



ORDER

Fair Work Act 2009

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

Application by the Mining and Energy Union re Vickery Mine
(LH2025/51)

WHITEHAVEN COAL MINING LTD REGULATED LABOUR HIRE ARRANGEMENT ORDER NO 3

[LH200094]

JUSTICE HATCHER, PRESIDENT

SYDNEY, 5 JANUARY 2026

Regulated labour hire arrangement order – TESA Group Pty Ltd in relation to work performed for Whitehaven Coal Mining Ltd at the Vickery Mine – Whitehaven Coal Vickery Mine Greenfield Enterprise Agreement 2023.

- A. Further to the decision in *Application by the Mining and Energy Union re Vickery Mine* [2026] FWC 11, the Fair Work Commission makes this regulated labour hire arrangement 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 (**the Regulated Host**).
- A.2 The employer covered by the order is TESA Group Pty Ltd (**the Employer**).
- A.3 The regulated employees covered by the order are employees of the Employer who perform mineworking duties for the Regulated Host at the Vickery open-cut coal mine in the State of New South Wales and 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 *Whitehaven Coal Vickery Mine Greenfield Enterprise Agreement 2023* [AE520892] (**the Host Employment Instrument**).
- B. This order comes into force on 25 January 2026.
- 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).



PRESIDENT

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