



# ORDER

*Fair Work Act 2009*

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

**Application by Mining and Energy Union re Metropolitan Coal Mine**  
(LH2024/78)

**HELENSBURGH COAL PTY LTD REGULATED LABOUR HIRE  
ARRANGEMENT ORDER**  
[LH200039]

DEPUTY PRESIDENT ROBERTS

SYDNEY, 23 MAY 2025

*Application for a regulated labour hire arrangement order in respect of Nexus Mining Pty Ltd  
in relation to work performed for Helensburgh Coal Pty Ltd*

- A. Further to the decision in *Application by Mining and Energy Union re Metropolitan Coal Mine* [\[2025\] FWC 1418](#), 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 Helensburgh Coal Pty Ltd (the Regulated Host).
- A.2 The employer covered by the order is Nexus Mining Pty Ltd (the Employer).
- A.3 The regulated employees covered by the order are employees of the Employer who perform work at the Metropolitan Coal Mine, approximately 30 kilometres north of Wollongong, 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 *Helensburgh Coal Enterprise Agreement 2021* [AE513719] (the Host Employment Instrument).
- B. This order comes into force on **30 June 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).



DEPUTY PRESIDENT

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