

Document 1 (pages 1-13) deleted under section 22(1)(a)(ii) of the ***Freedom of Information Act 1982*** (Cth).

Attachment D

Initiating bargaining

s 22(1)

Current issues

BHP in the Pilbara

- **11 September 2024** – The **Western Mine Workers Alliance (WMWA)**, a partnership between the AWU and the MEU, reported that they had used the provisions to initiate bargaining with BHP at the company's South Flank and Area C mining operations in the Pilbara.
- **7 March 2025, 11 March 2025 and 16 May 2025** – The Commission made bargaining orders following an application by WMWA with respect to its bargaining with BHP.
 - **27 May 2025** - Workplace Express reported that the bargaining orders had resulted in scheduled bargaining meetings between the parties.
- **December 2025** – The WMWA said they expected BHP to put a proposed agreement to vote in January 2026. The WMWA advised members to vote no to the proposed agreement.
- **10 April 2026** - The AFR reported that the WMWA sought bargaining orders from the Commission, alleging BHP was not bargaining in good faith by delaying negotiations. No decision has been published, and the department presumes the matter is still before the Commission.

s 22(1)

Fortescue Metals

- **28 April 2026** – The WMWA announced on its Facebook page that it had written to Fortescue Metals Group (FMG) requesting to commence bargaining to replace the *W Hub Pty Ltd Enterprise Agreement 2020* and the *CSRP Enterprise Agreement 2016*, which have both passed their nominal expiry dates.
- The CSRP agreement appears to have only covered 13 employees when the FWC approved it in 2017. Together with the W Hub agreement, they cover a total of almost 3000 production and operations employees.
- On **13 May 2026**, Fortescue filed in the Federal Court to challenge WMWA's notice to commence bargaining, reportedly arguing that the WMWA application should fail as it didn't meet the requirement that a replacement agreement need to cover the same or substantially the same scope as the old agreement, and that the WMWA should have to prove they have majority support from the workforce.

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Last Cleared By	David Cains
Date Last Cleared	

Document 1 (pages 16-17) deleted under section 22(1)(a)(ii) of the ***Freedom of Information Act 1982*** (Cth).

Chapter 3.3: FWC preparing enterprise agreement model terms

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Union views

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UWU recommended clearer legislative guidance to confirm that model terms operate as minimum standards, not as a maximum standard.



Topic Bargaining: Mining - Pilbara

Chief Counsel (A/g) Stuart Kerr, Ph: s 47F(1)

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Bargaining in the Pilbara

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- Media reports indicate that the Western Mine Workers Alliance (WMWA) (a partnership between the Australian Workers Union and the Mining and Energy Union) and the Electrical Trade Union (ETU) have been using these reforms to initiate bargaining with metalliferous mining employers in Western Australia's Pilbara region, including with Fortescue Metals Group and with BHP at its South Flank, Mining Area C mine sites.
- The unions have separately applied for majority support determinations to demonstrate worker support for bargaining, including with BHP in relation to its high voltage and power workers; at BHP Port Operations in Port Hedland; and with Rio Tinto in relation to its production workers at Paraburdoo mine sites.

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Fortescue Metals Group (FMG)

- On 24 April 2026 the WMWA requested FMG to commence bargaining for agreements to replace the W Hub Pty Ltd Enterprise Agreement 2020 (which nominally expired on 18 January 2025) and the CSRP Enterprise Agreement 2016 (which nominally expired on 25 May 2021). The existing agreements reportedly cover almost 3000 production and engineering employees at four iron ore sites in WA.
- It is reported that the unions' initial requests changed the scope of the agreements by excluding train drivers and then after FMG raised concerns the unions later re-issued the requests to revert to the agreements' original coverage.
- On 13 May 2026 FMG filed an application in the Federal Court (WAD156/2026).



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BHP – South Flank, Mining Area C mine sites

- Media reports indicate that the Western Mine Workers Alliance (WMWA) initiated bargaining with BHP in its Pilbara iron ore operations. It is reported that they are seeking \$10,000 annual bonuses, annual pay rises of 5% or WA's consumer price index plus 1%, and uniform conditions and entitlements across all BHP iron ore mine sites ([AFR, 3 Feb 25](#)).
- It is reported that the WMWA used this process to begin bargaining with BHP on their South Flank and Mining Area C sites ([AWU Update, 13 Dec 24](#)).
- s 22(1)
- s 22(1)
- On 10 April 2025 the WMWA reportedly sought good faith bargaining orders against BHP, including in relation to an objection by BHP that the MEU had no coverage and should not be present in bargaining. In late May BHP reportedly took the AWU to the Fair Work Commission alleging that the AWU making misrepresentations which it submitted undermined good faith bargaining.
- On 9 October 2025 it was reported that BHP had put forward the [BHP Mining Area C and South Flank Operations Agreement 2025](#), a draft baseline agreement guaranteeing pay 5% above the rate in the underlying [Mining Industry Award 2020](#). The proposal was opposed by the WMWA, which urged members to reject it.

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Rio Tinto – Paraburdoo mine

- Media reports indicate in March 2025 the WMWA lodged an application for a majority support determination (B2025/15) with the Fair Work Commission in relation to operational, maintenance, technical, and support roles, but excludes supervisors and management, at Rio Tinto’s Paraburdoo , Eastern Range, Channer, and Western Range mine sites, which employs 800 workers.
- The WMWA had announced on 13 March 2025 that over 400 production workers at Paraburdoo in the Pilbara had signed a petition in support of bargaining. Rio Tinto had reportedly declined requests to bargain in March 2025 and November 2024.



- s 22(1)
- The WMWA reportedly withdrew its application and intends to circulate a new petition and secure 550 signatures before it files a further MSD application.

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Last Cleared By	
Date Last Cleared	
Division	Workplace Relations Legal



Topic **Bargaining: Mining – Pilbara – Attachment A – Media reports, Quotes from Ministers**

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Current as at 3 June 2026

Media Coverage

Fortescue Metals Group (FMG)

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- “PM warns unions not to abuse power in Pilbara push” AFR 29 April 2026
 - While visiting Perth, the Prime Minister cautioned unions not to misuse expanded industrial relations powers introduced under the 2022 reforms, emphasising the need for cooperation between unions and employers and warning against actions that could disrupt business activity.
 - These comments came after the Western Mine Workers Alliance (WMWA) initiated bargaining at Fortescue for approximately 1,800 workers, utilising the new Fair Work Act provisions to trigger negotiations for recently expired agreements. The dispute reflects widening industrial conflict in the resource sector.
- “New frontier as unions seek to bargain with Fortescue” Workplace Express 28 April 2026
 - The WMWA sought to commence bargaining with Fortescue to replace two expired enterprise agreements covering nearly 3,000 workers across four Pilbara operations.

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BHP – South Flank, Mining Area C mine sites

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- [AFR 29 May 2026 - Unions split on BHP's Pilbara pay proposal.pdf](#)

s 22(1)

- The Western Mine Workers Alliance WMWA said the offer appeared to be “a significant improvement”, s 22(1)

s 22(1)

- [BHP’s “improved” offer divides unions” Workplace Express 26 May 2026](#)
 - On 25 May 2026, BHP provided bargaining representatives from the Western Mine Workers Alliance (WMWA) with a new proposed *Mining Area C and South Flank Operations Agreement 2026*.
 - The WMWA said that the proposed 2026 agreement "appears to be a significant improvement on BHP's previously long-held position of a baseline agreement with no fixed wage increases and outdated classification structures".

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- Bargaining began in August 2024, with more than 12 bargaining meetings in 2025. BHP put forward a proposed agreement in October 2025, which the WMWA urged members to vote down if put to a pole.
- “Industrial strife on horizon for BHP in Pilbara” Workplace Express 9 October 2025
 - The WMWA was reported to be considering protected industrial action at BHP’s South Flank and Area C operations in response to a proposed enterprise agreement that unions claim fails to deliver meaningful wage increases.
 - Unions claim BHP’s “baseline” agreement provides no annual pay rises, limited allowances, and only minimum statutory entitlements, while allowing the company discretion over pay adjustments and operational flexibility in hours and shifts.
 - The unions seek higher wage growth, substantial allowances, and retention bonuses.

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- “BHP taken to umpire for ‘bad faith bargaining’ in the Pilbara” AFR 11 April 2025
 - The WMWA has sought good faith bargaining orders from BHP in the Fair Work Commission. It alleged that the company delayed negotiations, cancelled meetings, and failed to engage constructively in talks for a proposed agreement covering about 1,600 workers.
 - Unions claim BHP has limited engagement and has refused to consider claims that would increase costs. BHP rejected these allegations and maintained that it already offers leading pay and conditions.
 - The case reflects growing union efforts to re-establish collective bargaining in a historically de-unionised sector.

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- AFR 11 September 2024 'Union wants BHP to pay \$10,000 annual bonuses to iron ore workers'

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- "The WMWA [Western Miner Workers Alliance] lists 50 claims, including the guaranteed annual pay rise and retention bonus for all workers at BHP's South Flank and Mining Area Cooperations, and wants uniform conditions and entitlements across BHP iron ore mine sites."

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BHP iron ore export operations in Port Hedland

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- Workplace Express 18 September 2025 – BHP yields to majority support bid at export hub
 - With a hearing of the WMWA's majority support determination application looming, BHP has agreed to start bargaining for an agreement to cover its Pilbara port operations.
 - BHP conceded yesterday that the WMWA – the AWU and MEU alliance – has worker support in Port Hedland and agreed to issue a notice of representational rights, to kick off bargaining.

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- Workplace Express 27 May 2025 – Unions pushing BHP to bargain in iron ore export hub
 - BHP have asked the AWU and MEU alliance to establish that its port production and services workers at Port Hedland want to bargain.



Rio Tinto – Paraburdoo mine

s 22(1)

- Unions file to force Rio Tinto to the table in the Pilbara AFR 27 March 2025
 - The WMWA applied to the Fair Work Commission on Wednesday 26 March for a majority support determination against Rio Tinto, based on its claim that over 400 production and maintenance workers at a key iron ore hub covering four mine sites signed petitions for a union enterprise agreement.

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- Workplace Express 14 March 2025 – Mining unions seeking to force Rio to bargain
 - The WMWA said that “well over 400 workers” at Paraburdoo have signed a WMWA petition in favour of making a collective agreement.
 - The WMWA will “triple check” the names on the petitions “before writing to Rio Tinto and making a formal application” to the FWC for an order for the company to bargain.
- “Rio Tinto braces for union deal after workers’ historic vote” AFR 13 March 2025

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- The Western Mine Workers Alliance said that it had secured the support of over 400 workers at Paraburdoo.

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Document 2A(pages 33-36) has been deleted under section 22(1)(a)(ii) of the ***Freedom of Information Act 1982*** (Cth).



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Last Cleared By	
Date Last Cleared	
Division	

Bargaining in the Pilbara

BHP

South Flank and Area C

- On 11 September 2024, the Western Mine Workers Alliance (WMWA) reported that they had used the **initiating bargaining provisions to initiate bargaining with BHP** at the company's South Flank and Area C mining operations.
- South Flank and Area C are BHP iron ore mining operations in Western Australia. Media reports the facility has 1600 employees.
- On 7 March 2025, 11 March 2025 and 16 May 2025, the Commission made bargaining orders following an application by the WMWA with respect to its bargaining with BHP.
- On 10 April 2026, the AFR reported that the WMWA sought bargaining orders from the Commission, alleging BHP was not bargaining in good faith by delaying negotiations. No decision has been published, and the department presumes the matter is still before the Commission.
- On 26 May 2026, Workplace Express reported that BHP had put an offer to unions. WMWA were supportive s 22(1)

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Port Hedland

- On 17 September 2025, BHP agreed to start bargaining for an agreement to cover its Pilbara port operations after conceding that WMWA had majority support to commence bargaining.
- BHP's Port Hedland is one of the largest iron ore loading ports in the world and the largest in Australia. It is one of three major iron ore ports in the Pilbara region of Western Australia. 290 million tonnes of iron ore is exported through Port Hedland annually. The Port Hedland facility employs approximately 450 staff.
- s 22(1)
- On 1 June 2026, The Australian reported that the WMWA is holding discussions with its members about how to get negotiations moving, including the option of taking protected industrial action.

Fortescue

- The Western Mine Workers Alliance (a partnership between the Australian Workers Union and the Mining and Energy Union) have requested Fortescue to issue a notice of representational rights and begin bargaining to replace 2 agreements that have nominally expired.
- The *W Hub Pty Ltd Enterprise Agreement 2020* and the *CSRP Enterprise Agreement 2016*, nominally expired on 18 January 2025 and 25 May 2021 respectively. This means both agreements nominally expired within the last 5 years and should be covered by the new initiating bargaining provisions at the time notices were issued to the employers.
- The AFR reported that Fortescue is challenging the ability for the WMWA to initiate bargaining under the 'initiating bargaining' amendments from the Secure Jobs Better Pay legislation.
- The WMWA and the s 22(1) made a counter claim for urgent orders requiring Fortescue to issue bargaining notices.
- The court is yet to issue directions for the hearing of Fortescue's case. The court refused to expedite the hearing of the union counter claim.

Rio Tinto

Paraburdoo

- Unions are seeking to bargain with Rio Tinto. Rio Tinto is not covered by agreements that had a nominal expiry date within the last 5 years, so they cannot be compelled to bargain for a new agreement without a majority support determination.
- On 13 March 2025, the WMWA reported that over 400 production workers at Paraburdoo in the Pilbara had signed a petition in support of bargaining.
- On 26 March 2025, the WMWA announced that they had lodged an application for a majority support determination with the Commission.
- On 2 July 2025, WMWA withdrew their application after Rio Tinto revealed it had 200 more workers than understood by the union, leaving it without a majority. WMWA is reported to have sought signatures for a second petition on 6 October 2025.
- The department is not aware of any further progress WMWA has made towards commencing bargaining with Rio Tinto.