



ORDER

Fair Work Act 2009

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

**Application by Australian Rail, Tram and Bus Industry Union re Aurizon
NSW Coal Operations**
(LH2025/6)

**AURIZON OPERATIONS LIMITED REGULATED LABOUR HIRE
ARRANGEMENT ORDER NO 1**
[LH200033]

JUSTICE HATCHER, PRESIDENT

SYDNEY, 1 MAY 2025

*Regulated labour hire arrangement order – Railtrain Pty Ltd and Railtrain Services Pty Ltd
in relation to work performed for Aurizon Operations Limited – Aurizon NSW Coal
Operations Enterprise Agreement 2021.*

- A. Further to the decision in *Application by Australian Rail, Tram and Bus Industry Union re Aurizon NSW Coal Operations* [\[2025\] FWC 1217](#), 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 Aurizon Operations Limited (the Regulated Host).
- A.2 The employers covered by the order are Railtrain Pty Ltd and Railtrain Services Pty Ltd (the Employers).
- A.3 The regulated employees covered by the order are employees of the Employers who perform work for the Regulated Host 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.
- A.4 The host employment instrument covered by the order is the *Aurizon NSW Coal Operations Enterprise Agreement 2021* [AE514355] (the Host Employment Instrument).
- B. This order comes into force on 4 May 2025.
- 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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