



ORDER

Fair Work Act 2009

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

Mining and Energy Union

(LH2024/10)

SKILLED WORKFORCE SOLUTIONS (NSW) PTY LTD REGULATED LABOUR HIRE ARRANGEMENT ORDER

DEPUTY PRESIDENT SLEVIN

SYDNEY, 21 FEBRUARY 2025

Regulated labour hire arrangement order – Skilled Workforce Solutions (NSW) Pty Ltd in relation to work performed for Mt Arthur Coal Pty Ltd.

- A. Further to the hearing today 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 Mount Athur Coal Pty Ltd (the Regulated Host).
- A.2 The employer covered by the Order is Skilled Workforce Solutions (NSW) Pty Ltd (the Employer).
- A.3 The regulated employees covered by the Order are employees of the Employer who perform work at Mt Arthur North site near Muswellbrook 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 *Mt Arthur Coal Enterprise Agreement 2023* [AE5203] (the Host Employment Instrument).
- B. This Order comes into force on 7 March 2025.

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).



DEPUTY PRESIDENT

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