

LH200004 PR780170

The attached document replaces the document previously issued with the above code on 11 October 2024.

The name of the enterprise agreement in the catchwords was amended to reflect order A.4.

Associate to Justice Hatcher, President

Dated 25 November 2024



ORDER

Fair Work Act 2009

s.306E—Application for a regulated labour hire arrangement order

Application by Nicholas Driver

(C2024/3841)

SOUTH32 CANNINGTON PTY LTD REGULATED LABOUR HIRE ARRANGEMENT ORDER

[LH200004]

JUSTICE HATCHER, PRESIDENT
VICE PRESIDENT ASBURY
VICE PRESIDENT GIBIAN

SYDNEY, 11 OCTOBER 2024

Regulated labour hire arrangement order –TP Human Capital Pty Ltd in relation to work performed for South32 Cannington Pty Ltd – South32 Cannington Enterprise Agreement 2023.

- A. Further to the decision in [\[2024\] FWCFB 394](#), the Fair Work Commission makes this regulated labour hire arrangement order (order) pursuant to s 306E of the *Fair Work Act 2009* (Cth) (FW Act).
- A.1 The regulated host covered by the order is South32 Cannington Pty Ltd (the Regulated Host).
- A.2 The employer covered by the order is TP Human Capital Pty Ltd (the Employer).
- A.3 The regulated employees covered by the order are employees of the Employer who perform work at the Cannington Mine near McKinlay in the State of Queensland who would, if employed by the Regulated Host, be covered by the host employment instrument identified in A.4.
- A.4 The host employment instrument covered by the order is the *South32 Cannington Enterprise Agreement 2023* [AE521931] (the Host Employment Instrument).
- B. This order comes into force on 1 November 2024.
- C. This order ceases to be in force where the Host Employment Instrument ceases to apply and no other new employment instrument starts to apply pursuant to s 306EB of the FW Act.

NOTE: Section 306F(2) of the FW Act provides that, while a regulated labour hire order is in force, an employer covered by the order must pay any regulated employee covered by the order

no less than the 'protected rate of pay' for the employee in connection with the work performed by the employee for the regulated host. The 'protected rate of pay' for a regulated employee is defined in ss 306F(4)–(6). There are certain exceptions to this obligation under ss 306F(3) and (3A).



PRESIDENT

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