



# ORDER

*Fair Work Act 2009*

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

## Mining and Energy Union

(LH2024/19)

### WORKPAC PTY LTD AND WORKPAC MINING PTY LTD IN RELATION TO WORK PERFORMED FOR WHITEHAVEN COAL MINING LTD – AT THE BLACKWATER MINE - BMA ENTERPRISE AGREEMENT 2022

(ODN LH2024/19)

Coal industry

DEPUTY PRESIDENT DOBSON

BRISBANE, 11 JULY 2025

*Regulated labour hire arrangement order – WorkPac Pty Ltd and WorkPac Mining Pty Ltd in relation to work performed for Whitehaven Coal Mining Ltd – BMA Enterprise Agreement 2022*

- A. Further to the decision issued in [\[2025\] FWC 1966](#), 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 Whitehaven Coal Mining Ltd (**Regulated Host**).
- A.2 The employer covered by the order is WorkPac Pty Ltd and WorkPac Mining Pty Ltd (**Employers**).
- A.3 The regulated employees covered by the order are employees of the Employers who perform work at the Blackwater Mine near Blackwater in the State of Queensland 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 BMA Enterprise Agreement 2022 [AE518866] (**Host Employment Instrument**).
- B. This Order comes into force on 21 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. 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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