



ORDER

Fair Work Act 2009

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

Application by the Mining and Energy Union re Capcoal Surface Operations

(C2024/5507)

ANGLO COAL (CAPCOAL MANAGEMENT) PTY LTD REGULATED LABOUR HIRE ARRANGEMENT ORDER

[LH200005]

JUSTICE HATCHER, PRESIDENT
VICE PRESIDENT ASBURY
VICE PRESIDENT GIBIAN

SYDNEY, 1 NOVEMBER 2024

Regulated labour hire arrangement order – WorkPac Pty Ltd and WorkPac Mining Pty Ltd in relation to work performed for Anglo Coal (Capcoal Management) Pty Ltd at Capcoal Surface Operations – Capcoal Surface Operations Enterprise Agreement 2022.

- A. Further to the decision in [\[2024\] FWCFB 411](#), 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 Anglo Coal (Capcoal Management) Pty Ltd (the Regulated Host).
- A.2 The employers covered by the order are WorkPac Pty Ltd and WorkPac Mining Pty Ltd (the Employers).
- A.3 The regulated employees covered by the order are employees of the Employers who perform work at the Capcoal Surface Operations Mine in the State of Queensland who would, if employed by the Regulated Host, be covered by the Host Employment Instrument identified in A.4 (the Regulated Employees).
- A.4 The host employment instrument covered by the order is the *Capcoal Surface Operations Enterprise Agreement 2022* (AE517239) (the Host Employment Instrument).
- B. This order comes into force on 4 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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