



ORDER

Fair Work Act 2009

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

Mining and Energy Union - Northern Mining and NSW Energy District Branch

(C2024/6479)

UNITED WAMBO OPEN CUT PTY LTD REGULATED LABOR HIRE ARRANGEMENT ORDER

[LH200054]

Mining industry

DEPUTY PRESIDENT SLEVIN

SYDNEY, 7 JULY 2025

Application for a regulated labour hire arrangement order in respect of Programmed Skilled Workforce Pty Ltd and The TESA Group Pty Ltd in relation to work performed for United Wambo Open Cut Pty Ltd

A. Further to the decision issued in [\[2025\] FWC 1932](#), 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 United Wambo Open Cut Pty Ltd (the Regulated Host).

A.2 The employers covered by the order are Programmed Skilled Workforce Pty Ltd and The TESA Group Pty Ltd (the Employers).

A.3 The regulated employees covered by the order are employees of the Employers who perform work at the United Wambo Open Cut Mine located approximately 16 kilometres west of Singleton in the Hunter Valley, in 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 *United Wambo Open Cut Enterprise Agreement 2022* [AE518472] (the Host Employment Instrument).

B. This order comes into force on 20 July 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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