



# ORDER

*Fair Work Act 2009*

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

## **Application by Mining and Energy Union re Whitehaven Coal Mining Ltd — Vickery Mine**

(LH2025/52)

### **WHITEHAVEN COAL MINING LTD REGULATED LABOUR HIRE ARRANGEMENT ORDER NO 4**

[LH200096]

Coal industry

JUSTICE HATCHER, PRESIDENT

SYDNEY, 8 JANUARY 2026

*Regulated labour hire arrangement order – WorkPac Mining Pty Ltd in relation to work performed for Whitehaven Coal Mining Limited – Whitehaven Coal Vickery Mine Greenfield Enterprise Agreement 2023.*

- A. Further to the decision in *Application by Mining and Energy Union re Whitehaven Coal Mining Ltd — Vickery Mine* [2026] FWC 35, 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 Limited (**the Regulated Host**).
- A.2 The employer covered by the order is WorkPac Mining 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 9 February 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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