



# ORDER

*Fair Work Act 2009*

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

## **Mining and Energy Union**

(C2024/3850)

VICE PRESIDENT ASBURY  
VICE PRESIDENT GIBIAN  
COMMISSIONER DURHAM

BRISBANE, 26 AUGUST 2025

*Regulated labour hire arrangement order – OS MCAP Pty Ltd performing work for BHP Coal Pty Ltd – BMA Enterprise Agreement 2022.*

- A. Further to the decision issued in [\[2025\] FWCFB 134](#) and [\[2025\] FWCFB 188](#), the Fair Work Commission makes this regulated labour hire arrangement order (**order**) pursuant to s 306E of the *Fair Work Act 2009* (Cth) (the **Act**).
- A.1 The regulated host covered by the order is BHP Coal Pty Ltd (the **regulated host**).
- A.2 The employer covered by the order is OS MCAP Pty Ltd.
- A.3 The regulated employees covered by the order are employees of OS MCAP Pty Ltd who perform production work and ancillary tasks at the Peak Downs Mine, which is located about 31 kilometres from Moranbah in the State of Queensland, who would, if employed by BHP Coal Pty Ltd, be covered by the *BMA Enterprise Agreement 2022* (the **regulated employees**).
- A.4 The host employment instrument covered by the order is the *BMA Enterprise Agreement 2022* [AE518866].
- B. 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 Act.
- C. This order comes into force on 14 September 2025.



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VICE PRESIDENT

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