

## NOTIFICATION OF AN INDUSTRIAL DISPUTE

Pursuant to s 130 of the *Industrial Relations Act 1996*

### COMMISSION DETAILS

Industrial Relations Commission of New South Wales

Case number

### TITLE OF PROCEEDINGS

Notifier **Public Service Association and Professional Officers' Association Amalgamated Union of New South Wales**

Respondent **Industrial Relations Secretary**

### FILING DETAILS

Filed for **Notifier**

Representative Benjamin Trainor, Public Service Association and Professional Officers' Association Amalgamated Union of New South Wales

Contact number 02 9220 0903

Contact email [btrainor@psa.asn.au](mailto:btrainor@psa.asn.au)

Respondent contact name, telephone and email Michael Southwell, 02 9219 3531, [Michael.Southwell@safework.nsw.gov.au](mailto:Michael.Southwell@safework.nsw.gov.au)

### LISTING DETAILS

The parties will be advised of the date, time and place when the Commission will conduct a compulsory conference of this dispute. Any enquiries should be made to the Industrial Relations Commission Registry on 02 8688 3516.

### DESCRIPTION OF DISPUTE AND RELIEF SOUGHT

*Note:* Set out below a summary of the dispute and the relief sought. Please **be brief** – you will have the opportunity to provide more details to the Commission at the compulsory conference and during any arbitration. If the Commission is requested to deal with the dispute on an urgent basis you should summarise the reasons for urgency.

- 1 The Public Service Association and Professional Officers' Association Amalgamated Union of New South Wales (the **PSA**) contends that SafeWork NSW and the Department of Customer Service (**DCS**) (together, **the Agencies**) have adopted work practices in respect of SafeWork inspectors which are inconsistent with cl 26, 'travel

compensation', of the *Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009* (the **Conditions Award**).

## **Background**

- 2 SafeWork NSW exercises employer functions in respect of SafeWork inspectors. Prior to 1 July 2025, DCS exercised these functions.<sup>1</sup>
- 3 Since 2017, the majority of SafeWork inspectors have been issued with p-cards. P-cards are corporate credit cards issued to certain employees for various purposes in the public service. Relevant to this dispute, those purposes include to incur expenses associated with travel, including meal and incidental expenses.
- 4 In 2020, the PSA notified an industrial dispute against DCS alleging that DCS's practices in respect p-cards were inconsistent with clause 26 (dealing with travel compensation) and clause 29 (dealing with one day journeys) of the Conditions Award (2020/189573).
- 5 The dispute resolved in conciliation by a written agreement, under which both parties reserved their rights to commence further proceedings in respect of the interaction between p-cards and the Conditions Award.

## **Current Practices in respect of P-Cards**

- 6 Following the dispute, DCS issued a policy titled 'Reference Guide: Travel Expenses – Conditions Award provisions' (the **Guide**). The Guide is attached and marked **Annexure 'A'**. To summarise the relevant parts of the Guide:
  - a. Employees issued with p-cards are required to incur all travel expenses on the p-card (i.e. not personally).<sup>2</sup>
  - b. Employees who have incurred all expenses on p-cards are not entitled to any compensation under cl 26.<sup>3</sup>
  - c. Employees who have incurred some expenses personally (e.g. if the card was not accepted by a vendor or because the employee has not been issued with a p-card), are entitled to the allowance corresponding to the expense (e.g. breakfast allowance for breakfast expense).<sup>4</sup>

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<sup>1</sup> *Work Health and Safety Amendment (Standalone Regulator) Act 2025 No 18.*

<sup>2</sup> The Guide, page 2.

<sup>3</sup> *Ibid.*

<sup>4</sup> *Ibid.*, pages 2-3.

d. In all circumstances, employees are required to provide receipts or other proof of purchase, including when claiming allowances.<sup>5</sup>

7 Converse to paragraph 6(c), the PSA's members instruct that, **in practice**, employees who incur expenses personally are reimbursed the actual expenses. That is, they are not paid the corresponding allowances.

### **The Dispute**

8 The PSA contends that the above practices are inconsistent with the Conditions Award. Specifically:

- a. That the use of p-cards for the purpose of incurring meal or incidental expenses is inconsistent with the comprehensive code for regulating employee compensation while travelling under s 3 of the Conditions Award and is therefore not permissible.
- b. That incurring expenses personally is not a precondition to the payment of allowances under cl 26 of the Conditions Award (except in cl 26.9).
- c. That production of receipts or other proof of purchase is not a precondition to the payment of allowances under cl 26 of the Conditions Award (except in cl 26.9).

### **Clause 26 of the Conditions Award as a Code**

9 Clause 26 concerns 'travel compensation'. It provides a comprehensive mechanism by which employees who are required to travel over multiple days are to be compensated. The comprehensive nature of the clause is apparent on its face, and is otherwise illustrated by the way in which the clause tailors the compensation by reference to a variety of factual circumstances, including (but not limited to):

- a. Whether the Department Head or the employee has paid the accommodation provider (in the present case, the Agencies generally elect to pay the accommodation provider).<sup>6</sup>
- b. Whether 'the Government' has provided meals at a temporary work location.<sup>7</sup>
- c. Whether the employee was absent for less than 24 hours.<sup>8</sup>

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<sup>5</sup> Ibid.

<sup>6</sup> Clause 26.5 and cl 26.8

<sup>7</sup> Clause 26.7.

<sup>8</sup> Clause 26.9.

- d. Whether the employee was working from a temporary work location in excess of 35 days.<sup>9</sup>
- e. Whether the employee has incurred *additional meal expenses* during residual part day travel.<sup>10</sup>
- f. A variety of additional factual circumstances are then identified in cl 30, applying to allowances under cl 26.

10 Looking more broadly, cl 26 sits within section 3 of the Conditions Award which is titled 'travel arrangements' and which contains other provisions dealing with how employees are to be compensated while travelling, including:

- a. When travelling outside of the usual hours of duty, cl 27.
- b. When employees are waiting for transport, cl 28.
- c. When employees are travelling and do not require overnight accommodation, cl 29.

11 Nothing in cl 26 (or s 3) concerns or provides for the use of p-cards. This is unsurprising given that cl 26 predates the introduction of p-cards.<sup>11</sup> Consequently, p-cards do not form part of the industrial context in which cl 26 is to be construed.

12 The PSA contends that where industrial parties have determined to comprehensively regulate a particular subject matter, any work practice or arrangement which is not specifically permitted, is implicitly prohibited.

13 In the present case, the industrial parties determined to comprehensively regulate the subject matter of employee compensation while travelling and did so by expressly identifying a wide and exhaustive variety of circumstances. The fact that cl 26 does not specifically permit the use of p-cards, implicitly prohibits p-cards.

### ***Requirement to incur expenses personally***

14 The PSA contends that, as a general rule, the payment of allowances under cl 26 is not conditional upon an employee demonstrating that they, in fact, incurred an expense personally. This contention is supported by the following:

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<sup>9</sup> Clause 26.11 and cl 26.12.

<sup>10</sup> Clause 26.8.1(a) and cl 26.8.2(a).

<sup>11</sup> The clause has existed, in its current form, since 2009 and has its origins in similar provisions since at least 2002 (likely significantly longer).

- a. Firstly, there is no clause within the award which provides that an employee must prove that they in fact incurred an expense personally in order to be paid an allowance (outside of cl 26.9).
  - b. Secondly, cl 26.9 specifically requires that if an employee has been absent for less than 24 hours that the employee is put to proof that they in fact incurred expenses personally. This implies that in the alternative circumstance of an employee being absent for 24 hours or more, the employee is not put to proof that they in fact incurred expenses.
  - c. Thirdly, cl 32 requires the production of receipts as a precondition to the reimbursement of actual expenses. Again, implying that the alternative circumstance of an employee being paid allowances is not conditional upon the employee proving that an expense was incurred.
- 15 While the purpose of cl 26 appears to be to compensate employees for expenses incurred (indicated by cls 26.1 and 26.6), payment of allowances is not, *ipso facto*, conditional upon expenses being incurred. Rather, the entitlement operates on an assumption that an employee *will* incur expenses while travelling unless certain circumstances arise, being:
- a. The employee travelled for less than 24 hours, in which case an employee must demonstrate that they incurred expenses (cl 26.9).
  - b. The employee was provided with a meal at the temporary work location (cl 26.7).

16 This proposition that the Conditions Award *assumes* that an employee will incur an expense but is not required to demonstrate that an expense was in fact incurred is also present in cl 29. Clause 29, which is concerned with meal expenses on one-day journeys, is plainly directed to reimbursing employees for meal expenses, but is conditional upon matters unrelated to an employee incurring an expense (e.g. travel time and travel distance).

#### **Requirement to provide receipts**

17 Consistent with the proposition that it is not necessary for an employee to incur expenses personally in order to be entitled to the payment of allowances (with the exception of cl 26.9), the Conditions Award does not require employees to provide

receipts in order to be paid allowances. Rather, it is only if an employee seeks reimbursement of actual expenses that receipts must be provided.<sup>12</sup>

## **Dispute Resolution**

- 18 On 10 September 2025, the PSA sent correspondence to DCS advising of the dispute. The correspondence was subsequently provided to SafeWork NSW. The letter is attached and marked **Annexure 'B'**.
- 19 On 24 September 2025, SafeWork replied to the letter, which requested for "*SafeWork NSW and the PSA to engage in further dialogue to work through the issues raised, with the aim of reaching an agreed resolution.*" The Respondent reply letter is attached and marked **Annexure 'C'**.
- 20 On 9 October 2025, the parties held a meeting to discuss the dispute. The Agencies confirmed their position at this meeting.
- 21 On 17 October 2025, Mr Pete Cherry, Senior Advisor Industrial Relations for the DCS, emailed the notifier confirming their position in writing. A copy of this correspondence is attached and marked **Annexure 'D'**.

## **Relief**

- 22 The Notifier seeks the following final determinations under s 136(1)(d):
  - a. P-cards cannot be used by the Agencies for the purpose of employees incurring accommodation, meal or incidental expenses while travelling.
  - b. Employees are not required under cl 26 to incur expenses personally as a precondition to the payment of allowances (except in the circumstance in cl 26.9).
  - c. Employees are not required under cl 26 to provide receipts or other proof of purchase as a precondition to the payment of allowances (except in the circumstance in cl 26.9).
  - d. The Agencies are to backpay all SafeWork inspectors any moneys outstanding as a consequence of the Agencies incorrect application of cl 26 of the Award.

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<sup>12</sup> Clause 32.

## SIGNATURE

Signature of or on behalf of  
Notifier



Capacity

Assistant General Secretary

Date of signature

24 October 2025

## NOTES TO PARTIES

1. The following parties may notify an industrial dispute using this form:
  - (a) an industrial organisation of employees or employers,
  - (b) an employer who is or is likely to be affected by the dispute,
  - (c) a person who is or is likely to be the subject of a secondary boycott in connection with the dispute,
  - (d) a State peak council.

If you are an individual employee you cannot notify a dispute [unless you are or are likely to be the subject of a secondary boycott].
2. The notifier must serve a copy of the notification on the other parties to the dispute.
3. Any dispute must concern an industrial matter, as defined in s 6 of the *Industrial Relations Act 1996*. Part 5 of the Industrial Commission Rules 2022 deals with dispute notifications, and the parties should refer to that Part in serving and being served with this notification.
4. If the respondent does not enter an appearance when this matter is listed before the Commission, or if there is no attendance by a party or their counsel, solicitor or agent at the time and place specified in this notice or as notified to the parties subsequently, the proceedings may be heard in their absence and an order may be made against the party who fails to appear.

## COMPLIANCE WITH PRACTICE NOTES

Parties must comply with the Practice Notes of the Commission. The Practice Notes may be found at the following website: <https://www.irc.nsw.gov.au/irc/practice-and-procedures/practice-notes.html>.

## REGISTRY ADDRESS

Street address	Industrial Relations Commission of New South Wales 47 Bridge Street Sydney NSW 2000 or 10 Smith Street Parramatta NSW 2150
Postal address	PO Box 927 Parramatta NSW 2124
Telephone	02 8688 3516

## **Travel Expenses - Conditions Award provisions**

Authorised/pre-approved travel and associated expenses that have been reasonably incurred by an employee who has been required to work from a location other than their primary work location (Headquarters), can be claimed by an employee.

*Note: This guide excludes Service NSW employees employed under the SNSW Award.*

### **Approval**

Prior written application and approval is needed. However, email approval or implied approval may be acceptable such as with employees who are required to travel as part of their ordinary duties.

### **Rates**

The *Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009* (Conditions Award) outlines allowances associated with travel. The maximum value equal to the relevant allowance for the location and type of travel is specified by the Rates for Meal Travelling and other Allowances Review document published each year by PSER.

(Note, the current circular was published in 2020 for years 2020/21.)

### **Purchasing Cards (PCard)**

PCards are corporate charge cards (also referred to as corporate credit cards) used by employees to pay for a range of business-related goods and services. These are used in place of purchase orders for transactions under \$10,000.

PCard usage is outlined by Finance on the intranet. Use of PCards are authorised for items such as meals when travelling, parking fees when travelling, internet/wifi access, printing, stationery and general office supplies, couriers, postage, venue hire, catering for a corporate event, conference and seminar fees, or equipment hire.

Each division and related entity should ensure employees with a business requirement for travel have been issued with a Department of Customer Service PCard.

A business requirement for travel is more than once per quarter or more than six times per year.

### **Multi-Day Travel** (where an employee is required to obtain overnight accommodation)

*Travelling Distance (Clause 33 of the Conditions Award)*

The need to obtain overnight accommodation shall be determined with consideration of the safety of the employee or employees travelling on official business and local conditions applicable in the area.

Where employees are required to attend conferences or seminars which involve evening sessions or employees are required to make an early start at work in a location away from their normal headquarters, overnight accommodation shall be appropriately granted.

### *Accommodation*

Accommodation bookings are to be made using the NSW Government Travel Service Provider to ensure that staff do not incur expenses. DCS' current provider is FCM (Flight Centre Travel Group). Refer to the *travel and transport* page on the intranet for information.

Accommodation should be mid-range (generally three star or three diamond) within a reasonable distance of their destination where available.

Visit the FCM Portal: <https://portal.fcm.travel/Account/Login>

Phone FCM: 1800 823 464 (8 am to 6 pm Monday to Friday)

Email FCM: [nswg@fcmtravel.com.au](mailto:nswg@fcmtravel.com.au)

#### *Meal expenses and incidentals*

An employee on official approved travel should be compensated for meal and incidental expenses whilst away from the employee's residence.

Payment of any actual expenses shall be subject to the production of receipts, unless the manager able to approve the expense is prepared to accept other evidence from the employee.

#### *Where an employee has been issued a PCard*

If an employee has a PCard, the employee is required to use the PCard for all expenses incurred in relation to any authorised travel and associated expenses, including any meal and incidental expenses.

The employee will not be entitled to any allowance, or portion of an allowance, in accordance with clause 26 of the Conditions Award as meal and incidental purchases shall be made with the Pcard.

For example, the current amount for lunch is \$32.30. If an employee who is on authorised travel purchases lunch for \$15.50 with the Pcard, the employee is not able to claim the remaining \$16.80.

The employee needs to keep receipts or other documentation to reconcile the PCard purchase in Expense8.

#### *Where an employee has been issued a PCard but it is not working (vendor accepts cash only/technical difficulty)*

If the employee has incurred some expenses on the PCard but has also had to pay for some things themselves (for example, because the PCard wasn't accepted), they are entitled to claim the appropriate allowance provided for in clause 26 of the Conditions Award that relates to the expense the employee paid for with their own funds.

For example, an employee on approved official travel buys lunch on the PCard. When buying dinner, the employee finds out the place only takes cash and then buys dinner with their own cash. The employee is not entitled to an allowance for lunch as that was paid for with the PCard. In these circumstances the employee is entitled to the allowance for dinner as the employee incurred the expense.

For part incidentals: On a day where some incidental expenses are incurred on the PCard and some incidental expenses are incurred personally, the employee may claim any difference between the allowance and the PCard expenses incurred for that day.

For example, the current incidental allowance is \$20.40. The employee pays a parking fee of \$10.00 on the Pcard and then incurs an incidental expense of \$5.00 for internet access at the hotel because the work laptop cannot connect to the personal hotspot on the work phone. The employee will be able to claim the remaining \$5.40 of the allowance.

However personal expenses are not considered incidental expenses, such as medication refill.

In all examples above, the employee is required to keep receipts or other documentation to show that they have actually incurred the expense themselves.

### ***Where an employee has not been issued a PCard***

Where a PCard has not been issued, the employee is entitled to the relevant travel allowances set out in clause 26 of the Conditions Award.

The employee is only eligible for the allowances if the employee has actually incurred expenses in relation to the authorised travel and associated expenses.

The employee is entitled to the actual meal expenses properly and reasonably incurred (excluding morning and afternoon teas) for any residual part day travel. For example, on the first day of travel the employee commenced travel at 6am and on the last day the employee commences travels back to the office or home at 9am. The employee stops somewhere for lunch, the employee will only be able to claim the actual cost of the meal incurred.

A receipt or tax invoice is to be retained to show that the employee actually incurred expenses and is to be made available on request by the Department. The receipt will need to be uploaded into Expense8 to make the claim.

### ***Incidental expenses***

Incidental expenses are minor, but necessary expenses associated with work-related travel. They typically include the following:

- Morning and afternoon tea, snacks, drinks (water, coffee, tea, protein shake packets/individual sachets, etc.)
- Phone or internet charges
- Laundry and dry cleaning
- Newspaper/Magazine

Items that are not considered incidental expenses and not limited to:

- Personal Medication
- Vitamins/Supplements
- Protein shakes (bulk)
- Books
- Personal toiletries
- Gym memberships
- General household items purchased on or near the last day of travel in bulk sizes such as:

- o Laundry liquid
- o Dishwasher tablets
- o Glad Wrap
- o Foil
- o Baking Paper
- o Coffee & Tea
- o Public transport expense (eg. Local journeys on a local bus, tram, train etc.) (*can be placed on a PCard or be a separate claim for reimbursement*)

Personal items such as toiletries and medication should only be purchased as an incidental if it is a last minute/emergency travel call out and an employee does not have time to go home to collect what they need. These claims should also reflect the pro-rata amount of the product you used.

When claiming those personal items, the claim should be limited to the amount necessary for travel and not extend past the days away. This may necessitate a pro rata amount to be claimed: for example, a 2 litre container of laundry liquid purchased for a 3 day trip should be more than enough required. A portion of the cost may be a more reasonable incidental expense claim.

#### ***Combining meal expenses and incidentals***

An employee undertaking a multi-day journey (for example three continuous overnight stays), the employee may purchase on a PCard, food and incidental items at the commencement of the trip.

If the employee does not have a PCard or the PCard is not able to be used, they may personally purchase food and incidental items at the commencement of the trip.

This purchase for either of the above is limited to the total value of the allowances the employee would be entitled to for the whole trip under clause 26 of the Conditions Award.

A claim for the combined allowances after personally purchasing the items may be made through Expense8. Receipts will need to be uploaded into Expense8 to support the claim.

#### ***One day travel*** (where an employee is not required to stay overnight)

For one-day journeys on official business which do not require an employee to stay overnight, the employee is entitled to the following allowances in the below circumstances as per clause 29 of the Conditions Award.

1. An allowance for breakfast, if they are required to commence travel at or before 6.00am and at least 1 hour before their prescribed starting time.
2. An allowance for lunch, if they have to travel over 100km in a day and, as a result, are at least 50km from their normal headquarters at the time of taking the normal lunch break.
3. An allowance for their evening meal, if they are required to travel until or beyond 6.30pm.

If an employee is entitled to an allowance under clause 29 of the Conditions Award, the employee may elect to:

1. purchase a meal personally, incurring an actual cost and the employee will be paid the full allowance in accordance with clause 29 of the Conditions Award; or,

2. purchase meals on a PCard up to the value of the relevant allowance and then claim the difference between the allowance under clause 29 of the Conditions Award and the actual cost of the meal incurred on the PCard; or,
3. not purchase a meal at all and receive the full allowance under clause 29 of the Conditions Award.

Under clause 29 of the Conditions Award, there is no entitlement to purchase meals on a PCard or be reimbursed actual expenses in addition to being paid the full allowance for meal expenses.

Likewise, under clause 29 of the Conditions Award, there is no requirement for the employee to purchase a meal, personally or on a PCard, in order to be entitled to an allowance. Only the travel conditions need to be met for one day journeys.

### ***Excess Travelling Time***

#### *Outside usual hours*

An employee directed to travel on official business outside the usual hours of duty (normally outside the bandwidth) to perform duty at a location other than at their headquarters may be compensated for such time either by:

1. Payment calculated in accordance with the provisions contained in clause 27 of the Conditions Award; or
2. If it is operationally convenient, by taking equivalent time off in lieu to be granted for excess time spent in travelling on official business. Such time in lieu must be taken within 1 month of accrual unless otherwise authorised by the employee's manager.

#### *Travel time exclusion*

Compensation for excess travelling time shall exclude the following:

- Time normally taken for the periodic journey from home to headquarters and return;
- Any periods of excess travel of less than 30 minutes on any one day;
- Travel to new headquarters upon transfer, if special leave has been granted for the day or days on which travel is to be undertaken;
- Time from 11:00 p.m. on one day to 7:30 a.m. on the following day if sleeping facilities have been provided;
- Travel not undertaken by the most practical available route and by the most practical and economic means of transport;
- Working on board ship where meals and accommodation are provided;
- Any travel undertaken by an employee whose salary includes an all incidents of employment component;
- Time within the flex time bandwidth;
- Travel overseas.

### *Travel within usual hours*

If an employee is expected to travel within the usual hours of duty to perform duty at a location other than normal headquarters, that time travelled is logged as work hours accumulation.

As with excess travel, travel time normally taken for the periodic journey from home to headquarters and return shall not be included in that day's travel if travel is at the start or finish of the day and is directly to another location from home.

### **Frequently Asked Questions**

- *What is headquarters?*

Headquarters is the office or offices the employee is assigned to work from on a long-term basis.

- *What is travel?*

It is when an employee is required to go to another office or location to perform their duty at a location other than their normal headquarters

- *What is overnight travel?*

This is where travel to and from another location, having regard to the safety of the employee or employees travelling on official business and local conditions applicable in the area, is best to have the employee stay in accommodation overnight for one or a number of days.

Where employees are required to attend conferences or seminars which involve evening sessions or employees are required to make an early start at work in a location away from their normal workplace, overnight accommodation shall be appropriately granted by the Department.

- *What is one day travel?*

This is where an employee is required to perform their duties at another location and are able to return home.

- *Which Award does the travel entitlements come from?*

All Conditions and Travel Entitlements for DCS employees are determined by the *Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009*.

- *Can an employee claim any travel or meal expenses incurred from one day travel?*

With one day travel, the requirements for the specific entitlements need to be met before an employee may claim the allowance. For example, if a lunch allowance is claimed, the employee must travel more than 100 kilometres in the day and have lunch more than 50 kilometres from their headquarters.

- *What if I want to visit another office, but I haven't been asked to, are there travel reimbursements available for this?*

If a staff member wants to work from another office location of their own accord, they are required to get permission from their manager first. Approval for the travel should only be provided on a business need for the employee to work at that location rather than a social visit with other staff.

All travel expenses associated with an employee who is required by the Department to work at another work location ie business travel, is the responsibility of the employer and so if an employee meets the requirements for the allowance, then the allowance should be paid.

Where an employee is asking to work at another location and that permission is provided, it may not be a case of the Department requiring the person to work there and travel allowances may not be provided.

An exception to this is if a manager has staff working over a number of offices. It may be a requirement for the manager to travel to the various locations from time to time.

- *My team has a landing day with lunch supplied. I travel to it, meeting the requirement for the lunch allowance. Am I able to claim the lunch allowance for the landing day?*

While you may be required to travel and meet the requirements for the lunch allowance under one day travel, a meal is supplied by the Department and so the allowance is not applicable in this situation.

- *What do I put on my timesheet as the time I start and finish work when travelling?*

This will be dependent on when the travel is undertaken.

Inside bandwidth - flextime

If you commence travel from your house before commencing work, you enter the time you leave your house minus the time it usually takes to travel to your headquarters or the time you arrive at the location, whichever is the lessor.

Example: If it takes you 30 minutes to travel to headquarters and you leave your house at 7:30am and you arrive at the work location at 9am, you put down your commencement time as 8am.

Should it take you 30 minutes to travel to your headquarters from home and you arrive at the work location within the 30 minutes, the time you arrive is the time you put on your timesheet.

Should you be at your headquarters, and you are required to travel to another location for further duties, this travel time is included in your flex time for the day.

If you finish travel at your house, the reverse applies from when you commence travel at your house. You enter the time you commenced travel from the work location minus the time it usually takes to travel from headquarters or the time you arrive at home, whichever is the lessor.

Outside Bandwidth - excess travel claim

If you commence travel outside the bandwidth in the morning, your timesheet start time entry should be the time you start travel.

Example: If you commence travel at 5am from your house, you enter 5am as your start time in the timesheet.

If you commence travel in the evening on a working day, your end time on your timesheet should be the time you arrive at your destination.

Example: If you leave the workplace at 6pm, travel to another centre and arrive at 9pm to stay overnight for an early workday at this location the next morning, your end time in the timesheet should be 9pm.

Any claims for excess travel are made through the self service portal under Time, and by clicking the Excess Travel tile.

- *How do I claim back my expenses if I don't have a PCard?*

A claim may be uploaded into expense8 - see the process information sheet

### Reference material

*Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009* – see Clause 26 Travelling Compensation and Clause 29 Meal Expenses on One-Day Journeys:

<http://www.ircgazette.justice.nsw.gov.au/irc/ircgazette.nsf/webviewdate/C8621>

DCS Travel and Transport Policy:

<https://intranet.customerservice.nsw.gov.au/policies-resources/other-resources/services/procurement-and-travel/DCS-Travel-and-Transport-Policy-v8.0.pdf>

DCS intranet travel page:

<https://intranet.customerservice.nsw.gov.au/service/procurement-and-travel/buying-for-your-team/goods-and-services/travel-and-transport>

Expense8 for travel related claims:

<https://intranet.customerservice.nsw.gov.au/service/finance/expense-management-system>

PCard information:

<https://intranet.customerservice.nsw.gov.au/service/finance/pcards>

Current Travel rates & Allowances (DPC - Meal, Travelling and Other Allowances):

<https://arp.nsw.gov.au/c2023-02-meal-travelling-and-other-allowances-for-2023-24>

## Annexure 'B'



Public Service Association of NSW

General Secretary Stewart Little President Nicole Jess

160 Clarence Street, Sydney NSW 2000 GPO Box 3365, Sydney NSW 2001

☎ 1300 772 679 📠 (02) 9262 1623 ✉ psa@psa.asn.au 🌐 www.psa.asn.au ABN 83 717 214 309

10 September 2025

Our reference: PSA369 - BT:SE

Mr Michael Robson  
Acting Principal Manager, Industrial Relations  
Department of Customer Service

By email only: [Michael.robson@customerservice.nsw.gov.au](mailto:Michael.robson@customerservice.nsw.gov.au)

Dear Mr Robson,

### RE: Notification of Dispute re Application of Purchase Cards and Travel Compensation

1. We are instructed by the Public Service Association of New South Wales to raise a dispute concerning the application of cl 26 of the *Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009 (Conditions Award)* to SafeWork Inspectors.

#### Background

2. The Department of Customer Service (DCS) issued purchase cards or p-cards to employees including SafeWork inspectors in or around 2019. We are instructed that not all inspectors are issued with p-cards and we have sighted correspondence indicating that in April 2025, SafeWork conducted a review of p-card allocations which resulted in some inspectors returning their p-cards.
3. According to DCS' 'Travel Expenses – Conditions Award provisions' (**Travel Expenses Reference Guide**):
  - a. Employees who have incurred all expenses on p-cards while travelling are not entitled to any compensation under cl 26;<sup>1</sup>
  - b. Employees who have incurred some expenses personally despite having a p-card (e.g. because the card was not accepted) are entitled to the allowance corresponding to that purchase (e.g. the breakfast allowance when purchasing breakfast);<sup>2</sup>
  - c. Employees without p-cards must incur expenses personally in order to receive the corresponding allowances.<sup>3</sup>

<sup>1</sup> Travel Expenses Reference Guide, 'Where an employee has been issued a PCard' at page 2.

<sup>2</sup> Travel Expenses Reference Guide, 'Where an employee has been issued a PCard but it is not working (vendor accepts cash only/technical difficulty)' at pages 2-3.

<sup>3</sup> Travel Expenses Reference Guide, 'Where an employee has not been issued a PCard' at page 3.

4. In each of the above circumstances, the employee is required to provide receipts, including as a precondition to be paid an allowance.<sup>4</sup>
5. Converse to paragraphs 3(b) and (c) above, we are instructed that, in fact, inspectors who incur expenses personally are reimbursed the actual costs of meal expenses, conditional upon the production of receipts. That is, they are not paid allowances despite incurring costs personally.

### **The Dispute**

6. The PSA contends that the practices identified at paragraphs 3 to 5 above are not consistent with the Conditions Award.

### ***Clause 26 is a Code***

7. Clause 26 provides a prescriptive and comprehensive mechanism by which employees required to travel over multiple days will be compensated for expenses incurred. The comprehensive nature of the clause is demonstrated by the way in which the clause attempts to tailor the compensation payable by reference to all circumstances, including (but not limited to):
  - a. Whether the Department Head or the employee has paid the accommodation provider;<sup>5</sup>
  - b. Whether ‘the Government’ has provided meals at a temporary work location.<sup>6</sup>
  - c. If an employee is absent for less than 24 hours, whether the Department Head is satisfied that the employee incurred expenses for accommodation and three meals.<sup>7</sup>
  - d. Whether the employee has incurred additional meal expenses on residual part day travel.<sup>8</sup>
  - e. Different circumstances also arise if an employee is working from the temporary work location for more than 35 days.<sup>9</sup>
  - f. Further restrictions are then placed on the application of cl 26 by cl 30.1.
8. Clause 26 forms part of the broader suite of conditions set out in section 8 of the Conditions Award which provides further regulation of the entitlements payable to employees who are required to travel in the performance of their duties, including for excess travelling time, waiting time and meal expenses on one-day journeys.
9. Nothing in section 8 permits employees to use p-cards to incur expenses while travelling or that the use of the p-card has a disentitling effect on the payment of travel compensation. Given that section 8, and in particular cl 26, present a comprehensive code for regulating travel, the policy requirement to use a p-card to incur expenses is inconsistent with the award.

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<sup>4</sup> Travel Expenses Reference Guide, at pages 2-3.

<sup>5</sup> Clause 26.5.

<sup>6</sup> Clause 26.7.

<sup>7</sup> Clauses 26.9 and 26.10.

<sup>8</sup> Clauses 26.8.1(c) and 26.8.2

<sup>9</sup> Clause 26.11.

### ***Requirement to incur expenses personally***

10. Regardless of whether cl 26 is a code which does not permit the usage of p-cards, the incurrance of an expense is not (with exceptions) a precondition to the payment of travel compensation. It is only if an employee has been absent for less than 24 hours or is claiming actual meal expenses, that incurring expenses is a precondition to payment.<sup>10</sup> The other forms of travel compensation contemplated in the clause are not conditional upon the employee incurring an expense.
11. This suggests that the award assumes that an employee will incur expenses personally while travelling but does not *require* expenses to be incurred in order for travel compensation to be payable.<sup>11</sup>

### ***Requirement to provide receipts***

12. Consistent with the proposition that it is not necessary for an employee to incur expenses personally in order to be entitled to the payment of allowances (with exceptions), the award does not require employees to provide receipts in order to be paid allowances. Rather, it is only if an employee seeks reimbursement of actual meal expenses that receipts must be provided.<sup>12</sup>

### **Conclusion**

13. In view of the above, the PSA contends that:
  - a. The requirement that employees use p-cards to incur expenses related to accommodation, meals or incidentals while travelling over multiple days is inconsistent with cl 26 of the Conditions Award.
  - b. Except for cl 26.9, whether an employee incurs an expense personally while travelling is irrelevant to whether the allowances in cl 26 are payable.
  - c. The payment of allowances is not conditional upon production of receipts.
  - d. The circumstances at [3] to [5] above are in contravention of cl 26 of the Conditions Award.
14. The PSA seeks that:
  - a. SafeWork instruct its employees to cease using p-cards for incurring accommodation, meal or incidental expenses while travelling;
  - b. SafeWork compensate its employees in accordance with cl 26 of the Conditions Award.

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<sup>10</sup> Clauses 26.9 – 26.10.

<sup>11</sup> This assumption is also made in cl 29, where payment of a meal allowance for a one-day journey is not conditional on an employee purchasing a meal but rather on the fact that an employee was travelling at times or circumstance that suggest they would have been unable to prepare a meal.

<sup>12</sup> Clause 32.

- c. SafeWork agrees, in-principle, to backpay all employees who have not been compensated in accordance with cl 26 of the Conditions Award since the introduction of p-cards.
15. If the above is agreed, the parties will need to confer further in respect of the process to resolve the dispute.
16. The PSA reserves the right to commence proceedings under chapter 7, part 1 of the *Industrial Relations Act 1996* (NSW).
17. We request a response to the above by close of business 24 September 2025.

Please do not hesitate to contact the writer should you wish to discuss.

Yours faithfully,



**Ben Trainor**  
A/Manager - Legal Services  
[btrainor@psa.asn.au](mailto:btrainor@psa.asn.au)  
(02) 9220 0903

Our Reference: BN-06006-2025

Your reference: PSA369-BT:SE

24/09/25

Mr Ben Trainor  
A/Manager - Legal Services  
Public Service Association of NSW  
By email: [btrainor@psa.asn.au](mailto:btrainor@psa.asn.au)

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Re: Notification of Dispute - Application of Purchase Cards and Travel Compensation

Mr Trainor,

I refer to your letter to Mr Michael Robson dated 10 September 2025 regarding the above notification of dispute. I note that SafeWork NSW was established as an executive agency related to the Department of Customer Service on 1 July 2025 and that the head of agency is the SafeWork Commissioner. Accordingly, your correspondence has been referred to SafeWork NSW for response.

I acknowledge the matters that you have raised in your correspondence relating to the application of the *Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009* (Conditions Award) to SafeWork NSW staff. SafeWork NSW is committed to working constructively with its staff and the Public Service Association of NSW (PSA) on these matters.

I acknowledge that the PSA reserves the right to commence proceedings in the Industrial Relations Commission. However, I consider that it would be beneficial for SafeWork NSW and the PSA to engage in further dialogue to work through the issues raised, with the aim of reaching an agreed resolution.

I look forward to your consideration of a meeting between SafeWork NSW and the PSA to discuss this matter further. If you have any further queries, or to arrange a meeting please contact me via email at [petrina.casey@safework.nsw.gov.au](mailto:petrina.casey@safework.nsw.gov.au).

Yours sincerely,

A handwritten signature in blue ink that reads 'Petrina Casey'.

**Dr Petrina Casey**

Executive Director, Strategic & Corporate Services

SafeWork NSW

## Annexure 'D'

**From:** [Pete Cherry](#)  
**To:** [Ben Trainor](#)  
**Cc:** [Phoebe Dangerfield](#); [Julie-Ann Bond](#); [Shamila Ebadi](#); [Petrina Casey](#); [Michael Southwell](#); [Michael Robson](#)  
**Subject:** Follow up - RE: Clause 26 and P-Cards  
**Date:** Friday, 17 October 2025 12:43:55 PM

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Hello Ben

It has been a week since SafeWork NSW and PSA met to discuss your notification of a clause 26 dispute.

As nothing has been heard from PSA since that meeting, I am just following up to see how the matter goes.

To sum up the meeting, SafeWork NSW has a position that while we disagree the application of clause 26 by SafeWork is in breach of clause 26 in the Conditions Award, we are keen to consult with PSA in order to come up with a new agreement for the application of clause 26 by SafeWork.

The agreement may even be in the form of a clause 10 local arrangement.

The only hurdle that we see between PSA and SafeWork is the issue of backpay. I am very comfortable that we may be able to reach an agreement on the application while setting aside the issue of backpay for later discussions.

Please contact me direct should you wish to discuss this.

Regards,

**Pete Cherry**  
**Senior Advisor, Industrial Relations**

People Services | People & Culture  
Department of Customer Service

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p 02 9372 8238 | m 0439 526 018  
e [pete.cherry@customerservice.nsw.gov.au](mailto:pete.cherry@customerservice.nsw.gov.au) | [www.customerservice.nsw.gov.au](http://www.customerservice.nsw.gov.au)  
Level 28, 4 Parramatta Square, 12 Darcy Street Parramatta NSW 2150

Working days Monday to Friday, 08:30am – 16:30pm



Please forward all future employee relations and industrial relations enquiries to:  
[ir@customerservice.nsw.gov.au](mailto:ir@customerservice.nsw.gov.au)



*I acknowledge the traditional custodians of the land and pay respects to Elders past and present. I also acknowledge all the Aboriginal and Torres Strait Islander staff working with NSW Government at this time.*

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