



ORDER

Fair Work Act 2009

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

Application by Mining and Energy Union re Boggabri Coal Mine
(C2024/4157)

BOGGABRI COAL OPERATIONS PTY LTD REGULATED LABOUR HIRE ARRANGEMENT ORDER

[LH200011]

JUSTICE HATCHER, PRESIDENT
VICE PRESIDENT ASBURY
VICE PRESIDENT GIBIAN

SYDNEY, 1 NOVEMBER 2024

Regulated labour hire arrangement order – FES Coal Pty Ltd in relation to work performed for Boggabri Coal Operations Pty Ltd at the Boggabri Coal Mine – Boggabri Coal Operations Enterprise Agreement 2024.

- A. Further to the decision in *Application by Mining and Energy Union re Boggabri Coal Mine* [\[2024\] FWCFB 415](#), 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 Boggabri Coal Operations Pty Ltd (the Regulated Host).
- A.2 The employer covered by the order is FES Coal Pty Ltd (the Employer).
- A.3 The regulated employees covered by the order are employees of the Employer who perform work at the Boggabri Coal Mine in the State of New South Wales 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 *Boggabri Coal Operations Enterprise Agreement 2024* (AE523755) (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 the 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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