



ARBITRATED PROTECTED RATE OF PAY ORDER

Fair Work Act 2009

s.306P - Application to deal with a dispute about a regulated labour hire arrangement

Workpac Pty Ltd

v

Loretta Bennett

(C2025/10667)

VICE PRESIDENT GIBIAN
DEPUTY PRESIDENT BEAUMONT
DEPUTY PRESIDENT SLEVIN

SYDNEY, 4 MAY 2026

Application under s 306P(4) of the Fair Work Act 2009 (Cth) for the Commission to resolve a dispute about the operation of Part 2-7A – Arbitrated protected rate of pay order under s 306Q(1) – Order made.

- A. Further to the decision issued in [\[2026\] FWCFB 102](#), the Fair Work Commission makes this arbitrated protected rate of pay order pursuant to s 306Q(1) of the *Fair Work Act 2009* (Cth) (the **Act**).
- A.1 The regulated labour hire arrangement order to which this order relates is the *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* (LH200059) (the **RLHA Order**).
- A.2 The protected rate of pay for the purposes of the RLHA Order at which WorkPac Pty Ltd must pay Loretta Bennett is to be worked out by taking into account Ms Bennett’s service at the Blackwater Mine from 21 June 2023 such that she must be paid no less than the rate of pay and other entitlements for an employee falling within the Mineworker Level 2 classification under the *BMA Enterprise Agreement 2022*.
- A.3 WorkPac Pty Ltd must pay Loretta Bennett the rate of pay worked out in accordance with this order in connection with work performed by her at the Blackwater Mine.
- B. This arbitrated protected rate of pay order applies in relation to work performed on and from 4 May 2026.



VICE PRESIDENT

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