



# ORDER

*Fair Work Act 2009*

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

## Mining and Energy Union

(LH2024/25)

### THE TESA GROUP PTY LTD IN RELATION TO WORK PERFORMED FOR BULGA COAL MANAGEMENT PTY LTD – BULGA OPEN CUT ENTERPRISE AGREEMENT 2021

(ODN LH2024/25) [LH200035]

Coal industry

DEPUTY PRESIDENT SAUNDERS

NEWCASTLE, 7 MAY 2025

*Regulated labour hire arrangement order – The TESA Group Pty Ltd in relation to work performed for Bulga Coal Management Pty Ltd – Bulga Open Cut Enterprise Agreement 2021*

A. Further to the decision issued in [\[2025\] FWC 1273](#), 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 Bulga Coal Management Pty Ltd (**Regulated Host**).

A.2 The employer covered by the order is The TESA Group Pty Ltd (**Employer**).

A.3 The regulated employees covered by the order are employees of the Employer who perform work at the Bulga Open Cut Mine and Coal Handling and Preparation Plant located approximately 15 kilometres south-west of Singleton in the Hunter Valley, 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 Bulga Open Cut Enterprise Agreement 2021 [AE512549] (**Host Employment Instrument**).

B. This Order comes into force on 18 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. 306 EB 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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