

LH200022 PR785256

The attached document replaces the document previously issued with the above code on 17 March 2025.

- Title has been inserted.

Associate to Deputy President Cross

Dated 19 March 2025



ORDER

Fair Work Act 2009

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

Mining and Energy Union

(LH2024/57)

ILLAWARRA COAL HOLDINGS PTY LTD REGULATED LABOUR HIRE ARRANGEMENT ORDER

(ODN LH2024/57) [LH200022]

Coal industry

DEPUTY PRESIDENT CROSS

SYDNEY, 17 MARCH 2025

Application for a regulated labour hire arrangement order in respect of Nexus Mining Pty Ltd in relation to work performed for Illawarra Coal Holdings Pty Ltd at the Appin Colliery

1. 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. The regulated host covered by the order is Illawarra Coal Holdings Pty Ltd (the Regulated Host).
 - b. The employer covered by the order is Nexus Mining Pty Ltd (the Employer).
 - c. The regulated employees covered by the order are employees of the Employer who perform work at the Appin Colliery in the State of New South Wales who would, if employed by the Regulated Host, be covered by the host employment instrument identified in paragraph 1(d).
 - d. The host employment instrument covered by the Order is the *Appin Colliery & West Cliff CPP Enterprise Agreement 2022* [AE517907] (the Host Employment Instrument).
2. This Order comes into force on **5 May 2025**.
3. 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).



DEPUTY PRESIDENT

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