provided by the applicant(s); and
- other relevant information held on departmental file BCC2015/61722.

**Relevant Legislation**

Under migration law, a nomination cannot be approved unless the applicant meets the legal requirements that are specified in the Act and the Regulations.

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Subregulation 5.19(5) states:

*'The Minister must refuse a nomination if neither of subregulations (3) and (4) applies.'*

The nomination does not meet the legal requirement in subregulations 5.19(3) and 5.19(4) of the Regulations on the date I made my decision. Subregulations 5.19(3) and 5.19(4) state that:

**5.19(3)**

*The Minister must, in writing, approve a nomination if:*

- (a) *the application for approval:*
  - (i) *is made in accordance with subregulation (2); and*
  - (ii) *identifies a person who holds a Subclass 457 (Temporary Work (Skilled)) visa granted on the basis that the person satisfied the criterion in subclause 457.223(4) of Schedule 2; and*
  - (iii) *identifies an occupation, in relation to the position, that:*
    - (A) *is listed in ANZSCO; and*
    - (B) *has the same 4-digit occupation unit group code as the occupation carried out by the holder of the Subclass 457 (Temporary Work (Skilled)) visa; and*
- (b) *the nominator:*
  - (i) *is, or was, the standard business sponsor who last identified the holder of the Subclass 457 (Temporary Work (Skilled)) visa in a nomination made under section 140GB of the Act or under regulation 1.20G or 1.20GA as in force immediately before 14 September 2009; and*
  - (ii) *is actively and lawfully operating a business in Australia; and*
  - (iii) *did not, as that standard business sponsor, meet regulation 1.20DA, or paragraph 2.59(h) or 2.68(i), in the most recent approval as a standard business sponsor; and*
- (c) *either:*
  - (i) *both of the following apply:*
    - (A) *in the period of 3 years immediately before the nominator made the application, the holder of the Subclass 457 (Temporary Work (Skilled)) visa identified in subparagraph (a)(ii) has:*
      - (I) *held one or more Subclass 457 visas for a total period of at least 2 years; and*
      - (II) *been employed in the position in respect of which the person holds the Subclass 457 (Temporary Work (Skilled)) visa for a total period of at least 2 years (not including any period of unpaid leave);*
    - (B) *the employment in the position has been full-time, and undertaken in Australia; or*
  - (ii) *all of the following apply:*
    - (A) *the person holds the Subclass 457 (Temporary Work (Skilled)) visa on the basis that the person was identified in a nomination of an occupation mentioned in sub-subparagraph 2.72(10)(d)(iii)(B) or sub-subparagraph 2.72(10)(e)(iii)(B);*
    - (B) *the nominator nominated the occupation;*
    - (C) *the person has been employed, in the occupation in respect of which the person holds the Subclass 457 (Temporary Work (Skilled)) visa, for a total period of at least 2 years in the period of 3 years immediately before the nominator made the application; and*
- (d) *for a person to whom subparagraph (c)(i) applies:*

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- (i) *the person will be employed on a full-time basis in the position for at least 2 years; and*
  - (ii) *the terms and conditions of the person's employment will not include an express exclusion of the possibility of extending the period of employment; and*
  - (e) *the terms and conditions of employment applicable to the position will be no less favourable than the terms and conditions that:*
    - (i) *are provided; or*
    - (ii) *would be provided;*
- to an Australian citizen or an Australian permanent resident for performing equivalent work in the same workplace at the same location; and*
- (f) *either:*
    - (i) *the nominator:*
      - (A) *fulfilled any commitments the nominator made relating to meeting the nominator's training requirements during the period of the nominator's most recent approval as a standard business sponsor; and*
      - (B) *complied with the applicable obligations under Division 2.19 relating to the nominator's training requirements during the period of the nominator's most recent approval as a standard business sponsor; or*
    - (ii) *it is reasonable to disregard subparagraph (i); and*

*Note Different training requirements apply depending on whether the application for approval as a standard business sponsor was made before 14 September 2009 or on or after that day.*

- (g) *either:*
  - (i) *there is no adverse information known to Immigration about the nominator or a person associated with the nominator; or*
  - (ii) *it is reasonable to disregard any adverse information known to Immigration about the nominator or a person associated with the nominator; and*
- (h) *the nominator has a satisfactory record of compliance with the laws of the Commonwealth, and of each State or Territory in which the applicant operates a business and employs employees in the business, relating to workplace relations.*

## **Reasons for Decision**

### **Subregulation 5.19(4)**

- (4) The Minister must, in writing, approve a nomination if:**
  - (a) *the application for approval:*
    - (i) *is made in accordance with subregulation (2); and*
    - (ii) *identifies a need for the nominator to employ a paid employee to work in the position under the nominator's direct control; and*
  - (b) *the nominator:*
    - (i) *is actively and lawfully operating a business in Australia; and*
    - (ii) *directly operates the business; and*
  - (c) *for a nominator whose business activities include activities relating to the hiring of labour to other unrelated businesses - the position is within the business activities of the nominator and not for hire to other unrelated businesses; and*
  - (d) *both of the following apply:*

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- (i) *the employee will be employed on a full-time basis in the position for at least 2 years;*
- (ii) *the terms and conditions of the employee's employment will not include an express exclusion of the possibility of extending the period of employment; and*
- (e) *the terms and conditions of employment applicable to the position will be no less favourable than the terms and conditions that:*
  - (i) *are provided; or*
  - (ii) *would be provided;**to an Australian citizen or an Australian permanent resident for performing equivalent work in the same workplace at the same location; and*
- (f) *either:*
  - (i) *there is no adverse information known to Immigration about the nominator or a person associated with the nominator; or*
  - (ii) *it is reasonable to disregard any adverse information known to Immigration about the nominator or a person associated with the nominator; and*
- (g) *the nominator has a satisfactory record of compliance with the laws of the Commonwealth, and of each State or Territory in which the applicant operates a business and employs employees in the business, relating to workplace relations; and*
- (h) *either:*
  - (i) *both of the following apply:*
    - (A) *the tasks to be performed in the position will be performed in Australia and correspond to the tasks of an occupation specified by the Minister in an instrument in writing for this sub-subparagraph;*
    - (B) *either:*
      - (I) *the nominator's business has operated for at least 12 months, and the nominator meets the requirements for the training of Australian citizens and Australian permanent residents that are specified by the Minister in an instrument in writing for this sub-sub-subparagraph; or*
      - (II) *the nominator's business has operated for less than 12 months, and the nominator has an auditable plan for meeting the requirements specified in the instrument mentioned in sub-sub-subparagraph (I); or*
  - (ii) *all of the following apply:*
    - (A) *the position is located in regional Australia;*
    - (B) *there is a genuine need for the nominator to employ a paid employee to work in the position under the nominator's direct control;*
    - (C) *the position cannot be filled by an Australian citizen or an Australian permanent resident who is living in the same local area as that place;*
    - (D) *the tasks to be performed in the position correspond to the tasks of an occupation at a skill level of ANZSCO skill level 1, 2 or 3;*
    - (E) *the business operated by the nominator is located at that place;*
    - (F) *a body that is:*
      - (I) *specified by the Minister in an instrument in writing for this sub-subparagraph; and*

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(II) *located in the same State or Territory as the location of the position;*  
*has advised the Minister about the matters mentioned in paragraph (e) and sub-subparagraphs (B) and (C).*

On 7 January 2015 BURY HOLDINGS PTY LTD ATF CANTERBURY UNIT TRUST lodged an Employer Nomination Scheme (Permanent) (Class EN) nomination under the direct entry stream for the position of Financial Investment Manager (ANZSCO 222312). [REDACTED] is the nominee.

The business was established in August 2010 and is a Sydney based real estate and investment business. They advised they “... own a group of well-qualified professionals and specialists who provide services in selling and purchasing properties, investing in land, and developing commercial building projects.” In the past three years they claim to have sold dozens of apartments in New South Wales and completed several commercial building projects.

The business employs two employees who, according to the organisational chart, fulfil the roles of Project Manager and Administrative Officer. Mr Joseph Alha is the Director.

The financial statements for the financial year (FYE) ended 30 June 2014 (which also included figures for the FYE 2013) indicate an income of \$193 by way of interest for the FYE 2013 and \$3,821,327 for FYE 2014 comprising of the sales of property on 237 – 239 Canterbury Road, New South Wales. The total net profit for FYE 2014 was \$2,974,249 and the net loss for FYE 2013 was (\$223,908). Net assets for FYE 2014 were \$100 and net liabilities of (\$330,317) for FYE 2013.

#### **Regulation 5.19(4)(a)(ii) - Need for Position**

Regulation 5.19(4)(a)(ii) requires the nominating employer to provide evidence there is a genuine need for the position of Financial Investment Manager in the business.

The position description for the nominated position describes the role as being responsible for “... developing and implementing financial plans for organizations, and raising and investment funds, and managing on their behalf.” This description is similar to that stipulated in the ANZSCO dictionary.

In discussing the need for the nominated position, Mr Alha noted the growth of the Chinese economy and the increase of Chinese investors in Australia. He advised the company’s development (and competitive) strategy is to attract more foreign funds, especially from China, for future investment projects. In order to achieve this they wish to recruit a full time Senior Financial Investment Manager. This person is required to have practical experience in the financial industry and “... the ability to attract and raise more funds from Chinese clients.” Apart from management experience and work experience in the finance and banking industry, the nominator advised the ideal candidate must also “... have a rich knowledge

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*and deep understanding of China's financial market, and be familiar with cooperating and negotiation with Chinese investors”.*

Mr Alha advised the nominee, [REDACTED], meets this criteria. He stated “*With his Chinese background, [REDACTED] is excellent in dealing and negotiating with Chinese clients and investors, which is one of his biggest advantages compared to Australian employees.*”

In assessing the need for the position I note the tasks of the nominated position as per the position description. Whilst there are several tasks the nominated position is required to complete, I note in discussing the need for the position, Mr Alha has concentrated on the fact that the nominee has the ability to attract and raise funds from Chinese clients, has a rich knowledge and deep understanding of China's financial market and is able to cooperate and negotiate with Chinese investors. Mr Alha has not made reference to any of the other tasks of the position including the summarizing, forecasting and formulating of the company's financial position and its future goals; supervising the execution of financial plans; risk identification, etc.

The business has been operational since August 2010. Apart from the business' development strategy to capitalise on the current interest in the Australian property market by Chinese investors, Mr Alha has not addressed who has been performing those other tasks of the nominated position during this time and why there is a need for this position now.

I also note that whilst the company completed the FYE 2014 with a net profit of \$2,974,249. In the same period the Balance Sheet indicates the company loaned (unsecured) an amount of \$2,867,948 to various businesses, with an amount of \$1,528,000 being loaned to one company, J Group Enterprises Pty Ltd. The cash at bank is \$103. The financial situation of the business aligns with the company's identified need to generate more funds in order to proceed with new projects.

Accordingly, I place less weight to the nominated position performing these other tasks and more weight to the nominated position performing the task of attracting Chinese funds for investment in the business.

I further note the financial statements for FYE 2014 and 2013 indicate the purchase and sale of property at 237 – 239 Canterbury Road. No other investments appear in the financials including under Non-Current Assets – Properties Under Development. The nominator has not advised of any new or proposed business.

Taking the above into account, the raising of foreign funds and the development of financial strategies to attract more overseas investments does not require the nominated position to be located in Australia. The tasks would be better performed in China where the potential investors are located.

On this basis I am not satisfied the company has a genuine need to hire a full time Senior Financial Investment Manager to be based in Australia performing those tasks of seeking and securing new business from Chinese clients based in China.

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Additionally, I note the annual salary for the nominated position is \$190,000. The approval of the nominated position at the proposed salary offers exemptions for the skills and English requirement for any visa applicant nominated. I acknowledge Mr Alha has advised the nominee has the skills to perform the nominated tasks. However, he has not discussed whether [REDACTED] has the required level of English that would permit him to perform those tasks as nominated whilst in Australia. The position description does not require the nominated position to be able to speak English. The requirement is to have “... *great communication and negotiation skills in Chinese.*”.

In summarising all of the submitted evidence presented, I am not satisfied there is a genuine need for the nominated position in the business as required by regulation 5.19(4)(a)(ii).

Therefore the nominator does not satisfy regulation 5.19(4)(a).

Therefore, regulation 5.19(4) does not apply to the nomination.

**Direct Entry nomination:**

The applicant has only provided claims against subregulation 5.19(4). Since insufficient claims or evidence have been submitted against subregulation 5.19(3), I am not satisfied that the applicant meets subregulation 5.19(3).

Since neither of regulation 5.19(3) nor regulation 5.19(4) applies to the nomination, I therefore refuse BURY HOLDINGS PTY LTD ATF CANTERBURY UNIT TRUST's nomination lodged on 07 January 2015.

S THOMPSON

Position Number: 60019454

Permanent Employer Sponsored Entry

Department of Immigration and Border Protection

08 May 2015

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