

Sample 8 – Employer’s Affidavit

Magistrates Court OF QUEENSLAND

REGISTRY: Number: of 2010
IN THE MATTER of CATHERINE DELIA PENNIE
AND IN THE MATTER of an Application for a Special
Hardship Order pursuant to Chapter 10 of the Transport Operations (Road
Use Management - Driver Licensing) Regulation 2021

AFFIDAVIT OF SANDY DENNY

SANDY DENNY of 15 Aged Circuit, Toowoomba in the State of Queensland, Director of Nursing, state on oath as follows:

1. I am the Director of Nursing at We Care Hospital in Toowoomba, which employs the applicant Catherine Delia Pennie as a full time nurse.
2. The hospital employs several nurses on a rotating shift basis. The rosters are done monthly in advance. Each full time position involves 37 hours per week over five days per week, with the days and hours changing according to the monthly roster. Each nurse is also required to be on call for 24 hours straight approximately once every three months.

Under the current roster for the month of June, Catherine is working from Tuesday to Saturday inclusive each week as follows:

- Tuesday/Wednesday: 5am to 1:30pm (one hour lunch break)
- Thursday/Friday: 8am to 4pm (half hour lunch break)
- Saturday: 5am to 2pm (half hour lunch break).

Her next 24 hour on call period commences this coming Sunday

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Deponent:
AFFIDAVIT BY SANDY DENNY
Filed on behalf of the Applicant
Form 46 Rule 431

Solicitor:
CATHERINE DELIA PENNIE
10 Wish Street
WHOOOP WHOOOP QLD 4352
Tel: xxxx xxxx

Sample 8 – Employer’s Affidavit continued

3. Catherine’s duties are a combination of looking after patients at the hospital and visiting others at their homes. The hospital does not provide a driver or a vehicle for these visits, it being part of Catherine’s conditions of employment that she has a driver’s licence and provides her own transport. There is a small team of nurses on different rosters doing the same duties, and nurses can swap shifts themselves, which happens sometimes when a nurse’s car is out of service, but this would not be possible on a long term basis. The appointments are scheduled fairly close together, and it is often necessary for the nurse to carrying quite bulky medical supplies (dressings etc) and sometimes aids like wheelchairs, shower chairs etc. Occasionally another health professional such as a physiotherapist goes with the nurse, but this is not frequent. It would not be possible to adhere to the appointments scheduled and carry any necessary equipment without private transport.
4. If I had to estimate the percentage of time Catherine spends on outside visits, I would say it is probably more than half of her total work hours, although it fluctuates depending on the needs of patients.
5. As previously mentioned, having a licence and one’s own vehicle are part of the nurses’ conditions of employment, and the hospital does not see itself as responsible to fill in if an employee for one reason or another no longer has a licence or a vehicle. If Catherine does not have a valid licence, she would not be able to fulfill a vital condition of her employment, and I would have no option but to terminate her employment with the hospital as there is no available job she can do for the hospital that does not require a driver’s licence. While there are other nurse positions based solely at the hospital, none of these are vacant at present, and I am not aware of any likely upcoming vacancies. In any event, these positions are also shift work, with starting/finishing times often outside the hours that public transport is available.
6. All the facts and circumstances above deposed to are within my own knowledge save such as are deposed to from information only and my means of knowledge and sources of information appear on the face of this my Affidavit.

Sworn by the deponent at Whoop Whoop this day of , 2010 at
in the presence of:

(Signature of Deponent)

A Justice of the Peace/Solicitor