



ORDER

Fair Work Act 2009

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

Australian Rail, Tram and Bus Industry Union
(LH2025/10)

**PACIFIC NATIONAL SERVICES PTY LTD REGULATED LABOUR
HIRE ARRANGEMENT ORDER**
(ODN LH2025/10) [LH200078]

Rail industry

DEPUTY PRESIDENT SLEVIN

SYDNEY, 29 AUGUST 2025

Application for a regulated labour hire arrangement order in respect of Trojan Rail Pty Ltd, Trojan Recruitment Group Pty Ltd and Rail Logistic Services Pty Ltd in relation to work performed by Pacific National Services Pty Ltd Application for a regulated labour hire arrangement order in respect of Total Momentum Pty Ltd in relation to work performed for Pacific National Services Pty Ltd - Recurring exemption period – s 306K – exemption order made

Further to the decision in [\[2025\] FWC 2553](#), the Fair Work Commission makes the following regulated labour hire arrangement order pursuant to s 306E of the *Fair Work Act 2009* (Cth) (FW Act):

- A. The regulated host covered by the Order is Pacific National Services Pty Ltd (Regulated Host).
- B. The employer covered by the Order is Trojan Rail Pty Ltd and Rail Logistics Pty Ltd (Employer).
- C. The regulated employees covered by the Order are employees of the Employer who perform work at the Regulate Host's sites in the State of New South Wales who would, if employed by the Regulated Host, be covered by Part B or Part C of the host employment instrument identified in D.
- D. The host employment instrument covered by the Order is the *Pacific National Bulk Rail NSW Enterprise Agreement 2022* [AE519238] (the Host Employment Instrument).
- E. This Order comes into force on 21 September 2025.

- F. This Order cease 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.
- G. Further to and for the reasons set out in [\[2025\] FWC 2553](#), pursuant to s306K of the FW Act, a recurring exemption period is determined for the purposes of orders A to F above for the Grain Season as follows:

Exemption period	The period is the “ Grain Season ”, which: - in Northern NSW is a maximum of 6 months, commencing on 1 October; and - in Southern NSW is a maximum of 5 months, commencing on 1 November. For the purposes of this Order, “ Northern NSW ” is defined as the location in NSW which grain is loaded at any load site which is north of the Ullan corridor. “ Southern NSW ” is defined as the location in NSW which grain is loaded at any load site which is south of the Ullan corridor.
Day of the year the exemption period starts and finishes	Northern New South Wales: 1 October – 31 March Southern New South Wales: 1 November – 31 March
Consecutive years in which the exemption period applies	3 years, ending at the conclusion of the Grain Season on 31 March 2028
Kind of work and employees the exemption period applies to	Regulated employees who are both: (i) placed into the regulated host’s business to perform rail services in response to the surge in work associated with grain season in NSW; and (ii) perform work that would otherwise be covered by levels 1, 2 and 3 of Part B of the Host Employment Instrument



DEPUTY PRESIDENT

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Note 1: 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 expectations to this obligation under ss 306F(3) and (3A).

Note 2: The applicant, Regulated Host and Employer agree that the rates of pay (including the Aggregate Allowance) payable as at 21 September 2025 under the Host Employment Instrument are those contained in Annexure A to this Order. Annexure A does not form part of the Order. The applicable rates of pay from time to time are as set out in the Host Employment Instrument.

ANNEXURE A

Part B														
Level	Annual				APM	Casual Loading	Overtime	Public Holiday	Push-Pull	Protection Officer	Travel			
	Part B - Annual Salary	Base Hourly rate	Agg Annual	Agg Hrlly Rate							Barracks (After 12 hrs)	Living Away From Home Allowance (incl. Accom & Meals)	Meal allowances (excluding Accom.)	Travel on own car
1	\$75,051.70	\$37.98	\$ 8,497.86	\$ 4.30	Depot Master Roster APM	25%	1.8	1.5	10% of employees base rate	18% of employees base rate	1.8	\$288.95	Breakfast \$33.90 Lunch \$38.10 Dinner \$64.95	ATO sechedule of rates
2	\$87,173.31	\$44.12	\$ 8,497.86	\$ 4.30										
3	\$95,519.26	\$48.34	\$ 8,497.86	\$ 4.30										
4	\$99,308.64	\$50.26	\$ 8,497.86	\$ 4.30										
5	\$103,089.49	\$52.17	\$ 8,497.86	\$ 4.30										
6	\$106,489.80	\$53.89	\$ 8,497.86	\$ 4.30										
7	\$115,201.72	\$58.30	\$ 8,497.86	\$ 4.30										
(inclusive of 2025 increase)														

Part C													
Level	Annual				APM	Casual Loading	Overtime	Public Holiday	Barracks (After 12 hrs)	Living Away From Home Allowance (incl. Accom & Meals)	Meal allowances (excluding Accommodation)	Travel on own car	
	Part C - Annual Salary	Base Hourly rate	Agg Annual	Agg Hrlly Rate									
1	\$77,199.53	\$39.07	\$ 7,273.94	\$ 3.68	Depot Master Roster APM	25%	1.7*	1.5	1.7	\$288.95	Breakfast \$33.90 Lunch \$38.10 Dinner \$64.95	ATO sechedule of rates	
2	\$83,442.69	\$42.23	\$ 7,273.94	\$ 3.68									
3	\$98,248.57	\$49.72	\$ 7,273.94	\$ 3.68									
4	\$98,248.57	\$49.72	\$ 7,273.94	\$ 3.68									
5	\$98,567.75	\$49.88	\$ 7,273.94	\$ 3.68									
6	\$102,320.54	\$51.78	\$ 7,273.94	\$ 3.68									
7	\$106,489.80	\$53.89	\$ 7,273.94	\$ 3.68									
8	\$110,770.87	\$56.06	\$ 7,273.94	\$ 3.68									
9	\$115,201.72	\$58.30	\$ 7,273.94	\$ 3.68									
(inclusive of 2025 increase)													
* DC OT above 168 hours is 2.0)													

TO - Bulk													
Level	Annual				APM	Casual Loading	Overtime	Public Holiday	Push-Pull	Protection Officer	Living Away From Home Allowance (incl. Accom & Meals)	Meal allowances (excluding Accommodation)	Travel on own car
	Part B - Annual salary	Base Hourly rate	Agg Annual	Agg Hrlly Rate									
1	\$75,028.99	\$37.97	\$ 8,497.86	\$ 4.30	Depot Master Roster APM	25%	1.8	1.5	10% of employees base rate	18% of employees base rate	\$288.95	Breakfast \$33.90 Lunch \$38.10 Dinner \$64.95	ATO sechedule of rates
2	\$87,153.41	\$44.11	\$ 8,497.86	\$ 4.30									
3	\$89,934.21	\$45.51	\$ 8,497.86	\$ 4.30									
(inclusive of 2025 increase)													