



ORDER

Fair Work Act 2009

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

Application by Mining and Energy Union re Appin Colliery

(LH2024/11)

ILLAWARRA COAL HOLDINGS PTY LTD REGULATED LABOUR HIRE ARRANGEMENT ORDER

[LH200014]

JUSTICE HATCHER, PRESIDENT

SYDNEY, 6 DECEMBER 2024

Regulated labour hire arrangement order – PIMS Mining (NSW) Pty Ltd in relation to work performed for Illawarra Coal Holdings Pty – Appin Colliery & West Cliff CPP Enterprise Agreement 2022.

- A. Further to the decision in *Application by Mining and Energy Union re Appin Colliery [2024] FWC 3418*, 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 Illawarra Coal Holdings Pty Ltd (the Regulated Host).
- A.2 The employer covered by the order is PIMS Mining (NSW) Pty Ltd (the Employer).
- A.3 The regulated employees covered by the order are employees of the Employer who:
- (i) are Production and Engineering Employees within the meaning of the *Black Coal Mining Industry Award 2020*;
 - (ii) perform work at the Appin Colliery in the State of New South Wales; and
 - (iii) 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 *Appin Colliery & West Cliff CPP Enterprise Agreement 2022* [AE517907] (the Host Employment Instrument).
- B. This order comes into force in respect of shifts commencing on or after 6:00 am (AEDT) on 9 December 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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